

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was  
3 referred Senate Bill No. 23 entitled “An act relating to required disclosures for  
4 workers’ compensation settlements” respectfully reports that it has considered  
5 the same and recommends that the House propose to the Senate that the bill be  
6 amended by striking out all after the enacting clause and inserting in lieu  
7 thereof the following:

8 Sec. 1. 21 V.S.A. § 662a is added to read:

9 § 662a. FINAL SETTLEMENT OF CLAIMS; REQUIRED DISCLOSURE

10 If an employer and an injured employee enter into an agreement that  
11 constitutes a full and final settlement of all or a part of the employee’s claim,  
12 the Commissioner shall not approve the agreement pursuant to section 662 of  
13 this chapter unless:

14 (1) The employer provides the employee with a written disclosure  
15 statement explaining the consequences of the proposed agreement with respect  
16 to the employee’s rights under the provisions of this chapter to obtain  
17 compensation, vocational rehabilitation, and medical benefits, including  
18 ongoing and future surgical, medical, and nursing services and supplies. At a  
19 minimum, the disclosure statement shall:

20 (A) clearly state the amount for which the employer and employee  
21 have agreed to settle the claim;

1           (B) describe the employee’s injury, including any rating assigned to  
2           that injury;

3           (C) specifically identify all current or ongoing medical benefits that  
4           will terminate as a result of the agreement; and

5           (D) specifically identify any rights to obtain compensation,  
6           vocational rehabilitation, and medical benefits under the provisions of this  
7           chapter that the employee will relinquish by agreeing to the settlement.

8           (2) The employee signs the disclosure statement provided pursuant to  
9           subdivision (1) of this section acknowledging that he or she has been fully  
10          informed of and understands the terms and conditions of the proposed  
11          agreement and its consequences with respect to his or her rights under the  
12          provisions of this chapter to obtain compensation, vocational rehabilitation,  
13          and medical benefits, including ongoing and future surgical, medical, and  
14          nursing services and supplies.

15          **Sec. 2.** 21 V.S.A. § 640 is amended to read:

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

18    \* \* \*

19          (c) ~~An employer shall not withhold any wages from an employee for the~~  
20          ~~employee’s absence~~ If an employee is absent from work for treatment of a  
21          work injury or to attend a medical examination related to a work injury, the

1 insurance carrier liable to provide compensation for the employee's injury or,  
2 if the employer is self-insured, the employer liable to provide compensation for  
3 the employee's injury shall pay the employee his or her current wages for the  
4 time missed from work to attend the appointment. If the employee selects a  
5 new health care provider in accordance with subsection (b) of this section, the  
6 employer shall have the right to require other medical examinations as  
7 provided in this chapter.

8 \* \* \*

9 **Sec. 3.** 21 V.S.A. § 641 is amended to read:

10 § 641. VOCATIONAL REHABILITATION

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

17 \* \* \*

18 (3) The Commissioner shall adopt rules to ensure that a worker who  
19 requests services or who has been out of work received temporary total  
20 disability benefits for more than ~~90~~ 60 days ~~is timely and cost-effectively~~

1 ~~screened for benefits under this section~~ receives an entitlement assessment.

2 The rules shall provide that:

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

13 (B) ~~Provide for an initial screening to determine whether a full~~  
14 ~~assessment is appropriate. An injured worker who is determined to be eligible~~  
15 ~~for a full assessment shall be timely assessed and offered appropriate~~  
16 ~~vocational rehabilitation services. Within 15 days of referral, the certified~~  
17 ~~vocational rehabilitation counselor shall complete a preliminary entitlement~~  
18 ~~assessment based on communications with the injured worker, the treating~~  
19 ~~physician, and the employer. If the preliminary assessment determines that,~~  
20 ~~more likely than not, the injured worker is unable to perform work for which~~  
21 ~~he or she has previous training or experience without vocational services, then~~

1 the vocational rehabilitation counselor shall perform a full entitlement  
2 assessment within 30 days, unless additional time is granted by the  
3 Commissioner. The vocational rehabilitation counselor shall document all  
4 communications with the injured worker, the treating physician, and the  
5 employer, and any evidence relied on in making his or her preliminary or full  
6 assessment.

