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S.173

An act relating to vocational rehabilitation and apprenticeships

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

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

§ 641. VOCATIONAL REHABILITATION

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

* * *

(2) The Department shall provide an injured worker with a form that includes information and employee rights. The form shall clearly and simply explain the worker's rights, including the choice of provider, the right to challenge a determination, the right to request vocational rehabilitation services in the future if the work injury affects the worker's ability to earn the worker's preinjury wage, and reimbursement for related expenses. The worker shall sign the form and return it to the Department.

* * *

1 Sec. 2. VOCATIONAL REHABILITATION WORKING GROUP; REPORT

2 (a) Creation. There is created the Vocational Rehabilitation Working
3 Group to provide recommendations to the General Assembly on how to
4 improve the current vocational rehabilitation system to ensure that it meets the
5 needs of eligible injured workers in a timely and cost-effective manner.

6 (b) Membership. The Working Group shall be composed of the following
7 members:

8 (1) one current member of the House of Representatives, appointed by
9 the Speaker of House, who shall be a member of the Committee on Commerce
10 and Economic Development;

11 (2) one current member of the Senate, appointed by the Committee on
12 Committees, who shall be a member of the Committee on Economic
13 Development, Housing and General Affairs;

14 (3) the Commissioner of Labor or designee;

15 (4) the Commissioner of Financial Regulation or designee;

16 (5) two representatives on behalf of workers' compensation claimants,
17 one of whom shall be appointed by the Speaker of the House and one of whom
18 shall be appointed by the Committee on Committees;

19 (6) two representatives on behalf of employers and workers'
20 compensation insurance carriers, one of whom shall be appointed by the

1 Speaker of the House and one of whom shall be appointed by the Committee
2 on Committees; and

3 (7) two vocational rehabilitation counselors currently certified in
4 Vermont, one of whom shall be appointed by the Speaker of the House and one
5 of whom shall be appointed by the Committee on Committees.

6 (c) Powers and duties. The Working Group shall meet over the summer
7 and fall to discuss and develop recommendations on how to improve the
8 current vocational rehabilitation system and prepare recommendations for
9 consideration by the General Assembly. The Working Group shall consider
10 the following topics:

11 (1) Initial screening.

12 (A) Is the current initial screening requirement relevant and helpful
13 or a hindrance to accessing vocational rehabilitation services?

14 (B) Do other states require an initial screening before a claimant
15 receives a vocational rehabilitation assessment? What are other possible
16 approaches that Vermont may wish to consider?

17 (C) Should the three questions currently asked as part of the initial
18 screening be modified? Are there additional or different questions that should
19 be asked?

20 (D) What improvements could be made to ensure that those
21 conducting the initial screenings and vocational rehabilitation providers who

1 provide services to workers' compensation claimants are familiar with
2 Vermont's workers' compensation system?

3 (E) Who has current oversight over the initial screening process to
4 ensure that the system is working as intended?

5 (2) Vocational rehabilitation generally.

6 (A) What mechanisms could better and earlier identify which
7 claimants are likely to require vocational rehabilitation services?

8 (B) Are claimants being adequately and timely informed of their right
9 to request a vocational rehabilitation assessment? Is information about the
10 workers' compensation system and benefits as a whole being clearly conveyed
11 in plain, easily understood language?

12 (C) Are some of the current requirements for providing vocational
13 rehabilitation services too onerous and administratively unnecessary?

14 (D) How could vocational rehabilitation services be provided in a
15 way that is more cost-effective for the workers' compensation system?

16 (E) How could the Department of Labor's oversight of vocational
17 rehabilitation be improved?

18 (3) Wage replacement benefits.

19 (A) Could utilization of vocational services be improved by enabling
20 claimants to access vocational rehabilitation benefits while receiving wage
21 replacement benefits?

1 (B) Could the workers' compensation system take into account the
2 diminished earning capacity of those claimants who are unable to earn a
3 preinjury wage but are not eligible to receive permanent total disability
4 benefits?

