

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General and Housing to which was referred Senate Bill  
3 No. 230 entitled “An act relating to fair employment practices” respectfully  
4 reports that it has considered the same and recommends that the House propose  
5 to the Senate that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

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

8 § 471. DEFINITIONS

9 As used in this subchapter:

10 \* \* \*

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

18 \* \* \*

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

20 § 495d. DEFINITIONS

21 As used in this subchapter:

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\* \* \*

(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:



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 [Repealed.]~~

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

4 § 383. DEFINITIONS

5 As used in this subchapter:

6 (1) “Commissioner” means the Commissioner of Labor or designee.

7 (2) “Employee” means any individual employed or permitted to work by  
8 an employer except:

9 \* \* \*

10 (H) outside salespersons; ~~and~~

11 (I) students working during all or any part of the school year or  
12 regular vacation periods; and

13 (J) elected and appointed municipal officers.

14 \* \* \*

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

16 § 495q. AGREEMENTS NOT TO COMPETE; PROHIBITION

17 (a) Agreements not to compete between an employer and a nonexempt

18 employee, per the Fair Labor Standards Act, 29 U.S.C. §§ 201–219, are

19 prohibited as presumptively coercive and a restraint on trade, unless bargained

20 for as part of a collective bargaining agreement.

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

6           Sec. 4. EFFECTIVE DATE

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

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15           (Committee vote: \_\_\_\_\_)

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Representative \_\_\_\_\_

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FOR THE COMMITTEE