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

16 (D)(i) ~~Protect against potential conflicts of interest in the assignment~~  
17 ~~and performance of initial screenings. An employer that fails to either submit~~  
18 the memorandum or make a referral for a preliminary entitlement assessment  
19 as required pursuant to subdivision (A) of this subdivision (3) shall be subject  
20 to an administrative penalty of \$100.00 per occurrence.

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

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

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

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

12                                   \* \* \*

13 **Sec. 4.** 21 V.S.A. § 660a is amended to read:

14 § 660a. ELECTRONIC FILING OF REPORTS OF INJURY

15                                   \* \* \*

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

1 **Sec. 5.** 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 Group 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           **Sec. 6.** 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  
21           appropriate State agencies and departments. The Secretary of Administration

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

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

8 \* \* \* Unemployment Insurance \* \* \*

9 Sec. 7. 21 V.S.A. § 1346 is amended to read:

10 § 1346. CLAIMS FOR BENEFITS; REGULATIONS

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

18 (b) Each employing unit that is not an employer pursuant to subdivision  
19 1301(5) of this chapter, or that employs individuals whose services are not  
20 covered employment pursuant to subdivision 1301(6) of this chapter, shall do  
21 the following:

1           (1) inform each affected employee in writing that wages earned by the  
2           individual in the employ of the employing unit cannot be used for the purpose  
3           of establishing monetary eligibility for benefits under this chapter; and

4           (2) inform each affected prospective employee in writing, at the time  
5           that an offer of employment is made, that wages earned by the individual in the  
6           employ of the employing unit cannot be used for the purpose of establishing  
7           monetary eligibility for benefits under this chapter.

8           (c) Every person making a claim shall certify that he or she has not, during  
9           the week with respect to which waiting period credit or benefits are claimed,  
10          earned or received wages or other remuneration for any employment, whether  
11          subject to this chapter or not, otherwise than as specified in his or her claim.

12          All benefits shall be paid in accordance with such regulations as the ~~board~~  
13          Board may prescribe.

14                           \* \* \* Domestic and Sexual Violence Survivors' \* \* \*

15   Transitional Employment Program

16          Sec. 8. 21 V.S.A. § 1251 is amended to read:

17          § 1251. PURPOSE

18           The purpose of the ~~domestic and sexual violence survivors' transitional~~  
19          ~~employment program~~ Domestic and Sexual Violence Survivors' Transitional  
20          Employment Program is to provide temporary, partial wage replacement to  
21          individuals who are discharged from employment or must leave employment,

1 without good cause attributable to the employer, because of circumstances  
2 directly resulting from domestic violence, sexual assault, or stalking.

3 **Sec. 9.** 21 V.S.A. § 1252 is amended to read:

4 § 1252. DEFINITIONS

5 ~~For the purposes of~~ As used in this chapter:

6 \* \* \*

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

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

11 **Sec. 10.** 21 V.S.A. § 1253 is amended to read:

12 § 1253. ELIGIBILITY

13 (a) The Commissioner shall make all determinations for eligibility under  
14 this chapter.

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

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

19 (A) ~~voluntarily~~ The individual voluntarily left ~~work~~ his or her last  
20 employing unit due to circumstances directly resulting from domestic and

1 sexual violence, provided the individual left employment for one of the  
2 following reasons:

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

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

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

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

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

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

1 (2) Complies with all the following:

2 (A) ~~Prior~~ If the individual has voluntarily left work due to  
3 circumstances directly resulting from domestic and sexual violence, prior to  
4 leaving employment the individual has pursued reasonable alternatives to  
5 leaving the employment, which may include seeking a protection order,  
6 relocating to a secure place, or seeking reasonable accommodation from the  
7 employer, such as a transfer or different assignment. Failure to pursue  
8 reasonable alternatives may be excused if the individual establishes that pursuit  
9 of alternatives ~~is~~ was likely to:

10 (i) ~~Be~~ be futile;:

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

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

15 (B)(i) ~~Provides~~ The individual provides the **Department**  
16 **Commissioner** with satisfactory documentation of the domestic and sexual  
17 violence. The documentation may include:

18 (I) a sworn statement from the individual attesting to the  
19 abuse;:

20 (II) law enforcement or court records; or

21 (III) other documentation from:

- 1                    (aa) an attorney or legal advisor;
- 2                    (bb) a member of the clergy;
- 3                    (cc) a shelter official;
- 4                    (dd) a counselor or therapist; or
- 5                    (ee) a health care provider, as defined in 18 V.S.A.