5 (C) Should the average weekly wage be indexed to the cost of living
6 for vocational rehabilitation purposes?

7 (d) Meetings. The Commissioner of Labor or designee shall serve as the
8 chair of the Working Group and shall call the first meeting of the Working
9 Group to occur on or before August 14, 2026.

10 (e) Assistance. The Working Group shall have the administrative,
11 technical, and legal assistance of the Department of Labor.

12 (f) Report. On or before December 15, 2026, the Working Group shall
13 submit a written report to the House Committee on Commerce and Economic
14 Development and the Senate Committee on Economic Development, Housing
15 and General Affairs with its findings and any recommendations for legislative
16 action. The Working Group shall cease to exist upon submission of the report.

17 (g) Compensation and reimbursement.

18 (1) Except for those members regularly employed by the State, members
19 of the Working Group shall be entitled to reimbursement of expenses as
20 permitted under 32 V.S.A. § 1010 for not more than five meetings. These
21 payments shall be made from monies appropriated to the Department of Labor.

1 (33) “Underserved communities” means the populations sharing a
2 particular characteristic, as well as geographic communities, who have been
3 systematically denied a full opportunity to participate in aspects of economic,
4 social, and civic life. This term includes individuals who ~~belong to~~
5 ~~communities of color, such as Black and African American, Hispanic and~~
6 ~~Latino, Native American, Alaskan Native and Indigenous, Asian American,~~
7 ~~Native Hawaiian and Pacific Islander, Middle Eastern, and North African~~
8 ~~persons. It also includes individuals who belong to communities that face~~
9 ~~discrimination based on sex, sexual orientation, and gender identity, including~~
10 ~~lesbian, gay, bisexual, transgender, queer, gender non-conforming, and non-~~
11 ~~binary (LGBTQ+ persons); persons who face discrimination based on~~
12 ~~pregnancy or pregnancy-related conditions; parents; and caregivers. It also~~
13 ~~includes individuals who belong to communities that face discrimination based~~
14 ~~on their religion and disability; first-generation professionals or first-~~
15 ~~generation college students; individuals with limited English proficiency;~~
16 ~~immigrants; individuals who belong to communities that may face employment~~
17 ~~barriers based on older age or former incarceration; persons who live in rural~~
18 ~~areas; veterans and military spouses; and persons otherwise adversely affected~~
19 ~~by persistent poverty, discrimination, or inequality;~~

20 (A) face employment barriers based on age or former incarceration;

21 (B) live in rural areas;

1 Veteran status, disability, industry, and education status, including
2 participation in career ~~and~~ technical education;

3 (C) nontraditional occupations by gender and race;

4 (D) new occupations approved;

5 (E) an analysis of the average starting and ending wage by
6 occupation;

7 (F) new sponsors, employers, or industries involved with programs
8 over the previous period;

9 (G) a summary of how allocated funds were used and analysis of the
10 impact of those funds, including uses of any federal funds awarded during the
11 year; and

12 (H) a summary of significant activities of the ~~program~~ Program.

13 § 1114. VERMONT APPRENTICESHIP ADVISORY BOARD

14 * * *

15 (c) Duties. The Board shall:

16 * * *

17 (6) Create and convene working groups that are tasked with specific
18 activities related to improving the quality, safety, diversity, and alignment of
19 apprenticeship programs. Working group membership is not limited to
20 appointed members of the Board and shall be selected and serve at the
21 discretion of the Chair.

