

1 S.353

2 Representatives Marcotte of Coventry, Bancroft of Westford, Bock of
3 Chester, Carroll of Bennington, Dickinson of St. Albans Town, Kimbell of
4 Woodstock, Jerome of Brandon, Morris of Springfield, O’Sullivan of
5 Burlington, Ralph Watson of Hartland, and Toleno of Brattleboro move that
6 the bill be amended as follows:

7 First: In Sec. 1, 2020 Acts and Resolves No. 136, Sec. 6, in subsection (b),
8 after subdivision (2)(A)(xxiv), by inserting the following:

9 * * *

10 (4)(A) “Eligible employee” means an individual who:

11 * * *

12 ~~(C) “Eligible employee” does not include an individual who has~~
13 ~~received unemployment insurance benefits for any week during the eligible~~
14 ~~period.~~

15 Second: By striking out Sec. 4, effective date, in its entirety and inserting in
16 lieu thereof Secs. 4 through 10 to read as follows:

17 Sec. 4. 21 V.S.A. § 1347 is amended to read:

18 § 1347. NONDISCLOSURE OR MISREPRESENTATION

19 * * *

20 (e)(1) In addition to the foregoing, when ~~it is found by~~ the Commissioner
21 finds that a person intentionally misrepresented or failed to disclose a material

1 fact with respect to his or her claim for benefits and in the event the person is
2 not prosecuted under section 1368 of this title and the penalty provided in
3 section 1373 of this title is not imposed, the person shall be disqualified and
4 shall not be entitled to receive benefits to which he or she would otherwise be
5 entitled after the determination for ~~such number of weeks not exceeding a~~
6 period of not more than 26 weeks as the Commissioner ~~shall deem~~ deems just.
7 The notice of determination shall ~~also~~ specify the period of disqualification
8 imposed ~~hereunder~~.

9 (2) During a state of emergency declared by the Governor in relation to
10 a public health emergency or disaster that has caused the statewide seasonally
11 adjusted unemployment rate for any month to rise to a level that is at least one
12 percentage point above the average statewide seasonally adjusted
13 unemployment rate for the previous 12 months, a period of disqualification
14 imposed pursuant to subdivision (1) of this subsection (e) shall be temporarily
15 suspended until the first full calendar week following the termination of the
16 state of emergency. Nothing in this subdivision shall be construed to diminish
17 the period of disqualification that a person shall be required to serve following
18 the termination of the state of emergency.

19 * * *

20 Sec. 5. SUSPENSION OF PERIOD OF DISQUALIFICATION DURING
21 COVID-19 PUBLIC HEALTH EMERGENCY

1 during the course of a job interview for available employment made verbal
2 statements ~~which~~ that are either untrue, show an unreasonable lack of interest,
3 or are calculated to preclude an offer of work or a directive being made, or to
4 return to his or her customary self-employment, if any, when so directed by the
5 Commissioner. An individual shall not suffer more than one disqualification
6 for these causes.

7 (D)(i) In determining whether or not any work or employment is
8 suitable for an individual for purposes of this subdivision, the Commissioner
9 shall consider the degree of risk involved to his or her health, safety, and
10 morals, his or her physical fitness and prior training, his or her experience and
11 prior earnings, his or her length of unemployment and prospects for securing
12 local work in his or her customary occupation, and the distance of the available
13 work from his or her residence.

14 (ii) Notwithstanding any other factors the Commissioner may
15 consider in determining the degree of risk to an individual's health or safety,
16 the Commissioner shall determine that work or employment that an individual
17 has failed to apply for or declined to accept an offer for is not suitable for the
18 individual based on the risk to his or her health or safety, or both, under the
19 following circumstances:

20 (I) the individual is self-isolating or quarantining at the
21 recommendation of a health care provider or pursuant to a specific

1 recommendation, directive, or order issued by a public health authority with
2 jurisdiction, the Governor, or the President for one of the following reasons:

3 (aa) the individual has been diagnosed with COVID-19;

4 (bb) the individual is experiencing the symptoms of
5 COVID-19;

6 (cc) the individual has been exposed to COVID-19; or

7 (dd) the individual belongs to a specific class or group of
8 persons that have been identified as being at high risk if exposed to or infected
9 with COVID-19;

10 (II) there is an unreasonable risk that the individual could be
11 exposed to or become infected with COVID-19 at the individual's place of
12 employment;

13 (III) the individual is caring for or assisting a family member
14 who is self-isolating or quarantining at the recommendation of a health care
15 provider or pursuant to a specific recommendation, directive, or order issued
16 by a public health authority with jurisdiction, the Governor, or the President
17 for one of the following reasons:

18 (aa) the family member has been diagnosed with COVID-
19 19;

20 (bb) the family member is experiencing the symptoms of
21 COVID-19;

1 weekly benefit amount if the Commissioner finds that such individual is
2 unemployed because:

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

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

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

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

18 ~~(ii) the individual has left employment to self isolate or quarantine~~
19 ~~at the recommendation of a healthcare provider, or pursuant to a specific~~
20 ~~recommendation, directive, or order issued by a public health authority with~~
21 ~~jurisdiction, the Governor, or the President for one of the following reasons:~~

- 1 ~~(I) the individual has been diagnosed with COVID-19;~~
- 2 ~~(II) the individual is experiencing the symptoms of COVID-19;~~
- 3 ~~(III) the individual has been exposed to COVID-19; or~~
- 4 ~~(IV) the individual belongs to a specific class or group of~~
- 5 ~~persons that have been identified as being at high risk if exposed to or infected~~
- 6 ~~with COVID-19;~~
- 7 ~~(iii) the individual has left employment because of an~~
- 8 ~~unreasonable risk that the individual could be exposed to or become infected~~
- 9 ~~with COVID-19 at the individual's place of employment;~~
- 10 ~~(iv) the individual has left employment to care for or assist a~~
- 11 ~~family member of the individual who is self-isolating or quarantining at the~~
- 12 ~~recommendation of a healthcare provider or pursuant to a specific~~
- 13 ~~recommendation, directive, or order issued by a public health authority with~~
- 14 ~~jurisdiction, the Governor, or the President for one of the following reasons:~~
- 15 ~~(I) the family member has been diagnosed with COVID-19;~~
- 16 ~~(II) the family member is experiencing the symptoms of~~
- 17 ~~COVID-19;~~
- 18 ~~(III) the family member has been exposed to COVID-19; or~~
- 19 ~~(IV) the family member belongs to a specific class or group of~~
- 20 ~~persons that have been identified as being at high risk if exposed to or infected~~
- 21 ~~with COVID-19;~~

1 ~~Vermont Department of Health and any other conditions or factors that the~~
2 ~~Commissioner determines to create an unreasonable risk.~~

3 ~~(H)(i) Except as otherwise provided pursuant to subdivision (2) of~~
4 ~~this subdivision (a)(2)(H), an unemployed individual who is eligible for~~
5 ~~benefits pursuant to subdivisions (2)(A)(ii) (vi) of this subsection shall be~~
6 ~~ineligible for benefits under those subdivisions if the individual becomes~~
7 ~~eligible for benefits provided pursuant to:~~

8 ~~(I) enacted federal legislation that amends or establishes a~~
9 ~~federal program providing benefits for unemployed individuals that are similar~~
10 ~~to the benefits provided pursuant to subdivisions (2)(A)(ii) (vi); or~~

11 ~~(II) a national emergency declared by the President that results~~
12 ~~in the provision of benefits pursuant to Disaster Unemployment Assistance,~~
13 ~~Emergency Unemployment Compensation, Extended Unemployment~~
14 ~~Compensation, or any similar type program.~~

15 ~~(ii) An individual who is receiving benefits pursuant to a federal~~
16 ~~program as set forth in subdivision (i) of this subdivision (a)(2)(H) shall not~~
17 ~~receive benefits pursuant to subdivisions (2)(A)(ii) (vi) of this subsection~~
18 ~~except when and to the extent that the benefits provided by the applicable~~
19 ~~federal program are different from or are not in lieu of the benefits that are~~
20 ~~available pursuant to subdivisions (2)(A)(ii) (vi) of this subsection, in which~~

1 ~~ease the benefits provided under subdivisions (2)(A)(ii) – (vi) of this subsection~~
2 ~~shall continue.~~

