

1 S.10

2 Senators Sirotkin, Balint, Clarkson and Ram move that the bill be amended
3 by striking out all after the enacting clause and inserting in lieu thereof the
4 following:

5 * * * Experience Rating Relief for Calendar Year 2020 * * *

6 Sec. 1. 21 V.S.A. § 1325 is amended to read:

7 § 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

8 DISCLOSURE TO SUCCESSOR ENTITY

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

18 * * *

19 (G) ~~The~~ Between March 15, 2020 and December 31, 2020, the
20 individual voluntarily separated from that employer as provided by subdivision
21 1344(a)(2)(A) of this chapter for one of the following reasons:

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(3)(A) Subject to the provisions of ~~subdivision~~ subdivisions (B) and (C) of this subdivision (a)(3), an employer shall be relieved of charges for benefits paid to an individual between March 15, 2020 and December 31, 2020 for a period of up to eight weeks with respect to benefits paid because:

(i) the employer temporarily ceased operation, either partially or completely, at the individual’s place of employment in response to a request from a public health authority with jurisdiction that the employer cease operations because of COVID-19, in response to an emergency order or directive issued by the Governor or the President related to COVID-19, or because the employer voluntarily ceased operations due to the actual exposure of workers at that place of employment to COVID-19;

(ii) the individual becomes unemployed as a direct result of a state of emergency declared by the Governor or the President in relation to COVID-19 or an order or directive issued by the Governor or President in relation to COVID-19, including through a change or reduction in the employer’s operation at the individual’s place of employment that is a direct result of such a state of emergency, order, or directive; or

(iii) the employer has temporarily laid off the individual ~~has been recommended or requested~~ based on a recommendation or request by a medical professional or a public health authority with jurisdiction ~~to~~ that the

1 individual be isolated or quarantined as a result of COVID-19, regardless of
2 whether the individual has been diagnosed with COVID-19.

3 (B)(i) ~~As~~ Unless extended by the Commissioner pursuant to
4 subdivision (C) of this subdivision (a)(3), an employer shall only be eligible
5 for relief be relieved of charges for up to eight weeks of benefits paid between
6 March 15, 2020 and December 31, 2020 under the provisions of this
7 subdivision (a)(3) ~~if the employer rehires or offers to rehire the individual~~
8 ~~within a reasonable period of time after the employer resumes operations at the~~
9 ~~individual's place of employment, as determined by the Commissioner, or~~
10 ~~upon the completion of the individual's period of isolation or quarantine unless~~
11 the Commissioner determines that:

12 (I) the employee was not separated from employment for one
13 of the reasons set forth in subdivision (A) of this subdivision (a)(3); or

14 (II) the reason for the individual's separation from employment
15 set forth in subdivision (A) of this subdivision (a)(3) no longer exists and the
16 employer has failed to rehire or offer to rehire the individual without good
17 cause.

18 (ii) If the Commissioner has cause to believe or receives an
19 allegation or other information indicating that an employer may not be entitled
20 to relief from charges pursuant to this subdivision (a)(3), the Commissioner
21 shall examine the employer's records and any other documents and

1 information necessary to determine if the employer is entitled to relief from
2 charges pursuant to this subdivision (a)(3).

3 (C) The Commissioner may extend the period for which an employer
4 shall be relieved of charges for benefits paid to employees pursuant to
5 subdivision (A)(i) of this subdivision (a)(3) by an amount that the
6 Commissioner determines to be appropriate in light of the terms of any
7 applicable request from a local health official or the Commissioner of Health
8 or any applicable emergency order or directive issued by the Governor or the
9 President and any other relevant conditions or factors.

10 * * *

11 * * * Experience Rating Relief for Calendar Year 2021 * * *

12 Sec. 2. RELIEF FROM COVID-19-RELATED UNEMPLOYMENT

13 BENEFIT CHARGES FOR CALENDAR YEAR 2021

14 (a) For calendar year 2021, an employer shall be relieved from charges
15 against its unemployment insurance experience rating under 21 V.S.A. § 1325
16 for benefits paid because:

17 (1)(A) the individual voluntarily separated from employment with the
18 employer for one of the reasons set forth in 21 V.S.A. § 1344(a)(2)(A)(ii)–(vi);

19 (B) the employer temporarily ceased operation, either partially or
20 completely, at the individual’s place of employment in response to a request
21 from a public health authority with jurisdiction that the employer cease

1 operations because of COVID-19, in response to an emergency order or
2 directive issued by the Governor or the President related to COVID-19, or
3 because the employer voluntarily ceased operations due to the actual exposure
4 of workers at that place of employment to COVID-19;

5 (C) the individual became unemployed as a direct result of a state of
6 emergency declared by the Governor or the President in relation to COVID-19
7 or an order or directive issued by the Governor or President in relation to
8 COVID-19, including through a change or reduction in the employer's
9 operation at the individual's place of employment that was a direct result of
10 such a state of emergency, order, or directive; or

11 (D) the employer temporarily laid off the individual based on a
12 recommendation or request by a medical professional or a public health
13 authority with jurisdiction that the individual be isolated or quarantined as a
14 result of COVID-19, regardless of whether the individual was diagnosed with
15 COVID-19; and

16 (2)(A) the employer rehired or offered to rehire the employee within a
17 reasonable time, not to exceed 30 days after the reason for the individual's
18 separation from employment set forth in subdivision (1) of this subsection (a)
19 no longer exists; or

20 (B) the employer demonstrates to the satisfaction of the
21 Commissioner that it had good cause for failing to rehire or offer to rehire the

1 employee within the time period set forth in subdivision (A) of this subdivision
2 (a)(2).

