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May 3, 2022

Rep. Maxine Grad, Chair  
House Judiciary Committee  
Vermont House of Representatives

*Via E-mail Only to Committee Assistant Amber Burke – [aburke@leg.state.vt.us](mailto:aburke@leg.state.vt.us)*

**Re: Testimony on Amendment to H. 729**

Dear Chairperson Grad and Committee Members:

Thank you for the opportunity to submit testimony on the amendment to H. 729 proposed by Senator Sears regarding statutes of limitations for discrimination claims. For the reasons set forth below, the Vermont Office of the Attorney General *supports* the six-year statute of limitations set forth in the proposed amendment.

The Vermont Office of the Attorney General's Civil Rights Unit (CRU) enforces Vermont's Fair Employment Practices Act regarding employment discrimination in private employment. *See* 21 V.S.A. § 495b.<sup>1</sup> As part of its enforcement, the CRU conducts civil investigations of allegations of discrimination in the workplace. Establishing a six-year statute of limitation for filing employment discrimination complaints in court would benefit Vermonters in the following ways:

**1. *Creation of One Uniform Statute of Limitations for Employment Discrimination Claims Eliminates Confusion for Victims of Harassment and Discrimination.***

Under existing law, an individual seeking to bring a civil action under VFEPA must do so within three years regarding damages for personal injuries (physical, psychological, reputational), but has six years to do so if they are seeking lost wages. *See Egri v. U.S. Airways*, 174 Vt. 443 (2002); *see also* 12 V.S.A. §§ 511-512. This dual standard creates confusion for individuals when determining the time frame for commencing a civil action and the damages available to them under the law, as many employment discrimination actions include claims for both personal

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<sup>1</sup> The Vermont Human Rights Commission (VTHRC) is responsible for enforcement of 21 V.S.A. § 495 *et seq.* regarding employment with the State of Vermont. *Id.* The VTHRC also enforces the relevant housing and public accommodations statute addressed by the proposed amendment. *See* 9 V.S.A. § 4506.

injury and back wages. Establishing one uniform standard simplifies and clarifies the applicable time frame a civil action under VFEPA.

***2. Allowing Additional Time for Filing in Court is Beneficial to Victims of Harassment and Discrimination Dealing with Trauma.***

Creating one unified statute of limitations of six years also allows victims of harassment and discrimination additional time to determine whether they would like to bring suit. Often, victims are dealing with trauma and fear regarding the conduct an employer or co-worker has subjected them to. Three years can be an insufficient amount of time to address trauma prior to making the determination as to whether a suit is appropriate. Allowing the additional time provides the time and space a victim may need to both work on their own healing as well as determine the appropriate course of any potential legal action.

Thank you to the Committee for its prompt attention to the above. Should the Committee have further questions, we are available for additional testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "Emily Adams", with a large, stylized flourish at the end.

Emily Chamberlain Adams  
Assistant Attorney General  
Civil Rights Unit