

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 and~~
13 ~~amendments to the unemployment insurance laws to address the COVID-19~~
14 ~~outbreak~~
15 *An act relating to government operations in response to the COVID-19*
16 *outbreak*

17
18 It is hereby enacted by the General Assembly of the State of Vermont:

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

20 § 1314a. QUARTERLY WAGE REPORTING; MISCLASSIFICATION;
21 PENALTIES

22 (a)(1) ~~Effective with the calendar quarter ending September 30, 1986 and~~
23 ~~all subsequent calendar quarters, each Each employing unit which that is an~~

1 ~~employer as defined in subdivision 1301(5) of this chapter, having that has~~
2 individuals in employment as defined in subdivision 1301(6) of this chapter,
3 shall file with the Commissioner on forms to be supplied by the Commissioner
4 to each such employer a detailed wage report containing each individual
5 worker's name, Social Security number, gross wages paid during each such
6 calendar quarter, and any other information the Commissioner deems
7 reasonably necessary in the administration of this chapter.

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

13 * * *

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

20 (d) Reports required by subsection (c) of this section shall be ~~returned so as~~
21 ~~to be received by~~ submitted to the Commissioner not later than 10 calendar

1 ~~days after the date of the mailing of the Commissioner's request was mailed to~~
2 the employing unit.

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

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

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

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

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

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

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

20 (B) Properly classify an individual regarding the status of

21 ~~employment is~~ shall be subject to a an administrative penalty of not more than

1 ~~\$5,000.00 for each improperly classified employee. In addition, an employer~~
2 found to have violated this section is prohibited from contracting, directly or
3 indirectly, with the State or any of its subdivisions for up to three years
4 following the date the employer was found to have failed to properly classify,
5 as determined by the Commissioner in consultation with the Commissioner of
6 Buildings and General Services or the Secretary of Transportation, as
7 appropriate. Either the Secretary or the Commissioner, as appropriate, shall be
8 consulted in any appeal relating to prohibiting the employer from contracting
9 with the State or its subdivisions.

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

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

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

~~Sec. 1-21 H.S.A. § 1314a is amended to read:~~

~~§ 1314a. QUARTERLY WAGE REPORTING; MISCLASSIFICATION;
PENALTIES~~

~~(a)(1) Effective with the calendar quarter ending September 30, 1986 and all subsequent calendar quarters, each Each employing unit which that is an employer as defined in subdivision 1301(5) of this chapter, having that has individuals in employment as defined in subdivision 1301(6) of this chapter, shall file with the Commissioner on forms ~~to be~~ supplied by the Commissioner to each such employer a detailed wage report ~~containing~~ for each calendar quarter that contains each individual worker's name, Social Security number, gross wages paid during each ~~such~~ calendar quarter, and any other information the Commissioner deems ~~reasonably~~ necessary in the administration of this chapter.~~

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

~~* * *~~

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

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

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

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

~~(1) wages paid during an incomplete calendar quarter in which the claimant was separated; or~~

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

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

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

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

~~(B) Properly classify an individual regarding the status of employment is shall be subject to ~~a~~ an administrative penalty of not more than \$5,000.00 for each improperly classified employee. In addition, an employer found to have violated this section is prohibited from contracting, directly or indirectly, with the State or any of its subdivisions for up to three years following the date the employer was found to have failed to properly classify, as determined by the Commissioner in consultation with the Commissioner of Buildings and General Services or the Secretary of Transportation, as appropriate. Either the Secretary or the Commissioner, as appropriate, shall be consulted in any appeal relating to prohibiting the employer from contracting with the State or its subdivisions.~~

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

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

~~(g)(1) Notwithstanding any other provisions of this section, the Commissioner may where practicable require ~~of any employing unit that~~ to file the reports required to be filed pursuant to subsections (a) through (d) of this section be filed, or any departmental registration required prior to submitting the reports required by this section, in an electronic media form.~~

~~(2) The Commissioner may waive the requirement that an employing unit submit a report in an electronic media form if the employing unit attests that it is unable to file the required report in that form.~~

Sec. 2. 21 V.S.A. § 1325 is amended to read:

