

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred Senate Bill No. 15 entitled “An act relating to
4 unemployment compensation” respectfully reports that it has considered the
5 same and recommends that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 * * * Unemployment Insurance benefits eligibility following an injury * * *

8 Sec. 1. 21 V.S.A. § 1301 is amended to read:

9 § 1301. DEFINITIONS

10 The following words and phrases, as used in this chapter, shall have the
11 following meanings unless the context clearly requires otherwise:

12 * * *

13 (17)(A) For benefit years beginning prior to January 3, 1988, the “base
14 period” is the period of 52 weeks ending with the day immediately preceding
15 the first day of a claimant’s benefit year. ~~Such~~ The base period shall be
16 extended by one week for each week, not to exceed 18, in which the claimant
17 had no earnings because of sickness or disability as certified by a duly licensed
18 physician.

19 * * *

20 (D)(i) ~~All~~ Except as otherwise provided in subdivision (ii) of this
21 subdivision (17)(D), all wages which that fall within the “base period” of valid

1 claims under this ~~section~~ subdivision (17) shall not be available for reuse in
2 qualifying for any subsequent benefit years under section 1338 or 1318 of this
3 title.

4 (ii) An otherwise eligible claimant who has not received
5 unemployment compensation benefits in relation to his or her current claim
6 and who is determined to be ineligible for benefits pursuant to subsection
7 1343(a) of this chapter because he or she is unable to work due to an accident
8 or injury resulting in a temporary total disability for which the claimant is
9 eligible to receive workers' compensation benefits under chapter 9 of this title
10 may withdraw his or her claim for unemployment compensation benefits.
11 Notwithstanding subdivision (i) of this subdivision (17)(D), all wages that fell
12 within the base period used to establish the withdrawn claim shall be available
13 for use by the claimant in establishing a claim pursuant to subsection 1338(d)
14 of this chapter.

15 * * *

16 * * * Unemployment Insurance benefits for COVID-19 * * *

17 Sec. 2. 21 V.S.A. § 1325 is amended to read:

18 § 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

19 DISCLOSURE TO SUCCESSOR ENTITY

20 (a)(1) The Commissioner shall maintain an experience-rating record for
21 each employer. Benefits paid shall be charged against the experience-rating

1 record of each subject employer who provided base-period wages to the
2 eligible individual. Each subject employer’s experience-rating charge shall
3 bear the same ratio to total benefits paid as the total base-period wages paid by
4 that employer bear to the total base-period wages paid to the individual by all
5 base-period employers. The experience-rating record of an individual subject
6 base-period employer shall not be charged for benefits paid to an individual
7 under any of the following conditions:

8 * * *

9 (G)(i) The individual was temporarily separated from employment
10 with that employer because:

11 (I) the employer temporarily ceased operation at the
12 individual’s place of employment in response to a request from a local health
13 official or the Commissioner of Health that the employer cease operations
14 because of COVID-19 or because the employer voluntarily ceases operations
15 due to the actual or suspected exposure of workers at that place of employment
16 to COVID-19; or

17 (II) the individual has been requested by a medical
18 professional, local health official, or the Commissioner of Health to be isolated
19 or quarantined as a result of COVID-19, regardless of whether the individual
20 has been diagnosed with COVID-19; and

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

5 (i) the individual left such employment to accompany a spouse
6 who:

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

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

16 (ii) the individual left such employment to care for parent,
17 grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster
18 child who has been diagnosed with COVID-19.

19 * * *

20 (3) For not more than six weeks nor less than one week immediately
21 following the filing of a claim for benefits ~~(in addition to the waiting period),~~

1 as may be determined by the Commissioner according to the circumstances in
2 each case, if the Commissioner finds that he or she has left the employ of his or
3 her last employing unit, without good cause attributable to such employing
4 unit, because of a health condition, as certified by a health care provider, as
5 defined in 18 V.S.A. § 9432(9), ~~which that~~ precludes the discharge of duties
6 inherent in such employment; a request by a health care provider, as defined in
7 18 V.S.A. § 9432(9), a local health official, or the Commissioner of Health that
8 the individual be isolated or quarantined as a result of COVID-19; or based on
9 a legitimate concern about exposure to COVID-19 at the individual's place of
10 employment.

11 * * *

12 * * * Repeals * * *

13 Sec. 4. REPEAL

14 21 V.S.A. § 1325(a)(1)(G) is repealed.

15 Sec. 5. 21 V.S.A. § 1344 is amended to read:

16 § 1344. DISQUALIFICATIONS

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

18 * * *

19 (2) For any week benefits are claimed, except as provided in subdivision
20 (a)(3) of this section, until he or she has presented evidence to the satisfaction
21 of the Commissioner that he or she has performed services in employment for

1 a bona fide employer and has had earnings in excess of six times his or her
2 weekly benefit amount if the Commissioner finds that such individual is
3 unemployed because:

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

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

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

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

19 ~~(ii) the individual left such employment to care for parent,~~
20 ~~grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster~~
21 ~~child who has been diagnosed with COVID-19.~~

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* * *

(3) For not more than six weeks nor less than one week immediately following the filing of a claim for benefits, in addition to the waiting period, as may be determined by the Commissioner according to the circumstances in each case, if the Commissioner finds that he or she has left the employ of his or her last employing unit, without good cause attributable to such employing unit, because of a health condition, as certified by a health care provider, as defined in 18 V.S.A. § 9432(9), that precludes the discharge of duties inherent in such employment; ~~a request by a health care provider, as defined in 18 V.S.A. § 9432(9), a local health official, or the Commissioner of Health that the individual be isolated or quarantined as a result of COVID-19; or based on a legitimate concern about exposure to COVID-19 at the individual's place of employment.~~

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* * * Effective Dates * * *

Sec. 6. EFFECTIVE DATES

- (a) This section and Secs. 2 and 3 shall take effect on passage.
- (b) Sec. 1 shall take effect on July 1, 2020.
- (c) Secs. 4 and 5 shall take effect on March 31, 2021.

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4 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE