

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred House Bill No. 196
3 entitled “An act relating to paid family leave” respectfully reports that it has
4 considered the same and recommends that the report of the Committee on
5 Economic Development, Housing and General Affairs be amended as follows:

6 First: In Sec. 3, 21 V.S.A. chapter 5, subchapter 13, by striking out § 571 in
7 its entirety and inserting in lieu thereof the following:

8 § 571. DEFINITIONS

9 As used in this subchapter:

10 (1) “Employee” means an individual who receives payments with
11 respect to services performed for an employer from which the employer is
12 required to withhold Vermont income tax pursuant to 32 V.S.A. chapter 151,
13 subchapter 4.

14 (2) “Employer” means an individual, organization, governmental body,
15 partnership, association, corporation, legal representative, trustee, receiver,
16 trustee in bankruptcy, and any common carrier by rail, motor, water, air or
17 express company doing business in or operating within this State.

18 (3) “Family leave” means a leave of absence from employment by an
19 employee for the serious illness of the employee’s child, stepchild or ward who
20 lives with the employee, foster child, parent, spouse, or parent of the
21 employee’s spouse.

1 (4) “Parental and bonding leave” means a leave of absence from
2 employment by an employee for:

3 (A) the birth of the employee’s child; or

4 (B) the initial placement of a child 16 years of age or younger with
5 the employee for the purpose of adoption or foster care.

6 (5) “Qualified employee” means an individual who has earned at least
7 \$10,710.00 in wages in Vermont during the last 12 months.

8 (6) “Serious illness” means an accident, disease, or physical or mental
9 condition that:

10 (A) poses imminent danger of death;

11 (B) requires inpatient care in a hospital; or

12 (C) requires continuing in-home care under the direction of a
13 physician.

14 (7) “Wages” means payments from an employer to an employee that are
15 subject to income tax withholding pursuant to 32 V.S.A. chapter 151,
16 subchapter 4.

17 Second: In Sec. 3, 21 V.S.A. chapter 5, subchapter 13, in § 572, by striking
18 out subdivision (a)(2) in its entirety and inserting in lieu thereof the following:

19 (2)(A) The Commissioner of Taxes shall administer the collection of
20 contributions, the determination of monetary eligibility for benefits, and the
21 issuance of benefits checks for the program.

1 (B) The Commissioner of Labor shall administer the receipt and
2 processing of benefits applications, the determination of eligibility for benefits,
3 the collection of overpaid benefits, and all other aspects of the program that are
4 not administered by the Commissioner of Taxes.

5 Third: In Sec. 3, 21 V.S.A. chapter 5, subchapter 13, in § 572, in
6 subdivision (c)(1)(A) by striking out “0.141” and inserting in lieu thereof 0.136

7 Fourth: In Sec. 3, 21 V.S.A. chapter 5, subchapter 13, in § 575, after
8 subdivision (c)(2)(C)(ii), by adding a subdivision (D) to read:

9 (D) More than two years have elapsed since the conclusion of the
10 employee’s leave.

11 Fifth: In Sec. 3, 21 V.S.A. chapter 5, subchapter 13, in § 576, in subsection
12 (a), after both instances of the number “574” by inserting or 581

13 Sixth: In Sec. 3, 21 V.S.A. chapter 5, subchapter 13, after § 579, by adding
14 §§ 580 and 581 to read:

15 § 580. DISQUALIFICATIONS

16 A qualified employee shall be disqualified for benefits for any week in
17 which he or she has received:

18 (1) compensation for temporary partial disability or temporary total
19 disability under the workers’ compensation law of any state or under a similar
20 law of the United States; or

21 (2) unemployment compensation benefits under the law of any state.

1 § 581. OVERPAYMENT OF BENEFITS; COLLECTION

2 (a)(1) Any individual who by nondisclosure or misrepresentation of a
3 material fact, by him or her, or by another person, has received Parental and
4 Family Leave Insurance benefits when he or she failed to fulfill a requirement
5 for the receipt of benefits pursuant to this chapter or while he or she was
6 disqualified from receiving benefits pursuant to section 580 of this chapter
7 shall be liable to repay to the Commissioner of Labor the amount received.

8 (2) Upon determining that an individual has received benefits under this
9 chapter that he or she was not entitled to, the Commissioner of Labor shall
10 provide the individual with notice of the determination. The notice shall
11 include a statement that the individual is liable to repay to the Commissioner
12 the amount of overpaid benefits and shall identify the basis of the overpayment
13 and the time period in which the benefits were paid.

14 (3) The determination shall be made within not more than three years
15 after the date of the overpayment.

16 (b)(1) An individual liable under this section shall repay the overpaid
17 amount to the Commissioner for deposit in the Fund.

18 (2) If the Commissioner finds that the individual intentionally
19 misrepresented or failed to disclose a material fact with respect to his or her
20 claim for benefits, in addition to the repayment under subdivision (1) of this

1 subsection, the person shall pay an additional penalty of 15 percent of the
2 amount of the overpaid benefits, which shall also be deposited in the Fund.

3 (3) The Commissioner may collect the amounts due under this section in
4 civil action in the Superior Court.

5 (c) If an individual is liable to repay any amount pursuant to this section,
6 the Commissioner may withhold, in whole or in part, any future benefits
7 payable to the individual pursuant to this chapter and credit the withheld
8 benefits against the amount due from the individual until it is repaid in full,
9 less any penalties assessed under subdivision (b)(2) of this section.

10 (d) In addition to the remedy provided pursuant to this section, an
11 individual who intentionally misrepresented or failed to disclose a material fact
12 with respect to his or her claim for benefits may be subject to the penalties
13 provided pursuant to section 577 of this title.

14 Seventh: In Sec. 4, adoption of rules, by striking out each instance of
15 “January 1, 2019” and inserting in lieu thereof April 1, 2019

16 Eighth: In Sec. 4, adoption of rules, in subsection (a), by striking out
17 subdivisions (1) and (2) in their entirety and inserting in lieu thereof the
18 following:

19 (1) procedures for the collection of contributions;

20 (2) procedures for the issuance of benefits payments; and

21 (3) reporting and record-keeping requirements for employers.

1 Ninth: In Sec. 5, education and outreach, by striking out “January 1, 2019”
2 and inserting in lieu thereof June 1, 2019

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5 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE