

1 S.213

2 Introduced by Senator Baruth

3 Referred to Committee on Economic Development, Housing and General

4 Affairs

5 Date: January 7, 2014

6 Subject: Labor; employment practices; unlawful employment practice

7 Statement of purpose of bill as introduced: This bill proposes to prohibit
8 employers from penalizing employees who use sick leave or any other
9 benefits.

10 An act relating to an employee's use of benefits

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

12 ~~Sec. 1. PURPOSE~~

13 ~~The purpose of this act is to promote a healthy work environment by~~
14 ~~ensuring that employers do not penalize employees who use sick leave or~~
15 ~~other benefits.~~

16 Sec. 2. 21 V.S.A. § 496b is added to read:

17 § 496b. EMPLOYEE USE OF BENEFITS

18 (a) It shall be an unlawful employment practice for an employer,

19 ~~employment agency, or labor organization to take negative employment action~~

1 ~~against an employee because the employee has used sick leave or any other~~
2 ~~employment benefit provided by law or the employer.~~

3 (b) As used in this section, “negative employment action” includes
4 discharge, threat, suspension, demotion, denial of promotion, or other adverse
5 employment action regarding the employee’s compensation, terms, conditions,
6 location, or privileges of employment. It also includes the use of assessing
7 points or demerits to the employee’s record or other methods that could lead to
8 a negative employment action as a result of the employee’s using his or
9 her benefits.

10 (c) The penalty enforcement provisions of section 495b of this title and the
11 provision against retaliation in subdivision 495(a)(8) of this title shall apply to
12 this section.

13 Sec. 3. EFFECTIVE DATE

14 ~~This act shall take effect on July 1, 2014.~~

Sec. 1. PURPOSE

The purpose of this act is to promote a healthy work environment by ensuring that employers do not penalize employees who use employer-provided sick leave or any other employer-provided benefit.

Sec. 2. 21 V.S.A. § 496b is added to read:

§ 496b. EMPLOYEE USE OF BENEFITS

(a) An employer, employment agency, or labor organization shall not discharge or in any other manner discriminate against or penalize an employee because the employee has used, or attempted to use, accrued employer-provided sick leave or other employer-provided benefits.

(b) This section shall not:

(1) diminish any rights under this chapter or pursuant to a collective bargaining agreement;

(2) require an employer to provide sick leave or other benefits to employees; or

(3) prohibit the establishment and enforcement of other reasonable workplace policies that relate to an employee's use of benefits, such as policies addressing attendance incentives, tardiness or unexcused absences, procedures for using sick leave or other benefits, or seniority calculations.

(c) The provisions against retaliation in subdivision 495(a)(8) of this title and the penalty and enforcement provisions of section 495b of this title shall apply to this section.

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2014.