

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General, Housing, and Military Affairs to which was
3 referred House Bill No. 107 entitled “An act relating to paid family leave”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 Sec. 1. 21 V.S.A. § 471 is amended to read:

8 § 471. DEFINITIONS

9 As used in this subchapter:

10 (1) “Employer” means an individual, organization ~~or~~ governmental
11 body, partnership, association, corporation, legal representative, trustee,
12 receiver, trustee in bankruptcy, and any common carrier by rail, motor, water,
13 air or express company doing business in or operating within this State ~~which~~
14 ~~for the purposes of parental leave~~ that employs 10 or more individuals who are
15 employed for an average of at least 30 hours per week during a year ~~and for the~~
16 ~~purposes of family leave~~ ~~employs 15 or more individuals for an average of at~~
17 ~~least 30 hours per week during a year.~~

18 * * *

19 (3) “Family leave” means a leave of absence from employment by an
20 employee who works for an employer ~~which~~ that employs ~~15~~ 10 or more

1 individuals who are employed for an average of at least 30 hours per week
2 during the year for one of the following reasons:

3 (A) the serious illness of the employee; ~~or~~

4 (B) the serious illness of the employee's ~~child, stepchild or ward who~~
5 ~~lives with the employee, foster child, parent, spouse or parent of the~~
6 ~~employee's spouse~~ **family member**;

7 ~~(4) "Parental leave" means a leave of absence from employment by an~~
8 ~~employee who works for an employer which employs 10 or more individuals~~
9 ~~who are employed for an average of at least 30 hours per week during the year~~
10 ~~for one of the following reasons:~~

11 ~~(C) the employee's pregnancy;~~

12 ~~(A)(D) the birth of the employee's child; or~~

13 ~~(B)(E) the initial placement of a child 16 18 years of age or younger~~
14 ~~with the employee for the purpose of adoption or foster care.~~

15 **(4) "Family member" means the employee's:**

16 **(A) child;**

17 **(B) spouse, domestic partner, or civil union partner;**

18 **(C) sibling or the sibling of the employee's spouse, domestic partner,**
19 **or civil union partner;**

20 **(D) grandchild;**

1 the date the leave is expected to commence and the estimated duration of the
2 leave.

3 (2) In the case of the adoption or birth of a child, an employer shall not
4 require that notice be given more than six weeks prior to the anticipated
5 commencement of the leave.

6 (3) In the case of an unanticipated serious illness or premature birth, the
7 employee shall give the employer notice of the commencement of the leave as
8 soon as practicable.

9 (4) In the case of serious illness of the employee or a member of the
10 employee's family, an employer may require certification from a physician to
11 verify the condition and the amount and necessity for the leave requested.

12 (5) An employee may return from leave earlier than estimated upon
13 approval of the employer.

14 (6) An employee shall provide reasonable notice to the employer of his
15 or her need to extend the leave to the extent provided by this chapter.

16 * * *

17 (h) Except for serious illness of the employee, an employee who does not
18 return to employment with the employer who provided the family leave shall
19 return to the employer the value of any compensation paid to or on behalf of
20 the employee during the leave, except payments of Parental and Family Leave

1 Insurance benefits and payments for accrued sick leave or vacation leave. An
2 employer may elect to waive the rights provided pursuant to this subsection.

3 Sec. 3. 21 V.S.A. chapter 5, subchapter 13 is added to read:

4 Subchapter 13. Parental and Family Leave Insurance

5 [Alternative 1] Subchapter 13. Parental, Family, and Medical Leave Insurance

6 [Alternative 2] Family and Medical Leave Insurance

7 § 571. DEFINITIONS

8 As used in this subchapter:

9 (1) “Average weekly wage” means the total amount of wages earned by
10 a qualified employee during the past 12 months divided by 52.

11 (Alt. 2) “Bereavement leave” means a leave of absence from
12 employment by an employee for the death of the employee’s family member
13 that occurs not more than one year after the family member’s death.

