

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 * * *

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 preinjury wage, and reimbursement for related expenses. The worker
2 shall sign the form and return it to the Department.

3 * * *

4 Sec. 2. VOCATIONAL REHABILITATION WORKING GROUP; REPORT

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

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

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

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

17 (3) the Commissioner of Labor or designee;

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

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

1 (6) two representatives on behalf of employers and workers’
2 compensation insurance carriers, one of whom shall be appointed by the
3 Speaker of the House and one of whom shall be appointed by the Committee
4 on Committees; and

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

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

13 (1) Initial screening.

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

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

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

1 (D) What improvements could be made to ensure that those
2 conducting the initial screenings and vocational rehabilitation providers who
3 provide services to workers’ compensation claimants are familiar with
4 Vermont’s workers’ compensation system?

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

7 (2) Vocational rehabilitation generally.

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

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

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

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

18 (E) How could the Department of Labor’s oversight of vocational
19 rehabilitation be improved?

20 (3) Wage replacement benefits.

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

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

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

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

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

20 (g) Compensation and reimbursement. Except for those members regularly
21 employed by the State, members of the Working Group shall be entitled to

1 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for not more
2 than five meetings. These payments shall be made from monies appropriated
3 to the Department of Labor.

4 Sec. 3. 21 V.S.A. chapter 13 is amended to read:

5 CHAPTER 13. APPRENTICESHIP

6 § 1111. DEFINITIONS

7 As used in this chapter:

8 * * *

9 (22) “Nontraditional apprenticeship population” means a group of
10 individuals who have historically been excluded from various occupations,
11 such as individuals from the same gender, race, or ethnicity, the members of
12 which comprise fewer than 25 percent of the program participants in an
13 apprenticeable occupation.

14 (23) “Nontraditional apprenticeship industry or occupation” refers to an
15 industry sector or occupation that represents fewer than 10 percent of
16 apprenticeable occupations or the programs under the national apprenticeship
17 system, using the calendar year 2023 as the benchmark.

18 * * *

19 (33) “Underserved communities” means the populations sharing a
20 particular characteristic, as well as geographic communities, who have been
21 systematically denied a full opportunity to participate in aspects of economic,

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

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

18 (B) live in rural areas;

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

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

1 (D) new occupations approved;

2 (E) an analysis of the average starting and ending wage by
3 occupation;

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

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

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

10 § 1114. VERMONT APPRENTICESHIP ADVISORY BOARD

11 * * *

12 (c) Duties. The Board shall:

13 * * *

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

19 (7) Ensure that the registered apprenticeship program addresses barriers
20 to participation and completion of the program, including underserved
21 populations.

1 compliance in apprenticeship programs, and for compliance with reporting and
2 analysis of the Vermont Registered Apprenticeship Program, the voluntary
3 disclosure of the apprentice’s race, color, national origin, place of birth, sex,
4 gender, gender identity, primary language spoken, age, veteran status, sexual
5 orientation, ~~ethnicity~~, and disability status; ~~and~~

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

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

16 (15) optional fields for:

17 (A) the Social Security number of the apprentice; and

18 (B) the demographic characteristics of the apprentice.

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

21 * * *

1 § 1123. PRE-APPRENTICESHIP PROGRAMS

2 * * *

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

5 * * *

6 § 1124. YOUTH APPRENTICESHIP PROGRAMS

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

10 (1) have not completed secondary education;

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

12 and

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

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

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

20 (2) how time spent by a youth apprentice in each major work process
21 will be spent or that specifies how competencies or proficiencies are aligned

1 between ~~their~~ the youth's high school education and the youth apprenticeship
2 program, and that states which graduation requirements will be met;

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

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

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

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

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

15 (8) whether the program meets the related technical instruction
16 requirements for an apprenticeship program;

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

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

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE