

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

H.349

Introduced by Representatives Mulvaney-Stanak of Burlington, Anthony of Barre City, Campbell of St. Johnsbury, Carroll of Bennington, Casey of Montpelier, Cina of Burlington, Garofano of Essex, Headrick of Burlington, Hyman of South Burlington, Logan of Burlington, McCann of Montpelier, Nicoll of Ludlow, Priestley of Bradford, Small of Winooski, and Stone of Burlington

Referred to Committee on

Date:

Subject: Labor; employment practices; earned sick time

Statement of purpose of bill as introduced: This bill proposes to require employers to permit employees to use sick time for reproductive health care appointments and to protect the privacy of employees who use sick time for reproductive health care appointments. This bill also proposes to create a State fund to support grants to organizations that provide practical support to individuals seeking an abortion.

An act relating to increasing access to reproductive health care

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

2 \* \* \* Findings \* \* \*

3 Sec. 1. FINDINGS

4 The General Assembly finds that:

5 (1) Accessing reproductive health care, including abortions, often  
6 requires taking time off work, traveling to another town or county to seek  
7 medical care, and managing additional logistics such as child care or overnight  
8 housing. For low-income Vermonters, this can cause economic hardship and  
9 negatively impact an individual's ability to access timely care or decide to  
10 proceed with an abortion.

11 (2) Vermont's current sick leave law requires employers to provide sick  
12 leave to employees on an accrual basis. The law permits an employee to use  
13 sick leave for diagnostic, preventive, routine, or therapeutic medical care but  
14 does not specifically address reproductive health care.

15 (3) Vermont's sick leave law also does not address the kind of notice  
16 and information that an employer may request or require from an employee  
17 taking sick leave, which may raise issues of employee privacy.

18 (4) Vermont's sick leave law provides limited protections to an  
19 employee who is denied leave or retaliated against. The current law protects  
20 an employee from retaliation for filing a complaint related to a violation but  
21 not for attempting to exercise other rights provided by the law. In addition, an

1 employee may only recover lost wages if the employee succeeds in showing  
2 that their employer violated the law.

3 (5) Vermont currently has small, volunteer-run abortion access funds  
4 that fundraise donations to support Vermonters trying to access abortion care  
5 by removing economic burdens, including travel, housing, and lost wages.  
6 These funds often struggled to meet the need of Vermonters even before access  
7 to abortion services was limited by the U.S. Supreme Court's decision in  
8 *Dobbs v. Jackson Women's Health Organization.*

9 (6) The State of California created the Abortion Practical Support Fund  
10 in 2022, earmarking \$20 million in the fiscal year 2023 California state budget  
11 to provide practical support to residents seeking abortions. The fund is used to  
12 support low-income people with costs including housing, transportation, child  
13 care, and lost wages.

14 (7) Barriers to reproductive health care such as accessing necessary sick  
15 leave and the financial and practical burdens of abortion access are harmful to  
16 socioeconomic equity and public health. People who are denied or unable to  
17 obtain abortions are more likely to face economic hardship and instability, stay  
18 in contact with violent partners, and raise children alone. Children born as a  
19 result of abortion denial or an inability to access abortion are more likely to  
20 live in poverty. Individuals who receive a wanted abortion are more

1 financially stable, set more ambitious goals, raise children under more stable  
2 conditions, and are more likely to have a wanted child later.

3 \* \* \* Earned Sick Time \* \* \*

4 Sec. 2. 21 V.S.A. § 483 is amended to read:

5 § 483. USE OF EARNED SICK TIME

6 (a) An employee may use earned sick time accrued pursuant to section 482  
7 of this subchapter for any of the following reasons:

8 (1) The employee is ill or injured.

9 (2) The employee attends a medical appointment or obtains professional  
10 diagnostic, preventive, routine, reproductive, or therapeutic health care.

11 (3) The employee cares for a sick or injured parent, grandparent, spouse,  
12 child, brother, sister, parent-in-law, grandchild, or foster child, including  
13 helping that individual attend a medical appointment or obtain diagnostic,  
14 preventive, routine, reproductive, or therapeutic health treatment, or  
15 accompanying the employee's parent, grandparent, spouse, or parent-in-law to  
16 an appointment related to ~~his or her~~ that relative's long-term care.

17 (4) The employee is arranging for social or legal services, attending a  
18 medical appointment, or obtaining medical care or counseling for the employee  
19 or for the employee's parent, grandparent, spouse, child, brother, sister, parent-  
20 in-law, grandchild, or foster child, who is a victim of domestic violence, sexual  
21 assault, or stalking or who is relocating as the result of domestic violence,

1 sexual assault, or stalking. As used in this section, “domestic violence,”  
2 “sexual assault,” and “stalking” shall have the same meanings as in 15 V.S.A.  
3 § 1151.

4 \* \* \*

5 (c) An employer may limit the amount of earned sick time accrued  
6 pursuant to section 482 of this subchapter that an employee may use to:

7 ~~(1) from January 1, 2017 until December 31, 2018, no more than 24~~  
8 ~~hours in a 12-month period; and~~

9 ~~(2) after December 31, 2018, no not more than 40 hours in a 12-month~~  
10 period.

11 \* \* \*

12 (g) An employer shall not require an employee to find a replacement for  
13 absences, including absences for medical appointments and other professional  
14 diagnostic, preventive, routine, reproductive, or therapeutic health care.