14 (2) “Employee” means an individual who receives payments with
15 respect to services performed for an employer from which the employer is
16 required to withhold Vermont income tax pursuant to 32 V.S.A. chapter 151,
17 subchapter 4.

18 (3) “Employer” means an individual, organization, governmental body,
19 partnership, association, corporation, legal representative, trustee, receiver,
20 trustee in bankruptcy, and any common carrier by rail, motor, water, air, or
21 express company doing business in or operating within this State.

- 1 (4) “Family member” means the employee’s:
- 2 (A) child;
- 3 (B) spouse, domestic partner, or civil union partner;
- 4 (C) sibling or the sibling of the employee’s spouse, domestic partner,
5 or civil union partner;
- 6 (D) grandchild;
- 7 (E) grandparent or the spouse, domestic partner, or civil union
8 partner of the employee’s grandparent;
- 9 (F) aunt or uncle, provided the aunt or uncle does not have a spouse,
10 child, parent, or sibling available to care for him or her;
- 11 (G) niece or nephew, provided the niece or nephew does not have a
12 spouse, child, parent, or sibling available to care for him or her; or
- 13 (H) a person whose close association with the employee is the
14 equivalent of a family relationship.
- 15 (Alt. 4) “Immediate family member” means the employee’s parent,
16 grandparent, spouse, child, sibling, parent-in-law, grandchild, foster child or
17 ward who lives with the employee, any individual who lives with the
18 employee, and any family member for whom an employee is primarily
19 responsible either to arrange for health care or to provide care.
- 20 (5) “Parental and family leave” means a leave of absence from
21 employment by an employee for:

1 (A) his or her own serious illness, provided he or she is not eligible to
2 receive workers' compensation pursuant to 21 V.S.A. chapter 9 for the serious
3 illness;

4 (B) a serious illness of the employee's family member;

5 (C) the employee's pregnancy;

6 (D) the birth of the employee's child; or

7 (E) the initial placement of a child 18 years of age or younger with
8 the employee for the purpose of adoption or foster care.

9 (Alt. F) the death of the employee's family member, provided the
10 leave is taken not more than one year after the death of the family member.

11 (6) "Qualifying employee" means an individual who has earned wages
12 during the last 12 months in an amount that is equal to or greater than 1,040
13 hours at the minimum wage established pursuant to section 384 of this chapter.

14 (7) "Self-employed person" means a sole proprietor or partner owner of
15 an unincorporated business, the sole member of an LLC that does not have any
16 employees other than the member, or the sole shareholder of a corporation that
17 does not have any employees other than the shareholder.

18 (8) "Serious illness" means an accident, disease, or physical or mental
19 condition that:

20 (A) poses imminent danger of death;

21 (B) requires inpatient care in a hospital; or

1 (C) requires continuing in-home care under the direction of a
2 physician.

3 (9) “Wages” means payments that are included in the definition of
4 wages set forth in 26 U.S.C. § 3401.

5 § 572. PARENTAL AND FAMILY LEAVE INSURANCE; SPECIAL
6 FUND; ADMINISTRATION

7 (a)(1) The Parental and Family Leave Insurance Program is established for
8 the provision of Parental and Family Leave Insurance benefits to eligible
9 employees pursuant to this section.

10 (2)(A) The Commissioner of Taxes shall administer the collection of
11 contributions, the determination of monetary eligibility for benefits, and the
12 issuance of benefits checks for the program.

13 (B) The Commissioner of Labor shall administer the receipt and
14 processing of benefits applications, the determination of eligibility for benefits,
15 the collection of overpaid benefits, and all other aspects of the program that are
16 not administered by the Commissioner of Taxes.

17 (b) The Parental and Family Leave Insurance Special Fund is created
18 pursuant to 32 V.S.A. chapter 7, subchapter 5. The Fund may be expended by
19 the Commissioners of Labor and of Taxes for the administration of the
20 Parental and Family Leave Insurance Program and payment of Parental and

1 Family Leave Insurance benefits provided pursuant to this section. All interest
2 earned on Fund balances shall be credited to the Fund.