3 (b) On or before June 1, 2021, the Commissioner of Labor shall adopt
4 procedures and an application form for employers to apply for relief from
5 charges pursuant to subsection (a) of this section.

6 (c) The Commissioner shall not be required to initiate rulemaking pursuant
7 to 3 V.S.A. § 831(c) in relation to any procedures adopted under subsection (b)
8 of this section.

9 (d) On or before April 15, 2021, the Commissioner shall:

10 (1) submit to the House Committee on Commerce and Economic
11 Development and the Senate Committee on Economic Development, Housing
12 and General Affairs a report summarizing the procedures and application form
13 to be adopted pursuant to subsection (b) of this section; and

14 (2) commence a public outreach campaign to notify employers and
15 employees of the requirements and procedures to obtain relief from charges
16 under this section.

17 * * * Extension of Unemployment Insurance-Related Sunset

18 from 2020 Acts and Resolves No. 91 * * *

19 Sec. 3. 2020 Acts and Resolves No. 91, Sec. 38(3) is amended to read:

20 (3) Secs. 32 and 33 shall take effect on ~~March 31, 2021~~ the first day of
21 the calendar quarter following the calendar quarter in which the state of

1 emergency declared in response to COVID-19 pursuant to Executive Order 01-
2 20 is terminated, provided that if the state of emergency is terminated within
3 the final 30 days of a calendar quarter, Secs. 32 and 33 shall take effect on the
4 first day of the second calendar quarter following the calendar quarter in which
5 the state of emergency is terminated.

6 * * * Implementation of Continued Assistance Act Provisions * * *

7 Sec. 4. TEMPORARY SUSPENSION OF CERTAIN REQUIREMENTS
8 FOR TRIGGERING AN EXTENDED BENEFIT PERIOD

9 For purposes of determining whether the State is in an extended benefit
10 during the period from November 1, 2020 through December 31, 2021, the
11 Commissioner shall disregard the requirement in 21 V.S.A. § 1421 that no
12 extended benefit period may begin before the 14th week following the end of a
13 prior extended benefit period.

14 * * * Unemployment Insurance Dependent Benefits * * *

15 Sec. 5. 21 V.S.A. § 1338 is amended to read:

16 § 1338. WEEKLY BENEFITS

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

20 * * *

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

7 (2)(A) In addition to the weekly benefit amount determined pursuant to
8 subdivision (1) of this subsection, an individual shall be entitled to an
9 additional weekly allowance of \$50.00 if the individual has one or more
10 dependent children under 18 years of age.

11 (B) The provisions of subdivision (A) of this subdivision (2) shall not
12 apply during the period from July 1, 2022 through June 30, 2023 if, on
13 April 15, 2022, the balance of the Unemployment Insurance Trust Fund is
14 either below \$90,000,000.00 or projected to drop below that amount on or
15 before December 31, 2022.

* * *

17 Sec. 6. 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.

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

~~(2)(A) In addition to the weekly benefit amount determined pursuant to subdivision (1) of this subsection, an individual shall be entitled to an additional weekly allowance of \$50.00 if the individual has one or more dependent children under 18 years of age.~~

~~(B) The provisions of subdivision (A) of this subdivision (2) shall not apply during the period from July 1, 2022 through June 30, 2023 if, on April 15, 2022, the balance of the Unemployment Insurance Trust Fund is either below \$90,000,000.00 or projected to drop below that amount on or before December 31, 2022.~~

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1 * * * Unemployment Insurance Contribution Relief * * *

2 Sec. 7. UNEMPLOYMENT INSURANCE RATE SCHEDULE FOR
3 BENEFIT YEAR BEGINNING JULY 1, 2021

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

7 (b) The provisions of this section shall not apply if, on April 15, 2021, the
8 balance of the Unemployment Insurance Trust Fund is either below
9 \$90,000,000.00 or projected to drop below that amount on or before
10 December 31, 2021.

11 Sec. 8. AVOIDANCE OF LONG-TERM RATE IMPACTS ON
12 EMPLOYERS

13 During the period beginning on July 1, 2022 and ending on June 30, 2031,
14 the Commissioner of Labor shall reduce the amount of unemployment
15 insurance contributions made by employers by a total of \$66,500,000.00. The
16 reductions shall be distributed proportionately across each year of the period
17 and among all employers liable for payment of contributions to the
18 Unemployment Insurance Trust Fund. Notwithstanding any provision of
19 21 V.S.A. chapter 17 to the contrary, the reductions shall be accomplished by
20 the following means:

1 (1) a proportionate reduction in the rates for each rate class on the
2 appropriate rate schedule set forth in 21 V.S.A. § 1326(e);

3 (2) any other proportionate reduction in the contributions made by each
4 employer liable for payment of contributions to the Unemployment Insurance
5 Trust Fund that is permitted by federal law;

6 (3) any other means of achieving a reduction in the contributions made
7 by each employer liable for payment of contributions to the Unemployment
8 Insurance Trust Fund that is permitted by federal law; or

9 (4) any combination of subdivisions (1) through (3) of this section.

10 Sec. 9. UNEMPLOYMENT INSURANCE; BASE OF CONTRIBUTIONS
11 FOR 2022 AND 2023

12 (a)(1) Notwithstanding 21 V.S.A. § 1321(b), the base of contributions for
13 calendar year 2022 shall be the same amount as for calendar year 2021.

14 (2) The provisions of this subsection shall not apply if, on October 15,
15 2021, the balance of the Unemployment Insurance Trust Fund is either below
16 \$90,000,000.00 or projected to drop below that amount on or before
17 December 31, 2021.

18 (b) Notwithstanding any provision of subsection (a) of this section or
19 21 V.S.A. § 1321(b) to the contrary, the base of contributions for calendar year
20 2023 shall be determined pursuant to 21 V.S.A. § 1321(b) as if the base of

1 contributions for calendar year 2022 had been determined pursuant to
2 21 V.S.A. § 1321(b) rather than the provisions of subsection (a) of this section.

3 Sec. 10. REVISED UNEMPLOYMENT INSURANCE TRUST FUND

4 TARGET BALANCE; REPORT

5 (a)(1) The Commissioner of Labor shall conduct a review of the solvency
6 of the Unemployment Insurance Trust Fund during the period since January 1,
7 2000 and the impact on the Trust Fund of the statutes related to unemployment
8 insurance contributions and benefits and any changes made to those statutes
9 during that time period.

10 (2) The review shall also:

11 (A) include an assessment and consideration of:

12 (i) the amount necessary to ensure the continued solvency of the
13 Trust Fund during a future economic recession based on the economic cycles
14 experienced by the State since January 1, 2000; and

15 (ii) how potential future statutory changes related to
16 unemployment insurance contributions and benefits may impact the amount
17 determined pursuant to subdivision (i) of this subdivision (a)(2)(A); and

18 (B) develop a range of amounts needed to ensure the continued
19 solvency of the Trust Fund during a future economic recession based on the
20 potential future statutory changes considered during the review.

1 (b)(1) In conducting the review, the Commissioner shall convene and
2 consult with a working group composed of representatives of employers and
3 employees, economists, and other individuals with relevant knowledge or
4 experience as determined by the Joint Fiscal Office and Commissioner.

5 (2) The Commissioner shall provide the members of the working group
6 with an opportunity to review and comment on the analysis and determinations
7 made pursuant to subsection (a) of this section.

8 (c)(1) On or before November 15, 2021, the Commissioner of Labor shall
9 submit a written report documenting the results of the review conducted
10 pursuant to subsection (a) of this section and the consultation with the working
11 group pursuant to subsection (b) of this section to the Senate Committee on
12 Economic Development, Housing and General Affairs and the House
13 Committee on Commerce and Economic Development.

14 (2) The report shall include a detailed explanation of the potential
15 statutory changes considered for purposes of the analysis and determinations
16 made pursuant to subsection (a) of this section and the basis for the amount
17 determined to be necessary to ensure the continued solvency of the Trust Fund
18 during a future economic recession.

19 (3) The report shall specifically identify the members of the working
20 group, summarize their comments regarding the analysis and determinations
21 made pursuant to subsection (a) of this section, and identify any revisions to

1 the Commissioner’s analysis and determinations that were made based on the
2 comments received.

3 (4) The Commissioner shall also provide each member of the working
4 group with an opportunity to submit a written statement responding to the
5 Commissioner’s review, which shall be included as part of the report submitted
6 pursuant to this subsection.

7 * * * Effective Dates * * *

8 Sec. 11. EFFECTIVE DATES

9 (a)(1) Sec. 5 (dependent benefit) shall take effect on the termination date
10 for Federal Pandemic Unemployment Compensation set forth in 15 U.S.C.
11 § 9023(e)(2), as amended.

12 (2) Sec. 6 (repeal of dependent benefit) shall take effect five years after
13 the effective date of Sec. 5.

14 (3) Notwithstanding subdivisions (1) and (2) of this subsection, Secs. 5
15 (dependent benefit) and 6 (repeal of dependent benefit) shall not take effect at
16 all if on April 15, 2021, the balance of the Unemployment Insurance Trust
17 Fund is either below \$90,000,000.00 or projected to drop below that amount
18 on or before December 31, 2021.

19 (b) This section and the remaining sections shall take effect on passage;
20 provided, however, that if the date of passage is after March 31, 2021, then

- 1 notwithstanding 1 V.S.A. § 214, Sec. 3 (extension of sunset) shall apply
- 2 retroactively to March 31, 2021.