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Representatives Marcotte of Coventry, Bancroft of Westford, Bock of Chester, Carroll of Bennington, Dickinson of St. Albans Town, Kimbell of Woodstock, O’Sullivan of Burlington, Ralph Watson of Hartland, and Toleno of Brattleboro move that the bill be amended after Sec. \_\_\_\_, [more complete description], by inserting Secs. \_\_\_\_ through \_\_\_\_ to read as follows:

Sec. \_\_\_\_. 21 V.S.A. § 1347 is amended to read:

§ 1347. NONDISCLOSURE OR MISREPRESENTATION

\* \* \*

(e)(1) In addition to the foregoing, when ~~it is found by~~ the Commissioner finds that a person intentionally misrepresented or failed to disclose a material fact with respect to his or her claim for benefits and in the event the person is not prosecuted under section 1368 of this title and the penalty provided in section 1373 of this title is not imposed, the person shall be disqualified and shall not be entitled to receive benefits to which he or she would otherwise be entitled after the determination for ~~such number of weeks not exceeding a~~ period of not more than 26 weeks as the Commissioner ~~shall deem~~ deems just. The notice of determination shall ~~also~~ specify the period of disqualification imposed ~~hereunder~~.

(2) During a state of emergency declared by the Governor in relation to public health emergency or disaster that has caused the Statewide seasonally

1 adjusted unemployment rate for any month to rise to a level that is at least one  
2 percent above the average Statewide seasonally adjusted unemployment rate  
3 for the previous 12 months, a period of disqualification imposed pursuant to  
4 subdivision (1) of this subsection (e) shall be temporarily suspended until the  
5 first full calendar week following the termination of the state of emergency.  
6 Nothing in this subdivision shall be construed to diminish the period of  
7 disqualification that a person shall be required to serve following the  
8 termination of the state of emergency.

9 \* \* \*

10 Sec. \_\_\_\_ . SUSPENSION OF PERIOD OF DISQUALIFICATION DURING  
11 COVID-19 PUBLIC HEALTH EMERGENCY

12 Notwithstanding any provision of law to the contrary, during the state of  
13 emergency imposed pursuant to Executive Order 01-20, as amended, any  
14 period of disqualification imposed pursuant to 21 V.S.A. § 1347(e) shall be  
15 temporarily suspended until the first full calendar week following the  
16 termination of the state of emergency declared in relation to COVID-19 by  
17 Executive Order 01-20, as amended. Nothing in this section shall be construed  
18 to diminish a period of disqualification imposed pursuant to 21 V.S.A. § 1347.

19 Sec. \_\_\_\_ . 21 V.S.A. § 1344 is amended to read:

20 § 1344. DISQUALIFICATIONS

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

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\* \* \*

(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:

\* \* \*

(C) He or she has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the Commissioner, or to accept suitable work when offered him or her, or has during the course of a job interview for available employment made verbal statements ~~which~~ that are either untrue, show an unreasonable lack of interest, or are calculated to preclude an offer of work or a directive being made, or to return to his or her customary self-employment, if any, when so directed by the Commissioner. An individual shall not suffer more than one disqualification for these causes.

(D)(i) In determining whether or not any work or employment is suitable for an individual for purposes of this subdivision, the Commissioner shall consider the degree of risk involved to his or her health, safety, and morals, his or her physical fitness and prior training, his or her experience and

1 prior earnings, his or her length of unemployment and prospects for securing  
2 local work in his or her customary occupation, and the distance of the available  
3 work from his or her residence.

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

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

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

15 (bb) the individual is experiencing the symptoms of  
16 COVID-19;

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

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

1                    (II) there is an unreasonable risk that the individual could be  
2                    exposed to or become infected with COVID-19 at the individual’s place of  
3                    employment;

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

9                    (aa) the family member has been diagnosed with COVID-  
10                    19;

11                    (bb) the family member is experiencing the symptoms of  
12                    COVID-19;

13                    (cc) the family member has been exposed to COVID-19; or

14                    (dd) the family member belongs to a specific class or group  
15                    of persons that have been identified as being at high risk if exposed to or  
16                    infected with COVID-19;

17                    (IV) the individual is caring for or assisting a family member  
18                    who has left employment because of an unreasonable risk that they could be  
19                    exposed to or become infected with COVID-19 at their place of  
20                    employment; or



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

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

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

14                    ~~(I) the individual has been diagnosed with COVID-19;~~

15                    ~~(II) the individual is experiencing the symptoms of COVID-19;~~

16                    ~~(III) the individual has been exposed to COVID-19; or~~

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

1                   ~~(iii) the individual has left employment because of an~~  
2                   ~~unreasonable risk that the individual could be exposed to or become infected~~  
3                   ~~with COVID-19 at the individual's place of employment;~~

