



## FY2022 Budget Narrative

### **Our Mission:**

The Vermont Department of Labor's (VDOL) mission is to promote Vermont's economic strength by assisting employers with job creation, retention and recruitment; coordinating education and training of our workforce for Vermont's current and future job opportunities; ensuring that Vermont workers have well-paying jobs in safe and healthy work environments; administering economic support and reemployment assistance to workers who suffer a job loss, or workplace illness or injury; and providing timely and accurate labor market information and analysis.

### **VDOL Divisions and Programs:**

The Department of Labor is an independent department in State government and the Commissioner is a member of the Governor's cabinet. The Department is approximately 87% funded by federal, special and inter-department funds (federal 70%, Special 16%, inter-departmental 1%), and 13% State General Fund.

VDOL's Central Office and Unemployment Insurance Call Center are located in Montpelier. In addition, the Department has 12 regional offices, also known as Career Resource Centers or American Job Centers as identified by the U.S. Department of Labor. These regional offices, which are located across the state, are funded through federal workforce dollars. VDOL staff from other programs (i.e. Workers' Compensation and Safety and Unemployment Insurance) also have workstations in many of our offices. Approximately 35% of the Department's staff work in the field.

VDOL consists of the following divisions/units:

- Commissioner's Office
- Unemployment Insurance
- Workforce Development
- Economic and Labor Market Information
- Workers' Compensation
- Vermont Occupational Safety and Health Administration (VOSHA)
- Project WorkSAFE
- Passenger Tramway

- Legal
- Wage and Hour
- Business Administration (including fiscal, IT and facilities)

VDOL has statutory authority/responsibility for the following Councils and Boards:

- State Workforce Development Board (federally recognized)
- Vermont Employment Security Board
- State Apprenticeship Council
- Passenger Tramway Board
- Labor Board Review Panel
- Governor's Misclassification Taskforce
- Labor Advisory Council

## **Overview of VDOL Programs**

### **Unemployment Insurance**

The Unemployment Insurance (UI) Division processes claims for unemployment compensation, oversees employer tax contributions, ensures UI program performance, integrity and compliance.

The Employer Services Unit and Unemployment Claims Center handle employer and claimant unemployment insurance issues and investigate fraud. The Benefit Accuracy Measure and Tax Performance System programs test methods and procedures to ensure compliance with federal performance measures. The Program Integrity Unit audits paid unemployment benefits to detect and resolve improper payments stemming from unreported employment.

In total, the Unemployment Insurance Division has paid out more than \$1.13 Billion in state and federal benefits from the Regular UI, FPUC, PUA, PEUC, EB, High EB, LWA, and VSTS programs between March 2020 and November 2020. During this same time, it has processed more than 128,000 initial unemployment claims and over 1,300,000 weekly claims. For comparison purposes, the Department has paid out more benefits in 2020 than the previous 10-years combined.

### **Unemployment Insurance – RESEA**

VDOL has again received funding for our successful Reemployment Eligibility Assessment (REA) program (now renamed to RESEA). Additionally, this program was made permanent as of the federal budget. The program is premised on the idea that early intervention with a person who has become unemployed will lessen their duration on unemployment. In addition,

requiring the person to connect, face-to-face with VDOL reemployment caseworkers/job counselors and labor-market specialists will help identify available jobs, as well as possible employment barriers. VDOL staff members enroll Vermonters in programs that will prepare them for jobs and/or connect them to the job openings. The RESEA program serves unemployed Vermonters with a high likelihood of exhausting their benefits. Services include personal skill assessment and intensive job counseling sessions. The RESEA program has consistently proven to decrease the duration that a claimant is on unemployment.

### **Legal Services**

VDOL's Legal Unit provides a variety of services across the Department. Most notably, the unit handles all unemployment insurance appeals (claimant or employer) that are heard by an Administrative Law Judge or that come before the Employment Security Board. Additionally, staff attorneys are assigned to the Workers' Compensation Division to hold evidentiary hearings and issue determinations in cases of Workers' Compensation benefit disputes. There is a staff attorney assigned to the VOSHA program, as well as the Wage and Hour unit, where they provide adjudication services. This unit is lead by the Department's General Counsel.