6                    § 9432(9).

7                    (ii) Information relating to the domestic and sexual violence,  
8 including the claimant’s statement and corroborating evidence, provided to the  
9 Department Commissioner shall not be disclosed by the Department  
10 Commissioner unless the claimant has signed a consent to disclose form. In  
11 the event the Department Commissioner is legally required to release this  
12 information without consent by the claimant, the Department Commissioner  
13 shall notify the claimant at the time the notice or request for release of  
14 information is received by the Department Commissioner and prior to  
15 releasing the requested information.

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

18                    \* \* \* Employment Practices \* \* \*

19 Sec. 11. 21 V.S.A. § 342a is amended to read:

20 § 342a. INVESTIGATION OF COMPLAINTS OF UNPAID WAGES

21                    \* \* \*



1       (e) If, after the Commissioner has issued a written determination and an  
2 order for collection, the Commissioner determines that the employer has  
3 willfully failed to pay the wages due and that the willful failure is continuous  
4 and ongoing, the Commissioner may issue an emergency order to that  
5 employer to stop work until the employer has paid the amount due pursuant to  
6 the order for collection. If the Commissioner determines that issuing a  
7 stop-work order would immediately threaten the safety or health of the public,  
8 the Commissioner may permit work to continue until the immediate threat to  
9 public safety or health is removed. The Commissioner shall document the  
10 reasons for permitting work to continue, and the document shall be available to  
11 the public. In addition, the employer shall be assessed an administrative  
12 penalty of not more than \$250.00 for every day that the employer fails to pay  
13 the amount due pursuant to the order for collection after the Commissioner  
14 issues the stop-work order. When a stop-work order is issued, the  
15 Commissioner shall post a notice at a conspicuous place on the work site of the  
16 employer informing the employees that their employer failed to comply with  
17 this subchapter and that work at the work site has been ordered to cease until  
18 the amount due pursuant to the collection order has been paid. The stop-work  
19 order shall be rescinded as soon as the Commissioner determines that the  
20 employer has paid the amount due pursuant to the collection order.

1        (f) Within 30 days after the date of the collection order, the employer or  
2        employee may file an appeal from the determination to a departmental  
3        administrative law judge. The appeal shall, after notice to the employer and  
4        employee, be heard by the administrative law judge within a reasonable time.  
5        The administrative law judge shall review the complaint de novo, and after a  
6        hearing, the determination and order for collection shall be sustained,  
7        modified, or reversed by the administrative law judge. Prompt notice in  
8        writing of the decision of the administrative law judge and the reasons for it  
9        shall be given to all interested parties.

10        ~~(f)~~(g) Notwithstanding any other provision of law, the employer or  
11        employee may appeal the decision of the administrative law judge within 30  
12        days by filing a written request with the Employment Security Board. The  
13        appeal shall be heard by the Board after notice to the employee and employer.  
14        The Board may affirm, modify, or reverse the decision of the administrative  
15        law judge solely on the basis of evidence in the record or any additional  
16        evidence it may direct to be taken. Prompt notice of the decision of the Board  
17        shall be given to the employer and employee in the manner provided by section  
18        1357 of this title. The Board's decision shall be final unless an appeal to the  
19        Supreme Court is taken. Testimony given at any hearing upon a complaint of  
20        unpaid wages shall be recorded, but the record need not be transcribed unless  
21        ordered. The costs of transcription shall be paid by the requesting party.

1       ~~(e)~~(h) The Commissioner may enforce a final order for collection under  
2       this section within two years of the date of the final order in the Civil Division  
3       of the Superior Court.

4       ~~(h)~~(i) Information obtained from any employer, employee, or witness in the  
5       course of investigating a complaint of unpaid wages shall be confidential and  
6       shall not be disclosed or open to public inspection in any manner that reveals  
7       the employee’s or employer’s identity or be admissible in evidence in any  
8       action or proceeding other than one arising under this subchapter. However,  
9       such information may be released to any public official for the purposes  
10      provided in subdivision 1314(e)(1) of this title.

