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#### TO THE HONORABLE SENATE:

- The Committee on Economic Development, Housing and General Affairs to which was referred Senate Bill No. 10 entitled "An act relating to extending certain unemployment provisions related to COVID-19" respectfully reports that it has considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:
- \* \* \* Experience Rating Relief for Calendar Year 2020 \* \* \*
- 9 Sec. 1. 21 V.S.A. § 1325 is amended to read:
- 10 § 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

### DISCLOSURE TO SUCCESSOR ENTITY

(a)(1) The Commissioner shall maintain an experience-rating record for each employer. Benefits paid shall be charged against the experience-rating record of each subject employer who provided base-period wages to the eligible individual. Each subject employer's experience-rating charge shall bear the same ratio to total benefits paid as the total base-period wages paid by that employer bear to the total base-period wages paid to the individual by all base-period employers. The experience-rating record of an individual subject base-period employer shall not be charged for benefits paid to an individual under any of the following conditions:

21 \*\*\*

1	(G) The Between March 15, 2020 and December 31, 2020, the
2	individual voluntarily separated from that employer as provided by subdivision
3	1344(a)(2)(A) of this chapter for one of the following reasons:
4	* * *
5	(3)(A) Subject to the provisions of subdivision subdivisions (B) and (C)
6	of this subdivision (a)(3), an employer shall be relieved of charges for benefits
7	paid to an individual between March 15, 2020 and December 31, 2020 for a
8	period of up to eight weeks with respect to benefits paid because:
9	(i) the employer temporarily ceased operation, either partially or
10	completely, at the individual's place of employment in response to a request
11	from a public health authority with jurisdiction that the employer cease
12	operations because of COVID-19, in response to an emergency order or
13	directive issued by the Governor or the President related to COVID-19, or
14	because the employer voluntarily ceased operations due to the actual exposure
15	of workers at that place of employment to COVID-19;
16	(ii) the individual becomes unemployed as a direct result of a
17	state of emergency declared by the Governor or the President in relation to
18	COVID-19 or an order or directive issued by the Governor or President in
19	relation to COVID-19, including through a change or reduction in the
20	employer's operation at the individual's place of employment that is a direct
21	result of such a state of emergency, order, or directive; or

1	(iii) the <u>employer has temporarily laid off the</u> individual <del>has been</del>
2	recommended or requested based on a recommendation or request by a
3	medical professional or a public health authority with jurisdiction to that the
4	individual be isolated or quarantined as a result of COVID-19, regardless of
5	whether the individual has been diagnosed with COVID-19.
6	(B)(i) An Unless extended by the Commissioner pursuant to
7	subdivision (C) of this subdivision (a)(3), an employer shall only be eligible
8	for relief be relieved of charges for up to eight weeks of benefits paid between
9	March 15, 2020 and December 31, 2020 under the provisions of this
10	subdivision (a)(3) if the employer rehires or offers to rehire the individual
11	within a reasonable period of time after the employer resumes operations at the
12	individual's place of employment, as determined by the Commissioner, or
13	upon the completion of the individual's period of isolation or quarantine unless
14	the Commissioner determines that:
15	(I) the employee was not separated from employment for one
16	of the reasons set forth in subdivision (A) of this subdivision (a)(3); or
17	(II) the reason for the individual's separation from employment
18	set forth in subdivision (A) of this subdivision (a)(3) no longer exists and the
19	employer has failed to rehire or offer to rehire the individual without good
20	cause.

1	(ii) If the Commissioner has cause to believe or receives an
2	allegation or other information indicating that an employer may not be entitled
3	to relief from charges pursuant to this subdivision (a)(3), the Commissioner
4	shall examine the employer's records and any other documents and
5	information necessary to determine if the employer is entitled to relief from
6	charges pursuant to this subdivision (a)(3).
7	(C) The Commissioner may extend the period for which an employer
8	shall be relieved of charges for benefits paid to employees pursuant to
9	subdivision (A)(i) of this subdivision (a)(3) by an amount that the
10	Commissioner determines to be appropriate in light of the terms of any
11	applicable request from a local health official or the Commissioner of Health
12	or any applicable emergency order or directive issued by the Governor or the
13	President and any other relevant conditions or factors.
14	***
15	* * * Experience Rating Relief for Calendar Year 2021 * * *
16	Sec. 2. RELIEF FROM COVID-19-RELATED UNEMPLOYMENT
17	BENEFIT CHARGES FOR CALENDAR YEAR 2021
18	(a) For calendar year 2021, an employer shall be relieved from charges
19	against its unemployment insurance experience rating under 21 V.S.A. § 1325
20	for benefits paid because:

