

ASSOCIATED INDUSTRIES OF VERMONT

REPRESENTING THE VERMONT INDUSTRIAL AND BUSINESS COMMUNITY SINCE 1920

May 2, 2024

Chair Ram Hinsdale and Committee Members
Senate Committee on Economic Development, Housing, and General Affairs

RE: H.704

AIV appreciates the opportunity to provide the following comments on the most recent draft of H.704, mandating disclosure of compensation in advertisements for employment.

This legislation raises a number of questions, not least of which is what actual benefit the bill will really provide, particularly relative to the potential burdens and uncertainties that appear likely. Some of the questions and uncertainties raised by this draft include:

The draft exempts “general announcements that notify potential applicants that employment opportunities may exist with the employer but do not identify any specific job openings”. But what constitutes a specific job opening? A general “Help Wanted” notice might appear exempt, but what if the notice includes production floor, administrative office, or other categories? At what level of detail is the job considered “specific”?

If an employer exercises the draft’s discretion to provide a wage or salary above or below that advertised “based on circumstances outside of the employer’s control”, what is the burden of proof and liability for the employer to demonstrate that the advertised range was “in good faith”?

With regard to a job “located in Vermont”, how does that apply to a job that entails travel and work across states or countries? Is it if the applicant is a Vermont resident? What if someone is hired in another state but the job anticipates travel to and work in Vermont among many other locations?

With regard to a job located outside Vermont but “reports to an office or work site in Vermont”, what is the scope or context of such a connection? If a company is headquartered in Vermont, does this technically apply to any affiliated facilities in other states and or countries? If not, how is this defined?

There seems to be uncertainty over technical standards for compliance and enforcement, including uncertainty over how a violation under §494o(b) would be determined.

Aside from questions about what practical benefits might come from this proposal, at the very least there appear to be a number of questions and details that would need to be resolved before this legislation should advance.

Thank you for your consideration of these questions and concerns, and we would be very happy to continue to work with the Committee on this issue moving forward.

Sincerely,

A handwritten signature in blue ink, appearing to read "William Driscoll", with a large, stylized flourish at the end.

William Driscoll
Vice President