

1 S.36

2 Introduced by Senator Cummings

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; parental leave

6 Statement of purpose of bill as introduced: This bill proposes to establish a  
7 system giving qualified employees up to 15 weeks of paid leave for the birth or  
8 adoption of a child.

9 An act relating to paid parental leave

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

11 Sec. 1. FINDINGS AND PURPOSE

12 The General Assembly finds that:

13 (1) Dramatic social and economic changes have brought about a  
14 significant increase in the number of families in which both parents work.  
15 Time to bond with new children stabilizes society by allowing parents time to  
16 care for a new child, form strong emotional bonds with the child, and establish  
17 a secure system of child care. Providing time to bond with new children  
18 assures that working people have a real rather than an illusory right to care for  
19 and bond with their children.

1           (2) Approximately 25 percent of all periods in which a person or a  
2           household experiences poverty begin with the birth of a child. The birth of a  
3           child should be a joyous occasion and not a precursor to poverty.

4           (3) Time for parents to bond with new babies or children results in better  
5           long-term outcomes for the child.

6           Sec. 2. 21 V.S.A. §§ 472c and 472d are added to read:

7           § 472c. PAID PARENTAL LEAVE PROGRAM

8           (a) Beginning July 1, 2014, a qualified employee, which for the purposes of  
9           this section means an employee who is covered by chapter 17 of this title, may  
10           be entitled to paid parental leave benefits for a total period not to exceed 15  
11           weeks. The 15-week leave may be used intermittently or consecutively by the  
12           day or week during the year after benefits begin for the birth of the employee's  
13           child or the initial placement for adoption of a child 16 years of age or younger  
14           during the year following the arrival of the child.

15           (b) A qualified employee may file an application for benefits under this  
16           section with the Commissioner on a form provided by the Commissioner at  
17           least five days before the arrival of a child. The Commissioner shall determine  
18           eligibility of the employee based on the following criteria:

19                   (1) whether the employee is qualified for parental leave;

20                   (2) whether the purposes for which the claim is made are  
21           documented; and

1           (3) whether the employee provided the employer with reasonable  
2 advance notice of the requested leave.

3           (c) An employee awarded benefits under this section shall receive  
4 two-thirds of the employee's average weekly wage based on the employee's  
5 wages during the eight weeks preceding the leave with a maximum of \$500.00  
6 per week.

7           (d) During the paid parental leave, the employer shall:

8           (1) continue the employee's employment benefits at the same level and  
9 under the same conditions as if the employee were working during the period  
10 the employee receives leave benefits;

11           (2) offer the employee when the employee returns to work the same or a  
12 comparable job at the same level of compensation, employment benefits,  
13 seniority, and any other condition of employment that the employee had on the  
14 day the leave commenced; and

15           (3) comply with a collective bargaining agreement or employer policy  
16 that provides greater leave for the birth or placement of a child.

17           (e) If two employees from the same family request leave under this section,  
18 the employer may require that the employees take leave at separate times.

19           (f) Receipt of benefits pursuant to this section shall not diminish an  
20 employee's right to leave provided by a collective bargaining agreement or  
21 employer policy. An employer may require that leave taken under this section

1 be taken concurrently with leave provided pursuant to sections 472 and 472b  
2 of this title.

3 (g) The Commissioner shall make a determination of each claim no later  
4 than five days after the date the claim is filed, and benefits shall be paid from  
5 the fund created pursuant to section 472d of this title. An employee or  
6 employer aggrieved by a decision of the Commissioner under this chapter may  
7 file with the Commissioner a request for reconsideration within 30 days after  
8 receipt of the Commissioner's decision. Thereafter, an applicant denied  
9 reconsideration may file an appeal to the civil division of the superior court in  
10 the county where the employment is located.

11 § 472d. PAID PARENTAL LEAVE FUND

12 (a) A Paid Parental Leave Fund is created pursuant to 32 V.S.A. chapter 7,  
13 subchapter 5 to be expended by the Commissioner for the benefits awarded  
14 and administration of the paid parental leave. The Fund shall consist of a tax  
15 to be deducted from employees' wages. The employer shall submit these taxes  
16 to the Commissioner in a form and at times determined by the Commissioner.

17 (b) Annually, the Commissioner shall determine the projected demands on  
18 the Fund and adjust the employee tax rate in subsection (a) of this section to  
19 assure that the tax is the lowest rate necessary to pay projected benefits and  
20 associated administrative costs. The Commissioner shall file an annual report  
21 to the General Assembly explaining the rate set for that year.

1       Sec. 3. EFFECTIVE DATE

2           This act shall take effect on July 1, 2013, and on January 1, 2014,  
3       employers shall begin deducting taxes from employees' wages and, beginning  
4       July 1, 2014, qualified employees may begin to receive benefits under this law.