

1 Introduced by Committee on Commerce and Economic Development

2 Date:

3 Subject: Labor; workers' compensation; unemployment insurance;

4 employment practices; wages; contingent employees; employment

5 benefits

6 Statement of purpose of bill as introduced: This bill proposes to:

7 (1) make miscellaneous amendments to the workers' compensation
8 statutes;

9 (2) create a working group to study and make recommendations
10 concerning the appropriate location for the Division of Vocational
11 Rehabilitation;

12 (3) require the Department of Labor to conduct a study of the workers'
13 compensation system and opiate abuse;

14 (4) require employers to inform an employee when his or her
15 employment by the employer will not make the him or her eligible for
16 unemployment benefits;

17 (5) permit an individual who is a victim of domestic violence and is
18 discharged from employment because of circumstances resulting from that
19 domestic violence to receive payments through the Domestic and Sexual
20 Violence Survivors' Transitional Employment Program;

1 (6) provide the Commissioner of Labor with authority to issue a
2 stop-work order to an employer for a continuous and ongoing failure to pay
3 wages;

4 (7) define and apply the protections of Vermont’s employment laws to
5 temporary employees and home workers;

6 (8) require the Department of Labor to conduct a study of the efficacy of
7 Vermont’s employment laws in relation to the State’s contingent workers; and

8 (9) create a study committee to study mechanisms for creating portable
9 insurance, retirement, and other employee benefits to address the needs of
10 individuals that are freelance workers in e-commerce, self-employed workers,
11 or workers in the “on-demand” or “app” economy.

12 An act relating to miscellaneous workers’ compensation, unemployment
13 insurance, and employment practices amendments

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

15 * * * Workers’ Compensation * * *

16 [H.799] Sec. 1. 21 V.S.A. § 640 is amended to read:

17 § 640. MEDICAL BENEFITS; ASSISTIVE DEVICES; HOME AND
18 AUTOMOBILE MODIFICATIONS

19 * * *

1 (c) ~~An employer shall not withhold any wages from an employee for the~~
 2 ~~employee's absence~~ If an employee is absent from work for treatment of a
 3 work injury or to attend a medical examination related to a work injury, the
 4 insurance carrier liable to provide compensation for the employee's injury or,
 5 if the employer is self-insured, the employer liable to provide compensation for
 6 the employee's injury shall pay the employee his or her current wages for the
 7 time missed from work to attend the appointment. If the employee selects a
 8 new health care provider in accordance with subsection (b) of this section, the
 9 employer shall have the right to require other medical examinations as
 10 provided in this chapter.

* * *

[H.799] Sec. 2. 21 V.S.A. § 641 is amended to read:

§ 641. VOCATIONAL REHABILITATION

14 (a) When, as a result of an injury covered by this chapter, an employee is
 15 unable to perform work for which the employee has previous training or
 16 experience, the employee shall be entitled to vocational rehabilitation services,
 17 including retraining and job placement, as may be reasonably necessary to
 18 restore the employee to suitable employment. Vocational rehabilitation
 19 services shall be provided as follows:

* * *

1 (3) The Commissioner shall adopt rules to ensure that a worker who
2 requests services or who has been out of work for more than ~~90~~ 60 days ~~is~~
3 ~~timely and cost-effectively screened for benefits under this section~~ receives an
4 entitlement assessment. The rules shall provide that:

5 (A) ~~Provide that all vocational rehabilitation work, except for initial~~
6 ~~screenings, be performed by a Vermont-certified vocational rehabilitation~~
7 ~~counselor including counselors currently certified pursuant to the rules of the~~
8 ~~Department. Initial screenings shall be performed by an individual with~~
9 ~~sufficient knowledge or experience to perform adequately the vocational~~
10 ~~rehabilitation screening functions.~~ If an injured worker receives temporary
11 total disability benefits for a period of 60 consecutive days, the employer shall,
12 within 15 days of the 60th day, submit a memorandum to the Department and
13 shall refer the injured worker to a Vermont-certified vocational rehabilitation
14 counselor for a preliminary entitlement assessment.

