

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to  
3 which was referred House Bill No. 681 entitled “An act relating to employer  
4 registration for unemployment insurance and amendments to the  
5 unemployment insurance laws to address the COVID-19 outbreak”  
6 respectfully reports that it has considered the same and recommends that the  
7 Senate propose to the House that the bill be amended by striking out all after  
8 the enacting clause and inserting in lieu thereof the following:

9 \*\*\* Unemployment Insurance \*\*\*

10 Sec. 1. 21 V.S.A. § 1314a is amended to read:

11 § 1314a. QUARTERLY WAGE REPORTING; MISCLASSIFICATION;  
12 PENALTIES

13 (a)(1) ~~Effective with the calendar quarter ending September 30, 1986 and~~  
14 ~~all subsequent calendar quarters, each~~ Each employing unit ~~which that~~ is an  
15 employer as ~~defined in subdivision 1301(5) of this chapter, having that has~~  
16 individuals in employment as defined in subdivision 1301(6) of this chapter;  
17 shall file with the Commissioner on forms ~~to be~~ supplied by the Commissioner  
18 ~~to each such employer~~ a detailed wage report ~~containing~~ for each calendar  
19 quarter that contains each individual worker’s name, Social Security number,  
20 gross wages paid during each ~~such~~ calendar quarter, and any other information

1 the Commissioner deems ~~reasonably~~ necessary in the administration of this  
2 chapter.

3 ~~(2) Effective with the calendar quarter ending March 31, 2001, and all~~  
4 ~~subsequent calendar quarters, in~~ In addition to other information required by  
5 this section, the wage reports required by this subsection shall include for each  
6 worker paid by the hour, the worker's gender, and the worker's hourly wage.  
7 ~~The wage reports may be filed electronically.~~

8 \* \* \*

9 (c) An employing unit, ~~as defined in subdivision 1301(4) of this chapter~~  
10 ~~which~~ that is not an employer, ~~as defined in subdivision 1301(5), shall, upon~~  
11 request of the Commissioner, ~~file~~ submit reports on forms furnished by the  
12 Commissioner ~~reports respecting~~ regarding employment, wages, hours of  
13 employment, ~~and unemployment, and related matters as~~ that the Commissioner  
14 deems ~~reasonably~~ necessary in the administration of this chapter.

15 (d) Reports required by subsection (c) of this section shall be ~~returned so as~~  
16 ~~to be received by~~ submitted to the Commissioner not later than 10 calendar  
17 days after the date ~~of the mailing of the Commissioner's request~~ was mailed to  
18 the employing unit.

19 (e) On ~~the~~ request of the Commissioner, any employing unit or employer  
20 shall report, within 10 days of the mailing or personal delivery of the request,  
21 separation information ~~with respect to~~ for a claimant, any disqualifying income

1 the claimant may have received, and any other information that the  
2 Commissioner may ~~reasonably~~ require to determine a the claimant's eligibility  
3 for unemployment compensation. The Commissioner shall make ~~such~~ a  
4 request ~~whenever~~ when:

5 (1) the claimant's eligibility is dependent ~~either~~ upon:

6 (A) wages paid during an incomplete calendar quarter in which the  
7 claimant was separated; or

8 (B) ~~upon~~ the last completed quarter; and

9 (2) ~~when to do so would~~ obtaining the information will result in more  
10 timely benefit payments.

11 (f)(1) Any employing unit or employer that fails to:

12 (A) File ~~any~~ a report required by this section shall be subject to ~~a~~ an  
13 administrative penalty of \$100.00 for each report not received by the  
14 prescribed due dates.

15 (B) Properly classify an individual regarding the status of  
16 employment is ~~shall be~~ subject to ~~a~~ an administrative penalty of not more than  
17 \$5,000.00 for each improperly classified employee. In addition, an employer  
18 found to have violated this section is prohibited from contracting, directly or  
19 indirectly, with the State or any of its subdivisions for up to three years  
20 following the date the employer was found to have failed to properly classify,  
21 as determined by the Commissioner in consultation with the Commissioner of

1 Buildings and General Services or the Secretary of Transportation, as  
2 appropriate. Either the Secretary or the Commissioner, as appropriate, shall be  
3 consulted in any appeal relating to prohibiting the employer from contracting  
4 with the State or its subdivisions.

5 (2)(A) Penalties under this subsection shall be collected in the same  
6 manner ~~provided for the collection of~~ as contributions in under section 1329 of  
7 this title and shall be paid into the Contingent Fund ~~provided~~ established in  
8 section 1365 of this title.

