
Referred to Committee on

Date:

Subject: Executive; administration; State funding and contracting; business practices

Statement of purpose of bill as introduced: This bill proposes to require that employers receiving State funds through grants or contracts comply with certain governance, operations, hiring, and employment practices.

An act relating to business practices for employers receiving State funds

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 3 V.S.A. § 2222(l) is added to read:

(l)(1) The Secretary shall adopt standards and practices applicable to all executive branch agencies to require that any employer that receives State
funds or funds that are accepted through the process set forth in 32 V.S.A. chapter 5 through a grant or contract complies with the following requirements:

(A) The employer certifies compliance with the provisions of 21 V.S.A. chapter 5, subchapter 6.

(B) The employer provides reliable work schedules for its employees.

(C) The employer provides equitable pay ratios, which at minimum means that the compensation of the highest-paid employee of the employer does not exceed 10 times the compensation of its lowest-paid employee.

(D) The employer does not terminate employees for other than good cause shown.

(E) The employer complies with the requirements of 21 V.S.A. § 496a.

(2) As used in this subsection (l):

(A) “Good cause” means either a reasonable, good-faith reason for discharge related to a legitimate business reason or that the employee has been employed by the employer for fewer than 90 days. “Good cause” does not include reasons for discharge that are trivial, arbitrary, capricious, in violation of the terms of a contract or collective bargaining agreement, or otherwise unrelated to a legitimate business reason. As used in this subdivision (l)(2)(A).
“legitimate business reason” includes the employee’s failure to satisfactorily perform job duties.

(B) “On-call shift” means a time period when the employer requires the employee to be available for work, regardless of whether the employee actually works or is required to report to his or her work location. The term “on-call shift” does not include a regular shift.

(C) “Regular shift” means a time period during which the employee is scheduled to work for the employer or to report to his or her work location, or both.

(D)(i) “Reliable work schedules” means that an employer does the following:

(I) not later than 14 days before the first day of a schedule period, which shall be at least one week, provides each employee with a work schedule covering the period that shows all regular and on-call shifts for the employee during the period;

(II) except as provided in subdivision (III) of this subdivision (I)(2)(D)(i), does not change an employee’s schedule at any time after 14 days before the first day of the relevant schedule period except under the following circumstances:

(aa) the employer’s operation at the scheduled work location cannot begin or continue on a particular day due to threats made to employees
or property at the work location, a utility failure, a natural disaster, a fire at or
near the work location, a state of emergency declared by the Governor or the
president of the United States, or severe weather conditions that pose a threat
to employee safety;

(bb) the employee requested a change to his or her schedule;

(cc) the employee voluntarily traded his or her shift with
another employee;

(dd) the employer requests the employee to work additional
hours due to an unanticipated absence or high volume of work, provided that
the employer shall pay the employee one-and-one-half times his or her regular
wage rate for any additional hours that the employee agrees to work; and

(III) pays an employee for the number of hours that the
employee was scheduled to work during any shifts that are eliminated after
14 days before the first day of the relevant schedule period for any reason other
than as permitted pursuant to subdivision (II) of this subdivision (l)(2)(D)(i).

(ii) Nothing in this subdivision (l)(2)(D) shall be interpreted to
require an employee to agree to work an additional shift or additional hours if
the employer requests the employee to perform the additional work fewer than
14 days before the first day of the relevant schedule period.

(iii) As used in this subdivision (l)(2)(D), “employee” has the
same meaning as in 21 V.S.A. § 341 except that it shall not include an
individual employed in a bona fide executive, administrative, or professional capacity.

Sec. 2. 21 V.S.A. § 496a is amended to read:

§ 496a. STATE FUNDS; UNION ORGANIZING

(a) An employer that is the recipient of a grant of State funds or funds that are accepted through the process set forth in 32 V.S.A. chapter 5 in a single grant of more than $1,000.00 shall certify to the State that none of the funds will be used to interfere with or restrain the exercise of an employee’s rights with respect to unionization or for activities directly related to influencing or coercing employees with respect to unionization or union organizing and, upon request, shall provide records to the Attorney General or Secretary of Administration which attest to such certification.

(b)(1) An employer that is the recipient of a grant of State funds or funds that are accepted through the process set forth in 32 V.S.A. chapter 5 shall not interfere with or restrain the exercise of an employee’s rights with respect to unionization or engage in activities directly related to influencing or coercing employees with respect to unionization or union organizing.

(2)(A) An employer that violates subdivision (1) of this subsection (b) shall be liable to the State for two times the amount of any State funds expended in violation of subdivision (1) of this subsection (b), costs and attorney’s fees incurred in an action brought pursuant to subdivision (B) of this
subdivision (b)(2), and a civil penalty equal to not more than $5,000.00 or two
times the amount of any State funds expended in violation of subdivision (1) of
this subsection (b), whichever is greater.

(B) The Attorney General may conduct an investigation of an alleged
violation of this subsection (b) and may enforce the provisions of this
subsection (b) by bringing an action in the Civil Division of the Superior
Court. An investigation shall not be a prerequisite to bringing an action.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2021.