15 (B) ~~Provide for an initial screening to determine whether a full~~
16 ~~assessment is appropriate. An injured worker who is determined to be eligible~~
17 ~~for a full assessment shall be timely assessed and offered appropriate~~
18 ~~vocational rehabilitation services.~~ Within 15 days of referral, the certified
19 vocational rehabilitation counselor shall complete a preliminary entitlement
20 assessment based on communications with the injured worker, the treating
21 physician, and the employer. If the preliminary assessment determines that,

1 more likely than not, the injured worker is unable to perform work for which
2 he or she has previous training or experience without vocational services, then
3 the vocational rehabilitation counselor shall perform a full entitlement
4 assessment within 30 days, unless additional time is granted by the
5 Commissioner. The vocational rehabilitation counselor shall document all
6 communications with the injured worker, the treating physician, and the
7 employer, and any evidence relied on in making his or her preliminary or full
8 assessment.

9 (C) ~~Provide a mechanism for a periodic and timely screening of~~
10 ~~injured workers who are initially found not to be ready or eligible for a full~~
11 ~~assessment to determine whether a full assessment has become appropriate. If~~
12 the preliminary assessment does not sufficiently establish the injured worker's
13 ability to perform work to enable the certified vocational rehabilitation
14 counselor to determine whether the worker is entitled to vocational
15 rehabilitation services, the counselor shall reevaluate the injured worker every
16 30 days, or at a longer interval if the Commissioner determines that the
17 circumstances justify it, until a preliminary determination can be made.

18 (D)(i) ~~Protect against potential conflicts of interest in the assignment~~
19 ~~and performance of initial screenings. An employer that fails to either submit~~
20 the memorandum or make a referral for a preliminary entitlement assessment

1 as required pursuant to subdivision (A) of this subdivision (3) shall be subject
2 to an administrative penalty of \$100.00 per occurrence.

3 (ii) If an employer fails to make a referral within the time required
4 pursuant to subdivision (A) of this subdivision (3), then the injured worker
5 may choose, or the Commissioner may assign, a certified vocational
6 rehabilitation counselor to perform the preliminary assessment.

7 (iii) The cost of any assessments shall be paid by the employer in
8 accordance with rules adopted by the Commissioner.

9 (E) All vocational rehabilitation work shall be performed by a
10 Vermont-certified vocation rehabilitation counselor, including counselors
11 currently certified pursuant to the Department's rules.

12 (F) ~~Ensure the~~ The injured worker has a choice of a may select the
13 certified vocational rehabilitation counselor.

14 * * *

15 **[H.799]** Sec. 3. 21 V.S.A. § 660a is amended to read:

16 § 660a. ELECTRONIC FILING OF REPORTS OF INJURY

17 * * *

18 (f) An insurance carrier and its representatives or agents, and, to the extent
19 practicable, an injured worker and his or her representative shall file all
20 evidence electronically in a format specified by the Commissioner.

1 **[H.642]** Sec. 4. VOCATIONAL REHABILITATION WORKING GROUP

2 (a) Creation. There is created the Vocational Rehabilitation Working
3 Group to study and make recommendations concerning the most appropriate
4 location for the Division of Vocational Rehabilitation, and whether the
5 Division should be transferred from the Agency of Human Services to the
6 Department of Labor.

7 (b) Membership. The Working Group shall be composed of the following
8 five members:

9 (1) the Secretary of Administration or designee;

10 (2) the Secretary of Human Services or designee;

11 (3) the Commissioner of Finance and Management or designee;

12 (4) the Commissioner of Labor or designee; and

13 (5) the Director of the Division of Vocational Rehabilitation.

14 (c) Powers and duties.

15 (1) The Working Group shall study:

16 (A) the best organizational structure and most appropriate placement
17 for the Division of Vocational Rehabilitation; and

18 (B) whether the Division of Vocational Rehabilitation should be
19 housed within the Department of Labor.

20 (2) If the Working Group determines that the Division of Vocational
21 Rehabilitation should be housed within the Department of Labor, the Working

1 Group shall develop a plan to transfer the Division from the Agency of Human
2 Services to the Department of Labor. The plan shall include:

3 (A) the appropriate time frame for the transfer;

4 (B) an analysis of the steps necessary to carry out the transfer;

5 (C) an analysis of potential costs and savings associated with
6 the transfer;

7 (D) an analysis of any potential impact upon employees and
8 customers, and recommendations as to how to minimize any potential negative
9 impacts; and

10 (E) an analysis of any other issue that the Working Groups deems
11 appropriate.