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

~~DISCLOSURE TO SUCCESSOR ENTITY~~

~~(a)(1) The Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:~~

~~* * *~~

~~(G) The individual voluntarily separated from that employer to care for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child who has been diagnosed with COVID-19 as provided by subdivision 1344(a)(2)(A) of this chapter.~~

~~(2) If an individual's unemployment is directly caused by a major disaster declared by the President of the United States pursuant to 42 U.S.C. § 5122 and the individual would have been eligible for federal disaster unemployment assistance benefits but for the receipt of regular benefits, an employer shall be relieved of charges for benefits paid to the individual with respect to any week of unemployment occurring due to the natural disaster up to a maximum amount of four weeks.~~

~~(3)(A) Subject to the provisions of subdivision (B) of this subdivision (a)(3), an employer shall be relieved of charges for benefits paid to an individual for a maximum amount of four weeks with respect to benefits paid because:~~

~~(i) the employer temporarily ceased operation at the individual's place of employment in response to a request from a local health official or the Commissioner of Health that the employer cease operations because of COVID-19 or because the employer voluntarily ceased operations due to the actual exposure of workers at that place of employment to COVID-19; or~~

~~(ii) the individual has been requested by a medical professional, local health official, or the Commissioner of Health to be isolated or quarantined as a result of COVID-19, regardless of whether the individual has been diagnosed with COVID-19.~~

~~(B) An employer shall only be eligible for relief of charges for benefits paid under the provisions of this subdivision (a)(3) if the individual is rehired by the employer when the employer resumes operations at the individual's place of employment or upon the completion of the individual's period of isolation or quarantine.~~

* * *

Sec. 3. 21 V.S.A. § 1344 is amended to read:

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

* * *

(2) For any week benefits are claimed, except as provided in subdivision (a)(3) of this section, until he or she has presented evidence to the satisfaction of the Commissioner that he or she has performed services in employment for a bona fide employer and has had earnings in excess of six times his or her weekly benefit amount if the Commissioner finds that such individual is unemployed because:

(A) He or she has left the employ of his or her last employing unit voluntarily without good cause attributable to such employing unit. An individual shall not suffer more than one disqualification by reason of such separation. However, an individual shall not be disqualified for benefits if:

(i) the individual left such employment to accompany a spouse who:

(i)(I) is on active duty with the U.S. Armed Forces and is required to relocate due to permanent change of station orders, activation orders, or unit deployment orders, and when such relocation would make it impractical or impossible, as determined by the Commissioner, for the individual to continue working for such employing unit; or

(i)(II) holds a commission in the U.S. Foreign Service and is assigned overseas, and when such relocation would make it impractical or impossible, as determined by the Commissioner, for the individual to continue working for such employing unit; or

(ii) the individual left such employment to care for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child who has been diagnosed with COVID-19.

* * *

(5) For any week with respect to which the individual is receiving or has received remuneration in the form of:

* * *

(F) Sick pay.

* * *

~~Sec. 4. REPEAL~~

~~21 V.S.A. § 1325(a)(1)(G) and (a)(3) are repealed.~~

~~Sec. 5. 21 V.S.A. § 1344 is amended to read:~~

~~§ 1344. DISQUALIFICATIONS~~

~~(a) An individual shall be disqualified for benefits:~~

~~* * *~~

~~(2) For any week benefits are claimed, except as provided in subdivision (a)(3) of this section, until he or she has presented evidence to the satisfaction of the Commissioner that he or she has performed services in employment for a bona fide employer and has had earnings in excess of six times his or her weekly benefit amount, if the Commissioner finds that such individual is unemployed because:~~

~~(A) He or she has left the employ of his or her last employing unit voluntarily without good cause attributable to such employing unit. An individual shall not suffer more than one disqualification by reason of such separation. However, an individual shall not be disqualified for benefits if:~~

~~(i) the individual left such employment to accompany a spouse who:~~

~~(i) is on active duty with the U.S. Armed Forces and is required to relocate due to permanent change of station orders, activation orders, or unit deployment orders, and when such relocation would make it impractical or impossible, as determined by the Commissioner, for the individual to continue working for such employing unit; or~~

~~(ii) holds a commission in the U.S. Foreign Service and is assigned overseas, and when such relocation would make it impractical or impossible, as determined by the Commissioner, for the individual to continue working for such employing unit; or~~

