

1 S.9

2 Introduced by Senators Sirotkin, Brock, Clarkson and Hooker

3 Referred to Committee on Economic Development, Housing and General
4 Affairs

5 Date: January 12, 2021

6 Subject: Labor; workers' compensation; COVID-19

7 Statement of purpose of bill as introduced: This bill proposes to extend until
8 July 1, 2021 the Commissioner of Labor's authority to waive or amend certain
9 workers' compensation related deadlines and requirements during a state of
10 emergency related to COVID-19. This bill also proposes to extend the
11 presumption that certain workers who are diagnosed with COVID-19 are
12 entitled to workers' compensation for the disease until July 1, 2021.

13 An act relating to extending certain workers' compensation amendments
14 related to COVID-19

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

16 ~~Sec. 1. 2020 Acts and Resolves No. 150, Sec. 3 is amended to read:~~

17 Sec. 3. PROSPECTIVE REPEAL

18 In the absence of legislative action to the contrary, Secs. 1 and 2 of this act
19 ~~are repealed on January 15 July 1, 2021.~~

1 ~~Sec. 2. EFFECTIVE DATE~~

2 ~~This act shall take effect on passage.~~

*Sec. 1. INTENT; WORKERS' COMPENSATION; EXTENSION OF
COVID-19-RELATED PROVISIONS*

It is the intent of the General Assembly to continue uninterrupted from January 15, 2021 until 30 days after the termination of the state of emergency declared in response to COVID-19 pursuant to Executive Order 01-20:

(1) the Commissioner of Labor's authority pursuant to 2020 Acts and Resolves No. 150, Sec. 1 to temporarily extend deadlines and amend or waive specific requirements of Vermont's workers' compensation laws during a state of emergency related to COVID-19; and

(2) the provisions of 2020 Acts and Resolves No. 150, Sec. 2 establishing in certain circumstances a rebuttable presumption that a worker who is diagnosed with COVID-19 is entitled to benefits under Vermont's workers' compensation laws.

Sec. 2. 2020 Acts and Resolves No. 150, Sec. 2(a)(1) is amended to read:

(a)(1) In the case of a front-line worker, disability or death resulting from COVID-19 shall be presumed to be compensable pursuant to 21 V.S.A. chapter 9, provided that the front-line worker receives a positive laboratory test for COVID-19 or a diagnosis of COVID-19 from a licensed healthcare provider between March 1, 2020 and ~~January 15, 2021~~ the 30th day following the termination of the state of emergency declared in response to COVID-19 pursuant to Executive Order 01-20.

Sec. 3. 2020 Acts and Resolves No. 150, Sec. 2(b) is amended to read:

(b) For an employee who is not a front-line worker as defined in subdivision (a)(2)(B) of this section, disability or death resulting from COVID-19 shall be presumed to be compensable pursuant to 21 V.S.A. chapter 9 if the employee receives a positive laboratory test for COVID-19 or a diagnosis of COVID-19 from a licensed healthcare provider between April 1, 2020 and ~~January 15, 2021~~ the 30th day following the termination of the state of emergency declared in response to COVID-19 pursuant to Executive Order 01-20 and, not more than 14 days prior to the date on which the employee is tested or examined, either:

* * *

Sec. 4. 2020 Acts and Resolves No. 150, Sec. 3 is amended to read:

Sec. 3. PROSPECTIVE REPEAL

In the absence of legislative action to the contrary, Secs. 1 and 2 of this act are repealed on January 15, 2021 the 30th day following the termination of the state of emergency declared in response to COVID-19 pursuant to Executive Order 01-20.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage; except that notwithstanding 1 V.S.A. § 214, Secs. 1, 2, and 3 shall take effect retroactively on January 15, 2021.