

1 S.230

2 Introduced by Senator Perchlik

3 Referred to Committee on Econ. Dev., Housing and General Affairs

4 Date: January 9, 2026

5 Subject: Labor; employment practices; flexible working arrangements

6 Statement of purpose of bill as introduced: This bill proposes to require
7 employers to grant requests for flexible work arrangements that are not
8 inconsistent with business operations.

~~An act relating to flexible working arrangements~~

An act relating to fair employment practices

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

10 ~~Sec. 1. 21 V.S.A. § 309 is amended to read:~~

11 § 309. FLEXIBLE WORKING ARRANGEMENTS

12 (a)(1) An employee may request a flexible working arrangement that meets
13 the needs of the employer and employee. The employer shall consider a
14 request using the procedures in subsections (b) and (c) of this section at least
15 twice per calendar year.

16 (2) As used in this section, “flexible working arrangement” means
17 intermediate or long-term changes in the employee’s regular working
18 ~~arrangements, including changes in the number of days or hours worked,~~

1 ~~changes in the time the employee arrives at or departs from work, work from~~
2 home, or job-sharing. “Flexible working arrangement” does not include
3 vacation, routine scheduling of shifts, or another form of employee leave.

4 (b)(1) The employer shall discuss the request for a flexible working
5 arrangement with the employee in good faith. The employer and employee
6 may propose alternative arrangements during the discussion.

7 (2) The employer shall consider the employee’s request for a flexible
8 working arrangement and ~~whether shall grant~~ the request ~~could be granted in a~~
9 ~~manner that~~ in the event the request is not inconsistent with its business
10 operations or its legal or contractual obligations.

11 (3) As used in this section, “inconsistent with business operations”
12 includes:

- 13 (A) the burden on an employer of additional costs;
- 14 (B) a detrimental effect on aggregate employee morale unrelated to
15 discrimination or other unlawful employment practices,
- 16 (C) a detrimental effect on the ability of an employer to meet
17 consumer demand;
- 18 (D) an inability to reorganize work among existing staff;
- 19 (E) an inability to recruit additional staff;
- 20 (F) a detrimental impact on business quality or business
21 performance,

1 (G) an insufficiency of work during the periods the employee
2 proposes to work; and

3 (H) planned structural changes to the business.

4 * * *

5 Sec. 2. EFFECTIVE DATE

6 ~~This act shall take effect on July 1, 2026.~~

~~Sec. 1. 21 V.S.A. § 471 is amended to read:~~

~~§ 471. DEFINITIONS~~

~~As used in this subchapter:~~

~~* * *~~

~~(5) "Employee" means a person who, in consideration of direct or indirect gain or profit, has been continuously employed by the same employer for a period of one year for an average of at least 30 hours per week or meets the service requirement set forth in 29 C.F.R. § 825.801 (airline flight crew employees) or 29 C.F.R. § 825.110(c)(3) (full-time teachers, as defined in 29 C.F.R. § 825.102, of an elementary or secondary school system or institution of higher education).~~

~~* * *~~

~~Sec. 2. 21 V.S.A. § 495d is amended to read:~~

~~§ 495d. DEFINITIONS~~

~~As used in this subchapter:~~

~~* * *~~

~~(15) "Crime victim" means any of the following:~~

~~(A) a person who has obtained a relief from abuse order issued under 15 V.S.A. § 1103;~~

~~(B) a person who has obtained an order against stalking or sexual assault issued under 12 V.S.A. chapter 178;~~

~~(C) a person who has obtained an order against abuse of a vulnerable adult issued under 55 V.S.A. chapter 69, or~~

~~(D)(i) a victim as defined in 13 V.S.A. § 5301 provided that the victim is identified as a crime victim in an affidavit filed by a law enforcement official with a prosecuting attorney of competent state or federal jurisdiction; and~~

~~(ii) shall include the victim's child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim's spouse, provided that the individual is not identified in the affidavit as the defendant; or~~

~~(E) a person who is a survivor of domestic violence, sexual assault, or stalking and who has supporting documentation from any one of the following sources:~~

~~(i) a court or law enforcement or other government agency;~~

~~(ii) a domestic violence, sexual assault, or stalking assistance program;~~

~~(iii) a legal, clerical, medical, or other professional from whom the person has received counseling or other assistance concerning domestic violence, sexual assault, or stalking; or~~

~~(iv) a self-attestation by the person describing the circumstances supporting the person's status as a survivor of domestic violence, sexual assault, and stalking for which no further corroboration shall be required unless otherwise mandated by law. A self-attestation shall include the following language above the person's signature and date: "I declare that the above statement is true and accurate to the best of my knowledge or belief. I understand that if the above statement is false, I will be subject to the penalty of perjury or other sanctions in the discretion of the court."~~

~~***~~

~~(18) "Domestic violence" has the same meaning as in 15 V.S.A. § 1151 and includes the definition of "abuse" in 15 V.S.A. § 1101.~~

~~(19) "Sexual assault" has the same meaning as in 12 V.S.A. § 5131.~~

~~(20) "Stalking" has the same meaning as in 12 V.S.A. § 5131.~~

~~Sec. 3. 21 V.S.A. § 495g is amended to read:~~

~~§ 495g. PROVISION APPLICABLE TO COLLEGE PROFESSORS~~

~~Nothing in this subchapter shall be construed to prohibit any institution of higher education as defined by section 1201(a) of the federal Higher Education Act of 1965 from retiring any employee who is serving under a contract of unlimited tenure, who attains 70 years of age. Any employee whose~~

~~tenure contract is terminated may, in the discretion of the institution, be allowed to continue in the employ of the institution on a nontenured basis. [Repealed.]~~

~~Sec. 4. EFFECTIVE DATES~~

~~This act shall take effect on July 1, 2026.~~

~~Sec. 1. 21 V.S.A. § 471 is amended to read:~~

~~§ 471. DEFINITIONS~~

~~As used in this subchapter:~~

~~* * *~~

~~(5) "Employee" means a person who, in consideration of direct or indirect gain or profit, has been continuously employed by the same employer for a period of one year for an average of at least 30 hours per week or meets the service requirement set forth in 29 C.F.R. § 825.801 (airline flight crew employees) or 29 C.F.R. § 825.110(c)(3) (full-time teachers, as defined in 29 C.F.R. § 825.102, of an elementary or secondary school system or institution of higher education).~~

~~* * *~~

~~Sec. 2. 21 V.S.A. § 495d is amended to read:~~

~~§ 495d. DEFINITIONS~~

~~As used in this subchapter:~~

~~* * *~~

~~(15) "Crime victim" means any of the following:~~

~~(A) a person who has obtained a relief from abuse order issued under 15 V.S.A. § 1103;~~

~~(B) a person who has obtained an order against stalking or sexual assault issued under 12 V.S.A. chapter 178;~~

~~(C) a person who has obtained an order against abuse of a vulnerable adult issued under 33 V.S.A. chapter 69; or~~

~~(D)(i) a victim as defined in 13 V.S.A. § 5301, provided that the victim is identified as a crime victim in an affidavit filed by a law enforcement official with a prosecuting attorney of competent state or federal jurisdiction; and~~

~~(ii) shall include the victim's child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the~~

victim's spouse, provided that the individual is not identified in the affidavit as the defendant; or

(E) a person who is a survivor of domestic violence, sexual assault, or stalking and who has supporting documentation from any one of the following sources:

(i) a court or law enforcement or other government agency;

(ii) a domestic violence, sexual assault, or stalking assistance program;

(iii) a legal, clerical, medical, or other professional from whom the person has received counseling or other assistance concerning domestic violence, sexual assault, or stalking; or

(iv) a self-attestation by the person describing the circumstances supporting the person's status as a survivor of domestic violence, sexual assault, and stalking for which no further corroboration shall be required unless otherwise mandated by law.

* * *

(18) "Domestic violence" has the same meaning as in 15 V.S.A. § 1151 and includes the definition of "abuse" in 15 V.S.A. § 1101.

(19) "Sexual assault" has the same meaning as in 12 V.S.A. § 5131.

(20) "Stalking" has the same meaning as in 12 V.S.A. § 5131.

Sec. 3. 21 V.S.A. § 495g is amended to read:

§ 495g. ~~PROVISION APPLICABLE TO COLLEGE PROFESSORS~~

~~Nothing in this subchapter shall be construed to prohibit any institution of higher education as defined by section 1201(a) of the federal Higher Education Act of 1965 from retiring any employee who is serving under a contract of unlimited tenure, who attains 70 years of age. Any employee whose tenure contract is terminated may, in the discretion of the institution, be allowed to continue in the employ of the institution on a nontenured basis. [Repealed.]~~

Sec. 3a. 21 V.S.A. § 383 is amended to read:

§ 383. DEFINITIONS

As used in this subchapter:

(1) "Commissioner" means the Commissioner of Labor or designee.

