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H.616

Introduced by Representatives Mulvaney-Stanak of Burlington, Kornheiser of
Brattleboro, Anthony of Barre City, Black of Essex, Bluemle of
Burlington, Bos-Lun of Westminster, Cina of Burlington,
Colburn of Burlington, Donnally of Hyde Park, Goldman of
Rockingham, Howard of Rutland City, Jessup of Middlesex,
Kitzmiller of Montpelier, Mrowicki of Putney, Nicoll of
Ludlow, Ode of Burlington, Patt of Worcester, Scheu of
Middlebury, Sims of Craftsbury, Small of Winooski, Squirrell
of Underhill, Stebbins of Burlington, Surprenant of Barnard,
Toleno of Brattleboro, Troiano of Stannard, Vyhovsky of
Essex, Walz of Barre City, White of Bethel, and Yacovone of
Morristown

Referred to Committee on

Date:

Subject: Labor; unemployment insurance; Unemployment Insurance Advocate

Statement of purpose of bill as introduced: This bill proposes to establish the
Office of the Unemployment Insurance Advocate.

An act relating to establishing the Office of the Unemployment Insurance
Advocate

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

2 Sec. 1. 21 V.S.A. chapter 17, subchapter 1A is added to read:

3 Subchapter 1A. Office of the Unemployment Insurance Advocate

4 § 1401. DEFINITIONS

5 As used in this subchapter:

6 (1) “Department” means the Department of Labor.

7 (2) “Office” means the Office of the Unemployment Insurance
8 Advocate.

9 (3) “State agency” means any office, department, board, bureau,
10 division, agency, or instrumentality of the State.

11 (4) “Chief Unemployment Insurance Advocate” or “Chief Advocate”
12 means the individual who directs the Office of the Unemployment Insurance
13 Advocate.

14 § 1402. OFFICE OF THE UNEMPLOYMENT INSURANCE ADVOCATE;

15 COMPOSITION; DUTIES

16 (a) The Vermont Department of Labor shall maintain the Office of the
17 Unemployment Insurance Advocate by contract with a nonprofit organization.

18 (b)(1) The purpose of the Office of the Unemployment Insurance Advocate
19 shall be advancing the interests of claimants in Vermont’s unemployment
20 insurance program and promoting reforms to the unemployment insurance
21 program that will better serve the needs of claimants.

1 (2) The Office shall act independently of the Department of Labor and
2 any other State agency in the performance of its duties.

3 (c)(1) The Office shall be administered and directed by the Chief
4 Unemployment Insurance Advocate, who shall be an individual with expertise
5 and experience in the fields of unemployment insurance and advocacy.

6 (2) The Chief Advocate may employ legal counsel, administrative staff,
7 and other employees and contractors as needed to carry out the duties of the
8 Office.

9 (d) The Office shall:

10 (1) support unemployment insurance claimants by providing
11 information regarding claimants' rights and responsibilities;

12 (2) investigate complaints from claimants regarding the provision of
13 benefits and services within the unemployment insurance program;

14 (3) advise or assist claimants with the filing of unemployment insurance
15 appeals;

16 (4) review current laws, rules, procedures, and systems related to the
17 unemployment insurance program to identify potential improvements and
18 changes;

19 (5) analyze and monitor the development and implementation of federal
20 and State laws, rules, and policies related to the unemployment insurance
21 program;

1 (6) facilitate public comment on laws, rules, procedures, and policies
2 related to the unemployment insurance program;

3 (7) provide the Department and the General Assembly with suggestions
4 for changes to laws, rules, procedures, and policies related to the
5 unemployment insurance program; and

6 (8) work in collaboration with relevant parties to improve claimants'
7 access to and understanding of the unemployment insurance program.

8 (e) Notwithstanding 2 V.S.A. § 20(d), on or before November 15 of each
9 year, the Office shall submit a written report to the Governor, the
10 Commissioner of Labor, the House Committee on Commerce and Economic
11 Development, and the Senate Committee on Economic Development, Housing
12 and General Affairs that summarizes the Office's activities during the past
13 year, the services that it provided to claimants, and any recommendations for
14 improvements to the unemployment insurance program or related laws, rules,
15 policies, or procedures.

