

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred Senate Bill No. 10 entitled “An act relating to extending
4 certain unemployment provisions related to COVID-19” respectfully reports
5 that it has considered the same and recommends 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. § 1325 is amended to read:

9 § 1325. EMPLOYERS’ EXPERIENCE-RATING RECORDS;

10 DISCLOSURE TO SUCCESSOR ENTITY

11 (a)(1) The Commissioner shall maintain an experience-rating record for
12 each employer. Benefits paid shall be charged against the experience-rating
13 record of each subject employer who provided base-period wages to the
14 eligible individual. Each subject employer’s experience-rating charge shall
15 bear the same ratio to total benefits paid as the total base-period wages paid by
16 that employer bear to the total base-period wages paid to the individual by all
17 base-period employers. The experience-rating record of an individual subject
18 base-period employer shall not be charged for benefits paid to an individual
19 under any of the following conditions:

20 * * *

1 (3)(A) Subject to the provisions of ~~subdivision~~ subdivisions (B), (C),
2 and (D) of this subdivision (a)(3), an employer shall be relieved of charges for
3 benefits paid to an individual for a period of up to eight weeks with respect to
4 benefits paid because:

5 (i) the employer temporarily ceased operation, either partially or
6 completely, at the individual’s place of employment in response to a request
7 from a public health authority with jurisdiction that the employer cease
8 operations because of COVID-19, in response to an emergency order or
9 directive issued by the Governor or the President related to COVID-19, or
10 because the employer voluntarily ceased operations due to the actual exposure
11 of workers at that place of employment to COVID-19;

12 (ii) the individual becomes unemployed as a direct result of a state
13 of emergency declared by the Governor or the President in relation to COVID-
14 19 or an order or directive issued by the Governor or President in relation to
15 COVID-19, including through a change or reduction in the employer’s
16 operation at the individual’s place of employment that is a direct result of such
17 a state of emergency, order, or directive; or

18 (iii) the employer has temporarily laid off the individual ~~has been~~
19 ~~recommended or requested~~ based on a recommendation or request by a
20 medical professional or a public health authority with jurisdiction ~~to~~ that the

1 individual be isolated or quarantined as a result of COVID-19, regardless of
2 whether the individual has been diagnosed with COVID-19.

3 (B) An employer shall only be eligible for relief of charges for
4 benefits paid during calendar year 2020 under the provisions of this
5 subdivision (a)(3) if:

6 (i) the employer ~~rehires~~ rehired or ~~offers~~ offered to rehire the
7 individual within a reasonable period of time after the employer ~~resumes~~
8 resumed operations at the individual's place of employment, as determined by
9 the Commissioner, ~~or~~;

10 (ii) the employer can show that it was unable to rehire or offer to
11 rehire the individual before January 1, 2021 because it had not resumed full
12 operations at the individual's place of employment; or

13 (iii) the employer rehired or offered to rehire the individual upon
14 the completion of the individual's period of isolation or quarantine.

15 (C) The Commissioner may extend the period for which an employer
16 shall be relieved of charges for benefits paid to employees pursuant to
17 subdivision (A)(i) of this subdivision (a)(3) by an amount that the
18 Commissioner determines to be appropriate in light of the terms of any
19 applicable request from a local health official or the Commissioner of Health
20 or any applicable emergency order or directive issued by the Governor or the
21 President and any other relevant conditions or factors.

1 (D)(i) To be eligible for relief of charges pursuant to this subdivision
2 (a)(3), an employer shall submit to the Commissioner an application together
3 with any information required by the Commissioner on or before March 15,
4 2021. The application shall include a certification that the employer satisfies
5 the requirements of this subdivision (a)(3) for each individual for which the
6 employer is seeking relief from charges for the benefits paid to that individual.
7 The application shall be in a form provided by the Commissioner and shall
8 inform the employer of the penalties set forth in section 1369 of this title for a
9 material false statement or representation to avoid or reduce a contribution or
10 other payment required under this chapter.

11 (ii) The Commissioner shall adopt procedures and a simple
12 application form for employers to apply for relief pursuant to this subdivision
13 (a)(3). The Commissioner shall not be required to initiate rulemaking pursuant
14 to 3 V.S.A. § 831(c) in relation to any procedure adopted pursuant to this
15 subdivision (a)(3)(D)(ii).

16 (iii) The Commissioner shall, at least 10 calendar days prior to the
17 date on which the Department begins accepting applications for relief from
18 charges pursuant to this subdivision (a)(3):

19 (I) submit to the House Committee on Commerce and
20 Economic Development and the Senate Committee on Economic
21 Development, Housing and General Affairs a report summarizing the

1 procedures and application form adopted pursuant to subdivision (ii) of this
2 subdivision (a)(3)(D); and

3 (II) commence a public outreach campaign to notify employers
4 and employees of the requirements and procedures to obtain relief from
5 charges under this subdivision (a)(3).

6 * * *

7 Sec. 2. 2020 Acts and Resolves No. 91, Sec. 38(3) is amended to read:

8 (3) Secs. 32 and 33 shall take effect on ~~March 31, 2021~~ July 1, 2021.

9 Sec. 3. EFFECTIVE DATE

10 This act shall take effect on passage.

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15 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE