

1 H.332

2 Introduced by Representatives Botzow of Pownal and Marcotte of Coventry

3 Referred to Committee on

4 Date:

5 Subject: Labor; employer's liability and workers' compensation; employee
6 misclassification; vocational rehabilitation

7 Statement of purpose of bill as introduced: This bill proposes to give the
8 Department of Labor and its investigators the right to enter an employer's
9 premises for the purpose of investigating employee misclassification in relation
10 to workers' compensation and proposes a study of the effectiveness and cost of
11 the screening process for vocational rehabilitation benefits.

12 An act relating to workers' compensation

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 21 V.S.A. § 603 is amended to read:

15 § 603. WITNESSES, OATHS, BOOKS, PAPERS, RECORDS

16 * * *

17 (c) In carrying out the responsibility to investigate compliance with
18 sections 687, 688, 690, 692, and 708 of this chapter, the Commissioner, the
19 Director, or their agents, may enter upon an employer's premises, upon
20 presenting appropriate credentials to the occupant, for the purposes of

1 determining whether workers on the premises are properly classified as
2 employees or independent contractors, whether the workers are covered by a
3 workers' compensation insurance policy, whether wages or other payments are
4 properly reported for workers' compensation purposes, and whether the
5 workers are properly coded for insurance premium calculation purposes. The
6 Department shall enter at reasonable times, within reasonable limits, and in a
7 reasonable manner. If entry is refused, the Commissioner or Director may
8 apply to the Civil Division of the Superior Court for an order to enforce the
9 rights given to the Commissioner, the Director, and their agents under this
10 section.

11 Sec. 2. STUDY; REPORT

12 The Commissioner of Labor, in consultation with the Commissioner of
13 Disabilities, Aging, and Independent Living, shall study the effectiveness and
14 costs of the screening process required pursuant to 21 V.S.A. § 641 that is used
15 to determine the eligibility of injured workers for vocational rehabilitation
16 benefits. The Commissioner of Labor shall report to the House Committee on
17 Commerce and Economic Development and the Senate Committee on
18 Economic Development, Housing and General Affairs on the results of the
19 study on or before November 15, 2015. The report shall include
20 recommendations for statutory, regulatory, and administrative changes to

1 improve the effectiveness and reduce the costs of the screening process for
2 vocational rehabilitation benefits.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on July 1, 2015.