(2) "Employee" means any individual employed or permitted to work by an employer except:

* * *

- (H) outside salespersons; and*
- (I) students working during all or any part of the school year or regular vacation periods; and*
- (J) elected and appointed municipal officers.*

* * *

Sec. 3b. 21 V.S.A. § 495q is added to read:

§ 495q. AGREEMENTS NOT TO COMPETE; PROHIBITION

(a) Nonexempt employees. Agreements not to compete between an employer and a nonexempt employee, per the Fair Labor Standards Act, 29 U.S.C. §§ 201–219, are prohibited as presumptively coercive and a restraint on trade, unless bargained for as part of a collective bargaining agreement.

(b) Health care providers.

(1) Any provision in a contract or agreement that creates or establishes the terms of a partnership, employment, or any other form of professional relationship with a health care provider regarding the health care provider's provision of health care services in Vermont shall be void and unenforceable if the provision:

(A) includes a restriction on the right of the health care provider to provide health care services in any geographical area for any period of time after the termination of such partnership, agreement, or professional relationship;

(B) limits the ability of a separating health care provider to provide notice of the provider's change of employment to individuals to whom the separating provider provided direct health care services;

(C) restricts a health care provider from making disparaging statements about another party to the contract or agreement, or about another person specified in the agreement as a third-party beneficiary of the agreement;

(D) is inconsistent with Vermont law; or

(E) requires litigation arising from the performance of the contract or agreement in Vermont to be conducted in another state.

(2) The notice provided in subdivision (1)(B) of this subsection may include the following information:

~~(1) that the health care provider is continuing to practice the provider's profession;~~

~~(B) the health care provider's new professional contact information;~~
~~and~~

~~(C) the recipient's right to choose a health care provider.~~

~~(3) The provisions in subdivision (1) of this subsection do not apply to restrictions that limit a health care provider who contracts with a third-party company for nonclinical business support services from opening a business within a specific territory supported by a different third-party company providing nonclinical services.~~

~~(c) Retaliation and remedies. An employer shall not discharge or in any other manner retaliate against an employee who exercises or attempts to exercise the employee's rights under this section. The provisions against retaliation in subdivision 495(a)(8) of this subchapter and the penalty provisions of section 495b of this subchapter shall apply to this section.~~

~~(d) Effective date. This section shall apply to agreements not to compete entered into on or after July 1, 2026.~~

Sec. 3b. 21 V.S.A. § 495q is added to read:

§ 495q. AGREEMENTS WITH HEALTH CARE PROVIDERS

(a) Any provision in a contract or agreement that creates or establishes the terms of a partnership, employment, or any other form of professional relationship with a health care provider regarding the health care provider's provision of health care services in Vermont shall be void and unenforceable if the provision:

(1) includes a restriction on the right of the health care provider to provide health care services in any geographical area for any period of time after the termination of such partnership, agreement, or professional relationship;

(2) limits the ability of a separating health care provider to provide notice of the provider's change of employment to individuals to whom the separating provider provided direct health care services;

(3) restricts a health care provider from making disparaging statements about another party to the contract or agreement or about another person specified in the agreement as a third-party beneficiary of the agreement;

(4) is inconsistent with Vermont law; or

(5) requires litigation arising from the performance of the contract or agreement in Vermont to be conducted in another state.

(b) The notice provided in subdivision (a)(2) of this section may include the following information:

(1) that the health care provider is continuing to practice the provider's profession;

(2) the health care provider's new professional contact information; and

(3) the recipient's right to choose a health care provider.

(c) The provisions in subsection (a) of this section do not apply to restrictions that limit a health care provider who contracts with a third-party company for nonclinical business support services from opening a business within a specific territory supported by a different third-party company providing nonclinical services.

(d) "Health care provider" means a person licensed, certified, or authorized by law to provide professional health care service in this State to an individual during that individual's medical care, treatment, or confinement.

(e) An employer shall not discharge or in any other manner retaliate against an employee who exercises or attempts to exercise the employee's rights under this section. The provisions against retaliation in subdivision 495(a)(8) of this subchapter and the penalty and enforcement provisions of section 495b of this subchapter shall apply to this section.

(f) This section shall apply to contracts and agreements entered into on or after July 1, 2026.

Sec. 3c. SOLICITATION AT CORRECTIONAL FACILITIES

The Commissioner of Corrections or designee shall meet with representatives of the Vermont State Employees' Association to develop a proposal governing permissible and impermissible solicitation in parking lots at the Department of Corrections' facilities for consideration for adoption by the Secretary of Administration on or before January 1, 2027. The Commissioner of Buildings and General Services shall coordinate the meetings and provide assistance as appropriate.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2026.