

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Commerce and Economic Development to which was
3 referred Senate Bill No. 173 entitled “An act relating to vocational
4 rehabilitation” respectfully reports that it has considered the same and
5 recommends that the House propose to the Senate that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 § 641. VOCATIONAL REHABILITATION

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

16 (1) The employer shall designate a vocational rehabilitation provider
17 from a list provided by the Commissioner to initially provide services.
18 Thereafter, absent good cause, the employee may have only one opportunity to
19 select another vocational rehabilitation provider from a list provided by the
20 Commissioner upon giving the employer written notice of the employee’s

1 reasons for dissatisfaction with the designated provider and the name and
2 address of the provider selected by the employee.

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

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

14 (A) Provide that all vocational rehabilitation work, ~~except for initial~~
15 ~~screenings~~, be performed by a Vermont-certified vocational rehabilitation
16 counselor, including counselors currently certified pursuant to the rules of the
17 Department. ~~Initial screenings shall be performed by an individual with~~
18 ~~sufficient knowledge or experience to perform adequately the vocational~~
19 ~~rehabilitation screening functions.~~

20 (B) ~~Provide for an initial screening to determine whether a full~~
21 ~~assessment is appropriate. An injured worker who is determined to be eligible~~

1 ~~for a full assessment shall be timely assessed and offered appropriate~~
2 ~~vocational rehabilitation services. [Repealed.]~~

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

7 (D) ~~Protect against potential conflicts of interest in the assignment~~
8 ~~and performance of initial screenings. [Repealed.]~~

9 (E) Ensure the injured worker has a choice of a vocational
10 rehabilitation counselor.

11 (F) Ensure the injured worker may initiate vocational rehabilitation
12 services with the worker’s chosen vocational rehabilitation provider if the
13 employer fails to assign a vocational rehabilitation provider within 90 days
14 following the worker being out of work.

15 * * *

16 Sec. 2. VOCATIONAL REHABILITATION WORKING GROUP; REPORT

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

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

3 (1) the Commissioner of the Department of Labor or designee;

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

7 (3) two representatives on behalf of employers and workers'
8 compensation insurance carriers, one of whom shall be appointed by the
9 Speaker of the House and one of whom shall be appointed by the Committee
10 on Committees; and

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

14 (c) Powers and Duties. The Working Group shall meet over the summer
15 and fall to discuss and develop recommendations on how to improve the
16 current vocational rehabilitation system and prepare recommendations for
17 consideration by the General Assembly. The Working Group shall consider
18 the following questions:

19 (1) What mechanisms could better identify which claimants are likely to
20 require vocational rehabilitation services?

1 (2) Could utilization of vocational services be improved by enabling
2 claimants to access vocational rehabilitation benefits while receiving wage
3 replacement benefits?

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

8 (4) Should the average weekly wage be indexed to the cost of living for
9 vocational rehabilitation purposes?

10 (5) What improvements could be made to ensure that vocational
11 rehabilitation providers who provide services to workers' compensation
12 claimants are familiar with Vermont's workers' compensation system?

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

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

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

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

1 which comprise fewer than 25 percent of the program participants in an
2 apprenticeable occupation.

3 (23) “Nontraditional apprenticeship industry or occupation” refers to an
4 industry sector or occupation that represents fewer than ~~10~~ ten percent of
5 apprenticeable occupations or the programs under the national apprenticeship
6 system, using the calendar year 2023 as the benchmark.

7 * * *

8 (33) “Underserved communities” means the populations sharing a
9 particular characteristic, as well as geographic communities, who have been
10 systematically denied a full opportunity to participate in aspects of economic,
11 social, and civic life. This term includes individuals who ~~belong to~~
12 ~~communities of color, such as Black and African American, Hispanic and~~
13 ~~Latino, Native American, Alaskan Native and Indigenous, Asian American,~~
14 ~~Native Hawaiian and Pacific Islander, Middle Eastern, and North African~~
15 ~~persons. It also includes individuals who belong to communities that face~~
16 ~~discrimination based on sex, sexual orientation, and gender identity, including~~
17 ~~lesbian, gay, bisexual, transgender, queer, gender non-conforming, and non-~~
18 ~~binary (LGBTQ+ persons); persons who face discrimination based on~~
19 ~~pregnancy or pregnancy related conditions; parents; and caregivers. It also~~
20 ~~includes individuals who belong to communities that face discrimination based~~
21 ~~on their religion and disability; first generation professionals or first-~~

1 ~~generation college students; individuals with limited English proficiency;~~
2 ~~immigrants; individuals who belong to communities that may face employment~~
3 ~~barriers based on older age or former incarceration; persons who live in rural~~
4 ~~areas; veterans and military spouses; and persons otherwise adversely affected~~
5 ~~by persistent poverty, discrimination, or inequality;~~

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

7 (B) live in rural areas;

8 (C) lack access to transportation options or high-speed internet;

9 (D) are veterans or spouses of veterans; and

10 (E) are otherwise adversely affected by poverty, discrimination, or
11 inequality. Individuals may belong to more than one underserved community
12 and face intersecting barriers.

