

From: **Harrington, Michael** <[Michael.Harrington@vermont.gov](mailto:Michael.Harrington@vermont.gov)>  
Date: Wed, Sep 1, 2021 at 8:29 AM  
Subject: RE: Requesting a delay  
To: Becca Balint <[bbalint@leg.state.vt.us](mailto:bbalint@leg.state.vt.us)>  
Cc: Michael Sirotkin <[msirotkin@leg.state.vt.us](mailto:msirotkin@leg.state.vt.us)>, Alison Clarkson <[aclarkson@leg.state.vt.us](mailto:aclarkson@leg.state.vt.us)>, Michael Marcotte <[MMarcotte@leg.state.vt.us](mailto:MMarcotte@leg.state.vt.us)>, Charlie Kimbell <[ckimbell@leg.state.vt.us](mailto:ckimbell@leg.state.vt.us)>, Conor Kennedy <[ckennedy@leg.state.vt.us](mailto:ckennedy@leg.state.vt.us)>, Carolyn Wesley <[cwesley@leg.state.vt.us](mailto:cwesley@leg.state.vt.us)>, [kathryn\\_vanhaste@sanders.senate.gov](mailto:kathryn_vanhaste@sanders.senate.gov) <[kathryn\\_vanhaste@sanders.senate.gov](mailto:kathryn_vanhaste@sanders.senate.gov)>, [Hays.Daniel@dol.gov](mailto:Hays.Daniel@dol.gov) <[Hays.Daniel@dol.gov](mailto:Hays.Daniel@dol.gov)>, Smith, Kendal <[Kendal.Smith@vermont.gov](mailto:Kendal.Smith@vermont.gov)>, Jill Krowinski <[JKrowinski@leg.state.vt.us](mailto:JKrowinski@leg.state.vt.us)>, [Elizabeth\\_Pancotti@budget.senate.gov](mailto:Elizabeth_Pancotti@budget.senate.gov) <[Elizabeth\\_Pancotti@budget.senate.gov](mailto:Elizabeth_Pancotti@budget.senate.gov)>, Degree, Dustin <[Dustin.Degree@vermont.gov](mailto:Dustin.Degree@vermont.gov)>, Wilson, Brittney <[Brittney.Wilson@vermont.gov](mailto:Brittney.Wilson@vermont.gov)>, Wheeler, Amanda <[Amanda.Wheeler@vermont.gov](mailto:Amanda.Wheeler@vermont.gov)>, Anderson, Dirk <[Dirk.Anderson@vermont.gov](mailto:Dirk.Anderson@vermont.gov)>

Good Morning Madam Pro Tem.,

Attached please find my formal response to your email below. I hope this helps clarify the situation so that we may move forward from here. Included with the letter is the Department's notice of interpretation to USDOL on July 28<sup>th</sup>, as well as USDOL's formal response that was received last night.

Again, I remain available to discuss this in person.

Respectfully,  
Michael



**Michael A. Harrington**

*Commissioner*

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**From:** Becca Balint <[bbalint@leg.state.vt.us](mailto:bbalint@leg.state.vt.us)>

**Sent:** Saturday, August 28, 2021 1:52 PM

**To:** Harrington, Michael <[Michael.Harrington@vermont.gov](mailto:Michael.Harrington@vermont.gov)>

**Cc:** Michael Sirotkin <[msirotkin@leg.state.vt.us](mailto:msirotkin@leg.state.vt.us)>; Alison Clarkson <[aclarkson@leg.state.vt.us](mailto:aclarkson@leg.state.vt.us)>; Michael Marcotte <[MMarcotte@leg.state.vt.us](mailto:MMarcotte@leg.state.vt.us)>; Charlie Kimbell <[ckimbell@leg.state.vt.us](mailto:ckimbell@leg.state.vt.us)>; Conor Kennedy <[ckennedy@leg.state.vt.us](mailto:ckennedy@leg.state.vt.us)>; Carolyn Wesley <[cwesley@leg.state.vt.us](mailto:cwesley@leg.state.vt.us)>; [kathryn\\_vanhaste@sanders.senate.gov](mailto:kathryn_vanhaste@sanders.senate.gov); [Hays.Daniel@dol.gov](mailto:Hays.Daniel@dol.gov); Smith, Kendal <[Kendal.Smith@vermont.gov](mailto:Kendal.Smith@vermont.gov)>; Jill Krowinski <[JKrowinski@leg.state.vt.us](mailto:JKrowinski@leg.state.vt.us)>; [Elizabeth\\_Pancotti@budget.senate.gov](mailto:Elizabeth_Pancotti@budget.senate.gov); Degree, Dustin <[Dustin.Degree@vermont.gov](mailto:Dustin.Degree@vermont.gov)>

**Subject:** Requesting a delay

**EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.**

I am resending this letter because Daniel Hays was inadvertently left off our earlier email.

Dear Commissioner Harrington,

We are in receipt of your letter to Chairs Sirotkin and Marcotte and to Vice Chairs Clarkson and Kimbell.

We are writing to ask you that you pause your decision on the UI benefits issue so we can be heard before you set in motion a result contrary to our legislative intent.

We will be brief here because of the timing of potential action by the Federal DOL. In your communication you expressed that this decision was ultimately one made by the federal DOL. While this may be true, they sought *your* interpretation of the legislative intent and then used that as the deciding factor on conformity.

Respectfully, we strongly disagree with your finding on legislative intent. In all of our deliberations in our committees, and in floor debate in each chamber, we were clear that we would fund this increased benefit with trust fund dollars. There was never any mention of any other funding for this increased benefit. As well, the opponents of this provision, including VT DOL, were aware that legislative intent was to use UI fund surplus. As we discussed many times in committee and in House and Senate floor debate, this was part of a package: UI contribution decreases for businesses and increased benefits coming out of the trust fund for workers.

We cannot recall any question of conformity raised in the legislature. We also do not have any record of your department communicating with legislative leadership or the chairs of the committees of jurisdiction regarding legislative intent once you learned there might be an issue. This could have been communicated to us during the veto session and we could have addressed it then.

We ask you to extend an important basic courtesy to the legislature. Please take several days to get our input prior to any further federal or state action on this issue. Given that the federal DOL based its decision on your reading of the statute, I assume they would be amenable to a short delay for you to receive our input on legislative intent.

Most sincerely,

Senator Becca Balint, Senate President Pro Tempore

Senator Michael Sirotkin, Chair of Senate Economic Development

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