15 (h)(1) An employer may require an employee planning to take earned sick  
16 time accrued pursuant to section 482 of this subchapter to:

17 ~~(1)(A)~~ (A) make reasonable efforts to avoid scheduling routine or preventive  
18 medical appointments and health care during regular work hours; or

19 ~~(2)(B)~~ (B) notify the employer as soon as practicable of the intent to take  
20 earned sick time accrued pursuant to section 482 of this subchapter and the  
21 expected duration of the employee’s absence.



1 aggrieved employee for violations of this subchapter as they are authorized to  
2 impose or order under the provisions of 9 V.S.A. §§ 2458 and 2461 in an  
3 unfair act in commerce. In addition, the Superior Courts may order restitution  
4 of wages or other benefits on behalf of an employee and may order  
5 reinstatement and other appropriate relief on behalf of an employee.

6 (2) Any employee aggrieved by a violation of the provisions of this  
7 subchapter may bring an action in Superior Court seeking compensatory and  
8 punitive damages or equitable relief, including restraint of prohibited acts,  
9 restitution of wages or other benefits, reinstatement, costs, reasonable  
10 attorney's fees, and other appropriate relief.

11 (3) Any award of restitution for unpaid wages shall include an equal  
12 amount as liquidated damages, in addition to any other remedies available  
13 under this subsection.

14 ~~(n) The Commissioner shall enforce this subchapter in accordance with the~~  
15 ~~procedures established in section 342a of this title. However, the appeal~~  
16 ~~provision of subsection 342a(f) shall not apply to any enforcement action~~  
17 ~~brought pursuant to this subsection. [Repealed.]~~

18 \* \* \* Abortion Practical Support Fund \* \* \*

19 Sec. 3. 18 V.S.A. chapter 223, subchapter 3 is added to read:

20 Subchapter 3. Access to Abortion; Financial Assistance

21 § 9500. ABORTION PRACTICAL SUPPORT FUND

1       (a) Intent; purpose. This section shall be construed to effectuate the intent  
2       of the General Assembly to support access to abortion in this State. The  
3       purpose of this section is to reduce barriers to care by ensuring that individuals  
4       seeking abortion care have access to the logistical and practical support  
5       resources they need.

6       (b) Definitions. As used in this section:

7           (1) “Abortion” means any medical treatment intended to induce the  
8       termination of, or to terminate, a clinically diagnosable pregnancy except for  
9       the purpose of producing a live birth.

10          (2) “Department” means the Department of Health.

11          (3) “Fund” means the Abortion Practical Support Fund.

12          (4) “Grantee” means a qualifying nonprofit organization in this State  
13       that assists pregnant individuals with direct practical support for the purposes  
14       of obtaining an abortion.

15          (5) “Practical support” means financial or in-kind assistance to help an  
16       individual access and obtain an abortion in this State.

17       (c) Creation of fund. The Abortion Practical Support Fund is created as a  
18       special fund to be managed in accordance with 32 V.S.A. chapter 7, subchapter  
19       5 and used to provide grants as set forth in subsection (e) of this section. The  
20       Fund shall be administered by the Department of Health.

21       (d) Sources of funding. The Fund shall consist of:

1           (1) sums appropriated to the Fund by the General Assembly; and  
2           (2) gifts, grants, donations, and any other monies provided to the State  
3           from any source for the purpose of providing practical support for access to  
4           abortion.

5           (e) Grant awards. The Department of Health shall use the monies in the  
6           Fund to award grants to nonprofit organizations in this State that are exempt  
7           from taxation under Section 501(c) of the Internal Revenue Code and that  
8           specialize in assisting pregnant individuals who either have low income or who  
9           face other financial barriers. An organization receiving a grant under this  
10           section shall use the funds awarded to fund a new program or to support an  
11           existing program that increases patient access to abortion. Allowable uses of  
12           grant funds may include:

13           (1) practical support services related to seeking abortion;

14           (2) abortion navigators, patient navigators, and community health  
15           workers services based in Vermont;

16           (3) case management support for patients seeking abortion;

17           (4) costs associated with training volunteers and staff in the provision of  
18           practical support services to abortion patients in Vermont;

19           (5) costs associated with enabling grantees that meet the requirements of  
20           this section to assist pregnant individuals with practical support services,  
21           including staffing and administrative costs; and

1           (6) costs associated with coordinating practical support services,  
2           abortion providers, and other support services in Vermont.

3           (f) Grant terms.

4           (1) Unless otherwise specified by the Department, grants under this  
5           section shall be for a period of one year and may be renewed.

6           (2) The Department shall make decisions regarding grants and grant  
7           amounts after considering all relevant factors, such as the grantee's anticipated  
8           level of need and the availability of funds.

9           (g) Accounting.

10           (1) The Department shall maintain an accounting of the grant funds  
11           awarded and shall require reporting from the grantees to the Department as  
12           needed to ensure that the use of the funds is consistent with the purposes of this  
13           section and the terms of the grant award.

14           (2) The Department shall not require grantees to submit any identifying  
15           personal information about individuals who receive practical support services  
16           as part of an application for a grant or reporting of expenditures and activities  
17           using grant funds. Information required by the Department shall only include  
18           information in summary, statistical, or other forms that do not identify  
19           particular individuals.

