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| 1  | TO THE HONORABLE SENATE:  |
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| 2  | The Committee on Finance to which was referred Senate Bill No. 56                 |
| 3  | entitled "An act relating to life insurance policies and the Vermont Uniform      |
| 4  | Securities Act" respectfully reports that it has considered the same and          |
| 5  | recommends that the Senate concur in the House proposal of amendment with         |
| 6  | the following proposal of amendment thereto: By striking out Sec. 23 and Sec.     |
| 7  | 24 and the accompanying reader assistance (unemployment compensation) in          |
| 8  | their entirety and by inserting in lieu thereof a new Sec. 23 and a new Sec. 24   |
| 9  | to read as follows:   |
| 10 | Sec. 23. 21 V.S.A. § 601 is amended to read:                                      |
| 11 | § 601. DEFINITIONS  |
| 12 | Unless the context otherwise requires, words and phrases used in this             |
| 13 | chapter shall be construed as follows:  |
| 14 | * * *   |
| 15 | (11) "Personal injury by accident arising out of and in the course of             |
| 16 | employment" includes an injury caused by the willful act of a third person        |
| 17 | directed against an employee because of that employment.                          |
| 18 | * * *   |
| 19 | (I)(i) In the case of police officers, rescue or ambulance workers, or            |
| 20 | firefighters, post-traumatic stress disorder that is diagnosed by a mental health |

professional shall be presumed to have been incurred during service in the line

| 1  | of duty and shall be compensable, unless it is shown by a preponderance of the   |
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| 2  | evidence that the post-traumatic stress disorder was caused by nonservice-       |
| 3  | connected risk factors or nonservice-connected exposure.                         |
| 4  | (ii) A police officer, rescue or ambulance worker, or firefighter                |
| 5  | who is diagnosed with post-traumatic stress disorder within three years of the   |
| 6  | last active date of employment as a police officer, rescue or ambulance worker,  |
| 7  | or firefighter shall be eligible for benefits under this subdivision (11).       |
| 8  | (iii) As used in this subdivision (11)(I):                                       |
| 9  | (I) "Firefighter" means a firefighter as defined in 20 V.S.A.                    |
| 10 | § 3151(3) and (4).   |
| 11 | (II) "Mental health professional" means a person with                            |
| 12 | professional training, experience, and demonstrated competence in the            |
| 13 | treatment and diagnosis of mental conditions, who is certified or licensed to    |
| 14 | provide mental health care services and for whom diagnoses of mental             |
| 15 | conditions are within his or her scope of practice, including a physician, nurse |
| 16 | with recognized psychiatric specialties, psychologist, clinical social worker,   |
| 17 | mental health counselor, or alcohol or drug abuse counselor.                     |
| 18 | (III) "Police officer" means a law enforcement officer who has                   |
| 19 | been certified by the Vermont Criminal Justice Training Council pursuant to      |
| 20 | 20 V.S.A. chapter 151.   |

| 1        | (IV) "Rescue or ambulance worker" means ambulance service,  |
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| 2        | emergency medical personnel, first responder service, and volunteer personnel   |
| 3        | as defined in 24 V.S.A. § 2651.   |
| 4        | (J)(i) A mental condition resulting from a work-related event or  |
| 5        | work-related stress shall be considered a personal injury by accident arising out   |
| 6        | of and in the course of employment and be compensable if it is demonstrated   |
| 7        | by the preponderance of the evidence that:  |
| 8        | (I) the work-related event or work-related stress was   |
| 9        | extraordinary and unusual in comparison to pressures and tensions experienced   |
| 10       | by the average employee across all occupations; and   |
| 11       | (II) the work-related event or work-related stress, and not some  |
| 12       | other event or source of stress, was the predominant cause of the mental  |
| 13       | condition.  |
| 14       | (ii) A mental condition shall not be considered a personal injury   |
| 15       |   |
|          | by accident arising out of and in the course of employment if it results from   |
| 16       | any disciplinary action, work evaluation, job transfer, layoff, demotion,   |
| 16<br>17 |   |
|          | any disciplinary action, work evaluation, job transfer, layoff, demotion,   |
| 17       | any disciplinary action, work evaluation, job transfer, layoff, demotion, termination, or similar action taken in good faith by the employer. |

| 1  | (a) The Commissioner of Labor, in consultation with the Secretary of       |
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| 2  | Administration, the Commissioner of Financial Regulation, the Vermont      |
| 3  | League of Cities and Towns, and the National Council on Compensation       |
| 4  | Insurance, shall examine claims for workers' compensation made pursuant to |
| 5  | 21 V.S.A. § 601(11)(I) and (J) between July 1, 2017 and January 1, 2020,   |
| 6  | including:   |
| 7  | (1) the number of claims made;   |
| 8  | (2) the cost of the workers compensation benefits provided for those       |
| 9  | claims; and  |
| 10 | (3) any changes in administrative and premium costs associated with        |
| 11 | those claims.  |
| 12 | (b) On or before January 15 of each year from 2018 through 2020, the       |
| 13 | Commissioner shall report to the House Committees on Appropriations, on    |
| 14 | Commerce and Economic Development, and on Health Care, and the Senate      |
| 15 | Committees on Appropriations, on Finance, and on Health and Welfare        |
| 16 | regarding its findings and any recommendations for legislative changes.    |
| 17 |  |
| 18 | (Committee vote:)  |
| 19 |  |
| 20 | Senator  |
| 21 | FOR THE COMMITTEE  |