

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to  
3 which was referred Senate Bill No. 9 entitled “An act relating to extending  
4 certain workers’ compensation amendments related to COVID-19” respectfully  
5 reports that it has considered the same and recommends that the bill be  
6 amended by striking out all after the enacting clause and inserting in lieu  
7 thereof the following:

8 Sec. 1. INTENT; WORKERS’ COMPENSATION; EXTENSION OF  
9 COVID-19-RELATED PROVISIONS

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

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

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

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

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

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

10 (b) For an employee who is not a front-line worker as defined in  
11 subdivision (a)(2)(B) of this section, disability or death resulting from COVID-  
12 19 shall be presumed to be compensable pursuant to 21 V.S.A. chapter 9 if the  
13 employee receives a positive laboratory test for COVID-19 or a diagnosis of  
14 COVID-19 from a licensed healthcare provider between April 1, 2020 and  
15 ~~January 15, 2021~~ the 30th day following the termination of the state  
16 of emergency declared in response to COVID-19 pursuant to Executive Order  
17 01-20 and, not more than 14 days prior to the date on which the employee is  
18 tested or examined, either:

19 \* \* \*

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

2 Sec. 3. PROSPECTIVE REPEAL

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

7 Sec. 5. EFFECTIVE DATE

8 This act shall take effect on passage; except that notwithstanding 1 V.S.A.  
9 § 214, Secs. 1, 2, and 3 shall take effect retroactively on January 15, 2021.

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14 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE