



## LEGISLATIVE UPDATE

Learn more about new legislation impacting women.



**JUNE 20, 2018**

### **Openings for Commissioners on the Vermont Commission on Women, Beginning July 1st**

The Vermont Commission on Women has openings for members with terms starting July 1, 2018. We are looking for people who are passionate and enthusiastic about reducing discrimination and increasing opportunities for women and girls in Vermont to join our work. VCW is made up of 16 commissioners who are appointed by differing appointing authorities. This year, those appointing are the Governor, the Speaker of the House, and the Senate Committee on Committees.

Our work is strengthened by diversity; all interested people of any political affiliation are encouraged to apply, including LGBTQ people, young people, minorities, people with disabilities, and men.

For more detailed information, and instructions on applying, visit [http://women.vermont.gov/who we are/commissioners](http://women.vermont.gov/who_we_are/commissioners) or contact VCW Executive Director Cary Brown at [cary.brown@vermont.gov](mailto:cary.brown@vermont.gov) or (802) 828-2840.

## 2018 Legislative Update

The 2017-2018 Session of the Vermont General Assembly adjourned on May 24<sup>th</sup>, 2018. Below, you'll find a roundup of legislation of interest to or particularly impacting women. If you'd like to refresh your memory about the legislation passed in 2017 during the first half of the biennium, read last year's legislative update [here](#).

## LEGISLATION PASSED IN 2018

### 3SquaresVT ([H.271/Act 104](#))

The law will ensure that if there are significant changes to the state's Supplemental Nutrition Assistance Program (SNAP), known as 3SquaresVT, the Department of Children and Families has to give notice to legislators within 30 days, and provide an analysis of anticipated administrative costs and impact on applicants and participants within 90 days. While changes to this federal program can be made without the involvement of the state legislature, this new law reduces the chance that providers and advocates could be caught off-guard by benefit reductions or program changes.

**Bill Status:** Signed by Governor Scott on April 19, 2018.

**Effective Date:** July 1, 2018.

### Childhood Adversity and Promoting Resilience ([S.261/Act 204](#))

Creates a new Director of Trauma Prevention and Resilience Development position

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in the Agency of Human Services Secretary's Office. The law calls for the new director to coordinate training of all AHS employees on childhood adversity, toxic stress, and resilience building; to collaborate with the community and partners to build consistency between trauma-informed systems; and to compile a status report to the Legislature on the agency's work on mitigating childhood adversity, including progress on implementing trauma-informed training for child care providers, among other things.

**Bill Status:** Signed by Governor Scott on May 30, 2018.

**Effective:** July 1, 2018.

### **Electronic Court Filings for Relief from Abuse Orders ([H. 836/Act 110](#))**

Allows the Court to accept filings and issue temporary relief from abuse orders using reliable electronic means for after-hours filings.

**Bill Status:** Signed by Governor Scott on April 25, 2018.

**Effective:** April 25, 2018.

### **Employment Protections for Crime Victims ([H.711/Act 184](#))**

Makes discriminating against prospective or current employees because of their crime victim status an unlawful employment practice, and requires 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.

The bill also protects volunteer emergency responders by prohibiting employers from discharging, discriminating or retaliating against an employee who was absent from work to perform duty as a volunteer emergency responder.

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**Bill Status:** Signed by Governor Scott on May 28, 2018.

**Effective:** July 1, 2018.

### **Extreme Risk Protection Orders ([S. 221/Act 97](#))**

Creates a procedure for State's Attorneys and the Office of the Attorney General to obtain an extreme risk protection order from the Court, if they demonstrate by clear and convincing evidence that the respondent poses a significant danger of causing injury to themselves or another person by purchasing, possessing, or receiving a dangerous weapon or by having a firearm within that person's custody or control. The order prohibits a person from purchasing, possessing, or receiving a dangerous weapon or having a dangerous weapon in their control for a duration of up to six months, and the order can be renewed if the court finds that the respondent continues to pose an extreme risk of causing harm.

