

Bill H.867 Testimony

Matt Durocher

Business Manager Carpenters Local 1996 – South Burlington, Vermont

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I would like to express my concerns associated with the proposed bill H. 867, Independent Contractors, with the emphasis on Construction. I will only be speaking within my experience in the construction industry.

I have been in the construction business for 27 years as a Carpenter's helper, Lead Carpenter, Non Union home builder, Union Carpenter and currently, the Business Manager of Carpenter's Local 1996 based in South Burlington, Vermont.

On a daily basis, I deal with Contractors as well as Carpenters both Union and Non Union, and feel that I have a solid understanding of construction practices in Vermont.

It is my view that some of the most serious cases of the use of misclassified independent contractors come in the construction industry. We need to have strong enforcement in place, focused on the construction industry, to prevent these abuses from occurring. However, as we know, this bill encompasses all sectors of Vermont's job markets, and I believe passing the bill as is, would do much harm to certain sectors, especially in Construction.

While there are many legitimate Independent Contractors in Construction, my belief is that the overwhelming majority of construction workers would prefer to be employees. I have spoken to dozens of workers who were offered jobs as employees and were offered slightly better hourly wages to work as Independent Contractors for the same employer. To make a decent living, they have chosen to be Independent Contractors without fully understanding the ramifications; including the protections and benefits they lose as a result of being independent contractors. All the while the employer is taking advantage of lower overhead and distancing themselves from employee obligations. This practice also makes it impossible for employers who take the employer/employee relationship seriously to compete against those who choose to misclassify employees as Independent

Contractors. We should be striving to level the playing field so all interested contractors feel that they can compete on bid day.

At this time, passing bill H. 867 would do more harm than good to Vermont's workforce. The real issue at hand should be a better understanding of the ramifications of bill H. 867 to all job sectors. I have voiced my opinion of having separate construction language concerning Independent Contractors in the past, and continue to support that thought process. If there is a problem with truly independent contractors in construction being swept into the law, then let's deal with that issue in itself without gutting the decent laws we have on the books,. Other states have Independent Contractor language the deals with construction only. Vermont should examine how this is dealt with in neighboring states as a point of reference. The bill as proposed is much too far reaching to consider at this time, and would only serve and encourage those who decide to skate around the law.

Workers Comp on Construction sites. I strongly support that everyone on any construction site be covered by Workers Comp. The construction industry is much too dangerous to allow any exceptions. Again, separate Construction Language would make it easier to solve some of the problems that different job sectors have that others do not.

I would be in favor of setting up a formal committee to look for possible alternatives, with an emphasis on enforcement and targeting the real problems we face in construction. I would be happy to assist in this process with the goal of making the language understandable as well as protecting the workforce of Vermont.