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H.83

Introduced by Representative Pugh of South Burlington

Referred to Committee on

Date:

Subject: Labor; unemployment compensation; decision of referee

Statement of purpose of bill as introduced: This bill proposes to require an unemployment compensation referee to submit a decision concerning an employer's request for review within 60 days after the close of a hearing.

An act relating to unemployment compensation referee final decisions

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

Sec. 1. 21 V.S.A. § 1331 is amended to read:

§ 1331. NOTICE; HEARING; DECISION

(a) Any employer against whom an assessment is made may, within 30 days after date thereof, file with the Commissioner a petition for a hearing before a referee ~~appointed for such purpose, which.~~ The petition shall set forth specifically and in detail the grounds upon which ~~it is claimed~~ the employer claims the assessment is erroneous.

(b) ~~Hearing~~ A hearing or hearings on the assessment shall be held by the referee at ~~such times~~ a time and ~~places~~ place as may be provided by rules ~~and regulations~~ of the Board and due notice of the time and place of ~~such~~ the

1 hearing or hearings shall be given by ordinary or certified mail to the
2 petitioner.

3 (c)(1) The referee shall render a written decision within 60 days after the
4 hearing concludes. If the referee requires the parties to submit supplemental
5 documents, the hearing shall be deemed to conclude on the filing deadline.

6 (2) For good cause and with consent of the parties, the referee may
7 request a single 30-day extension of the decision deadline.

8 (3) After hearing as above provided, the The petitioner shall be
9 promptly notified by ordinary or certified mail of the findings of fact,
10 conclusions, and decision of the referee. The decision of the referee shall be
11 final unless the employer or Commissioner makes application for review
12 thereof by the Board within 30 days after date thereof or unless the Board, on
13 its own motion within said period, initiates a review thereof.

14 Sec. 2. 21 V.S.A. § 1337a is amended to read:

15 § 1337a. ADMINISTRATIVE DETERMINATION; HEARING ON;

16 DECISION

17 (a) Any employing unit aggrieved by an administrative determination
18 affecting its rate of contributions, its rights to adjustment or refund on
19 contributions paid, its coverage as an employer, or its termination of coverage
20 may, within 30 days after date thereof, file with the Commissioner a petition
21 for a hearing thereon, ~~which~~. The petition shall set forth specifically and in

1 detail the grounds upon which it is claimed the administrative determination is
2 erroneous. ~~Hearing~~

3 (b) A hearing or hearings on such the petition shall be held by a referee
4 appointed for such purpose, at such times a time and places place as may be
5 provided by rules of the Board, and due notice of the time and place of such
6 hearing or hearings shall be given by ordinary or certified mail to the
7 petitioner.

8 ~~(b)(c)(1)~~ The referee shall render a written decision within 60 days after the
9 hearing concludes. If the referee requires the parties to submit supplemental
10 documents, the hearing shall be deemed to conclude on the filing deadline.

11 (2) For good cause and with consent of the parties, the referee may
12 request a single 30-day extension of the decision deadline.

13 (3) After hearing as provided in subsection (a) of this section, the ~~The~~
14 petitioner shall be promptly notified by ordinary or certified mail of the
15 findings of fact, conclusions, and decision of the referee. The decision of the
16 referee shall be final unless the employing unit or Commissioner makes
17 application for review thereof by the Board within 30 days after date thereof or
18 unless the Board, on its own motion within said the period, initiates a review
19 thereof.

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2017.