### **Wage and Hour**

The Wage and Hour and Employment Practices program handles a significant number of calls from employees and employers. Most of the calls are asking for an explanation of Vermont's labor and employment laws. W&H also produces informational materials. When an inquiry or complaint may present a possible violation of state or federal law, the staff intake the complaint, conduct a review and adjudicate if the issue falls within VDOL jurisdiction; if not, it would be referred to the agency where enforcement authority exists. The legislature has passed workplace protections that have steadily increased the unit's workload. The program is supported with state General Funds and some UI funding.

### **Economic and Labor Market Information Division (LMI)**

This division has a staff of 12 employees and is virtually 100% federally funded. LMI is a State partner to the federal government's US Bureau of Labor Statistics (BLS) which provides nearly 70% of the divisions overall funding. The balance of the LMI budget (~ 30%) comes from the US Department of Labor's Employment and Training Administration (ETA). VDOL's LMI Director serves as an economic consultant to Vermont state agencies, the State Workforce Development Board, and many outside public and private entities on key workforce and economic issue and initiatives. LMI produces a wide variety of Vermont related reports and data about:

- Employment by industry
- Unemployment and labor force statistics
- Wage data by occupation
- Occupational Projections

USDOL provides some funding to LMI that allows for some expanded research on projects such as:

- Long-term (10 year) and short-term (2 year) occupational projections
- Monitor and forecast UI Trust Fund solvency
- Promote and maintain LMI data for public use: [www.vtlmi.info](http://www.vtlmi.info)
- Perform analyses, support special studies relating to public policy such as:
- Pathways to promising Careers brochure
- Healthcare workforce study groups
- Wage analyses of publicly funded training
- Minimum Wage determinations
- Prevailing Wage determinations
- Public outreach: The importance of LMI's public outreach (including the LMI internship program) has been a priority during this year. Through ETA funding, LMI is able to outreach and travel for presentations Vermont businesses and trade associations, regional workforce development groups, high schools and universities, workforce education and training partners, state agencies, the legislature, non-profit organizations, and to the general public.

### **Workers' Compensation and Safety Division**

The Workers' Compensation Program administers and adjudicates the statewide WC system. A worker who suffers a work-related injury can receive medical and wage compensation from the employer or the employer's insurance carrier. The WC staff members provide audits, dispute resolution, mediation, adjudication and compliance reviews. The Division's investigators pursue fraud and misclassification and issue stop work orders and administrative penalties to enforce compliance with the law.

The Vermont Department of Labor does not set Workers' Compensation insurance rates; the rate is set by the Department of Financial Regulations.

The Division offers services focused on workplace safety and resolving disputes between injured workers and their employers. The Workers' Comp and Safety Division's goals and strategies are to:

- Ensure that injured workers claims are properly adjusted and timely paid, with disputes resolved in a fair and appropriate manner consistent with the requirements of the Workers Compensation Act.
- Reach out to the medical community, business and labor organizations, health and safety associations, insurers and others to reduce injuries, identify trends and best practices.

- Reduce injuries and shorten time before a return to work.
- Make safety a priority for all Vermont employers.
- Lower workers' compensation costs.
- Determine which business sectors need the most safety focus.
- Publicly acknowledge employers in Vermont who have successful workplace safety programs.
- Investigate complaints that employers are not providing WC Insurance coverage and enforce compliance.

## **VOSHA**

Vermont has a state-based OSHA program. The VOSHA staff works to ensure that all persons are provided a safe and healthy workplace. VOSHA has jurisdiction over workplace safety and health, inspecting workplaces for violations of VOSHA standards, and issuing penalties for violations classified as serious and/or uncorrected after being formally advised by VOSHA of the violation. VOSHA Compliance Officers investigate serious workplace accidents and fatalities.

