

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred House Bill No. 646 entitled
3 “An act relating to unemployment insurance” respectfully reports that it has
4 considered the same and recommends that the Senate propose to the House that
5 the bill be amended as follows:

6 First: In Sec. 1, 21 V.S.A. § 342a, in subsection (a), after “a response”, by
7 inserting to the specific allegation in the complaint filed by the employee or the
8 Department

9 Second: In Sec. 9, by striking out the section in its entirety and inserting in
10 lieu thereof five new sections to read:

11 Sec. 9. 21 V.S.A. § 1325 is amended to read:

12 § 1325. EMPLOYERS’ EXPERIENCE-RATING RECORDS;

13 DISCLOSURE TO SUCCESSOR ENTITY

14 (a)(1) The Commissioner shall maintain an experience-rating record for
15 each employer. Benefits paid shall be charged against the experience-rating
16 record of each subject employer who provided base-period wages to the
17 eligible individual. Each subject employer’s experience-rating charge shall
18 bear the same ratio to total benefits paid as the total base-period wages paid by
19 that employer bear to the total base-period wages paid to the individual by all
20 base-period employers. The experience-rating record of an individual subject

1 base-period employer shall not be charged for benefits paid to an individual
2 under any of the following conditions:

3 * * *

4 (F) The individual voluntarily separated from that employer to
5 accompany a spouse who is on active duty with the U.S. Armed Forces or who
6 holds a commission of the foreign service of the United States and is assigned
7 overseas as provided by section 1344(a)(2)(A) of this chapter.

8 * * *

9 Sec. 10. 21 V.S.A. § 1344 is amended to read:

10 § 1344. DISQUALIFICATIONS

11 (a) An individual shall be disqualified for benefits:

12 * * *

13 (2) For any week benefits are claimed, except as provided in subdivision
14 (a)(3) of this section, until he or she has presented evidence to the satisfaction
15 of the Commissioner that he or she has performed services in employment for
16 a bona fide employer and has had earnings in excess of six times his or her
17 weekly benefit amount if the Commissioner finds that such individual is
18 unemployed because:

19 (A) He or she has left the employ of his or her last employing unit
20 voluntarily without good cause attributable to such employing unit. An
21 individual shall not suffer more than one disqualification by reason of such

1 separation. However, an individual shall not be disqualified for benefits if the
2 individual left such employment to accompany a spouse who is on active duty
3 with the U.S. Armed Forces or who holds a commission of the foreign service
4 of the United States and is assigned overseas and is required to relocate by the
5 U.S. Armed Forces due to permanent change of station orders, activation
6 orders, or unit deployment orders, and when such relocation would make it
7 impractical or impossible, as determined by the Commissioner, for the
8 individual to continue working for such employment unit.

9 * * *

10 Sec. 11. 21 V.S.A. § 1314(c) is amended to read:

11 § 1314. REPORTS AND RECORDS; SEPARATION INFORMATION;
12 DETERMINATION OF ELIGIBILITY; FAILURE TO REPORT
13 EMPLOYMENT INFORMATION; DISCLOSURE OF
14 INFORMATION TO OTHER STATE AGENCIES TO
15 INVESTIGATE MISCLASSIFICATION OR MISCODING

16 (c) If an employing unit fails to comply adequately with the provisions of
17 subsection (b) of this section and section 1314a of this title, the Commissioner
18 shall determine the benefit rights of a claimant upon such information as is
19 available. Prompt notice in writing of the determination shall be given to the
20 employing unit. The determination shall be final with respect to a
21 noncomplying employer as to any charges against its experience-rating record

1 for benefits paid to the claimant before the week following the receipt of the
2 employing unit's reply. The employing unit's experience rating record shall
3 not be relieved of these charges, notwithstanding any other provision of this
4 chapter, ~~unless the amount of benefits is recovered from the claimant, or~~
5 unless the Commissioner determines that failure to comply was due to
6 unavoidable accident or mistake.

7 * * *

8 Sec. 12. 21 V.S.A. § 1347(c) is amended to read:

9 § 1347. NONDISCLOSURE OR MISREPRESENTATION

10 (c) The person liable under this section shall repay such amount to the
11 Commissioner for the ~~fund~~ Fund. In addition to the repayment, if the
12 Commissioner finds that a person intentionally misrepresented or failed to
13 disclose a material fact with respect to his or her claim for benefits, the person
14 shall pay an additional penalty of 15 percent of the amount of the overpaid
15 benefits. Any additional penalty amount collected shall be deposited in the
16 Fund. Such amount may be collectible by civil action in a Vermont ~~district or~~
17 ~~superior court~~ District or Superior Court, in the name of the Commissioner.

18 Sec. 13. EFFECTIVE DATES

19 (a) This section and Sec. 4(h) (rulemaking for self-employment assistance
20 program) shall take effect on passage.

21 (b) Secs. 1–3, 4(a)–(g) and (i), and 5–12 shall take effect on July 1, 2014.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE