

To: Trey Martin, Secretary of Administration
From: Annie Noonan, Commissioner of Labor
Date: October 24, 2016
Re: Unemployment Benefits and the Transition to a New Administration

1. Exempt State employees are generally eligible for Unemployment benefits, provided they meet all of the UI eligibility requirements. These include having earned sufficient wages over the past 16 months to show an attachment to the labor market (“monetary eligibility”), remaining able to work, and remaining willing to accept suitable work if offered.
2. The only government employees not generally eligible for unemployment benefits are elected officials, legislators, judges and policy advisors working fewer than 8 hours a week.¹
3. Any Exempt employee who is separated from employment is entitled to “fair notice” by 32 V.S.A. § 1271. Fair notice is construed as 30 working days (six weeks), or 30 working days’ (six weeks) pay in lieu of notice. Such fair notice can be given by the governor-elect at any time after the election on November 8, but cannot be for an effective date prior to January 5, 2017.
4. If an employee leaves service before receiving fair notice (request for resignation or a notice of ‘non-renewal’), the employee is considered to have ‘Voluntarily Quit’ under UI rules, and would not be eligible for Unemployment Benefits.
5. If an employee has received fair notice (request for resignation or a notice of ‘non-renewal’), and then leaves service, she or he would be eligible for severance pay for up to six weeks from the date of notice; however, if the employee receives fair notice and then works two weeks and resigns, she or he will be entitled to only four weeks of severance.
6. Any fair notice pay made to an outgoing employee who leaves office prior to or during the six-week notice period will be treated as Severance pay by the Vermont Department of Labor. Severance pay is disqualifying for Unemployment benefit purposes on a week-to-week basis. A separated employee can open an initial Unemployment claim immediately upon leaving office, but he or she will not be eligible to file a weekly claim for UI benefits for any week to which severance pay is allocated.
7. Generally, all initial Unemployment claims are subject to a statutory one week “Waiting Week” during which no benefit will be paid, but employee should file a weekly claim during

¹ 21 V.S.A. § 1301(6)(C)(vi)(II) After December 31, 1977, in the employ of a governmental entity referred to in subdivision (6)(A)(x) of this section if such service is performed by an individual in the exercise of duties:

(aa) as an elected official;
(bb) as a member of a legislative body, or a member of the judiciary, of a state or political subdivision;
(cc) as a member of the State National Guard or Air National Guard;
(dd) as an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency; or
(ee) in a position which, under or pursuant to the laws of this State, is designated as a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.

the first week which they are no longer being paid. Benefits will be payable for the second eligible week; however, the first week of severance pay will count as the Waiting Week.

8. Employees who leaving during the fair notice period, but prior to the end of the six weeks, will also be considered to have severance that covers the Waiting Week, provided that they received at least one week of severance.
9. The Department of Labor does not officially advise claimants when to open an Unemployment claim. However, a benefit year starts to run with the opening of an Initial claim, regardless of the first eligible week in such benefit year. Accordingly, separating employees receiving severance pay may wish to wait till their last week of severance pay to open an initial claim. Employees who have already established a benefit year due to a previous separation from employment should contact the VDOL UI Claimant Assistance Line at 1-877-214-3332.
10. Unemployment benefits are available for 26 weeks, or up to 26 times a claimant's weekly benefit amount, if the claimant has some part-time income that reduces his or her weekly benefit amount. The weekly benefit amount is determined by adding the claimant's two highest base period quarter wages and dividing by 45, up to a maximum benefit amount of \$458.00 per week.
11. In order to maintain eligibility, claimants must:
 - Register with Vermont Department of Labor (Vermont JobLink),
 - Conduct and document at least three job search contacts each week, and
 - Remain both able and available for suitable work.
 - Respond to any requirements to attend an RESEA session at a VDOL Career Resource Center.
12. In addition, a comprehensive UI claimant handbook is available at:
<http://labor.vermont.gov/wordpress/wp-content/uploads/B-11-Claimant-Handbook.pdf>
13. The Department will be working with the Administration to begin preparing a Mass Separation Spreadsheet, which will expedite the processing of Unemployment claims for separating employees of the current administration.
14. The Vermont Department of Labor staff are available to assist you with your Unemployment and Reemployment needs. All employees who are non-renewed are Dislocated Workers under the USDOL definition. We encourage you to utilize the resources of VDOL Career Resource Centers in your local area. VDOL will hold a Rapid Response informational session at our office in Montpelier, date to be announced.
15. Phone numbers of VDOL staff – if you need additional assistance:
 - Annie Noonan, Commissioner – 828-4301
 - Dirk Anderson, General Counsel – 828-4391
 - Maureen Tivnan, Deputy Commissioner – 828-4100
 - Cameron Wood, UI Director – 828-4242
 - Darcy Hamlin, UI Claims Center Manager – 828-9150