~~(ii) the individual left such employment to care for parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child who has been diagnosed with COVID-19.~~

~~* * *~~

~~Sec. 6. EFFECTIVE DATES~~

~~(a) This section and Secs. 2 and 3 shall take effect on passage.~~

~~(b) Sec. 1 shall take effect on July 1, 2020.~~

~~(c) Secs. 4 and 5 shall take effect on March 31, 2021.~~

** * * Elections * * **

*Sec. 1. LEGISLATIVE INTENT; PROTECTION OF CITIZENS AND OF
ELECTIONS*

It is the intent of the General Assembly that, if the coronavirus disease 2019 (COVID-19) pandemic continues its expected spread in the State of Vermont, the citizens of Vermont should be able to protect their health, safety, and welfare while also continuing to exercise their right to participate in elections in order to maintain our democratic institutions. Accordingly, this act sets forth temporary elections provisions in response to COVID-19.

*Sec. 2. ELECTIONS IN THE YEAR 2020; SUSPENSION OF PRIMARY
PETITION, STATEMENT OF NOMINATION, AND LOCAL
ELECTION VOTER SIGNATURE REQUIREMENTS*

(a) Notwithstanding 17 V.S.A. § 2354, 2355, 2402(b), 2681(b), or any other provision of law to the contrary, a person shall not be required to collect voter signatures in order to have the person's name placed on any ballot in the year 2020, including on any local election ballot. Accordingly, a person shall not be required to file a primary petition as a major party candidate for the primary, a statement of nomination as an independent candidate for the general election, or a petition as a candidate for a local election, as those contain the voter signatures.

(b) In the year 2020:

(1) Notwithstanding the start date for filing primary petitions for major party candidates set forth in 17 V.S.A. § 2356(a), consent of candidate forms for those candidates shall be filed not earlier than the second Thursday after the first Monday in May.

(2) Notwithstanding the start date for filing statements of nomination for independent candidates for President or Vice President of the United States set forth in 17 V.S.A. § 2402(d)(1)(A), consent of candidate forms for those candidates shall be filed not earlier than Saturday, July 18, 2020.

(3) Notwithstanding the start date for filing statements of nomination for any other independent candidates except for justice of the peace set forth in 17 V.S.A. § 2402(d)(1)(C), consent of candidate forms for those candidates shall be filed not earlier than Thursday, July 23, 2020.

(c) All other requirements relating to nominations and candidate qualifications shall continue to apply.

Sec. 3. ELECTIONS IN THE YEAR 2020; SECRETARY OF STATE;

GOVERNOR; TEMPORARY ELECTIONS PROCEDURES

(a) In the year 2020, the Secretary of State is authorized, in consultation and agreement with the Governor, to order or permit, as applicable, appropriate elections procedures for the purpose of protecting the health, safety, and welfare of voters, elections workers, and candidates in carrying out elections, including:

(1) requiring mail balloting by requiring town clerks to send ballots by mail to all registered voters;

(2) creating early or mail ballot collection stations;

(3) permitting municipal clerks to process and begin counting ballots in a 30-day window preceding the day of an election;

(4) permitting drive-up, car window collection of ballots by election officials;

(5) extending the time for municipal clerks to process and count ballots; and

(6) extending voting hours on the day of an election.

(b) For any temporary elections procedure the Secretary of State orders or permits under this section, the Secretary shall adopt any necessary corresponding procedures that ensure the public can monitor polling places and the counting of votes.

Sec. 4. 2020 LOCAL ELECTIONS BY AUSTRALIAN BALLOT

(a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) that require the voters of a municipality to vote to apply the provisions of the Australian ballot system to the annual or special meeting of the municipality, in the year 2020, any municipality may apply the Australian ballot system to any or all of its municipal elections held in the year 2020 by vote of its legislative body.

(b) The Secretary of State may waive statutory deadlines or other statutory provisions, or provisions set forth in a school district's articles of agreement, related to a municipal election as necessary in order for a municipality to apply the Australian ballot system to its meeting in the year 2020. This waiver authority applies to statutory provisions set forth in a municipal charter or provisions set forth in a school district's articles of agreement if the waiver is requested by that municipality.