4                   ~~(iv) the individual has left employment to care for or assist a~~  
5                   ~~family member of the individual who is self-isolating or quarantining at the~~  
6                   ~~recommendation of a healthcare provider or pursuant to a specific~~  
7                   ~~recommendation, directive, or order issued by a public health authority with~~  
8                   ~~jurisdiction, the Governor, or the President for one of the following reasons:~~

9                                 ~~(I) the family member has been diagnosed with COVID-19;~~

10                                ~~(II) the family member is experiencing the symptoms of~~  
11                   ~~COVID-19;~~

12                                ~~(III) the family member has been exposed to COVID-19; or~~

13                                ~~(IV) the family member belongs to a specific class or group of~~  
14                   ~~persons that have been identified as being at high-risk if exposed to or infected~~  
15                   ~~with COVID-19;~~

16                   ~~(v) the individual has left employment to care for or assist a~~  
17                   ~~family member who has left employment because of an unreasonable risk that~~  
18                   ~~they could be exposed to or become infected with COVID-19 at their place of~~  
19                   ~~employment; or~~

20                   ~~(vi) the individual left such employment to care for a child under~~  
21                   ~~18 years of age because the child's school or child care has been closed or the~~



1 ~~child care provider is unavailable due to a public health emergency related to~~  
2 ~~COVID-19.~~

3 \* \* \*

4 ~~(G) As used in this subdivision (a)(2):~~

5 ~~(i) “Family member” means an individual’s parent, grandparent,~~  
6 ~~spouse, child, brother, sister, parent in law, grandchild, or foster child. As~~  
7 ~~used in this subdivision (a)(2)(G)(i), “spouse” includes a domestic partner or~~  
8 ~~civil union partner.~~

9 ~~(ii) “An unreasonable risk that the individual could be exposed to~~  
10 ~~or become infected with COVID-19 at the individual’s place of employment”~~  
11 ~~shall include the individual’s place of employment being out of compliance~~  
12 ~~with the Guidance on Preparing Workplaces for COVID-19 issued by the~~  
13 ~~U.S. Occupational Safety and Health Administration (OSHA) or any similar~~  
14 ~~guidance issued by OSHA, the U.S. Centers for Disease Control, or the~~  
15 ~~Vermont Department of Health and any other conditions or factors that the~~  
16 ~~Commissioner determines to create an unreasonable risk.~~

17 ~~(H)(i) Except as otherwise provided pursuant to subdivision (2) of~~  
18 ~~this subdivision (a)(2)(H), an unemployed individual who is eligible for~~  
19 ~~benefits pursuant to subdivisions (2)(A)(ii) – (vi) of this subsection shall be~~  
20 ~~ineligible for benefits under those subdivisions if the individual becomes~~  
21 ~~eligible for benefits provided pursuant to:~~



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

8           ~~(ii) Notwithstanding any other factors the Commissioner may~~  
9 ~~consider in determining the degree of risk to an individual's health or safety,~~  
10 ~~the Commissioner shall determine that work or employment that an individual~~  
11 ~~has failed to apply for or declined to accept an offer for is not suitable for the~~  
12 ~~individual based on the risk to his or her health or safety, or both, under the~~  
13 ~~following circumstances:~~

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

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

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

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

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

4                   ~~(H) there is an unreasonable risk that the individual could be~~  
5 ~~exposed to or become infected with COVID-19 at the individual's place of~~  
6 ~~employment;~~

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

12                   ~~(aa) the family member has been diagnosed with COVID-~~  
13 ~~19;~~

14                   ~~(bb) the family member is experiencing the symptoms of~~  
15 ~~COVID-19;~~

16                   ~~(cc) the family member has been exposed to COVID-19; or~~

17                   ~~(dd) the family member belongs to a specific class or group~~  
18 ~~of persons that have been identified as being at high risk if exposed to or~~  
19 ~~infected with COVID-19;~~

20                   ~~(IV) the individual is caring for or assisting a family member~~  
21 ~~who has left employment because of an unreasonable risk that they could be~~

1 ~~exposed to or become infected with COVID-19 at their place of employment;~~

2 ~~or~~

3 ~~(V) the individual is caring for a child under 18 years of age~~  
4 ~~because the child's school or child care has been closed or the child care~~  
5 ~~provider is unavailable due to a public health emergency related to COVID-19.~~

6 \* \* \*

7 (5) For any week in which the individual is receiving or has received  
8 remuneration in the form of:

9 \* \* \*

10 ~~(F) Sick pay or pay received pursuant to the federal Emergency~~  
11 ~~Family and Medical Leave Expansion Act or the federal Emergency Paid Sick~~  
12 ~~Leave Act.~~

13 \* \* \*

14 Sec. \_\_. EFFECTIVE DATE

15 Secs. \_\_\_\_ (nondisclosure or misrepresentation related to unemployment  
16 insurance), \_\_\_\_ (suspension of period of disqualification), \_\_\_\_ (unemployment  
17 insurance disqualifications), and \_\_\_\_ (amendment to 2020 Acts and Resolves  
18 No. 91, Sec. 33) shall take effect on passage.