1	(1)(A) the individual voluntarily separated from employment with the
2	employer for one of the reasons set forth in 21 V.S.A. § 1344(a)(2)(A)(ii)–(vi):
3	(B) the employer temporarily ceased operation, either partially or
4	completely, at the individual's place of employment in response to a request
5	from a public health authority with jurisdiction that the employer cease
6	operations because of COVID-19, in response to an emergency order or
7	directive issued by the Governor or the President related to COVID-19, or
8	because the employer voluntarily ceased operations due to the actual exposure
9	of workers at that place of employment to COVID-19;
10	(C) the individual became unemployed as a direct result of a state of
11	emergency declared by the Governor or the President in relation to COVID-19
12	or an order or directive issued by the Governor or President in relation to
13	COVID-19, including through a change or reduction in the employer's
14	operation at the individual's place of employment that was a direct result of
15	such a state of emergency, order, or directive; or
16	(D) the employer temporarily laid off the individual based on a
17	recommendation or request by a medical professional or a public health
18	authority with jurisdiction that the individual be isolated or quarantined as a
19	result of COVID-19, regardless of whether the individual was diagnosed with
20	COVID-19; and

1	(2)(A) the employer rehired or offered to rehire the employee within a
2	reasonable time, not to exceed 30 days after the reason for the individual's
3	separation from employment set forth in subdivision (1) of this subsection (a)
4	no longer exists; or
5	(B) the employer demonstrates to the satisfaction of the
6	Commissioner that it had good cause for failing to rehire or offer to rehire the
7	employee within the time period set forth in subdivision (A) of this subdivision
8	<u>(a)(2).</u>
9	(b) On or before June 1, 2021, the Commissioner of Labor shall adopt
10	procedures and an application form for employers to apply for relief from
11	charges pursuant to subsection (a) of this section.
12	(c) The Commissioner shall not be required to initiate rulemaking pursuant
13	to 3 V.S.A. § 831(c) in relation to any procedures adopted under subsection (b)
14	of this section.
15	(d) On or before April 15, 2021, the Commissioner shall:
16	(1) submit to the House Committee on Commerce and Economic
17	Development and the Senate Committee on Economic Development, Housing
18	and General Affairs a report summarizing the procedures and application form
19	to be adopted pursuant to subsection (b) of this section; and

1	(2) commence a public outreach campaign to notify employers and
2	employees of the requirements and procedures to obtain relief from charges
3	under this section.
4	* * * Extension of Unemployment Insurance Related Sunset
5	from 2020 Acts and Resolves No. 91 * * *
6	Sec. 3. 2020 Acts and Resolves No. 91, Sec. 38(3) is amended to read:
7	(3) Secs. 32 and 33 shall take effect on March 31, 2021 on the first day
8	of the calendar quarter following the calendar quarter in which the state of
9	emergency declared in response to COVID-19 pursuant to Executive Order 01-
10	20 is terminated, provided that if the state of emergency is terminated within
11	the final 30 days of a calendar quarter, Secs. 32 and 33 shall take effect on the
12	first day of the second calendar quarter following the calendar quarter in which
13	the state of emergency is terminated.
14	* * * Implementation of Continued Assistance Act Provisions * * *
15	Sec. 4. TEMPORARY SUSPENSION OF CERTAIN REQUIREMENTS
16	FOR TRIGGERING AN EXTENDED BENEFIT PERIOD
17	For purposes of determining whether the State is in an extended benefit
18	during the period from November 1, 2020 through December 31, 2021, the
19	Commissioner shall disregard the requirement in 21 V.S.A. § 1421 that no
20	extended benefit period may begin before the fourteenth week following the
21	end of a prior extended benefit period.

1	* * * Increased Unemployment Insurance Benefits * * *
2	Sec. 5. 21 V.S.A. § 1338 is amended to read:
3	§ 1338. WEEKLY BENEFITS
4	(a) Each eligible individual who is totally unemployed in any week shall be
5	paid with respect to such a week a weekly benefit amount determined as
6	provided in this section.
7	* * *
8	(e)(1) For benefit years beginning on January 3, 1988 and subsequent
9	thereto, an individual's weekly benefit amount shall be determined by dividing
10	the individual's two high quarter total subject wages required under
11	subdivision (d)(1) of this section by $45 \ \underline{38}$ ; provided that the weekly benefit
12	amount so determined shall not exceed the maximum weekly benefit amount
13	computed as provided in subsection (f) of this section.
14	(2) In addition to the weekly benefit amount determined pursuant to
15	subdivision (1) of this subsection, an individual shall be entitled to an
16	additional allowance of \$25.00 or five percent of the individual's weekly
17	benefit amount, whichever is greater, for each dependent. The total dependent
18	allowance for any individual shall not exceed \$125.00 or 25 percent of the
19	individual's weekly benefit amount, whichever is greater.
20	(3) As used in this subsection, "dependent" means:
21	(A) an individual's child who is under 18 years of age;