** * * Open Meeting Law * * **

*Sec. 5. LEGISLATIVE INTENT; COVID-19 RESPONSE AND OPEN
MEETINGS*

It is the intent of the General Assembly that during the continued spread of coronavirus disease 2019 (COVID-19) in the State of Vermont public bodies should organize and hold open meetings in a manner that will protect the health and welfare of the public while providing access to the operations of government. Public bodies should meet electronically and provide the public with electronic access to meetings in lieu of a designated physical location. Accordingly, this act sets forth temporary Open Meeting Law procedures in response to COVID-19.

*Sec. 6. OPEN MEETING LAW; TEMPORARY SUSPENSION OF
DESIGNATED PHYSICAL MEETING LOCATION
REQUIREMENTS*

(a) Notwithstanding 1 V.S.A. § 312(a), during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19:

(1) a quorum or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location;

(2) the public body shall not be required to designate a physical meeting location where the public may attend; and

(3) the members and staff of the public body shall not be required to be physically present at a designated meeting location.

(b) When the public body meets electronically under subsection (a) of this section, the public body shall use technology that permits the attendance of the public through electronic or other means. The public body shall allow the public to access the meeting by telephone whenever feasible. The public body shall post information on how the public may access meetings electronically and shall include this information in the published agenda for each meeting. Unless unusual circumstances make it impossible for them to do so, the legislative body of each municipality and each school board shall record its meetings held pursuant to this section.

(c) In the event of a staffing shortage during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a public body may extend the time limit for the posting of minutes prescribed in 1 V.S.A. § 312(b)(2) to not more than 10 days from the date of the meeting.

*Sec. 7. DEPARTMENT OF FISH AND WILDLIFE; FISH AND WILDLIFE
BOARD; MEETING REQUIREMENTS IN THE YEAR 2020*

In the year 2020, the Department of Fish and Wildlife and the Fish and Wildlife Board shall not be required to hold the number of regional meetings

as required by 10 V.S.A. §§ 4081(f) (deer) and 4082(b) and (c) (migratory bird and moose), but shall be required to hold not less than five meetings by electronic means to ensure adequate public involvement.

** * * Deadlines for Municipal Corporations and
Other Political Subdivisions * * **

*Sec. 8. EXTENSION OF DEADLINES APPLICABLE TO MUNICIPAL
CORPORATIONS AND REGIONAL PLANNING COMMISSIONS;
CONTINUED VALIDITY OF LICENSES AND PLANS*

(a) During a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, the Governor may authorize State agencies to extend any deadline applicable to municipal corporations or regional planning commissions. A deadline established by statute shall not be extended to more than 90 days after the date that the declared state of emergency ends. Any expiring license, permit, program, or plan issued to a municipal corporation or regional planning commission that is due to a State agency for renewal or review shall remain valid for 90 days after the date that the declared state of emergency ends.

(b) During a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a municipal corporation shall be permitted to extend any deadline applicable to municipal corporations, provided that the deadline does not relate to a State license, permit, program, or plan subject to subsection (a) of this section. A municipal corporation may extend or waive deadlines applicable to licenses, permits, programs, or plans issued by a municipal corporation. Any expiring license, permit, program, or plan issued by a municipal corporation that is due to the municipal corporation for renewal or review shall remain valid for 90 days after the date that the declared state of emergency ends.

*Sec. 9. TEMPORARY MORATORIUM ON DISCONNECTIONS FROM
PUBLIC DRINKING WATER AND WASTEWATER SYSTEMS*

(a) Notwithstanding 24 V.S.A. chapter 129, a municipality shall be prohibited from disconnecting a person from water or sewer services during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19.

(b) Notwithstanding any provision of law to the contrary, a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 and who provides another person water as a part of the operation of that public water system shall be prohibited from disconnecting any person from the public water system during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19.

(c) Notwithstanding any provision of law to the contrary, a company engaged in the collecting, sale, and distribution of water for domestic, industrial, business, or fire protection purposes that is regulated by the Public Utility Commission under 30 V.S.A. § 203(3) shall be prohibited from disconnecting any person from services during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19.

(d) A violation of subsection (a) or (b) of this section may be enforced by the Agency of Natural Resources pursuant to 10 V.S.A. chapter 201. A violation of subsection (c) of this section may be enforced by the Public Utility Commission under 30 V.S.A. § 30.

** * * Effective Date * * **

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.