

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

9 § 1325. EMPLOYERS’ EXPERIENCE-RATING RECORDS;

10 DISCLOSURE TO SUCCESSOR ENTITY

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

20 * * *

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

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

12 (ii) the individual becomes unemployed as a direct result of a state
13 of emergency declared by the Governor or the President in relation to COVID-
14 19 or an order or directive issued by the Governor or President in relation to
15 COVID-19, including through a change or reduction in the employer’s
16 operation at the individual’s place of employment that is a direct result of such
17 a state of emergency, order, or directive; or

18 (iii) the employer has temporarily laid off the individual ~~has been~~
19 ~~recommended or requested~~ based on a recommendation or request by a
20 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) An employer shall only be eligible for relief be relieved of
4 charges for benefits paid between March 15, 2020 and December 31, 2020
5 under the provisions of this subdivision (a)(3) if the employer rehires or offers
6 to rehire the individual within a reasonable period of time after the employer
7 resumes operations at the individual's place of employment, as determined by
8 the Commissioner, or upon the completion of the individual's period of
9 isolation or quarantine unless the Commissioner determines that:

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

12 (II) that the employer has resumed operations at the
13 individual's place of employment but has failed to rehire or offer to rehire the
14 individual without good cause.

15 (ii) If the Commissioner has good cause to believe that an
16 employer may not be entitled to relief from charges pursuant to this
17 subdivision (a)(3), the Commissioner shall examine the employer's records
18 and any other documents and information necessary to determine if the
19 employer is entitled to relief from charges pursuant to this subdivision (a)(3).

20 (C) The Commissioner may extend the period for which an employer
21 shall be relieved of charges for benefits paid to employees pursuant to

1 subdivision (A)(i) of this subdivision (a)(3) by an amount that the
2 Commissioner determines to be appropriate in light of the terms of any
3 applicable request from a local health official or the Commissioner of Health
4 or any applicable emergency order or directive issued by the Governor or the
5 President and any other relevant conditions or factors.

6 * * *

7 Sec. 2. 2020 Acts and Resolves No. 91, Sec. 38(3) is amended to read:

8 (3) Secs. 32 and 33 shall take effect on ~~March 31, 2021~~ on the first day
9 of the calendar quarter following the calendar quarter in which the state of
10 emergency declared in response to COVID-19 pursuant to Executive Order 01-
11 20 is terminated, provided that if the state of emergency is terminated within
12 the final 30 days of a calendar quarter, Secs. 32 and 33 shall take effect on the
13 first day of the second calendar quarter following the calendar quarter in which
14 the state of emergency is terminated.

15 Sec. 3. RELIEF FROM COVID-19 RELATED UNEMPLOYMENT

16 BENEFIT CHARGES FOR CALENDAR YEAR 2021

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

20 (1)(A) the employer temporarily ceased operation, either partially or
21 completely, at the individual's place of employment in response to a request

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

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

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

17 (2)(A) the employer rehired or offered to rehire the employee within a
18 reasonable time, not to exceed 30 days after the employer resumed operations
19 at the individual’s place of employment; 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 June 1, 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 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 Sec. 4. EFFECTIVE DATE

18 This act shall take effect on passage.

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2 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE