

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to  
3 which was referred Senate Bill No. 10 entitled “An act relating to extending  
4 certain unemployment provisions related to COVID-19” respectfully reports  
5 that it has considered the same and recommends that the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 \* \* \* 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;

11 DISCLOSURE TO SUCCESSOR ENTITY

12 (a)(1) The Commissioner shall maintain an experience-rating record for  
13 each employer. Benefits paid shall be charged against the experience-rating  
14 record of each subject employer who provided base-period wages to the  
15 eligible individual. Each subject employer’s experience-rating charge shall  
16 bear the same ratio to total benefits paid as the total base-period wages paid by  
17 that employer bear to the total base-period wages paid to the individual by all  
18 base-period employers. The experience-rating record of an individual subject  
19 base-period employer shall not be charged for benefits paid to an individual  
20 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 state  
17 of emergency declared by the Governor or the President in relation to COVID-  
18 19 or an order or directive issued by the Governor or President in relation to  
19 COVID-19, including through a change or reduction in the employer's  
20 operation at the individual's place of employment that is a direct result of such  
21 a state of emergency, order, or directive; or

1           (iii) the employer has temporarily laid off the individual ~~has been~~  
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           (a)(2).

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       Sec. 5. CONTINUED ELIGIBILITY FOR PANDEMIC EMERGENCY  
2                   UNEMPLOYMENT COMPENSATION; DELAY OF  
3                   SUBSEQUENT BENEFIT YEAR

4           (a) Notwithstanding any provision of 21 V.S.A. chapter 17 to the contrary,  
5           an individual shall be eligible to receive or to continue to receive Pandemic  
6           Emergency Unemployment Compensation benefits in lieu of regular  
7           unemployment insurance benefits if:

8                   (1) the individual was determined to be eligible for Pandemic  
9                   Emergency Unemployment Compensation during a benefit year that expired  
10                  after December 27, 2020;

11                  (2) the individual has remaining entitlement to Pandemic Emergency  
12                  Unemployment Compensation benefits with respect to the expired benefit year;

13                  (3) the individual would qualify pursuant to 21 V.S.A. chapter 17 for  
14                  regular unemployment insurance benefits in a new benefit year; and

15                  (4) the weekly benefit amount for regular unemployment insurance  
16                  benefits in the new benefit year would be at least \$25.00 less than the weekly  
17                  benefit amount payable on the individual's Pandemic Emergency  
18                  Unemployment Compensation claim in the prior benefit year.

19           (b)(1) The new benefit year of an individual who is determined to be  
20           eligible to receive or to continue receiving Pandemic Emergency  
21           Unemployment Compensation benefits pursuant to subsection (a) shall not



1 begin until after the individual has exhausted his or her eligibility for Pandemic  
2 Emergency Unemployment Compensation benefits.

3 (2) The individual's weekly benefit amount for the new benefit year  
4 shall be determined based on the wages that would have been in the  
5 individual's base period if the beginning of the new benefit year had not been  
6 deferred pursuant to this section.

7 \* \* \* Increased Unemployment Insurance Benefits \* \* \*

8 Sec. 6. 21 V.S.A. § 1338 is amended to read:

9 § 1338. WEEKLY BENEFITS

10 (a) Each eligible individual who is totally unemployed in any week shall be  
11 paid with respect to such a week a weekly benefit amount determined as  
12 provided in this section.

13 \* \* \*

14 (e)(1) For benefit years beginning on January 3, 1988 and subsequent  
15 thereto, an individual's weekly benefit amount shall be determined by dividing  
16 the individual's two high quarter total subject wages required under  
17 subdivision (d)(1) of this section by ~~45~~ 38; provided that the weekly benefit  
18 amount so determined shall not exceed the maximum weekly benefit amount  
19 computed as provided in subsection (f) of this section.

20 (2) In addition to the weekly benefit amount determined pursuant to  
21 subdivision (1) of this subsection, an individual shall be entitled to an

1 additional allowance of \$25.00 or 5 percent of the individual’s weekly benefit  
2 amount, whichever is greater, for each dependent. The total dependent  
3 allowance for any individual shall not exceed \$125.00 or 25 percent of the  
4 individual’s weekly benefit amount, whichever is greater.

5 (3) As used in this subsection, “dependent” means:

6 (A) an individual’s child who is under 18 years of age;

7 (B) an individual’s child who is under 24 years of age and a full-time  
8 student; or

9 (C) an individual’s child who is 18 years of age or older and is unable  
10 to earn wages in employment because of a physical or mental condition.

11 (f) The maximum weekly benefit amount shall be ~~\$425.00~~ \$605.00 plus the  
12 amount of any dependent allowance pursuant to subdivision (e)(2) of this  
13 section. When the State Unemployment Compensation Fund has a positive  
14 balance and all advances made to the State Unemployment Compensation  
15 Fund pursuant to Title XII of the Social Security Act have been repaid as of  
16 December 31 of the last completed calendar year, on the first day of the first  
17 calendar week of July, the maximum weekly benefit amount shall be adjusted  
18 by a percentage equal to the percentage change during the preceding calendar  
19 year in the State average weekly wage as determined by subsection (g) of this  
20 section, but in no event shall the maximum weekly benefit amount decrease.

21 When the unemployment contribution rate schedule established by subsection

1 1326(e) of this title is at schedule III, the maximum weekly benefit amount  
2 shall be adjusted on the first day of the first calendar week in July to an amount  
3 equal to ~~57~~ 68 percent of the State annual average weekly wage as determined  
4 by subsection (g) of this section. The maximum weekly benefit amount shall  
5 not increase in any year that advances made to the State Unemployment  
6 Compensation Fund pursuant to Title XII of the Social Security Act, as  
7 amended, remain unpaid.

8 \* \* \*

9 Sec. 7. 21 V.S.A. § 1338 is amended to read:

10 § 1338. WEEKLY BENEFITS

11 (a) Each eligible individual who is totally unemployed in any week shall be  
12 paid with respect to such a week a weekly benefit amount determined as  
13 provided in this section.

14 \* \* \*

15 (e)(1) For benefit years beginning on January 3, 1988 and subsequent  
16 thereto, an individual's weekly benefit amount shall be determined by dividing  
17 the individual's two high quarter total subject wages required under  
18 subdivision (d)(1) of this section by ~~38~~ 45; provided that the weekly benefit  
19 amount so determined shall not exceed the maximum weekly benefit amount  
20 computed as provided in subsection (f) of this section.

21 \* \* \*

1 Sec. 8. 21 V.S.A. § 1338 is amended to read:

2 § 1338. WEEKLY BENEFITS

3 (a) Each eligible individual who is totally unemployed in any week shall be  
4 paid with respect to such a week a weekly benefit amount determined as  
5 provided in this section.

6 \* \* \*

7 (e)(1) For benefit years beginning on January 3, 1988 and subsequent  
8 thereto, an individual's weekly benefit amount shall be determined by dividing  
9 the individual's two high quarter total subject wages required under  
10 subdivision (d)(1) of this section by 45; provided that the weekly benefit  
11 amount so determined shall not exceed the maximum weekly benefit amount  
12 computed as provided in subsection (f) of this section.

13 ~~(2) In addition to the weekly benefit amount determined pursuant to~~  
14 ~~subdivision (1) of this subsection, an individual shall be entitled to an~~  
15 ~~additional allowance of \$25.00 or 5 percent of the individual's weekly benefit~~  
16 ~~amount, whichever is greater, for each dependent. The total dependent~~  
17 ~~allowance for any individual shall not exceed \$125.00 or 25 percent of the~~  
18 ~~individual's weekly benefit amount, whichever is greater.~~

19 (3) ~~As used in this subsection, "dependent" means:~~

20 ~~(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 \$605.00 ~~plus the amount~~  
6           ~~of any dependent allowance pursuant to subdivision (e)(2) of this section.~~

7           When the State Unemployment Compensation Fund has a positive balance and  
8           all advances made to the State Unemployment Compensation Fund pursuant to  
9           Title XII of the Social Security Act have been repaid as of December 31 of the  
10          last completed calendar year, on the first day of the first calendar week of July,  
11          the maximum weekly benefit amount shall be adjusted by a percentage equal  
12          to the percentage change during the preceding calendar year in the State  
13          average weekly wage as determined by subsection (g) of this section, but in no  
14          event shall the maximum weekly benefit amount decrease. When the  
15          unemployment contribution rate schedule established by subsection 1326(e) of  
16          this title is at schedule III, the maximum weekly benefit amount shall be  
17          adjusted on the first day of the first calendar week in July to an amount equal  
18          to ~~68~~ 57 percent of the State annual average weekly wage as determined by  
19          subsection (g) of this section. The maximum weekly benefit amount shall not  
20          increase in any year that advances made to the State Unemployment

1 Compensation Fund pursuant to Title XII of the Social Security Act, as  
2 amended, remain unpaid.

3 \* \* \*

4 \* \* \* Unemployment Insurance Contribution Relief \* \* \*

5 Sec. 9. UNEMPLOYMENT INSURANCE RATE SCHEDULE FOR  
6 BENEFIT YEAR BEGINNING JULY 1, 2021

7 (a) Notwithstanding any provision of 21 V.S.A. § 1326 to the contrary, the  
8 unemployment insurance contribution rate schedule for the benefit year  
9 beginning on July 1, 2021 shall remain at Schedule I.

10 (b) The provisions of this section shall not apply if, on April 15, 2021, the  
11 balance of the Unemployment Insurance Trust Fund is either below  
12 \$90,000,000.00 or projected to drop below that amount on or before  
13 December 31, 2021.

14 Sec. 10. UNEMPLOYMENT INSURANCE; BASE OF CONTRIBUTIONS  
15 FOR 2022

16 (a) Notwithstanding 21 V.S.A. § 1321(b), the base of contributions for  
17 calendar year 2022 shall be the same amount as for calendar year 2021.

18 (b) The provisions of this section shall not apply if, on October 15, 2021,  
19 the balance of the Unemployment Insurance Trust Fund is either below  
20 \$90,000,000.00 or projected to drop below that amount on or before  
21 December 31, 2021.

1 Sec. 11. 21 V.S.A. § 1326 is amended to read:

2 § 1326. RATE BASED ON BENEFIT EXPERIENCE

3 \* \* \*

4 (e) The rate schedule shall be determined by dividing the current Fund ratio  
5 by the highest benefit cost rate. The applicable rate schedule shall be that  
6 schedule below the resultant quotient which appears in column C of the  
7 following table, provided that the applicable rate schedule shall not be more  
8 than two schedules higher than the rate schedule for the previous year:

9 A. B. C.  
10 IF THE RESULTING QUOTIENT IS:

Rate	% of Taxable		IF THE RESULTING QUOTIENT IS:				
Class	Payrolls		2.50	2.00	1.50	1.00	
			and	to	to	to	under
	From	To	over	2.49	1.99	1.49	1.00
			I.	II.	III.	IV.	V.
0	00.00	00.00	0.4%	0.6%	0.8%	1.1%	1.3%
1	00.01	05.00	0.5	0.7	0.9	1.2	1.5
2	05.01	10.00	0.6	0.8	1.1	1.4	1.8
3	10.01	15.00	0.7	1.0	1.4	1.7	2.1
4	15.01	20.00	0.8	1.2	1.7	2.0	2.4
5	20.01	25.00	0.9	1.4	2.0	2.3	2.7

1	6	25.01	30.00	1.1	1.7	2.3	2.6	3.0
2	7	30.01	35.00	1.4	2.0	2.6	2.9	3.3
3	8	35.01	40.00	1.7	2.3	2.9	3.2	3.6
4	9	40.01	45.00	2.0	2.6	3.2	3.5	4.0
5	10	45.01	50.00	2.3	2.9	3.5	3.8	4.4
6	11	50.01	55.00	2.6	3.2	3.8	4.1	4.8
7	12	55.01	60.00	2.9	3.5	4.1	4.5	5.2
8	13	60.01	65.00	3.2	3.8	4.4	4.9	5.6
9	14	65.01	70.00	3.5	4.1	4.7	5.3	6.0
10	15	70.01	75.00	3.8	4.4	5.0	5.7	6.4
11	16	75.01	80.00	4.1	4.7	5.3	6.1	6.8
12	17	80.01	85.00	4.4	5.0	5.6	6.5	7.2
13	18	85.01	90.00	4.7	5.3	5.9	6.9	7.6
14	19	90.01	95.00	5.0	5.6	6.2	7.3	8.0
15	20	95.01	100.00	5.4	5.9	6.5	7.7	8.4

16 \* \* \*

17 Sec. 12. EFFECTIVE DATE

18 (a) Sec. 7 shall take effect on July 1, 2022.

19 (b) Sec. 8 shall take effect on July 1, 2026.

20 (c) This section and the remaining sections of this act shall take effect on  
21 passage.



1  
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3  
4  
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6  
7  
8

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

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE

DRAFT