13 * * *

14 § 1113. VERMONT REGISTERED APPRENTICESHIP PROGRAM

15 * * *

16 (e) Strategic planning and reporting. The Vermont Registered
17 Apprenticeship Program shall:

18 (1) develop and disseminate a strategic plan once every five years,
19 beginning on July 1, ~~2024~~ 2026, which shall include information on how the
20 Program will implement the requirements of this chapter;

- 1 (2) prepare and submit to the Vermont General Assembly an annual
2 report on the status of the Vermont Registered Apprenticeship Program on or
3 before December 1 of each year that includes:
- 4 (A) general ~~program~~ Program statistics, including a list of programs
5 by county;
- 6 (B) an analysis of apprentices in the ~~program~~ Program disaggregated
7 by age, race, sex, gender identity, ~~New American status~~ language access needs,
8 Veteran status, disability, industry, and education status, including
9 participation in career ~~and~~ technical education;
- 10 (C) nontraditional occupations by gender and race;
- 11 (D) new occupations approved;
- 12 (E) an analysis of the average starting and ending wage by
13 occupation;
- 14 (F) new sponsors, employers, or industries involved with programs
15 over the previous period;
- 16 (G) a summary of how allocated funds were used and analysis of the
17 impact of those funds, including uses of any federal funds awarded during the
18 year; and
- 19 (H) a summary of significant activities of the ~~program~~ Program.

1 § 1114. VERMONT APPRENTICESHIP ADVISORY BOARD

2 * * *

3 (c) Duties. The Board shall:

4 * * *

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

10 (7) Ensure that the registered apprenticeship program addresses barriers
11 to participation and completion of the program, including underserved
12 populations.

13 (8) Strengthen relationships with community partners that serve:

14 (A) underserved populations and historically marginalized
15 communities that have not previously accessed apprenticeship programs; and

16 (B) individuals who face systemic barriers to participation in the
17 program as evidenced by a disproportionate lack of participation in
18 apprenticeship programs.

19 * * *

1 § 1119. APPRENTICES REGISTERED; AGREEMENT

2 * * *

3 (c) An apprenticeship agreement shall contain:

4 (1) the names and signatures of the apprentice, of the program sponsor
5 or employer, and of a parent or guardian of the apprentice if the apprentice is a
6 minor;

7 (2) the date of birth ~~and Social Security number~~ of the apprentice;

8 (3) the contact information of the program sponsor and the Vermont
9 Registered Apprenticeship Program;

10 (4) a statement of the occupation in which the apprentice is to be trained
11 and the beginning date and duration of apprenticeship;

12 * * *

13 (12) to conform to the federal Equal Employment Opportunity Act of
14 1972, 42 U.S.C. chapter 21, subchapter VI and for affirmative action
15 compliance in apprenticeship programs, and for compliance with reporting and
16 analysis of the Vermont Registered Apprenticeship Program, the voluntary
17 disclosure of the apprentice's race, color, national origin, place of birth, sex,
18 gender, gender identity, primary language spoken, age, veteran status, sexual
19 orientation, ~~ethnicity~~, and disability status; ~~and~~

20 (13) if the apprentice completed secondary school in Vermont and is
21 between 18 and 25 years of age, the name of the secondary school from which

1 the apprentice is a graduate, and if the apprentice attended a regional CTE
2 center, the name of the center where the apprentice received technical
3 education while in secondary school;

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

9 (15) optional fields for:

10 (A) the social security number of the apprentice; and

11 (B) demographic characteristics of the apprentice.

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

14 * * *

15 § 1123. PRE-APPRENTICESHIP PROGRAMS

16 * * *

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

19 * * *

1 § 1124. YOUTH APPRENTICESHIP PROGRAMS

2 (a) A youth apprenticeship program is one that prepares a youth apprentice
3 for acceptance into an apprenticeship program and is designed for youth
4 apprentices who ~~start the program while still enrolled in high school~~:

5 (1) have not completed secondary education;

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

7 and

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

9 (b) A youth apprenticeship program may be registered by the Department
10 after ~~submitting~~ a regional CTE center submits the following information **to**
11 **the Department**:

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

15 (2) how time spent by a youth apprentice in each major work process
16 will be spent or that specifies how competencies or proficiencies are aligned
17 between their high school education and the youth apprenticeship program, and
18 that states which graduation requirements will be met;

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

1 (4) a description or timeline explaining the periodic reviews and
2 evaluations of the youth apprentice's performance on the job and in related
3 technical instruction;

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

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

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

11 (8) whether the program meets the related technical instruction
12 requirements for an apprenticeship program;

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

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

18 (11) ~~the terms by which the program grants advanced standing or credit~~
19 ~~to individuals applying for the youth apprenticeship with demonstrated~~
20 ~~competency or acquired experience, training, or skills~~ the procedure for
21 advanced standing that grants credit for demonstrated competency, acquired

1 experience, training, or skills to youth who are interested in transferring to full
2 apprenticeship registration upon completion of the youth apprenticeship
3 program:

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

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

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

13 * * *

14 Sec. 4. EFFECTIVE DATE

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

16 and that after passage the title of the bill be amended to read: “An act
17 relating to vocational rehabilitation and apprenticeships”

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19
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21

1

2 (Committee vote: _____)

3

4

Representative _____

5

FOR THE COMMITTEE