12 (d) Assistance. The Working Group shall have the administrative,
13 technical, and legal assistance of the Department of Labor. The Working
14 Group may consult with any stakeholders or persons it deems appropriate.

15 (e) Report. On or before December 1, 2016, the Working Group shall
16 submit a written report to the House Committees on Commerce and Economic
17 Development and on Government Operations, and the Senate Committees on
18 Economic Development, Housing and General Affairs and on Government
19 Operations. The report shall set forth:

20 (1) The results of the study conducted pursuant to subdivision (c)(1) of
21 this section.

1 (2) The Working Group’s recommendation as to whether the Division of
2 Vocational Rehabilitation should be housed within the Department of Labor.

3 (3) If the Working Group recommends that the Division of Vocational
4 Rehabilitation should be housed within the Department of Labor, the Working
5 Group’s plan to transfer the Division from the Agency of Human Services to
6 the Department of Labor. The Working Group’s plan shall address the issues
7 set forth in subdivision (c)(2) of this section and make recommendations as to
8 any legislation necessary to implement the transfer.

9 (f) Meetings.

10 (1) The Secretary of Administration shall call the first meeting of the
11 Working Group to occur on or before August 1, 2016.

12 (2) The Committee shall select a chair from among its members at the
13 first meeting.

14 (3) A majority of the membership shall constitute a quorum.

15 (4) The Working Group shall cease to exist on December 1, 2016.

16 **[H.669]** Sec. 5. DEPARTMENT OF LABOR STUDY ON WORKERS’
17 COMPENSATION AND OPIATES

18 (a) The Department of Labor shall study the best way to address the impact
19 of opiate abuse upon the workers’ compensation system and Vermont’s labor
20 market and workforce, including the following issues:

1 (1) whether to establish a pharmacy benefit manager program for
2 prescription drugs under the workers’ compensation system;

3 (2) whether there are more effective ways to manage and control the
4 prescription of opiates for injured workers who are covered by the workers’
5 compensation system;

6 (3) whether there are alternative treatment approaches that may produce
7 better outcomes with respect to the ability of individuals to recover and return
8 to work;

9 (4) the number of injured workers who are covered by the workers’
10 compensation system that abuse opiates, and how to obtain and track data to be
11 able to measure whether this number increases or decreases in the future;

12 (5) how other states have addressed the impact of opiate abuse upon the
13 workers’ compensation system, labor market, and workforce; and

14 (6) evidence-based best practices relevant to these issues, including:

15 (A) managing and controlling the prescription of opiates;

16 (B) the use of alternative treatments; and

17 (C) facilitating the ability of individuals to recover and return to work
18 or continue to work.

19 (b) The Department of Labor shall consult with stakeholders, including
20 health care and insurance providers, treatment and recovery providers, and

1 appropriate State agencies and departments. State agencies and departments
2 shall cooperate with the Department of Labor.

3 (c) On or before December 1, 2016, the Department shall submit a written
4 report to the House Committee on Commerce and Economic Development and
5 the Senate Committee on Economic Development, Housing and General
6 Affairs with its findings and recommendations.

7 * * * Unemployment Insurance * * *

8 [H.798] Sec. 6. 21 V.S.A. § 1346 is amended to read:

9 § 1346. CLAIMS FOR BENEFITS; REGULATIONS

10 (a) Claims for benefits shall be made in accordance with such regulations
11 as the ~~board~~ Board may prescribe. Each employer shall post and maintain
12 printed statements of such regulations in places readily accessible to
13 individuals in his or her service and shall make available to each such
14 individual, at the time he or she becomes unemployed, a printed statement of
15 such regulations. Such printed statements shall be supplied by the
16 ~~commissioner~~ Commissioner to each employer without cost to him or her.

17 (b) Each employing unit that is not an employer pursuant to subdivision
18 1301(5) of this chapter, or that employs individuals whose services are not
19 covered employment pursuant to subdivision 1301(6) of this chapter, shall
20 inform each affected prospective employee in writing, at the time that an offer
21 of employment is made, that wages earned by the individual in the employ of

1 the employing unit cannot be used for the purpose of establishing monetary
2 eligibility for benefits under this chapter.

3 (c) Every person making a claim shall certify that he or she has not, during
4 the week with respect to which waiting period credit or benefits are claimed,
5 earned or received wages or other remuneration for any employment, whether
6 subject to this chapter or not, otherwise than as specified in his or her claim.
7 All benefits shall be paid in accordance with such regulations as the ~~board~~
8 Board may prescribe.

9 * * * Domestic and Sexual Violence Survivors' * * *

10 Transitional Employment Program

11 [H.834] Sec. 7. 21 V.S.A. § 1251 is amended to read:

12 § 1251. PURPOSE

13 The purpose of the ~~domestic and sexual violence survivors' transitional~~
14 employment program Domestic and Sexual Violence Survivors' Transitional
15 Employment Program is to provide temporary, partial wage replacement to
16 individuals who are discharged from employment or must leave employment,
17 without good cause attributable to the employer, because of circumstances
18 directly resulting from domestic violence, sexual assault, or stalking.

19 [H.834] Sec. 8. 21 V.S.A. § 1252 is amended to read:

20 § 1252. DEFINITIONS

21 For the purposes of As used in this chapter:

1 * * *

2 (4) “Immediate family” means a spouse, parent, or child of an individual
3 that resides in the same household as the individual.

4 (5) “Weekly payment” means an amount determined in accordance with
5 section 1338 of this title.

6 [H.834] Sec. 9. 21 V.S.A. § 1253 is amended to read:

7 § 1253. ELIGIBILITY

8 (a) The Commissioner shall make all determinations for eligibility under
9 this chapter.

10 (b) An individual shall be eligible for up to 26 weekly payments when the
11 Commissioner determines that the individual:

12 (1) Separated from his or her last employing unit for one of the
13 following reasons:

14 (A) ~~voluntarily~~ The individual voluntarily left work due to
15 circumstances directly resulting from domestic and sexual violence, provided
16 the individual left employment for one of the following reasons:

17 ~~(1) Leaves employment for one of the following reasons:~~

18 (A)(i) The individual reasonably fears ~~fears~~ that the domestic and
19 sexual violence ~~will~~ would continue at or en route to or from the place of
20 employment.

1 ~~(B)~~(ii) The individual ~~intends~~ intended to relocate in order to
2 avoid future domestic and sexual violence ~~of~~ against the individual or a
3 member of the individual's family.

4 ~~(C)~~(iii) The individual reasonably ~~believes~~ believed that leaving
5 the employment is was necessary for the safety of the individual or a member
6 of the individual's family.

7 ~~(D)~~(iv) The individual is was physically or emotionally unable to
8 work as a result of experiencing domestic or sexual violence as certified by a
9 medical professional. The certification shall be reviewed by the Commissioner
10 every six weeks and may be renewed until the individual is able to work or the
11 benefits are exhausted.

12 (B) The individual was discharged from his or her last employing
13 unit due to circumstances resulting from domestic or sexual violence against
14 the individual or any member of the individual's immediate family, unless the
15 individual was the perpetrator of the domestic or sexual violence.

16 (2) Complies with all the following:

17 (A) ~~Prior~~ If the individual has voluntarily left work due to
18 circumstances directly resulting from domestic and sexual violence, prior to
19 leaving employment the individual has pursued reasonable alternatives to
20 leaving the employment, which may include seeking a protection order,
21 relocating to a secure place, or seeking reasonable accommodation from the

1 employer, such as a transfer or different assignment. Failure to pursue
2 reasonable alternatives may be excused if the individual establishes that pursuit
3 of alternatives ~~is~~ was likely to:

4 (i) ~~Be~~ be futile;

5 (ii) ~~Increase~~ increase the risk of future incidents of domestic and
6 sexual violence; or

7 (iii) ~~Not~~ not adequately address the specific circumstances that led
8 to the individual's decision to separate from employment.

9 (B)(i) ~~Provides~~ The individual provides the Department with
10 satisfactory documentation of the domestic and sexual violence. The
11 documentation may include:

12 (I) a sworn statement from the individual attesting to the
13 abuse;

14 (II) law enforcement or court records; or

15 (III) other documentation from:

16 (aa) an attorney or legal advisor;

17 (bb) a member of the clergy;

18 (cc) a shelter official;

19 (dd) a counselor or therapist; or

20 (ee) a health care provider, as defined in 18 V.S.A.

21 § 9432(9).