9 (B) If the employing unit demonstrates that its failure was due to a  
10 reasonable cause, the Commissioner may waive or reduce the penalty.

11 (g)(1) Notwithstanding any other provisions of this section, the  
12 Commissioner may where practicable require ~~of~~ any employing unit ~~that~~ to file  
13 the reports required ~~to be filed~~ pursuant to subsections (a) through (d) of this  
14 section ~~be filed~~, or any departmental registration required prior to submitting  
15 the reports required by this section, in an electronic media form.

16 (2) The Commissioner may waive the requirement that an employing unit  
17 submit a report in an electronic media form if the employing unit attests that it  
18 is unable to file the required report in that form.



1                    (iii) To comply with a recommendation or order by a public  
2 official with jurisdiction or a health care provider on the basis that the physical  
3 presence of the employee on the job would jeopardize the health of others  
4 because of:  
5                    (I) the exposure of the individual to COVID-19; or  
6                    (II) exhibition of symptoms of COVID-19 by the individual.  
7                    (iv) To care for or assist a parent, grandparent, spouse, child,  
8 brother, sister, parent-in-law, grandchild, or foster child of the individual who:  
9                    (I) is self-isolating because the parent, grandparent, spouse,  
10 child, brother, sister, parent-in-law, grandchild, or foster child has been  
11 diagnosed with COVID-19;  
12                    (II) is experiencing symptoms of COVID-19 and needs to  
13 obtain medical diagnosis or care; or  
14                    (III) with respect to whom a public official with jurisdiction or  
15 a health care provider makes a determination that the presence of the parent,  
16 grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster  
17 child in the community would jeopardize the health of other individuals in the  
18 community because of the exposure of the parent, grandparent, spouse, child,  
19 brother, sister, parent-in-law, grandchild, or foster child to the COVID-19 or  
20 the exhibition of symptoms of COVID-19 by the parent, grandparent, spouse,  
21 child, brother, sister, parent-in-law, grandchild, or foster child.

1           (H) The individual voluntarily separated from that employer as  
2           provided by subdivision 1344(a)(2)(A) of this chapter because

3           (i) the individual was recommended or requested by a medical  
4           professional, local health official, or the Commissioner of Health to be isolated  
5           or quarantined as a result of COVID-19, regardless of whether the individual  
6           has been diagnosed with COVID-19; or

7           (ii) conditions at the individual's place of employment created an  
8           unreasonable risk that the individual would be exposed to or become infected  
9           with COVID-19.

10           (I) The individual voluntarily separated from that employer as  
11           provided by subdivision 1344(a)(2)(A) of this chapter to care for a child under  
12           18 years of age because the child's school or childcare has been closed or the  
13           childcare provider is unavailable due to a public health emergency and the  
14           individual has exhausted or does not qualify for leave pursuant to the federal  
15           Emergency Family and Medical Leave Expansion Act or Emergency Paid Sick  
16           Leave Act.

17           (2) If an individual's unemployment is directly caused by a major  
18           disaster declared by the President of the United States pursuant to 42 U.S.C. §  
19           5122 and the individual would have been eligible for federal disaster  
20           unemployment assistance benefits but for the receipt of regular benefits, an  
21           employer shall be relieved of charges for benefits paid to the individual with

1 respect to any week of unemployment occurring due to the natural disaster up  
2 to a maximum amount of four weeks.

3 (3)(A) Subject to the provisions of subdivision (B) of this subdivision  
4 (a)(3), an employer shall be relieved of charges for benefits paid to an  
5 individual for a period of four weeks with respect to benefits paid because:

6 (i) the employer temporarily ceased operation, either partially or  
7 completely, at the individual's place of employment in response to a request  
8 from a local health official or the Commissioner of Health that the employer  
9 cease operations because of COVID-19, in response to an emergency order or  
10 directive issued by the Governor related to COVID-19, or because the  
11 employer voluntarily ceased operations due to the actual exposure of workers  
12 at that place of employment to COVID-19; or

13 (ii) the individual has been recommended or requested by a  
14 medical professional, local health official, or the Commissioner of Health to be  
15 isolated or quarantined as a result of COVID-19, regardless of whether the  
16 individual has been diagnosed with COVID-19.

17 (B) An employer shall only be eligible for relief of charges for  
18 benefits paid under the provisions of this subdivision (a)(3) if the individual is  
19 rehired by the employer within a reasonable period of time after the employer  
20 resumes operations at the individual's place of employment, as determined by



1 the Commissioner, or upon the completion of the individual's period of  
2 isolation or quarantine.

