

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 14th week following the end of a
21 prior extended benefit period.

1 either below \$90,000,000.00 or projected to drop below that amount on or
2 before December 31, 2022.

3 * * *

4 Sec. 6. MAXIMUM WEEKLY BENEFIT FOR BENEFIT YEARS

5 BEGINNING JULY 1, 2021 AND JULY 1, 2022

6 (a) Notwithstanding any provision of 21 V.S.A. § 1338(f) to the contrary,
7 the maximum weekly benefit for the benefit year beginning July 1, 2021 shall
8 be \$635.00 plus the amount of any dependent allowance pursuant to 21 V.S.A.
9 § 1338(e)(2).

10 (b) Notwithstanding any provision of 21 V.S.A. § 1338(f) to the contrary,
11 the maximum weekly benefit for the benefit year beginning July 1, 2022 shall
12 be equal to 57 percent of the State annual average weekly wage determined
13 pursuant to 21 V.S.A. § 1338(g).

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

15 § 1338. WEEKLY BENEFITS

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

19 * * *

20 (e)(1) For benefit years beginning on January 3, 1988 and subsequent
21 thereto, an individual's weekly benefit amount shall be determined by dividing

1 the individual's two high quarter total subject wages required under
2 subdivision (d)(1) of this section by ~~38~~ 45; provided that the weekly benefit
3 amount so determined shall not exceed the maximum weekly benefit amount
4 computed as provided in subsection (f) of this section.

5 * * *

6 * * * Unemployment Insurance Contribution Relief * * *

7 Sec. 8. UNEMPLOYMENT INSURANCE RATE SCHEDULE FOR
8 BENEFIT YEARS BEGINNING JULY 1, 2021 AND JULY 1, 2022

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

12 (2) The provisions of this section shall not apply if, on April 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 December 31, 2021.

16 (b)(1) Notwithstanding any provision of 21 V.S.A. § 1326 to the contrary,
17 the unemployment insurance contribution rate schedule for the benefit year
18 beginning on July 1, 2022 shall increase to Schedule III.

19 (2) The provisions of this section shall not apply if, on April 15, 2022,
20 the balance of the Unemployment Insurance Trust Fund is either below

1 \$90,000,000.00 or projected to drop below that amount on or before
2 December 31, 2022.

3 Sec. 9. UNEMPLOYMENT INSURANCE; BASE OF CONTRIBUTIONS
4 FOR 2022 AND 2023

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

7 (2) The provisions of this subsection shall not apply if, on October 15,
8 2021, the 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 (b) Notwithstanding any provision of subsection (a) of this section or
12 21 V.S.A. § 1321(b) to the contrary, the base of contributions for calendar year
13 2023 shall be determined pursuant to 21 V.S.A. § 1321(b) as if the base of
14 contributions for calendar year 2022 had been determined pursuant to
15 21 V.S.A. § 1321(b) rather than the provisions of subsection (a) of this section.

16 * * * Effective Dates * * *

17 Sec. 10. EFFECTIVE DATES

18 (a)(1) Secs. 5 and 6 shall take effect on July 1, 2021.

19 (2) Sec. 7 shall take effect on July 1, 2022.

20 (3) Notwithstanding subdivisions (1) and (2) of this subsection, Secs. 5,
21 6, and 7 shall not take effect at all if on April 15, 2021, the balance of the

1 Unemployment Insurance Trust Fund is either below \$90,000,000.00 or
2 projected to drop below that amount on or before December 31, 2021.

3 (b) This section and the remaining sections of this act shall take effect on
4 passage.

5

6

7 (Committee vote: _____)

8

9

Senator _____

10

FOR THE COMMITTEE