

From: Valburn, Lori [Lori.Valburn@vermont.gov]
Sent: Wednesday, January 27, 2016 8:22 PM
To: Noonan, Annie
CC: Pepper, James; Allen, Susan; Hill, Matt; Anderson, Dirk; Gumpfer, Denise; Cole, Chris
Subject: RE: H187 Sick Days

Thanks, Commissioner Noonan – this is a great heads up!

The VTrans Contract Administrator, Denise Gumpfer, will also be with me and she can definitely speak to our Agency's ability to clearly articulate the paid sick leave provision in our bidding documents.

Sounds like you've got a full plate tomorrow morning, but we'll catch up with you before we leave the Statehouse. Thanks again!

Lori

From: Noonan, Annie
Sent: Wednesday, January 27, 2016 8:13 PM
To: Valburn, Lori
Cc: Pepper, James; Allen, Susan; Hill, Matt; Anderson, Dirk; Gumpfer, Denise; Cole, Chris
Subject: RE: H187 Sick Days

Hey, Lori!
I am glad this was helpful.

I believe that the committee is most interested in knowing if AOT can clearly articulate the provision for paid sick leave to the bidders in your RFP/spec document.

I will be running between LCAR (8:45), House Commerce (9:15-12:00) and Senate Econ (9:00), so if things get glitch in Senate Econ, you can have someone text me on my cell phone and I'll try to get down there in a hurry. My cell is 802-793-5212.
Annie

From: Valburn, Lori
Sent: Wednesday, January 27, 2016 7:50 PM
To: Noonan, Annie <Annie.Noonan@vermont.gov>
Cc: Pepper, James <James.Pepper@vermont.gov>; Allen, Susan <Susan.Allen@vermont.gov>; Hill, Matt <Matt.Hill@vermont.gov>; Anderson, Dirk <Dirk.Anderson@vermont.gov>; Gumpfer, Denise <Denise.Gumpfer@vermont.gov>; Cole, Chris <Chris.Cole@vermont.gov>
Subject: RE: H187 Sick Days

Hi Commissioner Noonan,

In preparation for testifying tomorrow, I was just reviewing the Bill history online and saw that Daniel Cronin from USDOL had testified, so this is extremely helpful information. Thanks so much for capturing and sharing this level of detail – very much appreciated!

Lori

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Please note new email address: lori.valburn@vermont.gov

From: Cole, Chris
Sent: Wednesday, January 27, 2016 7:40 PM
To: Noonan, Annie
Cc: Pepper, James; Allen, Susan; Hill, Matt; Anderson, Dirk; Valburn, Lori; Gumper, Denise
Subject: Re: H187 Sick Days

Thanks Annie, much appreciated.

We have the ability to modify the boilerplate on our contracts to include this new requirement if it becomes law.

Chris

On Jan 27, 2016, at 4:46 PM, Noonan, Annie <Annie.Noonan@vermont.gov> wrote:

Hi, Chris:

The bill applies to State Capital Construction projects as well as to the federally funded contracts (such as those typically overseen by AOT).

We had the federal USDOL Wage and Hour Regional Administrator testify by phone this morning, to the Senate Economic Committee, and he AGAIN (same as last year) stated that the paid sick leave days CAN be taken/calculated as credit by the employer toward the PW rate, provided that the days are PAID sick leave days when used, and that if the employee has earned days, but not used them, and then separates from service with a balance, the employer who has taken credit against the PW rate has to pay those days out. If there is a provision in the law that allows "carry forward" from year to year, and an employee carries forward a day or so, and then in a subsequent year has more than 3 days on the books, but separates from the employer, the employer is only required to pay out the "mandated" number of days, which in the current bill is 3 days, and moves to 5 days in future years.

One question from the Committee is whether or not you/AOT will be able to highlight to the bidders (both in state and out of state) that this provision for paid sick leave is required in the bid documents. BGS (Obie & Deb Damore) testified this morning and said they could put it in their bid documents to clearly put the bidders on notice that this is a mandatory paid benefit in Vermont.

I hope this helps.
Annie

Anne M. Noonan
Commissioner
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On Jan 27, 2016, at 2:41 PM, "Cole, Chris" <Chris.Cole@vermont.gov> wrote:

I reviewed the bill with my staff and because almost all of our contracts have federal funds and have Davis-Bacon prevailing wage requirements, there is no fiscal impact to the majority of our projects.

One thing we didn't understand was whether this bill only applied to State only funded contracts or whether it applied to federal and state funded contracts. Most of our contracts have federal and state funds.

Chris