1 (ii) Information relating to the domestic and sexual violence,
2 including the claimant's statement and corroborating evidence, provided to the
3 Department shall not be disclosed by the Department unless the claimant has
4 signed a consent to disclose form. In the event the Department is legally
5 required to release this information without consent by the claimant, the
6 Department shall notify the claimant at the time the notice or request for
7 release of information is received by the Department and prior to releasing the
8 requested information.

9 (C) ~~Has~~ The individual has been found ineligible for unemployment
10 solely on the basis of the separation or discharge from employment.

11 * * * Employment Practices * * *

12 [H.800] Sec. 10. 21 V.S.A. § 342a is amended to read:

13 § 342a. INVESTIGATION OF COMPLAINTS OF UNPAID WAGES

14 * * *

15 (e) If, after the Commissioner has issued a written determination and an
16 order for collection, the Commissioner determines that the employer has
17 willfully failed to pay the wages due and that the willful failure is continuous
18 and ongoing, the Commissioner may issue an emergency order to that
19 employer to stop work until the employer has paid the amount due pursuant to
20 the order for collection. If the Commissioner determines that issuing a
21 stop-work order would immediately threaten the safety or health of the public,

1 the Commissioner may permit work to continue until the immediate threat to
2 public safety or health is removed. The Commissioner shall document the
3 reasons for permitting work to continue, and the document shall be available to
4 the public. In addition, the employer shall be assessed an administrative
5 penalty of not more than \$250.00 for every day that the employer fails to pay
6 the amount due pursuant to the order for collection after the Commissioner
7 issues the stop-work order. When a stop-work order is issued, the
8 Commissioner shall post a notice at a conspicuous place on the work site of the
9 employer informing the employees that their employer failed to comply with
10 this subchapter and that work at the work site has been ordered to cease until
11 the amount due pursuant to the collection order has been paid. The stop-work
12 order shall be rescinded as soon as the Commissioner determines that the
13 employer has paid the amount due pursuant to the collection order.

14 (f) Within 30 days after the date of the collection order, the employer or
15 employee may file an appeal from the determination to a departmental
16 administrative law judge. The appeal shall, after notice to the employer and
17 employee, be heard by the administrative law judge within a reasonable time.
18 The administrative law judge shall review the complaint de novo, and after a
19 hearing, the determination and order for collection shall be sustained,
20 modified, or reversed by the administrative law judge. Prompt notice in

1 writing of the decision of the administrative law judge and the reasons for it
2 shall be given to all interested parties.

3 ~~(f)~~(g) Notwithstanding any other provision of law, the employer or
4 employee may appeal the decision of the administrative law judge within 30
5 days by filing a written request with the Employment Security Board. The
6 appeal shall be heard by the Board after notice to the employee and employer.
7 The Board may affirm, modify, or reverse the decision of the administrative
8 law judge solely on the basis of evidence in the record or any additional
9 evidence it may direct to be taken. Prompt notice of the decision of the Board
10 shall be given to the employer and employee in the manner provided by section
11 1357 of this title. The Board's decision shall be final unless an appeal to the
12 Supreme Court is taken. Testimony given at any hearing upon a complaint of
13 unpaid wages shall be recorded, but the record need not be transcribed unless
14 ordered. The costs of transcription shall be paid by the requesting party.

15 ~~(g)~~(h) The Commissioner may enforce a final order for collection under
16 this section within two years of the date of the final order in the Civil Division
17 of the Superior Court.

18 ~~(h)~~(i) Information obtained from any employer, employee, or witness in the
19 course of investigating a complaint of unpaid wages shall be confidential and
20 shall not be disclosed or open to public inspection in any manner that reveals
21 the employee's or employer's identity or be admissible in evidence in any

1 action or proceeding other than one arising under this subchapter. However,
2 such information may be released to any public official for the purposes
3 provided in subdivision 1314(e)(1) of this title.

4 **[H.168] Sec. 11.** 21 V.S.A. chapter 5, subchapter 14 is added to read:

5 Subchapter 14. Contingent Employees

6 § 581. DEFINITIONS

7 As used in this subchapter:

8 (1) “Client company” means either:

9 (A) a person who enters into an agreement with an employee leasing
10 company to lease any or all of its regular employees; or

11 (B) a person who enters into an agreement with a temporary help
12 company to employ temporary employees hired by the temporary help
13 company.