3 (c)(1)(A) The Fund shall consist of contributions equal to 0.72 percent of
4 each employee's covered wages of which one-half shall be deducted and
5 withheld by an employer from an employee's wages and one-half shall be paid
6 by the employee's employer.

7 (B) In lieu of deducting and withholding the full amount of the
8 contribution pursuant to subdivision (A) of this subdivision (1), an employer
9 may elect to pay all or a portion of the contributions due from the employee's
10 covered wages.

11 (C) As used in this subsection, the term "covered wages" does not
12 include the amount of wages paid to an employee after he or she has received
13 wages equal to \$150,000.00. Beginning on January 1, 2021, and on each
14 subsequent January 1, the amount of wages included in the term "covered
15 wages" shall be increased by the percentage increase of the Consumer Price
16 Index, CPI-U, U.S. city average, not seasonally adjusted, or successor index, as
17 calculated by the U.S. Department of Labor or successor agency for the
18 12 months preceding the previous September 1. The amount of wages
19 included in the term "covered wages" shall not be decreased.

20 (2)(A) Notwithstanding subdivision (1)(A) of this subsection (c), the
21 General Assembly shall annually establish the rate of contribution for the next

1 fiscal year. The rate shall equal the amount necessary to provide Parental and
2 Family Leave Insurance benefits pursuant to this subchapter, to maintain a
3 reserve equal to at least nine months of the projected benefit payments for the
4 next fiscal year, and to administer the Parental and Family Leave Insurance
5 Program during the next fiscal year, adjusted by any balance in the Fund from
6 the prior fiscal year.

7 (B) On or before February 1 of each year, the Commissioner of
8 Labor, in consultation with the Commissioner of Taxes, shall report to the
9 General Assembly the rate of contribution necessary to provide Parental and
10 Family Leave Insurance benefits pursuant to this subchapter, to maintain a
11 reserve equal to at least nine months of the projected benefit payments for the
12 next fiscal year, and to administer the Program during the next fiscal year,
13 adjusted by any balance in the Fund from the prior fiscal year.

14 (d) The Commissioner of Taxes shall require the withholding of the
15 contributions required pursuant to subsection (c) of this section from wages
16 paid by any employer, as if the contributions were an additional Vermont
17 income tax subject to the withholding requirements of 32 V.S.A. § 5841(a).
18 The administrative and enforcement provisions of 32 V.S.A. chapter 151,
19 subchapter 4 shall apply to the withholding requirement under this section as if
20 the contributions withheld were a Vermont income tax.

1 § 573. BENEFITS

2 (a)(1) A qualified employee shall be permitted to receive a total of not
3 more than 12 weeks of Parental and Family Leave Insurance benefits in a 12-
4 month period for parental and family leave taken by the employee.

5 (2) An employee may use up to two out of the 12 weeks of Parental and
6 Family Leave Insurance benefits available to him or her during a 12-month
7 period for bereavement leave.

8 (b) A qualified employee awarded Parental and Family Leave Insurance
9 benefits under this section shall receive 100 percent of his or her average
10 weekly wage or an amount equal to a 40-hour workweek paid at a rate double
11 that of the livable wage, as determined by the Joint Fiscal Office pursuant to
12 2 V.S.A. § 505, whichever is less.

13 (c) A qualified employee who receives Parental and Family Leave
14 Insurance benefits for an intermittent leave or for a portion of a week, shall
15 receive a prorated benefit amount.

16 (d) A parental and family leave or bereavement leave for which benefits are
17 paid pursuant to this subchapter shall run concurrently with a leave taken
18 pursuant to section 472 of this title or the federal Family and Medical Leave
19 Act, 29 U.S.C. §§ 2611–2654.

1 § 574. APPLICATION FOR BENEFITS; PAYMENT; TAX

2 WITHHOLDING

3 (a) A qualified employee shall file an application for Parental and Family
4 Leave Insurance benefits with the Commissioner of Labor under this section
5 on a form provided by the Commissioner. The Commissioner shall determine
6 whether the qualified employee is eligible to receive Parental and Family
7 Leave Insurance benefits based on the following criteria:

8 (1) The purposes for which the claim is made are adequately
9 documented pursuant to rules adopted by the Commissioner.