11      **Sec. 12.** 21 V.S.A. chapter 5, subchapter 14 is added to read:

12                                      Subchapter 14. Contingent Employees

13      § 581. DEFINITIONS

14              As used in this subchapter:

15              (1) “Client company” means either:

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

18                      (B) a person who enters into an agreement with a temporary help  
19      company to employ temporary employees hired by the temporary help  
20      company.

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

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

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

7           (5) “Home worker” means an individual employed to work from his or  
8           her home by an employer for whom he or she provides services or  
9           manufactures goods according to specifications furnished by the employer that  
10           are required to be delivered upon completion to the employer or a person  
11           designated by the employer.

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

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

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

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

6           § 582. TEMPORARY WORK ASSIGNMENTS; REQUIRED NOTICE

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

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

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

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

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

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

17           (6) the rate of pay, including benefits and overtime, and the designated  
18           payday;

19           (7) the temporary employee’s expected work schedule;

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

1           (9) the name, address, and telephone number of the temporary help  
2           company's workers' compensation insurance carrier and the policy number of  
3           the temporary help company's valid Vermont workers' compensation policy  
4           with that insurance carrier.

5           (b) A temporary help company shall retain a copy of each notice required  
6           by subsection (a) of this section for three years after the termination of each  
7           work assignment. A temporary employee may request a copy of the notice at  
8           any time during the three years after the termination of the work assignment.  
9           The temporary help company shall provide the temporary employee with a  
10           copy of the required notice at no charge to the temporary employee within 10  
11           days of receiving the request.

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

15           § 583. PENALTIES AND ENFORCEMENT

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

19           **Sec. 13. STUDY OF CONTINGENT WORK IN VERMONT**

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

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

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

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

6           (4) the applicability and efficacy of Vermont’s employment laws with  
7           respect to contingent workers.

8           (b)(1) Any employer surveyed by the Commissioner in relation to this  
9           section shall provide the requested information to the Commissioner within  
10           30 days.

11           (2) An employer that fails to provide the requested information to the  
12           Commissioner within 30 days of being surveyed shall be subject to a fine of  
13           \$100.00 for each day after 30 days that the employer fails to provide the  
14           requested information to the Commissioner.

15           (c) The Commissioner of Labor shall submit a report to the House  
16           Committee on Commerce and Economic Development and the Senate  
17           Committee on Economic Development, Housing and General Affairs on or  
18           before January 15, 2018. The Commissioner’s report shall include the study’s  
19           findings and the Commissioner’s recommendation for legislation to improve  
20           the protections afforded to contingent workers by Vermont’s employment  
21           statutes.

1 **Sec. 14.** PORTABLE EMPLOYEE BENEFITS STUDY COMMITTEE

2 (a) Creation. There is created the Portable Employee Benefits Study  
3 Committee.

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

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

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

10 (3) the Commissioner of Labor or designee;

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

12 (5) the State Treasurer or designee;

13 (6) the Secretary of Commerce and Community Development or  
14 designee; and

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

18 (c) Powers and duties. The Committee shall study mechanisms for creating  
19 insurance, retirement, and other types of employment benefits that are portable  
20 and easily accessible to freelance workers in e-commerce, self-employed



1 workers, and workers in the on-demand or app economy, including the  
2 following issues:

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

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

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

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

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

5           (6) potential mechanisms to replace or augment traditional social safety  
6           nets such as unemployment compensation, group health insurance,  
7           employer-sponsored life insurance, and workers' compensation for workers  
8           who are not connected to a traditional, full-time employer, including public or  
9           private pretax accounts or insurance programs;

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

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

16           (d) Assistance. The Committee shall have the administrative, technical,  
17           and legal assistance of the Legislative Council, the Department of Labor, and  
18           the Department of Financial Regulation.

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

1           (f) Meetings.

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

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

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

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

8           (g) Reimbursement.

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

13           (2) Other members of the Committee who are not employees of the  
14 State of Vermont and who are not otherwise compensated or reimbursed for  
15 their attendance shall be entitled to reimbursement of expenses pursuant to  
16 32 V.S.A. § 1010 for no more than four meetings.

17   \* \* \* Effective Date \* \* \*

18       **Sec. 15.** EFFECTIVE DATE

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

20

21

1

2 (Committee vote: \_\_\_\_\_)

3

\_\_\_\_\_

4

Representative \_\_\_\_\_

5

FOR THE COMMITTEE