

DEPARTMENT OF DISABILITIES, AGING AND INDEPENDENT LIVING
Developmental Disabilities Services Division (DDSD)
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MEMORANDUM

TO: A.R.I.S.
FROM: Roy Gerstenberger 
RE: Guidance on Establishing Standards on Timely Submission of Timesheets
DATE: December 14, 2015

It is wholly permissible to require employers to submit their employees' timesheets on a timely basis to ensure that ARIS Solutions is able to process payroll in accordance with Vermont law. That law, found at 21 V.S.A. § 342, actually requires timely payment of wages for work performed, and, in pertinent part, provides as follows:

- (a)(1) Any employer having one or more employees doing and transacting business within the State shall pay each week, in lawful money or checks, the wages earned by each employee to a day not more than six days prior to the date of such payment.
- (2) After giving written notice to the employee or employees, any employer having an employee or employees doing and transacting business within the State may, notwithstanding subdivision (1) of this subsection, pay biweekly or semimonthly in lawful money or checks each employee the wages earned by the employee to a day not more than six days prior to the date of the payment. If a collective bargaining agreement so provides, the payment may be made to a day not more than 13 days prior to the date of payment.*

In communicating any revised policy to both employers and employees (via AFSCME), be clear not to suggest that the failure to adhere to the newly established timeframes will result in the refusal to pay the employee for time worked from the funds in the consumer's budget. As a practical matter it is probable that many, if not most, employers lack the independent financial resources to make their employees whole if the use of the budgeted dollars were prohibited due to an untimely submission of a timesheet. An employer's inability to make his employee whole and a policy that prohibited ARIS from processing payroll if a timesheet were late, would result in a continuing violation of the employee's right to be paid in a timely manner.

One option that can be explored would be to advise employers that the failure to comply with the new timely submission requirements could result in a determination that the person is unable to self-or family manage services. As set forth in Section 5.5 of the DD Regulations, ARIS, in consultation with the Department, may terminate the management agreement for the failure to follow policies or guidelines for developmental disability services.

*The existing Collective Bargaining Agreement is silent on this issue.

Cc: Clare McFadden, Assistant Director
Executive Directors, Designated Agencies / Specialized Service Agencies