

1 H.681

2 Introduced by Representatives Marcotte of Coventry, Bancroft of Westford,
3 Carroll of Bennington, Dickinson of St. Albans Town, Jerome
4 of Brandon, Morris of Springfield, O'Sullivan of Burlington,
5 and Ralph of Hartland

6 Referred to Committee on

7 Date:

8 Subject: Labor; unemployment insurance; employer registration

9 Statement of purpose of bill as introduced: This bill proposes to grant the
10 Department of Labor authority to require electronic business registration for
11 purposes of unemployment insurance.

12 An act relating to employer registration for unemployment insurance

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

14 Sec. 1. 21 V.S.A. § 1314a is amended to read:

15 § 1314a. QUARTERLY WAGE REPORTING; MISCLASSIFICATION;
16 PENALTIES

17 (a)(1) ~~Effective with the calendar quarter ending September 30, 1986 and~~
18 ~~all subsequent calendar quarters, each~~ Each employing unit ~~which~~ that is an
19 employer as ~~defined in subdivision 1301(5) of this chapter, having~~ that has
20 individuals in employment as defined in subdivision 1301(6) of this chapter;

1 shall file with the Commissioner on forms ~~to be~~ supplied by the Commissioner
2 ~~to each such employer~~ a detailed wage report containing each individual
3 worker's name, Social Security number, gross wages paid during each ~~such~~
4 calendar quarter, and any other information the Commissioner deems
5 ~~reasonably~~ necessary in the administration of this chapter.

6 ~~(2) Effective with the calendar quarter ending March 31, 2001, and all~~
7 ~~subsequent calendar quarters, in~~ In addition to other information required by
8 this section, the wage reports required by this subsection shall include for each
9 worker paid by the hour; the worker's gender; and the worker's hourly wage.
10 ~~The wage reports may be filed electronically.~~

11 * * *

12 (c) An employing unit, ~~as defined in subdivision 1301(4) of this chapter~~
13 ~~which~~ that is not an employer, ~~as defined in subdivision 1301(5), shall,~~ upon
14 request of the Commissioner, ~~file~~ submit reports on forms furnished by the
15 Commissioner ~~reports respecting~~ regarding employment, wages, hours of
16 employment, ~~and unemployment,~~ and related matters ~~as~~ that the Commissioner
17 deems ~~reasonably~~ necessary in the administration of this chapter.

18 (d) Reports required by subsection (c) of this section shall be ~~returned so as~~
19 ~~to be received by~~ submitted to the Commissioner not later than 10 calendar
20 days after the date ~~of the mailing of~~ the Commissioner's request was mailed to
21 the employing unit.

1 (e) On ~~the~~ request of the Commissioner, any employing unit or employer
2 shall report, within 10 days of the mailing or personal delivery of the request,
3 separation information ~~with respect to~~ for a claimant, any disqualifying income
4 the claimant may have received, and any other information that the
5 Commissioner may ~~reasonably~~ require to determine a the claimant's eligibility
6 for unemployment compensation. The Commissioner shall make ~~such~~ a
7 request ~~whenever~~ when:

8 (1) the claimant's eligibility is dependent ~~either~~ upon:

9 (A) wages paid during an incomplete calendar quarter in which the
10 claimant was separated; or

11 (B) ~~upon~~ the last completed quarter; and

12 (2) ~~when to do so would~~ obtaining the information will result in more
13 timely benefit payments.

14 (f)(1) Any employing unit or employer that fails to:

15 (A) File ~~any~~ a report required by this section shall be subject to ~~a~~ an
16 administrative penalty of \$100.00 for each report not received by the
17 prescribed due dates.

18 (B) Properly classify an individual regarding the status of
19 employment ~~is~~ shall be subject to ~~a~~ an administrative penalty of not more than
20 \$5,000.00 for each improperly classified employee. In addition, an employer
21 found to have violated this section is prohibited from contracting, directly or

1 indirectly, with the State or any of its subdivisions for up to three years
2 following the date the employer was found to have failed to properly classify,
3 as determined by the Commissioner in consultation with the Commissioner of
4 Buildings and General Services or the Secretary of Transportation, as
5 appropriate. Either the Secretary or the Commissioner, as appropriate, shall be
6 consulted in any appeal relating to prohibiting the employer from contracting
7 with the State or its subdivisions.

8 (2)(A) Penalties under this subsection shall be collected in the same
9 manner ~~provided for the collection of~~ as contributions in under section 1329 of
10 this title and shall be paid into the Contingent Fund ~~provided~~ established in
11 section 1365 of this title.

12 (B) If the employing unit demonstrates that its failure was due to a
13 reasonable cause, the Commissioner may waive or reduce the penalty.

14 (g) Notwithstanding any other provisions of this section, the Commissioner
15 may where practicable require ~~of~~ any employing unit ~~that~~ to file the reports
16 required ~~to be filed~~ pursuant to subsections (a) through (d) of this section ~~be~~
17 filed, or any departmental registration required prior to submitting the reports
18 required by this section, in an electronic media form.

19 Sec. 2. EFFECTIVE DATE

20 This act shall take effect on July 1, 2020.