10 (2) The Commissioner of Taxes certifies that the individual is a
11 qualified employee.

12 (3) The qualified employee satisfies the eligibility requirements for the
13 requested leave and has specified the anticipated duration of the leave.

14 (4) The benefits are being requested in relation to a parental and family
15 leave or bereavement leave.

16 (b)(1) The Commissioner of Labor shall make a determination of each
17 claim not later than five business days after the date the claim is filed, and
18 Parental and Family Leave Insurance benefits shall be paid from the Fund
19 created pursuant to this section. The Commissioner may extend the time in
20 which to make a determination of a claim by not more than 15 business days if

1 necessary to obtain documents or information that are needed to make the
2 determination.

3 (2) Benefits shall be paid to an employee for the time period beginning
4 on the day his or her leave began and the first benefit payment shall be sent to
5 a qualified employee within 14 days after his or her claim is approved, and
6 subsequent payments shall be sent biweekly.

7 (3) The provisions of sections 1367 and 1367a of this title shall apply to
8 Parental and Family Leave Insurance benefits.

9 (c)(1) An individual filing a claim for benefits pursuant to this section
10 shall, at the time of filing, be advised that Parental and Family Leave Insurance
11 benefits may be subject to income tax and that the individual's benefits may be
12 subject to withholding.

13 (2) The Commissioner of Labor shall follow all procedures specified by
14 26 U.S.C. chapter 24 and 32 V.S.A. chapter 151, subchapter 4 pertaining to the
15 withholding of income tax.

16 § 575. REINSTATEMENT; SENIORITY AND BENEFITS PROTECTED

17 (a) The employer of an employee who receives Parental and Family Leave
18 Insurance benefits under this subchapter shall reinstate the employee at the
19 conclusion of his or her parental and family leave or bereavement leave,
20 provided the employee is not out of work for a continuous period in excess of

1 12 weeks. The employee shall be reinstated in the first available suitable
2 position given the position he or she held at the time his or her leave began.

3 (b) Upon reinstatement, the employee shall regain seniority and any unused
4 accrued paid leave he or she was entitled to prior to the **parental and family**
5 **leave or bereavement leave**, less any accrued paid leave used during the
6 **parental and family leave or bereavement leave.**

7 (c)(1) Nothing in this section shall be construed to diminish an employee's
8 rights pursuant to subsection 472(f) of this chapter.

9 (2) The provisions of this section shall not apply if:

10 (A) the employee had been given notice, or had given notice, prior to
11 the beginning of his or her leave;

12 (B) the employee's position would have terminated of its own terms
13 prior to any reinstatement he or she would otherwise be entitled to under this
14 section;

15 (C) the employee fails to inform the employer of:

16 (i) his or her interest in being reinstated at the conclusion of the
17 leave; and

18 (ii) the date on which his or her leave is anticipated to conclude; or

19 (D) more than two years have elapsed since the conclusion of the
20 employee's leave.

1 (d)(1) An employee aggrieved by an employer’s failure to comply with the
2 provisions of this section may bring an action in the Civil Division of the
3 Superior Court in the county where the employment is located for
4 compensatory and punitive damages or equitable relief, including restraint of
5 prohibited acts, restitution of wages or other benefits, reinstatement, costs, and
6 other appropriate relief.

7 (2) A copy of the complaint shall be filed with the Commissioner of
8 Labor.

9 (3) The court shall award reasonable attorney’s fees to the employee if
10 he or she prevails.

11 § 576. ELECTIVE COVERAGE

12 (a)(1) A self-employed person may elect to obtain coverage under the
13 Parental and Family Leave Insurance Program for a period of three years by
14 filing a notice of his or her election with the Commissioner of Taxes on a form
15 provided by the Commissioner.

16 (2) The provisions of sections 573, 574, 578, 580, 581, and 582 of this
17 chapter shall apply to a self-employed person who elects to obtain coverage
18 pursuant to this section in the same manner as if he or she were an employee.

