

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred Senate Bill No. 108 entitled “An act relating to employee
4 misclassification” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 * * * Employee Misclassification * * *

9 Sec. 1. 21 V.S.A. § 712 is added to read:

10 § 712. COMPLAINT OF MISCLASSIFICATION; ENFORCEMENT BY
11 ATTORNEY GENERAL

12 (a) In addition to any other remedies provided under this chapter, an
13 individual may file a complaint with the Attorney General that an employer
14 has committed a violation of section 687 or 708 of this chapter by claiming
15 that it is not an employer as defined pursuant to subdivision 601(3) of this
16 chapter or that an individual is not a worker or employee as defined pursuant to
17 subdivision 601(14) of this chapter.

18 (b) The Attorney General may investigate the complaint and may enforce
19 the provisions of section 687 or 708 of this chapter by restraining prohibited
20 acts, seeking civil penalties, obtaining assurances of discontinuance, and
21 conducting civil investigations in accordance with the procedures established

1 in 9 V.S.A. §§ 2458–2461 as though a violation of section 687 or 708 of this
2 chapter and any related violations of the provisions of this chapter were unfair
3 acts in commerce. Any employer, employment agency, or labor organization
4 complained against shall have the same rights and remedies as specified in
5 9 V.S.A. §§ 2458–2461. The Superior Courts may impose the same civil
6 penalties and investigation costs and order other relief to the State of Vermont
7 or an aggrieved employee for a violation of section 687 or 708 of this chapter
8 and any related violations of the provisions of this chapter as they are
9 authorized to impose or order under the provisions of 9 V.S.A. §§ 2458 and
10 2461 in an unfair act in commerce. In addition, the Superior Courts may order
11 restitution of wages or other benefits on behalf of an employee and may order
12 reinstatement and other appropriate relief on behalf of an employee.

13 (c) If, following the investigation, the Attorney General determines that an
14 employer has committed a violation of section 687 or 708 of this chapter, the
15 Attorney General shall notify the Commissioners of Labor, of Financial
16 Regulation, and of Taxes of the determination, and those Commissioners shall
17 review whether the employer is in compliance with the **employment,**
18 **insurance, or tax laws that** are under their jurisdiction.

1 Sec. 2. 21 V.S.A. § 1379 is added to read:

2 § 1379. COMPLAINT OF MISCLASSIFICATION; ENFORCEMENT BY
3 ATTORNEY GENERAL

4 (a) In addition to any other remedies provided under this chapter, an
5 individual that is misclassified by an employing unit or harmed by an
6 employing unit's misclassification of an employee as an independent
7 contractor may file a complaint of the misclassification and any related
8 violations of the provisions of this chapter with the Attorney General.

9 (b) The Attorney General may investigate the complaint and may enforce
10 the provisions of this chapter by restraining prohibited acts, seeking civil
11 penalties, obtaining assurances of discontinuance, and conducting civil
12 investigations in accordance with the procedures established in 9 V.S.A.
13 §§ 2458–2461 as though the misclassification of an employee and any related
14 violations of the provisions of this chapter were unfair acts in commerce. Any
15 employer, employment agency, or labor organization complained against shall
16 have the same rights and remedies as specified in 9 V.S.A. §§ 2458–2461. The
17 Superior Courts may impose the same civil penalties and investigation costs
18 and order other relief to the State of Vermont or an aggrieved employee for the
19 misclassification of an employee and any related violations of the provisions of
20 this chapter as they are authorized to impose or order under the provisions of
21 9 V.S.A. §§ 2458 and 2461 in an unfair act in commerce. In addition, the

1 Superior Courts may order restitution of wages or other benefits on behalf of
2 an employee and may order reinstatement and other appropriate relief on
3 behalf of an employee.

4 (c) If, following the investigation, the Attorney General determines that an
5 employee has been misclassified as an independent contractor, the Attorney
6 General shall notify the Commissioners of Labor, of Financial Regulation, and
7 of Taxes of the determination, and those Commissioners shall review whether
8 the employer is in compliance with the employment, insurance, or tax laws that
9 are under their jurisdiction.

10 Sec. 3. 21 V.S.A. § 1314 is amended to read:

11 § 1314. REPORTS AND RECORDS; SEPARATION INFORMATION;
12 DETERMINATION OF ELIGIBILITY; FAILURE TO REPORT
13 EMPLOYMENT INFORMATION; DISCLOSURE OF
14 INFORMATION TO OTHER STATE AGENCIES TO
15 INVESTIGATE MISCLASSIFICATION OR MISCODING

16 * * *

17 (d)(1) Except as otherwise provided in this chapter, information obtained
18 from any employing unit or individual in the administration of this chapter, and
19 determinations as to the benefit rights of any individual shall be held
20 confidential and shall not be disclosed or open to public inspection in any
21 manner revealing the individual's or employing unit's identity, nor be

1 admissible in evidence in any action or proceeding other than one arising out
2 of this chapter, or to support or facilitate an investigation by a public agency
3 identified in subdivision (e)(1) of this section.

4 * * *

5 (e)(1) Subject to such restrictions as the Board may by regulation prescribe,
6 information from unemployment insurance records may be made available to
7 any public officer or public agency of this or any other state or the federal
8 government dealing with the administration or regulation of relief, public
9 assistance, unemployment compensation, a system of public employment
10 offices, wages and hours of employment, workers' compensation,
11 misclassification or miscoding of workers, occupational safety and health, or a
12 public works program for purposes appropriate to the necessary operation of
13 those offices or agencies. The Commissioner may also make information
14 available to colleges, universities, and public agencies of the State for use in
15 connection with research projects of a public service nature, and to the
16 Vermont Economic Progress Council with regard to the administration of 32
17 V.S.A. chapter 105, subchapter 2; but no person associated with those
18 institutions or agencies may disclose that information in any manner that
19 would reveal the identity of any individual or employing unit from or
20 concerning whom the information was obtained by Commissioner.

21 * * *

1 in commerce. Any employer complained against shall have the same rights
2 and remedies as specified in 9 V.S.A. §§ 2458–2461. The Superior Courts
3 may impose the same civil penalties and investigation costs and order other
4 relief to the State of Vermont or an aggrieved employee for the
5 misclassification of an employee and any related violations of the provisions of
6 this chapter as they are authorized to impose or order under the provisions of
7 9 V.S.A. §§ 2458 and 2461 in an unfair act in commerce. In addition, the
8 Superior Courts may order restitution of wages or other benefits on behalf of
9 an employee and may order reinstatement and other appropriate relief on
10 behalf of an employee.

11 (c) If, following the investigation, the Attorney General determines that an
12 employer committed a violation of section 342, 343, 348, 482, or 483 of this
13 chapter by misclassifying an employee as an independent contractor, the
14 Attorney General shall notify the Commissioners of Labor, of Financial
15 Regulation, and of Taxes of the determination, and those Commissioners shall
16 review whether the employer is in compliance with the **employment,**
17 **insurance, or tax laws that** are under their jurisdiction.

18 **Sec. 5. 21 V.S.A. § 342a is amended to read:**

19 **§ 342a. INVESTIGATION OF COMPLAINTS OF UNPAID WAGES**

20 * * *

1 (h) Information obtained from any employer, employee, or witness in the
2 course of investigating a complaint of unpaid wages shall be confidential and
3 shall not be disclosed or open to public inspection in any manner that reveals
4 the employee's or employer's identity or be admissible in evidence in any
5 action or proceeding other than one arising under this subchapter. However,
6 such information may be released to any public official for the purposes
7 provided in subdivision 1314(e)(1) of this title or to the Attorney General
8 pursuant to the terms of a memorandum of understanding between the
9 Commissioner and the Attorney General that was agreed to in relation to
10 investigations conducted pursuant to section 346 of this subchapter.

11 **Sec. 6.** 21 V.S.A. § 387 is added to read:

12 § 387. ENFORCEMENT BY ATTORNEY GENERAL; EMPLOYEE

13 MISCLASSIFICATION

14 (a) In addition to any other remedies provided under this subchapter, an
15 individual may file a complaint with the Attorney General that an employer
16 has committed a violation of this subchapter by misclassifying an employee as
17 an independent contractor.

