

1 H.669

2 Introduced by Representative Ode of Burlington

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; employee scheduling

6 Statement of purpose of bill as introduced: This bill proposes to require
7 employers with 20 or more employees to provide an employee with at least
8 seven days' advance notice of the employee's work schedule; to pay an
9 employee one and one-half times the employee's regular hourly wage for
10 additional unscheduled hours that the employee agrees to work; and to pay an
11 employee for work shifts that are canceled less than seven days before the
12 schedule period begins.

13 An act relating to employee scheduling

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

15 Sec. 1. 21 V.S.A. § 310 is added to read:

16 § 310. SCHEDULING

17 (a) An employer shall provide each of its employees with a reliable work
18 schedule.

19 (b) As used in this section:

1 (1) “Employer” means any individual, organization, or governmental
2 body, including any partnership, association, trustee, estate, corporation, joint
3 stock company, insurance company, or legal representative, whether domestic
4 or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof,
5 and any common carrier by mail, motor, water, air, or express company doing
6 business in or operating within this State, and any agent of the employer, that
7 has 20 or more individuals performing services for it within this State.

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

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

15 (4)(A) “Reliable work schedule” means that an employer does the
16 following:

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

1 (ii) except as provided in subdivision (iii) of this subdivision
2 (4)(A), does not change an employee's schedule at any time after seven days
3 before the first day of the relevant schedule period except under the following
4 circumstances:

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

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

12 (III) the employee voluntarily traded his or her shift with
13 another employee; or

14 (IV) the employer requests the employee to work additional
15 hours due to an unanticipated absence or high volume of work, provided that
16 the employer shall pay the employee one and one-half times the employee's
17 regular wage rate for any additional hours that the employee agrees to work;
18 and

19 (iii) pays an employee for the number of hours that the employee
20 was scheduled to work during any shifts that are eliminated after seven days

1 before the first day of the relevant schedule period for any reason other than as
2 permitted pursuant to subdivision (ii) of this subdivision (4)(A).

3 (B) Nothing in subdivision (4)(A) of this subsection (b) shall be
4 interpreted to require an employee to agree to work an additional shift or
5 additional hours if the employer requests the employee to perform the
6 additional work fewer than seven days before the first day of the relevant
7 schedule period.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2022.