

1 S.230

2 Introduced by Senator Perchlik

3 Referred to Committee on Econ. Dev., Hous

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 ~~(C) 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 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. 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.*