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January 19, 2026

Senate Committee on Economic Development, Housing and General Affairs
Vermont State House
115 State Street
Montpelier, VT 05633

RE: S.230 – Flexible Working Arrangements

Dear Members of the Legislature,

We respectfully submit this letter in opposition to the proposed amendments to 21 V.S.A. § 309 contained in S.230. While we support the goal of promoting workplace flexibility where appropriate, we are deeply concerned that the proposed changes fundamentally alter the law from one that allows employer discretion to one that creates a mandatory obligation to approve flexible working arrangements, unless narrowly defined conditions are met.

As proposed, the bill would require employers to grant an alternative work arrangement if the request is not deemed inconsistent with business operations under a limited set of criteria. This shift removes the ability of employers to make context-specific, informed decisions based on the nature of the organization, the role, and the employee, and replaces it with a presumption of approval that is not workable for many employers—particularly public-sector and service-based organizations.

The list of allowable reasons for denying a request does not sufficiently account for critical operational realities, including:

- The type of organization or service provided, particularly employers that are place-based, time-bound, or responsible for direct public services;
- Impact on customers (in our case students);
- Impact on the level and/or timeliness of services provided;
- The essential functions of specific roles, many of which require on-site presence or fixed hours;
- The performance, reliability, or readiness of the individual employee requesting the arrangement;
- The employer's ability to effectively supervise, evaluate, and support an employee working remotely;
- Whether the employee has the disposition, skills, and work habits necessary to work independently and productively outside a supervised environment; and
- Existing collective bargaining agreements, including bargained workday expectations, management rights, schedules, and conditions of employment.

By omitting these considerations, the proposed language restricts employers' ability to manage their workforce responsibly and equitably. It also places employers in the untenable position of being required to approve

arrangements that may be inappropriate for the role, the organization, or the employee, even when doing so could negatively affect performance, service quality, supervision, or fairness among staff.

We are particularly concerned that the bill's use of mandatory language—specifically the requirement that an employer "shall grant" a request unless limited conditions are met—will lead to increased disputes, grievances, and litigation. Employers acting in good faith may still face legal challenges over whether a denial meets the statutory criteria, diverting organizational and taxpayer resources away from core services and toward legal defense.

Workplace flexibility is most effective when it is voluntary, collaborative, and tailored to the work being performed, not when it is imposed through statutory obligation. Employers must retain discretion to evaluate requests holistically, taking into account operational needs, employee performance, supervision requirements, and contractual obligations.

We respectfully urge the Legislature to reconsider this shift from discretion to mandate and to preserve an approach that:

- Encourages flexible work arrangements where feasible;
- Respects the diversity of organizational structures and missions;
- Honors collectively bargained agreements; and
- Maintains employer discretion to ensure effective operations, supervision, and service delivery.

We would welcome the opportunity to work collaboratively with legislators to develop language that supports employees while preserving the flexibility and judgment employers need to manage their organizations responsibly.

Thank you for your time and consideration.

Respectfully,



Deb Anderson
Human Resource Director
Essex Westford School District

Cc: Senator Andrew Perchlik