

1 S.108

2 Introduced by Senators Clarkson, Cummings, Hardy, Ram Hinsdale,

3 Vyhovsky, Watson and White

4 Referred to Committee on

5 Date:

6 Subject: Labor; public institutions and corrections; employment practices;

7 employment of inmates; minimum wage; exemptions

8 Statement of purpose of bill as introduced: This bill proposes to reduce the
9 number of exemptions from Vermont's minimum wage law and increase the
10 minimum wage so that it reaches \$15.00 per hour by January 1, 2025. This bill
11 also proposes to study the possibility of eliminating certain exemptions to the
12 Vermont minimum wage, eliminating the tipped minimum wage, and requiring
13 inmates in Vermont correctional institutions to be paid at least the Vermont
14 minimum wage.

15 An act relating to increasing the minimum wage and studying increasing the
16 wages of inmates and workers who are not subject to the minimum wage

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

18 Sec. 1. 21 V.S.A. § 384 is amended to read:

19 § 384. EMPLOYMENT; WAGES

1 (b) Membership. The Committee shall be composed of the following
2 members:

3 (1) one current member of the House of Representatives appointed by
4 the Speaker of the House;

5 (2) one current member of the Senate appointed by the Committee on
6 Committees;

7 (3) the Commissioner of Labor or designee;

8 (4) the Commissioner of Children and Families or designee;

9 (5) the Commissioner of Corrections or designee;

10 (6) one member representing employers in the food service or
11 hospitality industry, appointed by the Speaker of the House;

12 (7) one member representing tipped workers in the food service or
13 hospitality industry, appointed by the Committee on Committees; and

14 (8) one member representing offenders, appointed by the Defender
15 General.

16 (c) Powers and duties. The Committee shall study the effects of altering or
17 eliminating the basic wage rate for tipped employees, of eliminating one or
18 more of the exemptions to the minimum wage set forth 21 V.S.A. § 383, and
19 of increasing the wages for offenders, including the following issues:

20 (1) the current status of tipped workers in Vermont, including:

21 (A) their approximate number and geographic distribution; and

1 (B) their economic welfare, including earnings, access to employer-
2 provided benefits, and need for public assistance;

3 (2) the impacts of increasing or eliminating the tipped wage in states
4 that have done so on:

5 (A) jobs, prices, and the state economy; and

6 (B) the welfare of tipped workers, women, and working families with
7 children;

8 (3) the projected impact in Vermont of increasing or eliminating the
9 basic wage rate for tipped employees on:

10 (A) jobs, prices, and the State economy; and

11 (B) the welfare of tipped workers, women, and working families with
12 children;

13 (4) the approximate number of Vermont workers who are not covered
14 by Vermont's minimum wage and overtime laws, 21 V.S.A. chapter 5,
15 subchapter 3, because the workers are employed:

16 (A) in agriculture;

17 (B) in domestic service in or about a private home;

18 (C) in the activities of a public supported nonprofit organization;

19 (D) in an executive, administrative, or professional capacity and paid
20 a salary of less than \$913.00 per week;

21 (E) in making home deliveries of newspapers;

1 (F) as a taxicab driver;

2 (G) as an outside salesperson; or

3 (H) as a student working during the school year or regular vacation
4 periods;

5 (5) in states that require the minimum wage to be paid to workers in the
6 categories identified pursuant to subdivision (4) of this subsection, the impact
7 of paying the minimum wage to those workers on:

8 (A) jobs, prices, and the state economy; and

9 (B) the welfare of the workers and working families with children;

10 (6) the projected impact in Vermont of granting workers in the
11 categories identified pursuant to subdivision (4) of this subsection coverage
12 under the provisions of Vermont's minimum wage and overtime laws, 21
13 V.S.A. chapter 5, subchapter 3;

14 (7) the number of offenders working in facilities operated by the
15 Department of Corrections or in programs that are operated by or in
16 cooperation with the Department of Corrections, and the wage rates of those
17 offenders; and

18 (8) the projected impact of increasing the wage rates of offenders
19 working in facilities operated by the Department of Corrections or in programs
20 that are operated by or in cooperation with the Department of Corrections so
21 that all offenders earn at least the Vermont minimum wage on:

1 (A) the welfare of the offenders and their families during the
2 offenders' sentences and after completion of the sentences;

3 (B) recidivism rates of offenders; and

4 (C) the budget of the Department of Corrections.

5 (d) Assistance. For purposes of scheduling meetings and preparing
6 recommended legislation, the Committee shall have the administrative, legal,
7 and technical assistance of the Office of Legislative Operations, the Office of
8 Legislative Counsel, and the Joint Fiscal Office.

9 (e) Report. On or before November 15, 2023, the Committee shall submit
10 a written report to the House Committees on Corrections and Institutions and
11 on General and Housing and the Senate Committees on Economic
12 Development, Housing and General Affairs and on Institutions with its
13 findings and any recommendations for legislative action.

14 (f) Meetings.

15 (1) The member from the Senate shall call the first meeting of the
16 Committee to occur on or before September 15, 2023.

17 (2) The Committee shall select a chair from among its members at the
18 first meeting.

19 (3) A majority of the membership shall constitute a quorum.

20 (4) The Committee shall cease to exist on December 1, 2023.

21 (g) Compensation and reimbursement.

1 (1) For attendance at meetings during adjournment of the General
2 Assembly, a legislative member of the Committee shall be entitled to per diem
3 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 23 for
4 not more than four meetings. These payments shall be made from monies
5 appropriated to the General Assembly.

6 (2) Other members of the Committee who are not employees of the
7 State of Vermont shall be entitled to per diem compensation and
8 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
9 than four meetings. These payments shall be made from monies appropriated
10 to the General Assembly.

11 Sec. 3. EFFECTIVE DATE

12 This act shall take effect on July 1, 2023.