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## 2018 MID-SESSION LEGISLATIVE UPDATE

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**February 20th, 2018**

During the second year of each biennium, the Vermont House and Senate must pass bills originating in their chambers prior to crossover deadlines, a process designed to ensure bills have enough time to be considered by the other chamber. This year, the crossover deadline for most bills is Friday, March 2<sup>nd</sup>. Bills that haven't been passed by their originating chamber before the crossover deadline will die. If you're interested in these or any other bills, contact your legislators and let them know your thoughts! Find contact information for your legislators [here](#).

*The information provided below is up to date as of February 19<sup>th</sup>, 2018.*

### **Birth Control ([H.869](#))**

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Would require insurance plans that cover prescriptions to cover the cost of most over-the-counter contraceptives without cost-sharing, including emergency contraceptives, foam and other spermicides and the sponge. Male condoms are excluded from insurance coverage. Advocates argue this bill is necessary because the FDA is in the process of reviewing an application to allow birth control pills to be available over the counter. For the many women who use this method of birth control, it could mean that vital and essential health care that had been covered by insurance, would suddenly become an out of pocket expense. H.869 would ensure Vermont women would continue to have access to birth control without cost-sharing.

**Bill Status:** In the House Committee on Health Care

### **Child Marriage ([H.790](#))**

Proposes to raise the minimum age of marriage to 18 except for emancipated minors. Under current law, minors age 16 and 17 can marry with the permission of one parent.

**Bill Status:** In the House Committee on Judiciary.

### **Electronic Court Filings for Relief from Abuse Orders ([H. 836](#))**

Proposes to allow the Court to accept filings and issue temporary relief from abuse orders using reliable electronic means. The bill does not attempt to otherwise change the current laws regarding obtaining relief from abuse orders.

**Bill Status:** In the House Committee on Judiciary, where it may be voted on this week.

### **Employment Protections for Crime Victims ([H.711](#))**

This bill would make it an unlawful employment practice for an employer to discriminate against prospective or current employees because of their crime victim

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status. It would also require employers with 10 or more employees grant employees who have worked for them for at least six months an average of 20 hours per week with unpaid leave for the purpose of attending depositions and court hearings related to criminal proceedings, relief from abuse orders, orders against stalking or sexual assault, and relief from abuse, neglect, or exploitation hearings.

**Bill Status:** In the House Committee on General, Housing and Military Affairs.

## **Equal Pay/Salary History ([H.294/S.275](#))**

The House bill would prohibit employers from requesting the salary history of a prospective employee or their current or former employers or requiring prior salary history meet minimum or maximum criteria. The bill as amended by the House Committee on General, Housing and Military Affairs explicitly allows employers to ask for a job applicant's salary requirements and to post the compensation range and benefits offered for a specific position.

The Senate bill would also prohibit employers from requesting the salary history of a prospective employee and would also extend current equal pay statutes to prohibit pay differentials based not only on sex, but also based on race, color, religion, ancestry, national origin, sexual orientation, gender identity, place of birth, and age, or disability. Additionally, the bill would amend the current list of reasons for which an employer may legally pay different compensation, eliminating "bona fide factor other than sex" and specifically delineating others including quantity or quality-based compensation, difference in workplace locations, travel required, education, training, and experience. Seniority and merit-based pay systems would continue to be legal.

**Bill Status:** H.294 passed in the House and is currently in the Senate. S.295 is in the Senate Committee on Economic Development, Housing, and General Affairs.

Governor Scott issued a press release calling on the legislature to pass either H.294 or S.275 before Town Meeting Day.

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## **Equal Rights Amendment (Resolution [S.R.11](#))**

Calls on the next Senate to initiate Vermont's Constitutional amendment process to create an Equal Rights Amendment that would read "Equal protection under the law shall not be denied or abridged because of race, sex, age, religion, creed, color, familial status, disability, sexual orientation, gender identity, or national origin."

**Resolution Status:** Adopted.

## **Establishing Extreme Risk Protection Orders ([S. 221](#))**

Proposes to establish a procedure for law enforcement officers to obtain extreme risk protection orders. The order would prohibit a person from possessing a firearm for up to one year if the Family Division of the Superior Court finds, by clear and convincing evidence, that the person poses a significant danger of causing injury to themselves or another person by purchasing, possessing, or receiving a firearm, or, by having a firearm within that person's custody or control.

**Bill Status:** In the Senate Committee on Judiciary.

## **Increasing the Minimum Wage ([S.40](#))**

The bill would incrementally increase the minimum wage to \$15.00 by January 1, 2024, after which the minimum wage would increase at the rate of the Consumer Price Index. The bill also directs the Department of Children and Families to adjust the sliding scale of the Child Care Financial Assistance Program (CCFAP) benefit to correspond with each minimum wage increase to ensure that the benefit percentage remains the same as under the former minimum wage, and to adjust the market rate used to inform the fee scale to offset the estimated increased cost of child care.

**Bill Status:** Passed in the Senate.

## **Paid Family Leave ([H.196/S.82](#))**

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The House bill proposes to develop a statewide family leave insurance program for public and private sector employees in the state for pregnancy, birth, adoption, placement of a foster child, and the serious illness or injury of the employee's close family member. The maximum duration of the paid benefit is up to 6 weeks with a compensation of 80% wage replacement up to a cap of twice the livable wage as defined by the Joint Fiscal Office (approximately \$1,040 per week in 2017). To receive the benefit, employees must be employed for at least 12 of the previous 13 months and have a qualifying reason for taking leave. The bill does not propose to cover an employee taking leave for their own serious illness or injury. Employers with five or more employees would be required to extend job protection to most employees who use the leave. The insurance program would be funded by a .141% payroll deduction; the program is paid for by employees, but employers may elect to contribute all or a portion of the cost.

