

1 S.173

2 Introduced by Senator Ram Hinsdale

3 Referred to Committee on

4 Date:

5 Subject: Labor; workers' compensation; vocational rehabilitation; State

6 Employees Labor Relations Act; Vermont Labor Relations Board;

7 mediator

8 Statement of purpose of bill as introduced: This bill proposes to remove the  
9 references to vocational rehabilitation screening, to allow injured workers to  
10 initiate vocational rehabilitation services if the employer fails to do so, and to  
11 ensure that injured workers are fully informed of their right to access  
12 vocational rehabilitation services. This bill also proposes to provide free  
13 mediation services to public and private sector employers and employees by  
14 authorizing and funding the position of State Mediator within the office of the  
15 Vermont Labor Relations Board.

16 An act relating to workers' compensation and the Vermont Labor Relations  
17 Board

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 21 V.S.A. § 641 is amended to read:

3 § 641. VOCATIONAL REHABILITATION

4 (a) When as a result of an injury covered by this chapter, an employee is  
5 unable to perform work for which the employee has previous training or  
6 experience, the employee shall be entitled to vocational rehabilitation services,  
7 including retraining and job placement, as may be reasonably necessary to  
8 restore the employee to suitable employment. Vocational rehabilitation  
9 services shall be provided as follows:

10 (1) The employer shall designate a vocational rehabilitation provider  
11 from a list provided by the Commissioner to initially provide services.  
12 Thereafter, absent good cause, the employee may have only one opportunity to  
13 select another vocational rehabilitation provider from a list provided by the  
14 Commissioner upon giving the employer written notice of the employee's  
15 reasons for dissatisfaction with the designated provider and the name and  
16 address of the provider selected by the employee.

17 (2) The Department shall provide an injured worker with a form that  
18 includes information and employee rights. The form shall clearly and simply  
19 explain the worker's rights, including the choice of provider, the right to  
20 challenge a determination, the right to request vocational rehabilitation  
21 services in the future if the work injury affects the worker's ability to earn the

1 worker's pre-injury wage, and reimbursement for related expenses. The  
2 worker shall sign the form and return it to the Department.

3 (3) The Commissioner shall adopt rules to ensure that a worker who  
4 requests services or who has been out of work for more than 90 days is timely  
5 ~~and cost effectively screened for benefits under this section~~ referred to a  
6 vocational rehabilitation counselor. The rules shall:

7 (A) Provide that all vocational rehabilitation work, ~~except for initial~~  
8 ~~screenings~~, be performed by a Vermont-certified vocational rehabilitation  
9 counselor, including counselors currently certified pursuant to the rules of the  
10 Department. ~~Initial screenings shall be performed by an individual with~~  
11 ~~sufficient knowledge or experience to perform adequately the vocational~~  
12 ~~rehabilitation screening functions.~~

13 (B) ~~Provide for an initial screening to determine whether a full~~  
14 ~~assessment is appropriate. An injured worker who is determined to be eligible~~  
15 ~~for a full assessment shall be timely assessed and offered appropriate~~  
16 ~~vocational rehabilitation services.~~ [Repealed.]

17 (C) ~~Provide a mechanism for a periodic and timely screening of~~  
18 ~~injured workers who are initially found not to be ready or eligible for a full~~  
19 ~~assessment to determine whether a full assessment has become appropriate.~~  
20 [Repealed.]



1       Sec. 3. VERMONT LABOR RELATIONS BOARD; POSITION;

2               APPROPRIATION

3               (a) The position of a full-time, permanent, classified mediator is created in  
4       the office of the Vermont Labor Relations Board.

5               (b) In fiscal year 2027, the amount of \$115,000.00 is appropriated from the  
6       General Fund to the Vermont Labor Relations Board for salary and benefits for  
7       the position of mediator.

8       Sec. 4. EFFECTIVE DATE

9               This act shall take effect on July 1, 2026.