The bill also addresses relinquishment, storage, and return of dangerous weapons.

**Bill Status:** Signed by Governor Scott on April 11, 2018.

**Effective:** April 11, 2018.

### **Gender-Free Restrooms ([H.333/Act 127](#))**

Requires single-user restrooms in public buildings and places of public accommodations to be available for use of people of all genders.

**Bill Status:** Signed by Governor Scott on May 11, 2018.

**Effective Date:** July 1, 2018.

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

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The bill would have incrementally increased the minimum wage gradually to \$15.00 per hour by January 1, 2024, after which the minimum wage would have continued to be increased at the rate of the Consumer Price Index. The wage would have raised from \$10.50 per hour to:

\$11.10 per hour on January 1, 2019;  
\$11.75 per hour on January 1, 2020;  
\$12.50 per hour on January 1, 2021;  
\$13.25 per hour on January 1, 2022;  
\$14.10 per hour on January 1, 2023; and  
\$15.00 per hour on January 1, 2024.

The bill allowed high school students to be paid \$3 less than the current minimum wage.

**Bill Status:** Vetoed by Governor Scott on May 22, 2018.

## **Mitigation of Systemic Racism ([S.281](#))**

Created an independent Executive Branch position of Executive Director of Racial Equity to identify and eradicate systemic racism within State government. The new position would have worked collaboratively with the Governor's Workforce Equity and Diversity Council, the Vermont Human Rights Commission, and the Governor's Cabinet. The law also would have established a Racial Equity Advisory Panel to select and recommend candidates for the Director position for appointment by the Governor, to work with the Executive Director of Racial Equity to implement reforms identified, to advise the Director to ensure compliance with the law, and to advise the Governor on strategies for remediating systemic racial disparities.

**Bill Status:** Vetoed by Governor Scott on May 30, 2018; replaced by [Executive Order No. 04.18](#).

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

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The bill would have created 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 program would not have provided benefits for leave due to the employee's own serious illness or injury. The program would have been administered by the Department of Labor.

The maximum duration of the paid benefits would have been 12 weeks for parental leave, and up to six weeks for familial illness. If both parents were eligible, they would not have each been eligible for 12 weeks of benefits but could have shared the available 12 weeks of benefits for parental leave.

Individuals would have received compensation that equals 70% of their average weekly wages, 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 would have needed to have earned at least \$10,710.00 in wages in Vermont during the last 12 months and have a qualifying reason for taking leave. Employers would have been required to extend job protection to most employees who use the leave. The insurance program would have been funded by a .136% payroll deduction on wages which was to be paid for by employees, but employers could have elected to contribute all or a portion of the cost.

The bill also extends Vermont's Family Leave Law that provides the right to unpaid leave for the , birth, adoption, placement of a foster child, and the serious illness or injury of the employee's close family member.

**Bill Status:** Vetoed by Governor Scott on May 22, 2018.

## **Parentage Proceedings ([H.562/Act 162](#))**

Repealed Vermont's parentage laws and replaces them with the Vermont Parentage Act, a more comprehensive parentage title that includes de facto parentage, genetic parentage, parentage by assisted reproductive technology, and parentage by gestational carrier agreement.

**Bill Status:** Signed by Governor Scott on May 22, 2018.

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**Effective:** July 1, 2018.

### **Prudent Parenting Standards ([H.589/Act 106](#))**

Established the reasonable and prudent parenting standard for foster parents who are determining whether to allow a child in their custody to participate in extracurricular, enrichment, cultural, and social activities, in making careful and sensible parental decisions that maintain the health, safety, and best interests of the child in their custody. The goal is to 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 to protect foster parents from liability when following prudent parenting standards.

**Bill Status:** Signed by the Governor on April 20, 2018.

**Effective:** July 1, 2018

### **Removal of Firearms from a Person Arrested or Cited for Domestic Assault ([H.422/Act 92](#))**

Allows law enforcement officers to temporarily remove firearms from persons at the time of arrest, citation, or obtaining an arrest warrant for domestic assault, if the firearm is in the immediate possession or control of the person being arrested or cited, in plain view of the officer at the scene, or discovered during a lawful search if the officer deems it necessary for the protection of the officer, the alleged victim, the person being arrested or cited, or a family member of the alleged victim or the person being arrested or cited.

The law requires that someone cited for domestic assault be arraigned on the next business day, where the court must issue an order releasing the weapons unless the firearm is or may be used as evidence, the court has ordered relinquishment of the firearm pursuant to another law, the person is prohibited from possessing a firearm, or the court imposes a condition of release requiring the defendant not to possess a firearm. Once the Court orders the release of the firearm, the firearm

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must be made available within three business days.

**Bill Status:** Signed by the Governor on April 11, 2018.

**Effective:** September 1, 2018.

## **Salary History ([H.294/Act 126](#))**

Prohibits employers from inquiring about the salary history of a prospective employee and from requiring a candidate's prior salary history meet minimum or maximum criteria. The law 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.

**Bill Status:** Passed, signed by Governor Scott on May 11<sup>th</sup>, 2018.

**Effective:** July 1, 2018.

## **Sexual Harassment ([H.707/Act 183](#))**

Vermont's #MeToo response, this new law improves prevention and response to sexual harassment in the workplace in a variety of ways. The law:

- Encourages employers and labor organizations to conduct annual sexual harassment education and training programs for employees and members, and to provide an additional training for supervisory and managerial employees.
  - Prohibits mandatory pre-employment nondisclosure agreements from barring employees from disclosing sexual harassment or otherwise waiving their legal rights related to a sexual harassment claim.
  - Prohibits sexual harassment settlement agreements from preventing 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
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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).

- Extends sexual harassment legal protections and remedies to independent contractors, who are not currently protected.
- Expands 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.
- Requires the Attorney General and the Human Rights Commission to expand and make easier the sexual harassment reporting system.
- Requires the Vermont Commission on Women to execute a statewide outreach and education program and appropriates \$125,000 to VCW for that purpose.

**Bill Status:** Signed by Governor Scott on May 28, 2018.

**Effective:** July 1, 2018, except the appropriation of funds to VCW was effective May 25, 2018.

### **ThinkVermont Innovation Initiative ([S.94/Act 197](#))**

Creates the ThinkVermont innovation Initiative to respond to the growth needs of small businesses with 20 or fewer employees by funding strategies that accelerate their growth. Elements of the initiative include a grant program managed by the Secretary of Commerce and Community Development which was awarded \$400,000 for Fiscal Year 2019; a directive to the Secretary of Commerce and Community Development to identify and examine necessary infrastructure improvements to support remote work in Vermont and to examine the potential for public-private worksites; and a directive for the Director of Telecommunications and Connectivity to review broadband availability in municipal centers and the possibility of creating co-working spaces.

**Bill Status:** Signed by Governor Scott on May 30, 2018.

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**Effective:** July 1, 2018

## RESOLUTIONS OF NOTE

### Equal Rights Amendment ([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 on February 15<sup>th</sup>.

## PENDING LEGISLATION

### Boards and Commissions ([H.8](#))

This law covers a variety of topics. Of particular interest, the law revises the appointing authorities for the Vermont Commission on Women by eliminating the Democratic and Republican parties as appointing authorities and allows the legislature to fill those seats upon the expiration of current terms. The law also entitles Commissioners to per diem compensation.

Additionally, the law creates a Sunset Advisory Commission to review existing State boards and Commissions and to recommend the elimination of any board or commission it deems no longer necessary.

**Bill Status:** Passed during the 2018 Special Session and was sent to Governor Scott's desk.

## LEGISLATION LIKELY TO BE REINTRODUCED

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

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:** Died 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:** Died 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.

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**Bill Status:** Died in the Senate Committee on Economic Development, Housing and General 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, died in the House Committee on Judiciary.



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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