18 (b) The Attorney General may investigate a complaint of a violation of this
19 subchapter that is related to the misclassification of an employee as an
20 independent contractor and may enforce the provisions of this subchapter by
21 restraining prohibited acts, seeking civil penalties, obtaining assurances of

1 discontinuance, and conducting civil investigations in accordance with the
2 procedures established in 9 V.S.A. §§ 2458–2461 as though the
3 misclassification of an employee and any related violations of the provisions of
4 this subchapter were unfair acts in commerce. Any employer complained
5 against shall have the same rights and remedies as specified in 9 V.S.A.
6 §§ 2458–2461. The Superior Courts may impose the same civil penalties and
7 investigation costs and order other relief to the State of Vermont or an
8 aggrieved employee for the misclassification of an employee and any related
9 violations of the provisions of this chapter as they are authorized to impose or
10 order under the provisions of 9 V.S.A. §§ 2458 and 2461 in an unfair act in
11 commerce. In addition, the Superior Courts may order restitution of wages or
12 other benefits on behalf of an employee and may order reinstatement and other
13 appropriate relief on behalf of an employee.

14 (c) If, following the investigation, the Attorney General determines that an
15 employer has violated this subchapter by misclassifying an employee as an
16 independent contractor, the Attorney General shall notify the Commissioners
17 of Labor, of Financial Regulation, and of Taxes of the determination, and those
18 Commissioners shall review whether the employer is in compliance with the
19 employment, insurance, or tax laws that are under their jurisdiction.

1 **Sec. 7. 32 V.S.A. § 3102 is amended to read:**

2 **§ 3102. CONFIDENTIALITY OF TAX RECORDS**

3 * * *

4 **(d) The Commissioner shall disclose a return or return information:**

5 * * *

6 **(5) to the Attorney General, if such return or return information relates**
7 **to chapter 205 of this title or 33 V.S.A. chapter 19, subchapters 1A and 1B, for**
8 **purposes of investigating potential violations of and enforcing 7 V.S.A. chapter**
9 **40, 20 V.S.A. chapter 173, subchapter 2A, and 33 V.S.A. chapter 19,**
10 **subchapters 1A and 1B, and 21 V.S.A. §§ 346, 387, 712, and 1379;**

11 * * *

12 **Sec. 8. INFORMATION EXCHANGE; EMPLOYEE**

13 **MISCLASSIFICATION; ENFORCEMENT BY ATTORNEY**

14 **GENERAL; MEMORANDA OF UNDERSTANDING**

15 **(a) The Attorney General and the Commissioner of Labor shall enter into a**
16 **memorandum of understanding to establish a process for sharing information**
17 **and the coordination of investigatory resources in relation to the provisions of**
18 **21 V.S.A. §§ 346, 387, 712, and 1379. Notwithstanding any provision of 9**
19 **V.S.A. § 2460(a) to the contrary, the memorandum shall, at a minimum,**
20 **provide for:**

1 (1) the notification of the Commissioner of Labor by the Attorney
2 General regarding the commencement and outcome of an investigation
3 conducted pursuant to 21 V.S.A. §§ 346, 387, 712, and 1379;

4 (2) the referral to the Attorney General by the Commissioner of Labor
5 of cases in which an employer may, through the misclassification of
6 employees, be engaging in willful, substantial, or systemic violations of the
7 provisions of 21 V.S.A. chapter 5, subchapter 2 or 3, or 21 V.S.A. chapter 9 or
8 17; and

9 (3) the exchange of information related to an alleged violation or the
10 investigation of an alleged violation pursuant to 21 V.S.A. §§ 346, 387, 712,
11 and 1379.

12 (b) The Attorney General shall enter into separate memoranda of
13 understanding with the Commissioner of Financial Regulation and the
14 Commissioner of Taxes to establish a process for sharing information related
15 to an investigation by the Attorney General pursuant to 21 V.S.A. §§ 346, 387,
16 712, and 1379. Notwithstanding any provision of 9 V.S.A. § 2460(a) to the
17 contrary, each memorandum shall, at a minimum, provide for the disclosure of
18 the Attorney General's determination that an employer has, through the
19 misclassification of an employee, violated the provisions of 21 V.S.A. chapter
20 5, subchapter 2 or 3, or 21 V.S.A. chapter 9 or 17, and the basis for that
21 determination.

1 (c) Information shared pursuant to this section shall be exempt from public
2 inspection and copying under the Public Records Act and shall be kept
3 confidential. Notwithstanding 1 V.S.A. § 317(e), the Public Records Act
4 exemption created in this section shall continue in effect and shall not be
5 repealed through the operation of 1 V.S.A. § 317(e).

6 Sec. 9. EMPLOYEE MISCLASSIFICATION; ENFORCEMENT BY
7 ATTORNEY GENERAL; REPORTS

8 (a)(1) On or before January 15, 2021, the Attorney General, in consultation
9 with the Commissioners of Financial Regulation, of Labor, and of Taxes, shall
10 submit a written report to the House Committees on Commerce and Economic
11 Development and on General, Housing, and Military Affairs and the Senate
12 Committees on Economic Development, Housing and General Affairs and on
13 Finance regarding the enforcement of employment law violations related to
14 employee misclassification by the Attorney General pursuant to 21 V.S.A.
15 §§ 346, 387, 712, and 1379.

16 (2) The report shall include:

17 (A) for each calendar year:

18 (i) the number of complaints received by the Office of the
19 Attorney General;

20 (ii) the number of investigations initiated by the Attorney General;

1 (iii) the number of investigations that resulted in the imposition of
2 a civil penalty, an assurance of discontinuance, or the imposition of injunctive
3 relief; and

4 (B) any recommendations for legislative action to improve the
5 effectiveness of the provisions of 21 V.S.A. §§ 346, 387, 712, and 1379.

6 (b)(1) On or before January 15, 2023, the Attorney General, in consultation
7 with the Commissioners of Financial Regulation, of Labor, and of Taxes, shall
8 submit a written report to the House Committees on Commerce and Economic
9 Development and on General, Housing, and Military Affairs and the Senate
10 Committees on Economic Development, Housing and General Affairs and on
11 Finance regarding the enforcement of employment law violations related to
12 employee misclassification by the Attorney General pursuant to 21 V.S.A.
13 §§ 346, 387, 712, and 1379.

14 (2) The report shall include:

15 (A) for each calendar year:

16 (i) the number of complaints received by the Office of the
17 Attorney General;

18 (ii) the number of investigations initiated by the Attorney General;
19 and

1 (iii) the number of investigations that resulted in the imposition of
2 a civil penalty, an assurance of discontinuance, or the imposition of injunctive
3 relief; and

4 (B) a recommendation regarding whether to delay or eliminate the
5 repeal of 21 V.S.A. §§ 346, 387, 712, and 1379, and if a delay or elimination
6 of the repeal is proposed, any recommendations for legislative action related to
7 those sections.

8 Sec. 10. REPEAL

9 21 V.S.A. §§ 346, 387, 712, and 1379 are repealed.

10 Sec. 11. 21 V.S.A. § 1314 is amended to read:

11 § 1314. REPORTS AND RECORDS; SEPARATION INFORMATION;

12 DETERMINATION OF ELIGIBILITY; FAILURE TO REPORT

13 EMPLOYMENT INFORMATION; DISCLOSURE OF

14 INFORMATION TO OTHER STATE AGENCIES TO

15 INVESTIGATE MISCLASSIFICATION OR MISCODING

16 * * *

17 (e)(1) Subject to such restrictions as the Board may by regulation prescribe,
18 information from unemployment insurance records may be made available to
19 any public officer or public agency of this or any other state or the federal
20 government dealing with the administration or regulation of relief, public
21 assistance, unemployment compensation, a system of public employment

1 offices, wages and hours of employment, workers' compensation,
2 misclassification or miscoding of workers, occupational safety and health, or a
3 public works program for purposes appropriate to the necessary operation of
4 those offices or agencies. The Commissioner may also make information
5 available to colleges, universities, and public agencies of the State for use in
6 connection with research projects of a public service nature, and to the
7 Vermont Economic Progress Council with regard to the administration of 32
8 V.S.A. chapter 105, subchapter 2; but no person associated with those
9 institutions or agencies may disclose that information in any manner that
10 would reveal the identity of any individual or employing unit from or
11 concerning whom the information was obtained by Commissioner.

12 * * *

13 (8) The Department of Labor shall disclose, upon request, to the
14 Attorney General and employees of the Office of the Attorney General
15 information necessary for the Attorney General to investigate a complaint and
16 enforce the provisions of this chapter as provided pursuant to section 1379 of
17 this chapter. [Repealed.]

18 * * *

19 Sec. 12. 21 V.S.A. § 342a is amended to read:

20 § 342a. INVESTIGATION OF COMPLAINTS OF UNPAID WAGES

21 * * *

1 (h) Information obtained from any employer, employee, or witness in the
2 course of investigating a complaint of unpaid wages shall be confidential and
3 shall not be disclosed or open to public inspection in any manner that reveals
4 the employee's or employer's identity or be admissible in evidence in any
5 action or proceeding other than one arising under this subchapter. However,
6 such information may be released to any public official for the purposes
7 provided in subdivision 1314(e)(1) of this title ~~or to the Attorney General~~
8 ~~pursuant to the terms of a memorandum of understanding between the~~
9 ~~Commissioner and the Attorney General that was agreed to in relation to~~
10 ~~investigations conducted pursuant to section 346 of this subchapter.~~

11 * * * Workers' Compensation Coverage for Medical Marijuana * * *

12 **Sec. 13.** 18 V.S.A. § 4474c is amended to read:

13 § 4474c. PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS

14 REGARDING THE USE OF MARIJUANA FOR SYMPTOM

15 RELIEF

16 * * *

17 (b) ~~This~~ Except as otherwise provided by 21 V.S.A. § 640, this chapter
18 shall not be construed to require that coverage or reimbursement for the use of
19 marijuana for symptom relief be provided by:

20 (1) a health insurer as defined by section 9402 of this title, or any
21 insurance company regulated under Title 8;

1 and benefit from the devices or modifications, and the extent to which the
2 devices or modifications enhance or improve the worker's independent
3 functioning.

4 (3) The employer shall also furnish reasonable hospital services and
5 supplies, including surgical, medical, and nursing services while the injured
6 employee is confined in a hospital for treatment and care.

7 * * *

8 (d) The liability of the employer to pay for medical, surgical, hospital, and
9 nursing services and supplies, prescription drugs, ~~and~~ durable medical
10 equipment, and marijuana for symptom relief provided to the injured employee
11 under this section shall not exceed the maximum fee for a particular service,
12 prescription drug, ~~or~~ durable medical equipment, or marijuana for symptom
13 relief as provided by a schedule of fees and rates prepared by the
14 Commissioner. The reimbursement rate for services and supplies in the fee
15 schedule shall include consideration of medical necessity, clinical efficacy,
16 cost-effectiveness, and safety, and those services and supplies shall be
17 provided on a nondiscriminatory basis consistent with workers' compensation
18 and health care law. The Commissioner shall authorize reimbursement at a
19 rate higher than the scheduled rate if the employee demonstrates to the
20 Commissioner's satisfaction that reasonable and necessary treatment,
21 prescription drugs, ~~or~~ durable medical equipment, or marijuana for symptom

1 **relief** is not available at the scheduled rate. An employer shall establish direct
2 billing and payment procedures and notification procedures as necessary for
3 coverage of ~~medically necessary~~ **marijuana** or medically necessary prescription
4 medications for chronic conditions of injured employees, in accordance with
5 rules adopted by the Commissioner.

6 * * *

7 **Sec. 15.** 21 V.S.A. § 640a is amended to read:

8 § 640a. MEDICAL BILLS; PAYMENT; DISPUTE

9 (a) No later than 30 days following receipt of a bill from a health care
10 provider for medical, surgical, hospital, nursing services, supplies, prescription
11 drugs, or durable medical equipment provided to an injured employee, or from
12 a dispensary as defined in 18 V.S.A. § 4472 for marijuana for symptom relief
13 provided to an injured employee, an employer or insurance carrier shall do one
14 of the following:

15 (1) Pay or reimburse the bill.

