

1 Introduced by Committee on Economic Development, Housing and General
2 Affairs

3 Date:

4 Subject: Labor; employers' liability and workers' compensation; COVID-19

5 Statement of purpose of bill as introduced: This bill proposes to grant the
6 Commissioner of Labor temporary authority during a declared state of
7 emergency related to COVID-19 to amend or waive certain requirements and
8 deadlines under the workers' compensation laws and to provide a presumption
9 that certain workers who are diagnosed with COVID-19 are entitled to
10 workers' compensation for the disease.

11 An act relating to temporary workers' compensation amendments related to
12 COVID-19

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. WORKERS' COMPENSATION; ADMINISTRATIVE

15 FLEXIBILITY; TEMPORARY AUTHORITY

16 (a) In order to effectuate the remedial purpose of Vermont's Workers'
17 Compensation law and to ensure that injured workers are able to obtain the
18 workers' compensation benefits they are entitled to, the Commissioner shall,
19 during a declared state of emergency related to COVID-19, have authority to
20 issue guidance and adopt procedures to extend deadlines or temporarily amend

1 or waive specific requirements of 21 V.S.A. chapter 9 and the rules adopted
2 pursuant to that chapter.

3 (b) Any guidance or procedures that are issued or adopted by the
4 Commissioner pursuant to this section shall only be effective during the state
5 of emergency in which they are adopted and shall expire upon the termination
6 of the state of emergency.

7 (c) The Commissioner shall post any guidance issued or procedure adopted
8 pursuant to this section on the Department’s website and shall make reasonable
9 efforts to provide prompt notice of the guidance or procedure to employers,
10 attorneys, and employee organizations.

11 (d) The Commissioner shall not be required to initiate rulemaking pursuant
12 to 3 V.S.A. § 831(c) in relation to any guidance issued or procedure adopted
13 pursuant to this section.

14 Sec. 2. COVID-19; PRESUMPTION OF COMPENSABILITY

15 (a) Disability or death resulting from COVID-19 shall be presumed to be
16 compensable pursuant to 21 V.S.A. chapter 9 if, in the course of his or her
17 employment and during a declared state of emergency related to COVID-19, a
18 worker:

19 (1) had in-person contact with members of the general public;

20 (2) had in-person contact with an individual diagnosed with COVID-19;

21 or

1 (3) performed services in a health care facility as defined in 18 V.S.A.
2 § 9432.

3 (b) The presumption of compensability in subsection (a) of this section
4 shall not apply if it is shown by a preponderance of the evidence that the
5 disease was caused by non-employment-connected risk factors or non-
6 employment-connected exposure.

7 (c) The presumption of compensability in subsection (a) of this section
8 shall not apply if the employer offers a COVID-19 vaccine that is refused by
9 the worker and the worker is subsequently diagnosed with COVID-19.

10 Sec. 3. PROSPECTIVE REPEAL

11 In the absence of legislative action to the contrary, Secs. 1 and 2 of this act
12 are repealed on January 15, 2021.

13 Sec. 4. EFFECTIVE DATE

14 This act shall take effect on passage.