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S.62

Representative Marcotte of Coventry moves that the House propose to the Senate that the report of the Committee on Commerce and Economic Development be amended by striking out Sec. 6, 21 V.S.A. § 1325, in its entirety and inserting in lieu thereof a new Sec. 6 to read as follows:

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

§ 1325. EMPLOYERS' EXPERIENCE-RATING RECORDS;

DISCLOSURE TO SUCCESSOR ENTITY

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

* * *

(G) ~~The~~ During calendar year 2020, the individual voluntarily separated from that employer as provided by subdivision 1344(a)(2)(A) of this chapter for one of the following reasons:

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(3)(A) ~~Subject to the provisions of~~ Except as otherwise provided
pursuant to subdivision (B) of this subdivision (a)(3), an employer shall be
relieved of charges for benefits paid to an individual ~~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; or~~

(iii) ~~the individual has been recommended or requested by a~~
~~medical professional or a public health authority with jurisdiction to be isolated~~
~~or quarantined as a result of COVID-19, regardless of whether the individual~~
~~has been diagnosed with COVID-19~~ during calendar year 2020.

1 (B)(i) An employer shall ~~only be eligible for relief~~ be relieved of
2 charges for benefits paid during calendar year 2020 in relation to a COVID-19-
3 related separation from employment under the provisions of this subdivision
4 (a)(3) ~~if the employer rehires or offers to rehire the individual within a~~
5 ~~reasonable period of time after the employer resumes operations at the~~
6 ~~individual's place of employment, as determined by the Commissioner, or~~
7 ~~upon the completion of the individual's period of isolation or quarantine~~ unless
8 the Commissioner determines that the COVID-19-related reason for the
9 individual's separation from employment no longer exists and the employer
10 has failed to rehire or offer to rehire the individual without good cause.

11 (ii) If the Commissioner has cause to believe or receives an
12 allegation or other information indicating that an employer may not be entitled
13 to relief from charges pursuant to this subdivision (a)(3), the Commissioner
14 shall examine the employer's records and any other documents and
15 information necessary to determine if the employer is entitled to relief from
16 charges pursuant to this subdivision (a)(3).

17 (C) ~~The Commissioner may extend the period for which an employer~~
18 ~~shall be relieved of charges for benefits paid to employees pursuant to~~
19 ~~subdivision (A)(i) of this subdivision (a)(3) by an amount that the~~
20 ~~Commissioner determines to be appropriate in light of the terms of any~~
21 ~~applicable request from a local health official or the Commissioner of Health~~

1 ~~or any applicable emergency order or directive issued by the Governor or the~~
2 ~~President and any other relevant conditions or factors.~~ As used in this
3 subdivision (a)(3), “COVID-19-related separation from employment” shall
4 mean a separation from employment for one of the following reasons:

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

18 (iii) the employer temporarily laid off the individual based on a
19 recommendation or request by a medical professional or a public health
20 authority with jurisdiction that the individual be isolated or quarantined as a

1 result of COVID-19, regardless of whether the individual has been diagnosed
2 with COVID-19.

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