3 (C) The Commissioner may extend the period for which an employer  
4 shall be relieved of charges for benefits paid to employees pursuant to  
5 subdivision (A)(i) of this subdivision (a)(3) by an amount that the  
6 Commissioner determines to be appropriate in light of the terms of any  
7 applicable request from a local health official or the Commissioner of Health  
8 or any applicable emergency order or directive issued by the Governor.

9 \* \* \*

10 Sec. 3. 21 V.S.A. § 1344 is amended to read:

11 § 1344. DISQUALIFICATIONS

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

13 \* \* \*

14 (2) For any week benefits are claimed, except as provided in subdivision  
15 (a)(3) of this section, until he or she has presented evidence to the satisfaction  
16 of the Commissioner that he or she has performed services in employment for  
17 a bona fide employer and has had earnings in excess of six times his or her  
18 weekly benefit amount if the Commissioner finds that such individual is  
19 unemployed because:

20 (A) He or she has left the employ of his or her last employing unit  
21 voluntarily without good cause attributable to such employing unit. An

1 individual shall not suffer more than one disqualification by reason of such  
2 separation. However, an individual shall not be disqualified for benefits if:

3 (i) the individual left such employment to accompany a spouse  
4 who:

5 ~~(i)~~(I) is on active duty with the U.S. Armed Forces and is required  
6 to relocate due to permanent change of station orders, activation orders, or unit  
7 deployment orders, 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; or

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

14 (ii) the individual has exhausted or is not eligible to leave under  
15 the federal Emergency Paid Sick Leave Act and has left such employment for  
16 one of the following reasons:

17 (I) To self-isolate because the individual is diagnosed with  
18 COVID-19.

19 (II) To obtain a medical diagnosis or care if the individual is  
20 experiencing the symptoms of COVID-19.

1 (III) To comply with a recommendation or order by a public  
2 official with jurisdiction or a health care provider on the basis that the physical  
3 presence of the employee on the job would jeopardize the health of others  
4 because of:

5 (aa) the exposure of the individual to COVID-19; or  
6 (bb) exhibition of symptoms of COVID-19 by the  
7 individual.

8 (IV) To care for or assist a parent, grandparent, spouse, child,  
9 brother, sister, parent-in-law, grandchild, or foster child of the individual who:

10 (aa) is self-isolating because the parent, grandparent, spouse,  
11 child, brother, sister, parent-in-law, grandchild, or foster child has been  
12 diagnosed with COVID-19;

13 (bb) is experiencing symptoms of COVID-19 and needs to  
14 obtain medical diagnosis or care; or

15 (cc) with respect to whom a public official with jurisdiction  
16 or a health care provider makes a determination that the presence of the parent,  
17 grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster  
18 child in the community would jeopardize the health of other individuals in the  
19 community because of the exposure of the parent, grandparent, spouse, child,  
20 brother, sister, parent-in-law, grandchild, or foster child to the COVID-19 or

1 the exhibition of symptoms of COVID-19 by the parent, grandparent, spouse,  
2 child, brother, sister, parent-in-law, grandchild, or foster child.

3 (iii) The individual left such employment because:

4 (I) the individual was recommended or requested by a medical  
5 professional, local health official, or the Commissioner of Health to be isolated  
6 or quarantined as a result of COVID-19, regardless of whether the individual  
7 has been diagnosed with COVID-19; or

8 (II) conditions at the individual's place of employment created  
9 an unreasonable risk that the individual would be exposed to or become  
10 infected with COVID-19; or

11 (iv) The individual left such employment to care for a child under  
12 18 years of age because the child's school or childcare has been closed or the  
13 childcare provider is unavailable due to a public health emergency and the  
14 individual has exhausted or does not qualify for leave pursuant to the federal  
15 Emergency Family and Medical Leave Expansion Act or Emergency Paid Sick  
16 Leave Act.

17 \* \* \*

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

20 \* \* \*

21 (F) Sick pay.