The program also recognizes businesses for their efforts in workplace safety through programs such as Green Mountain Voluntary Protection Program (VPP). Vermont Compliance Assistance Specialists work with trade associations and industry groups to help employers comply with the VOSHA standards. The 14 employees are funded by a 50-50 match of federal and state (general fund) dollars.

## **Project WorkSAFE**

This program provides voluntary consulting services to Vermont employers seeking to improve the health and safety condition of their workplace. WorkSAFE's 6 employees are funded with a combination of federal and state funds, (75% is federal money, and the remainder is a mix of State General Fund and funding from VDOL's Workers' Comp administrative fund). Federal OSHA grant requirements have a target of 200 visits to the private sector for on-site safety and health consultations and review/development of safety and health programs. Responsibilities also include: developing and providing safety and health trainings to Vermont companies on new OSHA regulations and other topics; emergency response consultation and assistance with radiological and biological issues, (with the Vermont Departments of Health and Public Safety); maintaining and increasing the amount of Vermont companies in the Safety and Health Achievement Recognition Program (SHARP); and developing recommendations for the Governor's Workplace Safety Awards.

## **Passenger Tramway**

This program has three employees who inspect the construction or modification of ski new lifts; inspect the operation and maintenance of ski tows, lifts and trams, and monitor for compliance with State regulations. There are approximately 250 injuries annually related to ski lifts. Vermont ski areas pay the program costs with a fee due annually set by the Board.

## **Workforce Development Division**

VDOL's Workforce Development Division offers Vermont businesses and employees comprehensive services. For businesses, we offer job registration into our Vermont Job Link system, applicant searches, screening and job matching, hiring events, job fairs, current labor market information, programs for interns, apprentices and OJTs, tax credits, programs for layoff avoidance, rapid response services, short-term compensation programs, grants for job training for new and incumbent workers, and assistance with employment and labor law questions. For job seekers, services include skill assessment, skill training, labor market information, career counseling, and job placement assistance. VDOL serves all Vermonters. WIOA basic and career services are provided, with programs focusing on at-risk out-of-school youth, disadvantaged adults, and dislocated workers under Title I. The Wagner-Peyser Program under Title III provides all customers with employment services, labor market information, referrals to job opportunities, workshops and occupational skills development activities. Augmenting Title I and III services are the apprenticeship, migrant seasonal farm worker, Jobs for Veteran Services and SNAP and ABAWD employment programs. All services are provided through the 12 American Job Centers (Career Resource Centers) operated by the VDOL throughout the State. VDOL also operates as the State's One-Stop Operator in addition to administering the following federal programs:

1. Youth. VDOL provides intensive case management, paid and unpaid support services, and follow-up services for one full year after a youth exits. Additionally, VDOL places youth in work experiences, summer employment opportunities, and on-the-job training, as appropriate. Work based activities that have academic and occupational education as a component are integral to VDOL's youth program design.
2. Adult. The adult program is open to all individuals 18 years of age and older with priority given to veterans and individuals who are low income, recipients of public assistance, and those who are basic skills deficient. The program provides career services to individuals ranging from basic labor exchange information to more individualized career coaching, occupational skills development and work-based employment opportunities such as on-the-job training. The provision of a range of occupational skills pathways and employment-based activities assists participants in gaining and/or retaining employment that will lead to economic self-sufficiency. VDOL will continue to

identify specific labor market needs in order to create and expand occupational credentialing through stackable training opportunities with a variety of entrance points for adult participants.

3. Dislocated Worker. VDOL's dislocated worker program offers employment and training programs for eligible workers who are unemployed through no fault of their own or have received an official layoff notice. A description of the full range of services available through the one-stop system and how services can be accessed is made available to dislocated workers. An initial assessment including a basic review of the individual's work history, skills, training, education, career objective, and self-identified service needs is used to inform decisions on next steps such as scheduling additional career services. The program provides similar re-employment and training activities as the adult program. The driving emphasis is placed on providing timely intervention and immediate assistance to laid off individuals unlikely to return to the occupation they came from. Shepherding displaced workers through an assortment of timely and relevant training activities that lead to in demand occupations is paramount to the program's success.