16 (2) Provide written notification to the injured employee, the health care
17 provider or dispensary, and the Commissioner that the medical bill is contested
18 or denied. The notice shall include specific reasons supporting the contest or
19 denial, a description of any additional information needed by the employer or
20 insurance carrier to determine liability for the medical bill, and a request that

1 such information be submitted to the employer or insurance carrier within 30
2 days following receipt of the notice.

3 (b) Disputes regarding payment of a medical bill may be filed with the
4 Commissioner by the injured employee, ~~or the health care provider,~~ or the
5 dispensary. Disputes regarding payment of a medical bill or interest on that
6 bill shall be determined by the Commissioner or, at the option of either party,
7 be settled by arbitration in accordance with the Commercial Rules of the
8 American Arbitration Association. The decision of an arbitrator shall be
9 provided to the Commissioner, and the award may be entered as a judgment in
10 a court of jurisdiction.

11 * * *

12 (d) Medical bills shall be paid within the time required in this section or
13 according to the time requirements specified in a contract between the health
14 care provider or dispensary and the employer or insurance carrier.

15 (e) Interest shall accrue on an unpaid medical bill at the rate of 12 percent
16 per annum calculated as follows:

17 * * *

18 (4) For a medical bill that is paid in accordance with a contract between
19 the health care provider or dispensary and the employer or insurance carrier,
20 from the day following the contract payment period or as otherwise specified
21 in the contract.

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(j) An employer or insurance carrier shall not impose on any health care provider or dispensary any retrospective denial of a previously paid medical bill or any part of that previously paid medical bill, unless:

(1) The employer or insurance carrier has provided at least 30 days' notice of any retrospective denial or overpayment recovery or both in writing to the health care provider or dispensary. The notice must include:

* * *

(l)(1) For purposes of subsections (j) and (k) of this section, for routine recoveries as described in subdivisions (A) through (J) of this subdivision (1), retrospective denial or overpayment recovery of any or all of a previously paid medical bill shall not require 30 days' notice before recovery may be made. A recovery shall be considered routine only if one of the following situations applies:

* * *

(F) payment where the health care provider or dispensary provides the employer or insurance carrier with new or additional information demonstrating an overpayment;

(G) payment to a health care provider or dispensary at an incorrect rate or using an incorrect fee schedule;

* * *

1 Sec. 16. WORKERS' COMPENSATION EXEMPTION FOR EQUINE

2 CARE AND MANAGEMENT; REPORT

3 (a) The Commissioners of Agriculture and of Labor shall report to the
4 House Committee on Commerce and Economic Development and the Senate
5 Committee on Economic Development, Housing and General Affairs regarding
6 whether certain activities related to equine care and management should be
7 excluded from the definition of "worker" and "employee" pursuant to 21
8 V.S.A. § 601(14).

9 (b) The report shall specifically address the following:

10 (1) an appropriate definition for the terms "agriculture" and "farm
11 employment" as those terms are used in 21 V.S.A. § 601(14)(C);

12 (2) whether any activities related to equine care and management would
13 fall within the definitions of "agriculture" and "farm employment" determined
14 pursuant to subdivision (1) of this subsection;

15 (3) what activities related to equine care and management, if any, should
16 be included in the exemptions from the definition of "worker" and
17 "employee"; and

18 (4) what the potential impact of excluding the activities identified
19 pursuant to subdivision (3) of this subsection from the definition of "worker"
20 and "employee" would be with respect to workers' compensation premiums.

1 worker safety, and potential liability for employers that have equine care and
2 management operations.

3 (c) The report may include a recommendation for legislative action.