16 § 1403. ACCESS TO INFORMATION; CONFIDENTIALITY

17 (a) The Office of the Unemployment Insurance Advocate shall be entitled
18 to prompt access to any information related to the unemployment insurance
19 program that is not designated confidential by law.

20 (b) Upon receiving written authorization from a claimant, the Office of the
21 Unemployment Insurance Advocate shall be entitled to prompt access to all

1 information related to an unemployment insurance claimants' claim and any
2 related appeals.

3 (c) In the absence of the express written consent of the relevant individual,
4 all information and records obtained by the Office of the Unemployment
5 Insurance Advocate that includes personally identifying information shall not
6 be disclosed in any manner revealing the individual's identity.

7 § 1404. COOPERATION OF STATE AGENCIES

8 All State agencies shall comply with reasonable requests of the Office of
9 the Unemployment Insurance Advocate for information and assistance.

10 Sec. 2. 21 V.S.A. § 1314 is amended to read:

11 § 1314. REPORTS AND RECORDS; SEPARATION INFORMATION;
12 DETERMINATION OF ELIGIBILITY; FAILURE TO REPORT
13 EMPLOYMENT INFORMATION; DISCLOSURE OF
14 INFORMATION TO OTHER STATE AGENCIES TO
15 INVESTIGATE MISCLASSIFICATION OR MISCODING

16 * * *

17 (d)(1) Except as otherwise provided in this chapter, information obtained
18 from any employing unit or individual in the administration of this chapter and
19 determinations as to the benefit rights of any individual shall be held
20 confidential and shall not be disclosed or open to public inspection in any
21 manner revealing the individual's or employing unit's identity, nor be

1 admissible in evidence in any action or proceeding other than one arising out
2 of this chapter, or to support or facilitate an investigation by a public agency
3 identified in subdivision (e)(1) of this section.

4 (2) An individual or ~~his or her~~ the individual's duly authorized agent
5 ~~may, including the Office of the Unemployment Insurance Advocate, shall be~~
6 supplied with information from those records to the extent necessary for the
7 proper presentation of ~~his or her~~ the individual's claims for benefits or to
8 inform ~~him or her~~ of ~~his or her~~ the individual of existing or prospective rights
9 to benefits; ~~an.~~ An employing unit may be furnished with such information as
10 may be deemed proper, within the discretion of the Commissioner, to enable it
11 to fully discharge its obligations and safeguard its rights under this chapter.

12 * * *

13 (e)(1) Subject to such restrictions as the Board may ~~by regulation prescribe~~
14 adopt by rule, information from unemployment insurance records may be made
15 available to any public officer or public agency of this or any other state or the
16 federal government dealing with the administration or regulation of relief,
17 public assistance, unemployment compensation, a system of public
18 employment offices, wages and hours of employment, workers' compensation,
19 misclassification or miscoding of workers, occupational safety and health, or a
20 public works program for purposes appropriate to the necessary operation of
21 those offices or agencies. The Commissioner may also make information

1 available to colleges, universities, and public agencies of the State for use in
2 connection with research projects of a public service nature and to the Vermont
3 Economic Progress Council with regard to the administration of 32 V.S.A.
4 chapter 105, subchapter 2, but no person associated with those institutions or
5 agencies may disclose that information in any manner that would reveal the
6 identity of any individual or employing unit from or concerning whom the
7 information was obtained by Commissioner.

8 * * *

9 (9) The Commissioner of Labor shall disclose, upon request,
10 information that the Chief Unemployment Insurance Advocate determines is
11 necessary to carry out the Office of the Unemployment Insurance Advocate's
12 duties pursuant to subchapter 1A of this chapter.

13 * * *

14 Sec. 3. TRANSITION

15 The term of the initial contract for the Office of the Unemployment
16 Insurance Advocate established pursuant to 21 V.S.A. chapter 17,
17 subchapter 1A shall begin on January 1, 2023.

18 Sec. 4. EFFECTIVE DATE

19 This act shall take effect on July 1, 2022.