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**\* \* \* Repeal of COVID-19 Related Unemployment Insurance Provisions \* \* \***

Sec. 4. REPEAL

21 V.S.A. § 1325(a)(1)(G), (H), (I), and (a)(3) are repealed.

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

§ 1344. DISQUALIFICATIONS

(a) An individual shall be disqualified for benefits:

\* \* \*

(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:

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

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

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 exhausted or is not eligible to leave under~~  
11 ~~the federal Emergency Paid Sick Leave Act and has left such employment for~~  
12 ~~one of the following reasons:~~

13           ~~(I) To self isolate because the individual is diagnosed with~~  
14 ~~COVID-19.~~

15           ~~(II) To obtain a medical diagnosis or care if the individual is~~  
16 ~~experiencing the symptoms of COVID-19.~~

17           ~~(III) To comply with a recommendation or order by a public~~  
18 ~~official with jurisdiction or a health care provider on the basis that the physical~~  
19 ~~presence of the employee on the job would jeopardize the health of others~~  
20 ~~because of:~~

21           ~~(aa) the exposure of the individual to COVID-19; or~~

1 ~~(bb) exhibition of symptoms of COVID-19 by the~~  
2 ~~individual.~~

3 ~~(IV) To care for or assist a parent, grandparent, spouse, child,~~  
4 ~~brother, sister, parent in law, grandchild, or foster child of the individual who:~~

5 ~~(aa) is self isolating because the parent, grandparent, spouse,~~  
6 ~~child, brother, sister, parent in law, grandchild, or foster child has been~~  
7 ~~diagnosed with COVID-19;~~

8 ~~(bb) is experiencing symptoms of COVID-19 and needs to~~  
9 ~~obtain medical diagnosis or care; or~~

10 ~~(cc) with respect to whom a public official with jurisdiction~~  
11 ~~or a health care provider makes a determination that the presence of the parent,~~  
12 ~~grandparent, spouse, child, brother, sister, parent in law, grandchild, or foster~~  
13 ~~child in the community would jeopardize the health of other individuals in the~~  
14 ~~community because of the exposure of the parent, grandparent, spouse, child,~~  
15 ~~brother, sister, parent in law, grandchild, or foster child to the COVID-19 or~~  
16 ~~the exhibition of symptoms of COVID-19 by the parent, grandparent, spouse,~~  
17 ~~child, brother, sister, parent in law, grandchild, or foster child.~~

18 ~~(iii) The individual left such employment because conditions at~~  
19 ~~the individual's place of employment created an unreasonable risk that the~~  
20 ~~individual would be exposed to or become infected with COVID-19; or~~







1 closed or their child care provider is unavailable as a result of an emergency  
2 order or directive issued by the Governor in relation to COVID-19.]

3 \* \* \*

4 Sec. 7. 21 V.S.A. § 472 is amended to read:

5 § 472. LEAVE

6 (a) During any 12-month period, an employee shall be entitled to take  
7 unpaid leave for a period not to exceed 12 weeks:

8 \* \* \*

9 (2) for family leave, for:

10 (A) the serious illness of the employee or the employee's child,  
11 stepchild or ward of the employee who lives with the employee, foster child,  
12 parent, spouse, or parent of the employee's spouse;

13 (B) a request from a medical professional, local health official, or the  
14 Commissioner of Health that the employee be isolated or quarantined as a  
15 result of COVID-19, regardless of whether the employee has been diagnosed  
16 with COVID-19; or

17 (C) to care for a family member of the employee who has been  
18 requested by a medical professional, local health official, or the Commissioner  
19 of Health to be isolated or quarantined as a result of COVID-19, regardless of  
20 whether the employee's family member has been diagnosed with COVID-19[;  
21 or]



1 (a) An employee may use earned sick time accrued pursuant to section 482  
2 of this subchapter for any of the following reasons:

3 (1) The employee is ill or injured.

4 (2) The employee obtains professional diagnostic, preventive, routine, or  
5 therapeutic health care.

6 (3) The employee cares for a sick or injured parent, grandparent, spouse,  
7 child, brother, sister, parent-in-law, grandchild, or foster child, including  
8 helping that individual obtain diagnostic, preventive, routine, or therapeutic  
9 health treatment, or accompanying the employee's parent, grandparent, spouse,  
10 or parent-in-law to an appointment related to his or her long-term care.

11 \* \* \*

12 (5) The employee cares for a parent, grandparent, spouse, child, brother,  
13 sister, parent-in-law, grandchild, or foster child, because the school or business  
14 where that individual is normally located during the employee's workday is  
15 closed for public health or safety reasons.

16 (6) The employee is isolated or quarantined as a result of COVID-19  
17 pursuant to a request from a medical professional, local health official, or the  
18 Commissioner of Health, regardless of whether the employee has been  
19 diagnosed with COVID-19.

20 (7) The employee is caring for a parent, grandparent, spouse, child,  
21 brother, sister, parent-in-law, grandchild, or foster child who is isolated or

1 quarantined as a result of COVID-19 pursuant to a request from a medical  
2 professional, local health official, or the Commissioner of Health, regardless of  
3 whether the individual has been diagnosed with COVID-19.