4. Wagner-Peyser. The Wagner-Peyser funds support employment services for job seekers and business customers in the Vermont's American Job Center Network. The Vermont Network physically embodies the required coordination of core and local partner program services, as all programs are present at these locations across the State and is operated under the concept of universal accessibility. Title III funds support State staff, facilities, and information technology needed for partner program delivery at the American Job Centers and for improving the overall capacity of the workforce development system to match labor demand with labor supply. These funds are directed as necessary to best support the system and to most efficiently fulfill Federal mandates. Vermont's AJC's provide activities that support the development of a competitive workforce, including appropriate recruitment services and special technical services for employers. Vermont's AJC's work with all individuals and other job seekers to obtain critical job search, assessment, and career guidance services that support them in obtaining and retaining employment. In addition, AJC's offer activities that assist employers with building skilled, competitive workforces through recruitment assistance, employment referrals, and other workforce solutions. AJC staff also assist in developing and disseminating regional workforce information and related resources, which provide both job seekers and employers with comprehensive and accessible economic and industry data to inform workforce and economic development activities. VDOL is working to establish more comprehensive "business needs" programs, teaming up with employers, chambers, regional workforce development and investment boards,

trade associations, training and education partners, state agencies, SBDC, the Agency of Commerce/Department of Economic Development, and others to support small business and offer technical assistance and support for existing businesses. Assistance can range from providing technical assistance on programs, guiding them to resources, assisting with labor law explanation and compliance, helping with job development, advertising and recruitment for their vacancies, and assisting with specialized needs.

### **State Workforce Development Board**

The State Workforce Development Board (SWDB) is designated as the single State Workforce Development Board under the federal Workforce Innovation and Opportunity Act, and under Vermont statute, 10 VSA 541. The Department of Labor oversees and provides the administrative support to the 55 member board. The work of the Board is performed by an executive director and deputy director, with significant legal and policy counsel from the Department of Labor. By law, the Board's membership must represent a business majority to help ensure that the workforce development efforts are consistent with business needs. The Board advises the Governor on how to promote and improve the effectiveness of a comprehensive and responsive workforce development system. The Vermont State Workforce Development Board (SWDB) advises the Governor on the development and implementation of a comprehensive, coordinated, and responsive workforce education and training system. Vermont is designated as a Single State Local Area, and the SWDB is designated as the State and Local Workforce Development Board under the federal Workforce Innovation and Opportunity Act. Under Section 101(d) of the WIOA, the SWDB assists the Governor in the following functions:

- The development, implementation, and modification of the State plan.
- Review of statewide policies, statewide programs, and of recommendations on actions that should be taken to align workforce development programs in a manner that supports a comprehensive and streamlined workforce development system, including the review and provision of comments on the State plan, if any, for programs and activities of one-stop partners that are not WIOA core programs;
- The development and continuous improvement of the workforce development system,

### **Funding Targets and VDOL Budget Pressures in FY 2022**

The greatest challenge for the Department of Labor continues to be the uncertainty of our federal funding. If federal dollars do not increase at the same or greater rate as inflation, COLA, etc. we will slowly run out of programmatic dollars. And as budget impasse and government shutdowns seem to be more and more common, we are concerned that our federal programs will, in any given year, not be fully funded. Any loss of funding in federal money will critically undermine VDOL program services and the continued existence of our twelve regional offices.



Additionally, there will likely be funding pressures within the Unemployment Insurance Division for both administrative and modernization costs. The UI division administrative costs have sharply increased as a result of the pandemic in order to serve Vermonters in a timely manner. The uncertainty surrounding additional federal funding for UI support will also hinder the Department's ability to plan for the response to the pandemic long-term.

UI system modernization funding will likely be another budget pressure. Currently, the Department is not in an active consortium and will need funding to begin to modernize the system. The UI Mainframe is antiquated with the resources with knowledge of the COBAL system limited, is not stable, has limited functionality, and lacks many necessary security features.