

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred House Bill No. 681 entitled “An act relating to employer registration
4 for unemployment insurance” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out Sec. 1, 21
6 V.S.A. § 1314a in its entirety and inserting in lieu thereof a new Sec. 1 to read
7 as follows:

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

9 § 1314a. QUARTERLY WAGE REPORTING; MISCLASSIFICATION;
10 PENALTIES

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

1 for unemployment compensation. The Commissioner shall make ~~such~~ a
2 request ~~whenever~~ when:

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

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

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

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

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

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

13 (B) Properly classify an individual regarding the status of
14 employment ~~is~~ shall be subject to ~~a~~ an administrative penalty of not more than
15 \$5,000.00 for each improperly classified employee. In addition, an employer
16 found to have violated this section is prohibited from contracting, directly or
17 indirectly, with the State or any of its subdivisions for up to three years
18 following the date the employer was found to have failed to properly classify,
19 as determined by the Commissioner in consultation with the Commissioner of
20 Buildings and General Services or the Secretary of Transportation, as
21 appropriate. Either the Secretary or the Commissioner, as appropriate, shall be

1 consulted in any appeal relating to prohibiting the employer from contracting
2 with the State or its subdivisions.

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

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

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

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

17
18 (Committee vote: _____)

19 _____

20 Representative _____

21 FOR THE COMMITTEE