19 (b)(1) A person who elects to obtain coverage pursuant to this subsection
20 shall:

1 (A) contribute an amount equal to 0.93 percent of his or her covered
2 work income at times determined by the Commissioner; and

3 (B) provide to the Commissioner any documentation of his or her
4 work income and any related information that the Commissioner determines is
5 necessary.

6 (2) As used in this section, “covered work income” means an amount of
7 working income earned by a self-employed person that is equal to the amount
8 of covered wages pursuant to subdivision (c)(1)(C) of section 572 of this
9 chapter.

10 (c) A person who elects coverage pursuant to this section shall be eligible
11 to file a claim for and receive Parental and Family Leave Insurance benefits if
12 he or she has made contributions to the Fund on the amount of wages required
13 to be a qualified employee as that term is defined pursuant to subdivision
14 571(4) of this subchapter.

15 (d)(1) A person who elects coverage pursuant to this section may terminate
16 his or her coverage at the end of the three-year period by providing the
17 Commissioner with written notice of the termination at least 30 days before the
18 end of the period.

19 (2) If a person who elects coverage pursuant to this subsection does not
20 terminate it at the end of the initial three-year period, he or she may terminate
21 the coverage at the end of any succeeding annual period by providing the

1 Commissioner with written notice of the termination at least 30 days before the
2 end of the period.

3 (3) Notwithstanding subdivisions (1) and (2) of this subsection, a person
4 who, after electing to obtain coverage pursuant to this section, becomes an
5 employee or stops working in Vermont, may elect to terminate his or her
6 coverage pursuant to this section by providing the Commissioner with 30 days'
7 written notice in accordance with rules adopted by the Commissioner.

8 (e)(1) Nothing in this section shall be construed to prevent an individual
9 who is both an employee and a self-employed person from electing to obtain
10 coverage pursuant to this section.

11 (2) The monetary eligibility of an individual who is both an employee
12 and a self-employed person shall be determined based on his or her combined
13 wages and self-employment income during the past 12 months.

14 § 577. APPEALS

15 (a)(1) An employer or individual aggrieved by a decision of the
16 Commissioner of Labor under section 574 or 581 of this subchapter may file
17 with the Commissioner a petition for reconsideration within 30 days after
18 receipt of the decision. The petition shall set forth in detail the grounds upon
19 which it is claimed that the decision is erroneous and may include materials
20 supporting that claim.

1 (2) If an employer petitions the Commissioner to reconsider a decision
2 pursuant to section 574 or 581 of this subchapter, the Commissioner shall
3 promptly notify the individual of the petition by ordinary, certified, or
4 electronic mail and provide him or her with an opportunity to file an answer to
5 the employer's petition.

6 (3) The Commissioner shall promptly notify the employer or individual,
7 or both, of his or her decision by ordinary, certified, or electronic mail.

8 (b)(1) An employer or individual aggrieved by the Commissioner's
9 decision on reconsideration may file an appeal with a departmental
10 administrative law judge within 30 days after receiving the Commissioner's
11 decision. The appeal shall set forth in detail the grounds upon which it is
12 claimed that the decision is erroneous.

13 (2) The administrative law judge shall, upon not less than five business
14 days' notice, hold a hearing on the appeal as provided pursuant to rules
15 adopted by the Commissioner. After the hearing, all parties to the appeal shall
16 be promptly notified by ordinary, certified, or electronic mail of the findings of
17 fact, conclusions, and decision of the administrative law judge.

18 (c) Any party may appeal the administrative law judge's decision to the
19 Supreme Court within 30 days after receiving the decision.

1 (d) The provisions of section 1353 of this title shall apply to all
2 determinations, redeterminations, findings of fact, conclusions of law,
3 decisions, orders, or judgments entered or made pursuant to this section.