1	(B) an individual's child who is under 24 years of age and a full-time
2	student; or
3	(C) an individual's child who is 18 years of age or older and is unable
4	to earn wages in employment because of a physical or mental condition.
5	(f) The maximum weekly benefit amount shall be \$425.00 \$605.00 plus the
6	amount of any dependent allowance pursuant to subdivision (e)(2) of this
7	section. When the State Unemployment Compensation Fund has a positive
8	balance and all advances made to the State Unemployment Compensation
9	Fund pursuant to Title XII of the Social Security Act have been repaid as of
10	December 31 of the last completed calendar year, on the first day of the first
11	calendar week of July, the maximum weekly benefit amount shall be adjusted
12	by a percentage equal to the percentage change during the preceding calendar
13	year in the State average weekly wage as determined by subsection (g) of this
14	section, but in no event shall the maximum weekly benefit amount decrease.
15	When the unemployment contribution rate schedule established by subsection
16	1326(e) of this title is at schedule III, the maximum weekly benefit amount
17	shall be adjusted on the first day of the first calendar week in July to an amount
18	equal to 57 68 percent of the State annual average weekly wage as determined
19	by subsection (g) of this section. The maximum weekly benefit amount shall
20	not increase in any year that advances made to the State Unemployment

## Page 10 of 16 **POSSIBLE AMENDMENTS**

1	Compensation Fund pursuant to Title XII of the Social Security Act, as
2	amended, remain unpaid.
3	* * *
4	Sec. 6. 21 V.S.A. § 1338 is amended to read:
5	§ 1338. WEEKLY BENEFITS
6	(a) Each eligible individual who is totally unemployed in any week shall be
7	paid with respect to such a week a weekly benefit amount determined as
8	provided in this section.
9	* * *
10	(e)(1) For benefit years beginning on January 3, 1988 and subsequent
11	thereto, an individual's weekly benefit amount shall be determined by dividing
12	the individual's two high quarter total subject wages required under
13	subdivision (d)(1) of this section by $\frac{38}{45}$ ; provided that the weekly benefit
14	amount so determined shall not exceed the maximum weekly benefit amount
15	computed as provided in subsection (f) of this section.
16	* * *
17	Sec. 7. 21 V.S.A. § 1338 is amended to read:
18	§ 1338. WEEKLY BENEFITS
19	(a) Each eligible individual who is totally unemployed in any week shall be
20	paid with respect to such a week a weekly benefit amount determined as
21	provided in this section.

1	* * *
2	(e)(1) For benefit years beginning on January 3, 1988 and subsequent
3	thereto, an individual's weekly benefit amount shall be determined by dividing
4	the individual's two high quarter total subject wages required under
5	subdivision (d)(1) of this section by 45; provided that the weekly benefit
6	amount so determined shall not exceed the maximum weekly benefit amount
7	computed as provided in subsection (f) of this section.
8	(2) In addition to the weekly benefit amount determined pursuant to
9	subdivision (1) of this subsection, an individual shall be entitled to an
10	additional allowance of \$25.00 or 5 percent of the individual's weekly benefit
11	amount, whichever is greater, for each dependent. The total dependent
12	allowance for any individual shall not exceed \$125.00 or 25 percent of the
13	individual's weekly benefit amount, whichever is greater.
14	(3) As used in this subsection, "dependent" means:
15	(A) an individual's child who is under 18 years of age;
16	(B) an individual's child who is under 24 years of age and a full time
17	student; or
18	(C) an individual's child who is 18 years of age or older and is unable
19	to earn wages in employment because of a physical or mental condition.
20	(f) The maximum weekly benefit amount shall be \$605.00 plus the amount
21	of any dependent allowance pursuant to subdivision (e)(2) of this section.

When the State Unemployment Compensation Fund has a positive balance and
all advances made to the State Unemployment Compensation Fund pursuant to
Title XII of the Social Security Act have been repaid as of December 31 of the
last completed calendar year, on the first day of the first calendar week of July,
the maximum weekly benefit amount shall be adjusted by a percentage equal
to the percentage change during the preceding calendar year in the State
average weekly wage as determined by subsection (g) of this section, but in no
event shall the maximum weekly benefit amount decrease. When the
unemployment contribution rate schedule established by subsection 1326(e) of
this title is at schedule III, the maximum weekly benefit amount shall be
adjusted on the first day of the first calendar week in July to an amount equal
to 68 57 percent of the State annual average weekly wage as determined by
subsection (g) of this section. The maximum weekly benefit amount shall not
increase in any year that advances made to the State Unemployment
Compensation Fund pursuant to Title XII of the Social Security Act, as
amended, remain unpaid.
* * *
* * * Unemployment Insurance Contribution Relief * * *
Sec. 8. UNEMPLOYMENT INSURANCE RATE SCHEDULE FOR
BENEFIT YEAR REGINNING IIII V 1 2021

