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From:

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To:

Chair Michael Sirotkin
Senate Economic Development, Housing and General Affairs Committee
80 Bartlett Bay Rd., South Burlington, VT 05403

Tuesday, May 3, 2022

Testimony on H.320, An act relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim

Dear Chair Sirotkin,

This week the Senate Economic Development, Housing and General Affairs Committee is set to review H.320, An act relating to prohibiting agreements that prevent an employee from working for the employer following the settlement of a discrimination claim. The Committee has received testimony from the Vermont Network Against Domestic and Sexual Violence that encouraged you to consider including Section 1 and 2 from H.329, An act relating to amending the prohibitions against discrimination, in your committee's amendments of H.320. The Office of Racial Equity concurs with the Vermont Network in encouraging your committee to include the employment provisions in your amendments to H.320.

We encourage the Senate Economic Development, Housing and General Affairs committee to review draft 5.1 of H.329 and consider including Sections 1 and 2 relating to the protection for employees in H.320. There is still time for the Senate Economic Development, Housing and General Affairs Committee to advance the legislative priorities laid out in the first report of the Vermont Racial Equity Task force in September 2020. Some key findings of the first report of the Vermont Racial Equity Task force included:

1. In FY18-19, the State of Vermont experienced higher turnover among employees of color due to voluntary separations than white employees.
2. The Vermont Human Rights Commission, which enforces the Fair Employment Practices Act, saw an increase in the number of employment discrimination cases based on the plaintiff's race and skin color during the same time period.
3. "...individuals who have experienced discrimination are disillusioned by a system that reliably fails to hold perpetrators accountable under existing policies and legal standards of liability." (pg. 19, Report of the Racial Equity Task Force, 2020)

Numerous organizations provided testimony in support of the additional employment protections outlined in H.329 including the Vermont Human Rights Commission, the Vermont chapter of the National Association of Social Workers, the National Women's Law Center, and the Vermont Network Against Domestic and Sexual Violence, among others. H.329 was widely supported by members of the communities most affected by discrimination and the members of professional organizations who support them.

H.329 was drastically reduced in scope in accordance with the wishes of the Vermont School Boards Association, the Vermont School Superintendents Association, the Vermont Principals Association, and their insurance underwriters. The bill failed to meet the crossover deadline following the testimony of the school-related organizations. The school-related organizations later submitted a letter of testimony on April 5, 2022 which indicated that they supported the language of later drafts of H.329 which removed the protection for vulnerable youth from H.329. The Committee may draw language related to employment from draft 5.1 of H.329 without worry of objection from the aforementioned organizations.

The Office of Racial Equity urges the Senate Economic Development, Housing and General Affairs Committee to take action to ensure that the work of the Vermont Racial Equity Task Force is finally enacted so that people in marginalized communities may finally receive the employment protections they badly need.

Sincerely,

Jay Greene, MPH
Racial Equity Policy and Research Analyst
Office of Racial Equity

Source:

Davis, X et. al. (2020). *Report of the Vermont Racial Equity Task Force*.

https://raciaequity.vermont.gov/sites/reap/files/doc_library/RETF%20Report%201%20FINAL.pdf