14 (2) “Contingent employee” means a temporary employee, leased
15 employee, or home worker.

16 (3) “Employer” shall have the same meaning as in section 302 of this
17 chapter.

18 (4) “Employment agency” shall have the same meaning as in section
19 495d of this chapter.

20 (5) “Home worker” means an individual employed to work from his or
21 her home by an employer for whom he or she provides services or

1 manufactures goods according to specifications furnished by the employer that
2 are required to be delivered upon completion to the employer or a person
3 designated by the employer.

4 (6) “Labor organization” shall have the same meaning as in section 495d
5 of this chapter.

6 (7) “Leased employee” means an individual employed by an employee
7 leasing company, as that term is defined in section 1031 of this title, who is
8 provided to a client company to perform ongoing services for an indefinite
9 time pursuant to one or more employee leasing agreements executed between
10 the leasing company and the client company.

11 (8) “Temporary employee” means an individual employed by a client
12 company pursuant to an agreement with a temporary help company.

13 (9) “Temporary help company” means a person, corporation, or
14 association engaged in the business of hiring its own employees and assigning
15 them to clients to support or supplement the client’s workforce in certain
16 situations, including employee absences, temporary skill shortages, seasonal
17 workloads, and special assignments and projects.

18 § 582. TEMPORARY WORK ASSIGNMENTS; REQUIRED NOTICE

19 (a) Upon giving a temporary employee a new work assignment, a
20 temporary help company shall provide the temporary employee with written
21 notice of the following information related to the assignment:

1 (1) the name, address, and telephone number of the client company and
2 the temporary help company;

3 (2) a description of the job to be performed during the work assignment;

4 (3) information regarding any hazards related to the job;

5 (4) the requirements for the work assignment, including any special
6 clothing, equipment, training, or licenses;

7 (5) the estimated length of the work assignment;

8 (6) the rate of pay, including benefits and overtime, and the designated
9 payday;

10 (7) the temporary employee's expected work schedule;

11 (8) any costs permitted by law that will be charged to the temporary
12 employee for meals, transportation, supplies, or training; and

13 (9) the name, address, and telephone number of the temporary help
14 company's workers' compensation insurance carrier and the policy number of
15 the temporary help company's valid Vermont workers' compensation policy
16 with that insurance carrier.

17 (b) A temporary help company shall retain a copy of each notice required
18 by subsection (a) of this section for three years after the termination of each
19 work assignment. A temporary employee may request a copy of the notice at
20 any time during the three years after the termination of the work assignment.

21 The temporary help company shall provide the temporary employee with a

1 copy of the required notice at no charge to the temporary employee within 10
2 days of receiving the request.

3 (c) A temporary help company shall post in a conspicuous place a notice of
4 the rights provided to temporary employees by this section on a form provided
5 by the Commissioner.

6 § 583. PENALTIES AND ENFORCEMENT

7 The provisions against retaliation in subdivision 495(a)(8) of this title and
8 the penalty and enforcement provisions of section 495b of this title shall apply
9 to this subchapter.

10 **[H.168] Sec. 12. STUDY OF CONTINGENT WORK IN VERMONT**

11 (a) The Commissioner of Labor shall examine and evaluate:

12 (1) the prevalence and types of contingent work in Vermont;

13 (2) the number, types, and geographic distribution of contingent workers
14 in Vermont, including temporary employees, leased employees, and home
15 workers;

16 (3) the current practices, policies, and procedures of employers in
17 relation to contingent workers; and

18 (4) the applicability and efficacy of Vermont's employment laws with
19 respect to contingent workers.

1 (b)(1) Any employer surveyed by the Commissioner in relation to this
2 section shall provide the requested information to the Commissioner within
3 30 days.

4 (2) An employer that fails to provide the requested information to the
5 Commissioner within 30 days of being surveyed shall be subject to a fine of
6 \$100.00 for each day after 30 days that the employer fails to provide the
7 requested information to the Commissioner.

8 (c) The Commissioner of Labor shall submit a report to the House
9 Committee on Commerce and Economic Development and the Senate
10 Committee on Economic Development, Housing and General Affairs on or
11 before January 15, 2018. The Commissioner's report shall include the study's
12 findings and the Commissioner's recommendation for legislation to improve
13 the protections afforded to contingent workers by Vermont's employment
14 statutes.