4 § 578. FALSE STATEMENT OR REPRESENTATION; PENALTY

5 A person who willfully makes a false statement or representation for the
6 purpose of obtaining any benefit or payment or to avoid payment of any
7 required contributions under the provisions of this subchapter, either for
8 himself or herself or for any other person, after notice and opportunity for
9 hearing, may be assessed an administrative penalty of not more than
10 \$20,000.00 and shall forfeit all or a portion of any right to benefits under the
11 provisions of this subchapter, as determined to be appropriate by the
12 Commissioner of Labor or of Taxes, as appropriate, after a determination by
13 the Commissioner that the person has willfully made a false statement or
14 representation of a material fact.

15 § 579. RULEMAKING

16 (a) The Commissioner of Taxes shall adopt rules as necessary to implement
17 the provisions of this subchapter related to the collection of contributions
18 pursuant to section 572 of this subchapter and the determination of monetary
19 eligibility for benefits.

20 (b) The Commissioner of Labor shall adopt rules as necessary to
21 implement all other provisions of this subchapter.

1 § 580. CONFIDENTIALITY OF INFORMATION

2 (a) Information obtained from an employer or individual in the
3 administration of this subchapter and determinations of an individual's right to
4 receive benefits that reveal an employer's or individual's identity in any
5 manner shall be kept confidential and shall be exempt from public inspection
6 and copying under the Public Records Act. Such information shall not be
7 admissible as evidence in any action or proceeding other than one brought
8 pursuant to the provisions of this subchapter.

9 (b) Notwithstanding subsection (a) of this section:

10 (1) an individual or his or her duly authorized agent may be provided
11 with information to the extent necessary for the proper presentation of his or
12 her claim for benefits or to inform him or her of his or her existing or
13 prospective rights to benefits; and

14 (2) an employer may be provided with information that the
15 Commissioner of Labor or of Taxes determines is necessary to enable the
16 employer to discharge fully its obligations and protect its rights under this
17 subchapter.

18 § 581. DISQUALIFICATIONS

19 A qualified employee shall be disqualified for benefits for any week in
20 which he or she has received:

1 (1) compensation for temporary partial disability or temporary total
2 disability under the workers' compensation law of any state or under a similar
3 law of the United States; or

4 (2) unemployment compensation benefits under the law of any state.

5 § 582. OVERPAYMENT OF BENEFITS; COLLECTION

6 (a)(1) Any individual who by nondisclosure or misrepresentation of a
7 material fact, by him or her, or by another person, has received Parental and
8 Family Leave Insurance benefits when he or she failed to fulfill a requirement
9 for the receipt of benefits pursuant to this chapter or while he or she was
10 disqualified from receiving benefits pursuant to section 580 of this chapter
11 shall be liable to repay to the Commissioner of Labor the amount received.

12 (2) Upon determining that an individual has received benefits under this
13 chapter that he or she was not entitled to, the Commissioner of Labor shall
14 provide the individual with notice of the determination. The notice shall
15 include a statement that the individual is liable to repay to the Commissioner
16 the amount of overpaid benefits and shall identify the basis of the overpayment
17 and the time period in which the benefits were paid.

18 (3) The determination shall be made within not more than three years
19 after the date of the overpayment.

20 (b)(1) An individual liable under this section shall repay the overpaid
21 amount to the Commissioner for deposit into the Fund.

1 (2) If the Commissioner finds that the individual intentionally
2 misrepresented or failed to disclose a material fact with respect to his or her
3 claim for benefits, in addition to the repayment under subdivision (1) of this
4 subsection, the person shall pay an additional penalty of 15 percent of the
5 amount of the overpaid benefits, which shall also be deposited into the Fund.

6 (3) The Commissioner may collect the amounts due under this section in
7 civil action in the Superior Court.

8 (c) If an individual is liable to repay any amount pursuant to this section,
9 the Commissioner may withhold, in whole or in part, any future benefits
10 payable to the individual pursuant to this chapter and credit the withheld
11 benefits against the amount due from the individual until it is repaid in full,
12 less any penalties assessed under subdivision (b)(2) of this section.

13 (d) In addition to the remedy provided pursuant to this section, an
14 individual who intentionally misrepresented or failed to disclose a material fact
15 with respect to his or her claim for benefits may be subject to the penalties
16 provided pursuant to section 577 of this title.