4 \* \* \*

5 (c)(1) An employer may limit the amount of earned sick time accrued  
6 pursuant to section 482 of this subchapter that an employee may use to:

7 (1) from January 1, 2017 until December 31, 2018, no more than 24  
8 hours in a 12-month period; and

9 (2) after December 31, 2018, no more than 40 hours in a 12-month  
10 period.

11 (2) Notwithstanding any provision of subdivision (1) of this subsection  
12 to the contrary, an employer shall not limit the amount of accrued sick time  
13 that an employee may use for a COVID-19 related purpose.

14 \* \* \*

15 \* \* \* Repeal of Family Leave and Earned Sick Time Provisions \* \* \*

16 Sec. 10. 21 V.S.A. § 471 is amended to read:

17 § 471. DEFINITIONS

18 As used in this subchapter:

19 (1) “Employer” means an individual, organization, or governmental  
20 body, partnership, association, corporation, legal representative, trustee,

1 receiver, trustee in bankruptcy, and any common carrier by rail, motor, water,  
2 air, or express company doing business in or operating within this State that:

3 (A) for the purposes of parental leave employs 10 or more  
4 individuals who are employed for an average of at least 30 hours per week  
5 during a year; and

6 (B) for the purposes of family leave employs 15 or more individuals  
7 for an average of at least 30 hours per week during a year; ~~and~~

8 ~~(C) for the purposes of family leave taken in relation to COVID-19~~  
9 ~~employs five or more individuals for an average of at least 30 hours per week~~  
10 ~~during the year.~~

11 \* \* \*

12 (3) “Family leave” means a leave of absence from employment by an  
13 employee for one of the following reasons:

14 (A) the serious illness of the employee; or

15 (B) the serious illness of the employee’s child, stepchild or ward who  
16 lives with the employee, foster child, parent, spouse, or parent of the  
17 employee’s spouse; ~~or~~

18 ~~(C) a request from a medical professional, local health official, or the~~  
19 ~~Commissioner of Health that the employee be isolated or quarantined as a~~  
20 ~~result of COVID-19 or to care for a family member of the employee who has~~  
21 ~~been requested to be isolated or quarantined as a result of COVID-19,~~

1 regardless of whether the employee or the employee's family member has been  
2 diagnosed with COVID-19 [; or]

3 ~~(D) to care for the employee's child, stepchild or ward who lives~~  
4 ~~with the employee, or foster child if their school or place of care has been~~  
5 ~~closed, or their child care provider is unavailable as a result of an emergency~~  
6 ~~order or directive issued by the Governor in relation to COVID-19].~~

7 \* \* \*

8 Sec. 11. 21 V.S.A. § 472 is amended to read:

9 § 472. LEAVE

10 (a) During any 12-month period, an employee shall be entitled to take  
11 unpaid leave for a period not to exceed 12 weeks:

12 \* \* \*

13 (2) for family leave, for:

14 ~~(A) the serious illness of the employee or the employee's child,~~  
15 ~~stepchild or ward of the employee who lives with the employee, foster child,~~  
16 ~~parent, spouse, or parent of the employee's spouse;~~

17 ~~(B) a request from a medical professional, local health official, or the~~  
18 ~~Commissioner of Health that the employee be isolated or quarantined as a~~  
19 ~~result of COVID-19, regardless of whether the employee has been diagnosed~~  
20 ~~with COVID-19; or~~





1 ~~days before the newly hired employee shall be permitted to use earned sick~~  
2 ~~time for a COVID-19 related purpose.~~

3 \* \* \*

4 Sec. 13. 21 V.S.A. § 483 is amended to read:

5 21 V.S.A. § 483 is amended to read:

6 § 483. USE OF EARNED SICK TIME

7 (a) An employee may use earned sick time accrued pursuant to section 482  
8 of this subchapter for any of the following reasons:

9 \* \* \*

10 ~~(6) The employee is isolated or quarantined as a result of COVID-19~~  
11 ~~pursuant to a request from a medical professional, local health official, or the~~  
12 ~~Commissioner of Health, regardless of whether the employee has been~~  
13 ~~diagnosed with COVID-19.~~

14 ~~(7) The employee is caring for a parent, grandparent, spouse, child,~~  
15 ~~brother, sister, parent-in-law, grandchild, or foster child who is isolated or~~  
16 ~~quarantined as a result of COVID-19 pursuant to a request from a medical~~  
17 ~~professional, local health official, or the Commissioner of Health, regardless of~~  
18 ~~whether the individual has been diagnosed with COVID-19.~~

19 \* \* \*