15 [H.803] Sec. 13. PORTABLE EMPLOYEE BENEFITS STUDY

16 COMMITTEE

17 (a) Creation. There is created the Portable Employee Benefits Study
18 Committee.

19 (b) Membership. The Committee shall be composed of the following
20 nine members:

1 (1) one member of the House of Representatives who shall be appointed
2 by the Speaker of the House;

3 (2) one member of the Senate who shall be appointed by the Committee
4 on Committees;

5 (3) the Commissioner of Labor or designee;

6 (4) the Commissioner of Financial Regulation or designee;

7 (5) the State Treasurer or designee;

8 (6) the Secretary of Commerce and Community Development or
9 designee; and

10 (7) three members appointed by the Governor to represent the interests
11 of freelance workers in e-commerce, self-employed workers, and workers in
12 the “on-demand” or “app” economy.

13 (c) Powers and duties. The Committee shall study mechanisms for creating
14 insurance, retirement, and other types of employment benefits that are portable
15 and easily accessible to freelance workers in e-commerce, self-employed
16 workers, and workers in the on-demand or app economy, including the
17 following issues:

18 (1) the potential advantages and challenges to making group insurance,
19 retirement, and other types of employment benefits available to freelance
20 workers in e-commerce, self-employed workers, and workers in the on-demand
21 or app economy;

1 (2) the potential benefits and challenges of implementing a public,
2 private, or public-private model for the administration and provision of group
3 insurance, retirement, and other types of employment benefits to freelance
4 workers, workers in e-commerce, and workers in the on-demand or app
5 economy, including a per-transaction fee model, an hour bank, private or
6 public pretax accounts, and other mechanisms;

7 (3) the availability of traditional social safety nets such as
8 unemployment compensation, group health insurance, employer-sponsored life
9 insurance, and workers' compensation to freelance workers, workers in
10 e-commerce, and workers in the on-demand or app economy who are not
11 connected to a traditional, full-time employer;

12 (4) the necessity for new mechanisms to replace or augment traditional
13 social safety nets such as unemployment compensation, group health
14 insurance, employer-sponsored life insurance, and workers' compensation for
15 workers who are not connected to a traditional, full-time employer;

16 (5) potential banking and insurance legislation that can allow freelance
17 workers, workers in e-commerce, and workers in the on-demand or app
18 economy to invest pretax dollars in accounts or insurance policies that would
19 replace or augment the traditional social safety nets;

20 (6) potential mechanisms to replace or augment traditional social safety
21 nets such as unemployment compensation, group health insurance,

1 employer-sponsored life insurance, and workers' compensation for workers
2 who are not connected to a traditional, full-time employer, including public or
3 private pretax accounts or insurance programs;

4 (7) potential funding models for mechanisms that would replace or
5 augment the traditional social safety nets, including both worker- and
6 consumer-driven funding models; and

7 (8) possible implementation plans with timelines for mechanisms that
8 would replace or augment the traditional social safety nets, including
9 mechanisms utilizing worker- or consumer-driven funding models.

10 (d) Assistance. The Committee shall have the administrative, technical,
11 and legal assistance of the Legislative Council, the Department of Labor, and
12 the Department of Financial Regulation.

13 (e) Report. On or before January 15, 2017, the Committee shall submit a
14 written report to the General Assembly with its findings and any
15 recommendations for legislative action.

16 (f) Meetings.

17 (1) The Commissioner of Labor shall call the first meeting of the
18 Committee to occur on or before September 15, 2016.

19 (2) The Committee shall select a chair from among its members at the
20 first meeting.

21 (3) A majority of the membership shall constitute a quorum.

1 (4) The Committee shall cease to exist on January 15, 2017.

2 (g) Reimbursement.

3 (1) For attendance at meetings during adjournment of the General
4 Assembly, legislative members of the Committee shall be entitled to per diem
5 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
6 no more than four meetings.

7 (2) Other members of the Committee who are not employees of the
8 State of Vermont and who are not otherwise compensated or reimbursed for
9 their attendance shall be entitled to reimbursement of expenses pursuant to
10 32 V.S.A. § 1010 for no more than four meetings.

11 *** Effective Date ***

12 **Sec. 14.** EFFECTIVE DATE

13 This act shall take effect on July 1, 2016.