17 Sec. 4. ADOPTION OF RULES

18 (a) On or before April 1, 2020, the Commissioner of Taxes shall
19 adopt rules necessary to implement the provisions of 21 V.S.A. chapter 5,
20 subchapter 13 related to the collection of contributions and the determination
21 of monetary eligibility, which shall include:

- 1 (1) procedures for the collection of contributions;
- 2 (2) procedures for the issuance of benefits payments; and
- 3 (3) reporting and record-keeping requirements for employers and self-
- 4 employed individuals.

5 (b) On or before April 1, 2020, the Commissioner of Labor shall adopt
6 rules necessary to implement all other provisions of 21 V.S.A. chapter 5,
7 subchapter 13, which shall include:

- 8 (1) procedures for receiving and processing applications for benefits;
- 9 (2) acceptable documentation for demonstrating eligibility for benefits;
- 10 (3) forms and requirements for providing certification from a health care
11 provider of the need for family leave that are modeled on the federal rules
12 governing certification of a serious health condition under the Family and
13 Medical Leave Act;
- 14 (4) forms and procedures for obtaining authorization for an individual's
15 health care provider to disclose to the Commissioner information necessary to
16 make a determination of the individual's eligibility for benefits; and
- 17 (5) procedures for appealing a decision pursuant to 21 V.S.A. § 574 that
18 are modeled, to the extent possible, on the appeals process provided for
19 determinations of benefits in relation to unemployment insurance.

1 Sec. 5. EDUCATION AND OUTREACH

2 On or before June 1, 2020, the Commissioner of Labor shall develop and
3 make available on the Department of Labor’s website information and
4 materials to educate and inform employers and employees about the Parental
5 and Family Leave Insurance Program established pursuant to 21 V.S.A.
6 chapter 5, subchapter 13.

7 Sec. 6. ESTABLISHMENT OF PARENTAL AND FAMILY LEAVE
8 INSURANCE PROGRAM; EXPENDITURES FROM SPECIAL
9 FUND

10 Beginning on July 1, 2019, the Commissioner of Finance and Management
11 may, pursuant to 32 V.S.A. § 588(4)(C), issue warrants for expenditures from
12 the Parental and Family Leave Insurance Special Fund necessary to establish
13 the Parental and Family Leave Insurance Program in anticipation of the receipt
14 on or after July 1, 2020 of contributions submitted pursuant to 21 V.S.A.
15 § 572.

16 Sec. 7. ADEQUACY OF RESERVES; REPORT

17 Annually, on or before January 15, 2022, 2023, and 2024, the
18 Commissioners of Labor and of Taxes, in consultation with the Commissioners
19 of Finance and Management and of Financial Regulation, shall submit a
20 written report to the House Committees on Appropriations, on General,
21 Housing, and Military Affairs, and on Ways and Means and the Senate

1 Committees on Appropriations, on Economic Development, Housing and
2 General Affairs, and on Finance regarding the amount and adequacy of the
3 reserves in the Parental and Family Leave Insurance Special Fund and any
4 recommendations for legislative action necessary to ensure that an adequate
5 reserve is maintained in the Fund.

6 Sec. 8. 21 V.S.A. § 1344 is amended to read:

7 § 1344. DISQUALIFICATIONS

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

9 * * *

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

12 * * *

13 (F) Parental and Family Leave Insurance benefits pursuant to
14 chapter 5, subchapter 13 of this title.

15 * * *

16 Sec. 9. EFFECTIVE DATES

17 (a) This section and Secs. 3, 4, 5, 6, and 7 shall take effect on July 1, 2019.

18 (b) Secs. 1, 2, and 8 shall take effect on October 1, 2021.

19 (c) Contributions shall begin being paid pursuant to 21 V.S.A. § 572 on
20 July 1, 2020, and, beginning on October 1, 2021, employees may begin to
21 receive benefits pursuant to 21 V.S.A. chapter 5, subchapter 13.

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE

DRAFT