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(12) to conform to the federal Equal Employment Opportunity Act of 1972, 42 U.S.C. chapter 21, subchapter VI and for affirmative action compliance in apprenticeship programs, and for compliance with reporting and analysis of the Vermont Registered Apprenticeship Program, the voluntary disclosure of the apprentice’s race, color, national origin, place of birth, sex, gender, gender identity, primary language spoken, age, veteran status, sexual orientation, ~~ethnicity~~, and disability status; ~~and~~

(13) if the apprentice completed secondary school in Vermont and is between 18 and 25 years of age, the name of the secondary school from which the apprentice is a graduate, and if the apprentice attended a regional CTE center, the name of the center where the apprentice received technical education while in secondary school;

(14) a statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training, without discrimination because of race, color, national origin, place of birth, sex, gender, gender identity, sexual orientation, age, primary language spoken, genetic information, veteran status, and disability status; and

(15) optional fields for:

- (A) the Social Security number of the apprentice; and
- (B) the demographic characteristics of the apprentice.

1 (d) An apprenticeship agreement shall not be modified unless it is in
2 writing and signed by the parties.

3 * * *

4 § 1123. PRE-APPRENTICESHIP PROGRAMS

5 * * *

6 (b) A pre-apprenticeship program may be ~~registered~~ certified by the
7 Department after successfully demonstrating:

8 * * *

9 § 1124. YOUTH APPRENTICESHIP PROGRAMS

10 (a) A youth apprenticeship program is one that prepares a youth apprentice
11 for acceptance into an apprenticeship program and is designed for youth
12 apprentices who ~~start the program while still enrolled in high school;~~

13 (1) have not completed secondary education;

14 (2) are in an educational program approved by the Agency of Education;

15 and

16 (3) are enrolled in a career technical education program.

17 (b) A youth apprenticeship program may be registered by the Department
18 after ~~submitting~~ a regional CTE center submits the following information to
19 the Department:

1 (1) a written plan that articulates the work processes and how a youth
2 apprentice will receive supervised work experience and on-the-job training or
3 training in an experiential setting;

4 (2) how time spent by a youth apprentice in each major work process
5 will be spent or that specifies how competencies or proficiencies are aligned
6 between ~~their~~ the youth's high school education and the youth apprenticeship
7 program, and that states which graduation requirements will be met;

8 (3) a description of the mentoring that will be provided to the youth
9 apprentice;

10 (4) a description or timeline explaining the periodic reviews and
11 evaluations of the youth apprentices apprentice's performance on the job and
12 in related technical instruction;

13 (5) a process for maintaining appropriate progress records, including the
14 reviews and evaluations;

15 (6) a description of related classroom-based instruction, which may be
16 fulfilled through dual or concurrent enrollment ~~in secondary or post-secondary~~
17 courses;

18 (7) whether and how the program is aligned with high school diploma
19 requirements ~~and career clusters~~;

20 (8) whether the program meets the related technical instruction
21 requirements for an apprenticeship program;

1 (9) if a program includes paid work during or outside the school year
2 and outside the school day, a progressively increasing, clearly defined schedule
3 of wages to be paid to the youth apprentice as skills are mastered;

4 (10) how the program prepares the youth apprentice for placement in
5 further education, employment, or ~~an~~ a registered apprenticeship program; ~~and~~

6 (11) ~~the terms by which the program grants advanced standing or credit~~
7 ~~to individuals applying for the youth apprenticeship with demonstrated~~
8 ~~competency or acquired experience, training, or skills~~ the procedure for
9 advanced standing that grants credit for demonstrated competency, acquired
10 experience, training, or skills to youths who are interested in transferring to full
11 apprenticeship registration upon completion of the youth apprenticeship
12 program;

13 (12) an accounting of costs for the program covered by the participating
14 partners, grants, or other sources of funds; and

15 (13) an assurance that school staff, employer partners, and others
16 involved in the program are aware of youth legal protections regarding child
17 labor, wage payment, and youth apprenticeship and other applicable laws and
18 regulations.

19 (c) An apprenticeship plan submitted in conformity with subsection (b) of
20 this section shall be developed in partnership with apprenticeship sponsors for
21 specific occupational areas and sending high schools.

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Sec. 4. EFFECTIVE DATE

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This act shall take effect on July 1, 2026.