1	(a) Notwithstanding any provision of 21 V.S.A. § 1326 to the contrary, the
2	unemployment insurance contribution rate schedule for the benefit year
3	beginning on July 1, 2021 shall remain at Schedule I.
4	(b) The provisions of this section shall not apply if, on April 15, 2021, the
5	balance of the Unemployment Insurance Trust Fund is either below
6	\$90,000,000.00 or projected to drop below that amount on or before
7	December 31, 2021.
8	Sec. 9. UNEMPLOYMENT INSURANCE; BASE OF CONTRIBUTIONS
9	FOR 2022
10	(a) Notwithstanding 21 V.S.A. § 1321(b), the base of contributions for
11	calendar year 2022 shall be the same amount as for calendar year 2021.
12	(b) The provisions of this section shall not apply if, on October 15, 2021,
13	the balance of the Unemployment Insurance Trust Fund is either below
14	\$90,000,000.00 or projected to drop below that amount on or before
15	<u>December 31, 2021.</u>
16	Sec. 10. 21 V.S.A. § 1326 is amended to read:
17	§ 1326. RATE BASED ON BENEFIT EXPERIENCE
18	* * *
19	(e) The rate schedule shall be determined by dividing the current Fund ratio
20	by the highest benefit cost rate. The applicable rate schedule shall be that
21	schedule below the resultant quotient which that appears in column C of the

### Page 14 of 16 **POSSIBLE AMENDMENTS**

1	follov	following table, provided that the applicable rate schedule shall not be more							
2	than t	than two schedules higher than the rate schedule for the previous year:							
3	A.	В	<b>.</b>					C.	
4						IF TI	HE RES	SULTING QUOTIENT IS:	
5	Rate	% of	Taxable	<b>:</b>					
6	Class	Pay	rolls	2.50	2.00	1.50	1.00		
7				and	to	to	to	under	
8		From	То	over	2.49	1.99	1.49	1.00	
9				I.	II.	III.	IV.	V.	
10	0	00.00	00.00	0.4%	0.6%	0.8%	1.1%	1.3%	
11	1	00.01	05.00	0.5	0.7	0.9	1.2	1.5	
12	2	05.01	10.00	0.6	0.8	1.1	1.4	1.8	
13	3	10.01	15.00	0.7	1.0	1.4	1.7	2.1	
14	4	15.01	20.00	0.8	1.2	1.7	2.0	2.4	
15	5	20.01	25.00	0.9	1.4	2.0	2.3	2.7	
16	6	25.01	30.00	1.1	1.7	2.3	2.6	3.0	
17	7	30.01	35.00	1.4	2.0	2.6	2.9	3.3	
18	8	35.01	40.00	1.7	2.3	2.9	3.2	3.6	
19	9	40.01	45.00	2.0	2.6	3.2	3.5	4.0	
20	10	45.01	50.00	2.3	2.9	3.5	3.8	4.4	
21	11	50.01	55.00	2.6	3.2	3.8	4.1	4.8	

	,		2 – S.10 DJL – 09	PO	Page 15 of 16 SSIBLE AMENDMENTS			
1	12	55.01	60.00	2.9	3.5	4.1	4.5	5.2
2	13	60.01	65.00	3.2	3.8	4.4	4.9	5.6
3	14	65.01	70.00	3.5	4.1	4.7	5.3	6.0
4	15	70.01	75.00	3.8	4.4	5.0	5.7	6.4
5	16	75.01	80.00	4.1	4.7	5.3	6.1	6.8
6	17	80.01	85.00	4.4	5.0	5.6	6.5	7.2
7	18	85.01	90.00	4.7	5.3	5.9	6.9	7.6
8	19	90.01	95.00	5.0	5.6	6.2	7.3	8.0
9	20	95.01	100.00	5.4	5.9	6.5	7.7	8.4
10 ***								
11	* * * Effective Dates * * *							
12	2 Sec. 11. EFFECTIVE DATES							
13	13 (a) Sec. 5. shall take effect on July 1, 2021.							
(b) Sec. 6 shall take effect on July 1, 2022.								
15	5 (c) Sec. 7 shall take effect on July 1, 2026.							
16	(d) This section and the remaining sections of this act shall take effect on							

passage.

(Draft No. 2.2 – S.10) 3/10/2021 - DJL – 09:35 AM

# Page 16 of 16 **POSSIBLE AMENDMENTS**

1		
2		
3	(Committee vote:)	
4		
5		Senator
6		FOR THE COMMITTEE