

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 (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 (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 (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

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 ~~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.

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

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

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

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

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

(f) The maximum weekly benefit amount shall be \$605.00 plus the amount of any dependent allowance pursuant to subdivision (e)(2) of this section.

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

17 * * *

18 * * * Unemployment Insurance Contribution Relief * * *

19 **Sec. 8.** UNEMPLOYMENT INSURANCE RATE SCHEDULE FOR
20 BENEFIT YEAR BEGINNING JULY 1, 2021

1 following table, provided that the applicable rate schedule shall not be more
2 than two schedules higher than the rate schedule for the previous year:

3 A. B. C.

4 IF THE RESULTING QUOTIENT IS:

5	Rate	% of Taxable						
6	Class	Payrolls		2.50	2.00	1.50	1.00	
7				and	to	to	to	under
8		From	To	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

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

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* * * Effective Dates * * *

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Sec. 11. EFFECTIVE DATES

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(a) Sec. 5. shall take effect on July 1, 2021.

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(b) Sec. 6 shall take effect on July 1, 2022.

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(c) Sec. 7 shall take effect on July 1, 2026.

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(d) This section and the remaining sections of this act shall take effect on

17

passage.

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(Committee vote: _____)

Senator _____

FOR THE COMMITTEE

DRAFT