H.208

Introduced by Representative Hooper of Montpelier

Referred to Committee on

Date:

Subject: Labor; unemployment insurance; workers’ compensation; Defender General

Statement of purpose of bill as introduced: This bill proposes to exempt services provided by individuals in relation to juvenile or criminal litigation under the direction of counsel assigned to provide representation under authority of the Office of Defender General from the requirements for unemployment insurance and workers’ compensation coverage.

An act relating to exempting certain services from the requirements for unemployment insurance and workers’ compensation coverage

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

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

§ 1301. DEFINITIONS

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

* * *
(6)(A)(i) “Employment,” subject to the other provisions of this subdivision (6), means service within the jurisdiction of this State, performed prior to January 1, 1978, which was employment as defined in this subdivision prior to such date and, subject to the other provisions of this subdivision, service performed after December 31, 1977, by an employee, as defined in subsections 3306(i) and (o) of the Federal Unemployment Tax Act, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, expressed or implied. Services partly within and partly without outside this State may by election as hereinbefore provided in subdivision (5)(E)(i) of this section be treated as if wholly within the jurisdiction of this State. And whenever an employing unit shall have elected to come under the provisions of a similar act of a state where a part of the services of an employee are performed, the Commissioner, upon his or her approval of the election as to any such employee, may treat the services covered by the election as having been performed wholly without outside the jurisdiction of this State.

* * *

(C) The term “employment” shall not include:

* * *

(xxii) Services performed in relation to juvenile or criminal litigation by an individual acting under the direction of counsel assigned to
provide representation under authority of the Office of Defender General pursuant to the provisions of 13 V.S.A. chapter 163.

* * *

Sec. 2. 21 V.S.A. § 601 is amended to read:

§ 601. DEFINITIONS

Unless the context otherwise requires, words and phrases used in this chapter shall be construed as follows:

* * *

(14) “Worker” and “employee” means an individual who has entered into the employment of, or works under contract of service or apprenticeship with, an employer. Any reference to a worker who has died as the result of a work injury shall include a reference to the worker’s dependents, and any reference to a worker who is a minor or incompetent shall include a reference to the minor’s committee, guardian, or next friend. The term “worker” or “employee” does not include:

* * *

(I) An individual who performs services in relation to juvenile or criminal litigation under the direction of counsel assigned to provide representation under authority of the Office of Defender General pursuant to the provisions of 13 V.S.A. chapter 163.

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Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.