

1 H.431

2 Introduced by Representative Christie of Hartford

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; fair employment; whistleblowing

6 Statement of purpose of bill as introduced: This bill proposes to prohibit  
7 agreements to settle a discrimination claim from prohibiting the employee  
8 from working for the employer or an affiliate of the employer. It also proposes  
9 to prohibit agreements entered into after whistleblowing has occurred from  
10 prohibiting the employee from working for the State.

11 An act relating to prohibiting agreements that prevent an employee from  
12 working for the employer or an affiliate of the employer

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 21 V.S.A. § 495 is amended to read:

15 § 495. UNLAWFUL EMPLOYMENT PRACTICE

16 (a) It shall be unlawful employment practice, except where a bona fide  
17 occupational qualification requires persons of a particular race, color, religion,  
18 national origin, sex, sexual orientation, gender identity, ancestry, place of birth,  
19 age, crime victim status, or physical or mental condition:

20 \* \* \*



1 this section that violates this subdivision shall be void and unenforceable with  
2 respect to the individual who made the claim.

3 \* \* \*

4 Sec. 3. 3 V.S.A. § 973 is amended to read:

5 § 973. PROTECTED ACTIVITY

6 \* \* \*

7 (f) A State agency, department, appointing authority, or manager shall not  
8 require an employee who engaged in any protected activity described in  
9 subsection (a) of this section, and who separates from employment with the  
10 State within one year after engaging in the protected activity, to enter into an  
11 agreement prohibiting, preventing, or otherwise restricting the employee from  
12 working for the State. Any provision of an agreement that violates this  
13 subsection shall be void and unenforceable with respect to the employee who  
14 engaged in the protected activity.

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on July 1, 2019.