4 Sec. 17. STATE EMPLOYEES; WORKERS' COMPENSATION; POST-
5 TRAUMATIC STRESS DISORDER; MENTAL DISORDERS;
6 STUDY; REPORT

7 On or before January 15, 2020, the Agency of Administration, Office of
8 Risk Management, in consultation with the Agency of Human Services, the
9 Department for Children and Families, and the Departments of Human
10 Resources and of Labor, shall submit a written report on the workers'
11 compensation claims submitted by State employees in relation to post-
12 traumatic stress disorder and other mental conditions to the House Committee
13 on Commerce and Economic Development and the Senate Committee on
14 Economic Development, Housing and General Affairs. The report shall:

15 (1) examine the occurrence and frequency of workers' compensation
16 claims submitted by State employees in relation to post-traumatic stress
17 disorder and other mental conditions that are caused or aggravated by
18 workplace stressors or workplace violence;

19 (2) identify professions and occupations in State government that have a
20 heightened risk of exposure to traumatic situations or stress that could cause
21 post-traumatic stress disorder or other mental conditions;

1 (3) include an inventory of currently existing prevention and education
2 plans related to the occurrence of post-traumatic stress disorder and other
3 mental conditions among State employees;

4 (4) identify various approaches for preventing the occurrence of post-
5 traumatic stress disorder and other mental conditions among State employees,
6 including specific actions and methods to reduce the likelihood of job-related
7 stressors or workplace violence; and

8 (5) identify specific training and educational activities and materials that
9 can be implemented to:

10 (A) enable State employees to better recognize situations, incidents,
11 and other occurrences that may result in a stressful situation or violent
12 interaction;

13 (B) enable State employees to better recognize the symptoms of post-
14 traumatic stress disorder and other common mental conditions in themselves
15 and their coworkers;

16 (C) identify the resources available to employees following a
17 stressful or traumatic incident, including the Employee Assistance Program
18 and counseling; and

19 (D) educate State employees regarding how to file and pursue a
20 workers' compensation claim for work-related post-traumatic stress disorder or

1 another work-related mental condition that requires treatment or has become
2 disabling.

3 Sec. 18. 21 V.S.A. § 1346 is amended to read:

4 § 1346. CLAIMS FOR BENEFITS; REGULATIONS; RULES; NOTICE

5 (a) Claims for benefits shall be made in accordance with such regulations
6 as rules adopted by the Board may prescribe. Each employer shall post and
7 maintain printed statements of such regulations in places readily accessible to
8 individuals in his or her service and shall make available to each such
9 individual, at the time he or she becomes unemployed, a printed statement of
10 such regulations. Such printed statements shall be supplied by the
11 Commissioner to each employer without cost to him or her.

12 (b) Every person making a claim shall certify that he or she has not, during
13 the week with respect to which waiting period credit or benefits are claimed,
14 earned or received wages or other remuneration for any employment, whether
15 subject to this chapter or not, otherwise than as specified in his or her claim.

16 All benefits shall be paid in accordance with such regulations as the rules
17 adopted by the Board may prescribe.

18 (c)(1) An employer shall post notice of how an unemployed individual can
19 seek unemployment benefits in a form provided by the Commissioner in a
20 place conspicuous to individuals performing services for the employer. The
21 notice shall also advise individuals of their rights under the Domestic and

1 Sexual Violence Survivor’s Transitional Employment Program, pursuant to
2 chapter 16A of this title. The Commissioner shall provide a copy of the notice
3 to an employer upon request without cost to the employer.

4 (2) An employer shall also provide a copy of the notice to an individual
5 at the time he or she becomes unemployed.

6 * * * Effective Dates * * *

7 **Sec. 19. EFFECTIVE DATES**

8 (a) Secs. 13, 14, and 15 of this act shall take effect if and when marijuana is
9 no longer classified as a Schedule I drug pursuant to the Controlled Substances
10 Act, 21 U.S.C. §§ 801–904.

11 (b) Secs. 10, 11, and 12 shall take effect on July 1, 2023.

12 (c) The remaining sections of this act shall take effect on July 1, 2019.
13 and that after passage the title of the bill be amended to read: “An act
14 relating to workers’ compensation and employee misclassification”

15
16
17
18 (Committee vote: _____)

19 _____
20 Representative _____

21 FOR THE COMMITTEE