3 ~~(iii) Nothing in this subdivision (a)(2)(H) shall be construed to~~
4 ~~prevent an individual from receiving benefits pursuant to subdivisions~~
5 ~~(2)(A)(ii) – (vi) of this subsection if the individual’s employer refuses or fails to~~
6 ~~pay the individual for leave under the federal Emergency Family and Medical~~
7 ~~Leave Expansion Act or the federal Emergency Paid Sick Leave Act.~~

8 * * *

9 (D)(i) In determining whether or not any work or employment is
10 suitable for an individual for purposes of this subdivision, the Commissioner
11 shall consider the degree of risk involved to his or her health, safety, and
12 morals, his or her physical fitness and prior training, his or her experience and
13 prior earnings, his or her length of unemployment and prospects for securing
14 local work in his or her customary occupation, and the distance of the available
15 work from his or her residence.

16 ~~(ii) Notwithstanding any other factors the Commissioner may~~
17 ~~consider in determining the degree of risk to an individual’s health or safety,~~
18 ~~the Commissioner shall determine that work or employment that an individual~~
19 ~~has failed to apply for or declined to accept an offer for is not suitable for the~~
20 ~~individual based on the risk to his or her health or safety, or both, under the~~
21 ~~following circumstances:~~

1 ~~(I) the individual is self-isolating or quarantining at the~~
2 ~~recommendation of a health care provider or pursuant to a specific~~
3 ~~recommendation, directive, or order issued by a public health authority with~~
4 ~~jurisdiction, the Governor, or the President for one of the following reasons:~~

5 ~~(aa) the individual has been diagnosed with COVID-19;~~

6 ~~(bb) the individual is experiencing the symptoms of~~
7 ~~COVID-19;~~

8 ~~(cc) the individual has been exposed to COVID-19; or~~

9 ~~(dd) the individual belongs to a specific class or group of~~
10 ~~persons that have been identified as being at high risk if exposed to or infected~~
11 ~~with COVID-19;~~

12 ~~(II) there is an unreasonable risk that the individual could be~~
13 ~~exposed to or become infected with COVID-19 at the individual's place of~~
14 ~~employment;~~

15 ~~(III) the individual is caring for or assisting a family member~~
16 ~~who is self-isolating or quarantining at the recommendation of a health care~~
17 ~~provider or pursuant to a specific recommendation, directive, or order issued~~
18 ~~by a public health authority with jurisdiction, the Governor, or the President~~
19 ~~for one of the following reasons:~~

20 ~~(aa) the family member has been diagnosed with COVID-~~
21 ~~19;~~

1 Sec. 8. UNEMPLOYMENT INSURANCE RATE SCHEDULE FOR
2 BENEFIT YEAR BEGINNING JULY 1, 2021

3 (a) Notwithstanding any provision of 21 V.S.A. § 1326 to the contrary, the
4 unemployment insurance contribution rate schedule for the benefit year
5 beginning on July 1, 2021 shall not be more than two schedules higher than the
6 contribution rate schedule for the previous benefit year.

7 (b) The provisions of this section shall not apply if, on April 15, 2021, the
8 balance of the Unemployment Insurance Trust Fund is either below
9 \$90,000,000.00 or projected to drop below that amount on or before December
10 31, 2021.

11 Sec. 9. UNEMPLOYMENT INSURANCE; BASE OF CONTRIBUTIONS
12 FOR 2021

13 (a) Notwithstanding 21 V.S.A. § 1321(b), the base of contributions for
14 calendar year 2021 shall be the same amount as for calendar year 2020.

15 (b) On or before March 15, 2021, the Commissioner of Labor shall submit
16 a report to the House Committee on Commerce and Economic Development
17 and the Senate Committee on Economic Development, Housing and General
18 Affairs that provides an assessment and recommendation regarding whether
19 the base of contributions for calendar year 2022 can be reduced to the amount

1 that, but for the provisions of subsection (a) of this section, it would have been
2 set at for calendar year 2021 pursuant to the provisions of 21 V.S.A. § 1321(b).

3 Sec. 10. EFFECTIVE DATE

4 This act shall take effect on passage.