

1 S.93

2 Introduced by Senator Sears

3 Referred to Committee on

4 Date:

5 Subject: Labor; unemployment insurance; workers' compensation; Defender

6 General

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

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

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

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

16 § 1301. DEFINITIONS

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

19 \* \* \*

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

17   \* \* \*

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

19   \* \* \*

20                                 (xxii) Services performed in relation to juvenile or criminal  
21          litigation by an individual acting under the direction of counsel assigned to

1 provide representation under authority of the Office of Defender General  
2 pursuant to the provisions of 13 V.S.A. chapter 163.

3 \* \* \*

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

5 § 601. DEFINITIONS

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

8 \* \* \*

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

16 \* \* \*

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

21 \* \* \*

1       Sec. 3. EFFECTIVE DATE

2       This act shall take effect on July 1, 2021.