The Senate bill proposes a tiered wage replacement rate, ranging from 50 to 90% based on income for up to 12 weeks and would also cover employees taking leave for their own serious illness or injury. The maximum duration of the paid benefit is up to 12 weeks with a compensation of 110% wage replacement up to a cap of twice the livable wage as defined by the Joint Fiscal Office (approximately \$1,040 per week in 2017). Employees who have worked for an average of at least 20 hours per week for six of the last twelve months would be eligible for the benefit. Employers with five or more employees would be required to extend job protection to most employees who use the leave. The insurance program would be funded by a .75% payroll deduction, one-half of which would be contributed by employees and one-half by employers. Employers may elect to contribute a larger share.

**Bill Status:** H.196 was passed by the House in 2017 and is currently in the Senate Committee on Economic Development, Housing, and General Affairs. Advocates hope the issue will be taken up after Town Meeting Day.

## **Parentage Proceedings ([H.562](#))**

Proposes to repeal Vermont's parentage laws and replace them with a more comprehensive parentage title that includes de facto parentage, genetic parentage,

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parentage by assisted reproductive technology, and parentage by gestational carrier agreement.

**Bill Status:** Passed in the House, currently in the Senate Committee on Judiciary.

### **Prudent Parenting Standards ([H.589](#))**

Would reduce barriers for youth in foster care to engage in normal, age-appropriate extracurricular, enrichment, cultural, and social activities without needing special permission from the Department for Children and Families, and protects foster parents from liability for following prudent parenting standards.

**Bill Status:** Passed in the House, now in the Senate Committee on Judiciary.

### **Remote Work and Flexible Work Arrangements ([S.94](#))**

Proposes to create a Remote & Flexible Workplace Tax Credit for employers, offering tax credits equal to \$250 per full-time employee participating in a qualified remote or flexible workplace program plus 10% of the employers' expenditures for onsite and subsidized childcare and telecommuting equipment, and create a simple online registration process. Would require State Government to develop and implement a program to expand and promote remote and flexible work options.

**Bill Status:** In the Senate Committee on Economic Development, Housing and General Affairs, which plans to begin mark-up on Thursday.

### **Removal of Firearms from a Person Arrested or Cited for Domestic Violence ([H.422](#))**

Proposes to allow law enforcement officials to temporarily remove firearms from persons at the time of arrest or citation for domestic violence and would ensure that those weapons are returned to the owner as soon as doing so would be safe and lawful. The bill would allow, but not require, law enforcement officers to remove firearms if they determine removal is necessary for the protection of the officer or another person. The firearm must be returned within five days of the

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removal after requested, unless: it is or may be used as evidence in a pending criminal or civil proceeding; the court orders relinquishment of the firearm pursuant to abuse prevention (15 V.S.A. Chapter 21); or, the person requesting the return of the firearm is prohibited by law from possessing a firearm.

**Bill Status:** Passed by the House; currently in the Committee on Judiciary. The Judiciary Committee held a public hearing about this and two other bills related to firearms at the Statehouse in early February.

## **Sexual Harassment ([H.707](#))**

This bill is designed to improve prevention and response to sexual harassment in the workplace in a variety of ways. The bill would:

- Prevent mandatory pre-employment nondisclosure agreements from barring employees from disclosing sexual harassment or otherwise waiving their legal rights related to a sexual harassment claim.
  - Prohibit sexual harassment settlement agreements from prohibiting the employee from ever applying to or working for the company or its affiliates again and requires settlement agreements to include language reinforcing the employee's right to report the harassment to and/or cooperate in an investigation with the Equal Employment Opportunity Commission (EEOC), the Vermont Attorney General, or the Human Rights Commission. Parties to a settlement would be required to notify the Attorney General about settlements reached (though this data would remain confidential and not subject to public inspection).
  - Extend sexual harassment legal protections and remedies to independent contractors, who are not currently protected.
  - Expand the authority of the Attorney General's Office and the Vermont Human Rights Commission to include conducting workplace audits for compliance with Vermont Law to the Attorney General and the Human Rights Commission.
  - Require the Attorney General and the Human Rights Commission to expand and make easier the sexual harassment reporting system, and the Vermont Commission on Women to execute an outreach and education program.
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**Bill Status:** In the House Committee on General, Housing and Military Affairs.

## **Spousal Maintenance ([S.244](#))**

Proposes to extend until July 1, 2021 the recently added guidelines regarding the appropriate amount and duration of spousal maintenance orders currently scheduled to sunset on 7/1/2019. The bill would also reconvene the Spousal Support and Maintenance Task Force to review and make legislative recommendations regarding updating Vermont's spousal support and maintenance laws. The bill also highlights particular topics the Task Force should consider. Task Force membership would again include the Executive Director of the Vermont Commission on Women.

**Bill Status:** Passed the Senate, now in the House Committee on Judiciary.

## **Wage Data & Gender Bias in State-Funded Workforce Education and Training ([S.110](#))**

Would require an employer to keep and maintain records regarding wages paid to employees for at least five years, and to make the records available to the Commissioner of Labor. Would require the Commissioner of Labor to submit an annual report to the legislature documenting the State's progress in achieving full compliance with equal pay laws. The bill also proposes to require the Commissioner of Labor to collect and analyze data measuring the presence of gender and other systematic bias in State-supported training programs and to work to address any instances found.

**Bill Status:** In the Senate Committee on Economic Development, Housing and General Affairs.



The Vermont Commission on Women (VCW) is a non-partisan state agency advancing rights and opportunities for women and girls. Sixteen volunteer commissioners, along with representatives from organizations concerned with women's issues, guide VCW's public education, coalition building, and advocacy efforts. For more information, please visit us at <http://women.vermont.gov>.

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