

1 S.137

2 Introduced by Senator Illuzzi

3 Referred to Committee on

4 Date:

5 Subject: Labor; unemployment compensation

6 Statement of purpose: This bill proposes to make changes to the workers'

7 compensation and unemployment compensation statutes.

8 An act relating to workers' compensation and unemployment compensation

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

10 Sec. 1. 21 V.S.A. § 603 is amended to read:

11 § 603. WITNESSES, OATHS, BOOKS, PAPERS, RECORDS

12 (a) So far as it is necessary in his or her examinations; or investigations and
13 in the determination of matters within his or her jurisdiction, the commissioner
14 shall have power to subpoena witnesses, administer oaths and to demand the
15 production of books, papers, records, and documents for his or her
16 examination. Additionally, the commissioner may enter and inspect any place
17 of business or employment, question any employees, and investigate any facts,
18 conditions, or matters necessary and material to the administration of this
19 chapter.

20 * * *

1 Sec. 2. 21 V.S.A. § 1301a is amended to read:

2 § 1301a. DEPARTMENT OF LABOR; COMPOSITION

3 The department of labor, created by ~~section 3 V.S.A. § 212 of Title 3~~, shall
4 consist of a commissioner of labor, the Vermont employment security board,
5 the Vermont workforce development division, the unemployment insurance
6 and wages division, and the workers' compensation and safety division. The
7 chair of the employment security board shall be the commissioner of labor ex
8 officio. The deputy commissioner of labor or a designee chosen by the
9 commissioner may serve as chair in the absence of the commissioner as the
10 commissioner's designee.

11 Sec. 3. 21 V.S.A. § 1307 is amended to read:

12 § 1307. COMMISSIONER OF LABOR, DUTIES AND POWERS OF

13 The commissioner of labor shall administer this chapter. The commissioner
14 may employ such persons, make such expenditures, require such reports, make
15 such investigations and take such other action as he or she considers necessary
16 or suitable to that end. In the discharge of his or her duties imposed by this
17 chapter, the commissioner may administer oaths, take depositions, certify to
18 official acts and subpoena witnesses and compel the production of books,
19 papers, correspondence, memoranda, and other records necessary and material
20 to the administration of this chapter. Additionally, the commissioner may
21 enter and inspect any place of business or employment, question any

1 employees, and investigate any facts, conditions, or matters necessary and
2 material to the administration of this chapter.

3 Sec. 4. 21 V.S.A. § 1343 is amended to read:

4 § 1343. CONDITIONS

5 (a) An unemployed individual shall be eligible to receive benefits with
6 respect to any week only if the commissioner finds that all of the following
7 requirements are met and the individual:

8 * * *

9 (3) Is able to work, and is available for work; provided, that in
10 determining the availability of any individual during any week, the
11 commissioner may require, in addition to registration at any employment
12 office, that the individual participate in reemployment services, or at any time
13 make such other efforts to secure suitable work as the commissioner may
14 reasonably direct under the circumstances and to supply proper evidence
15 thereof; and shall, if the individual fails without good cause to do so, be
16 ineligible for each week such failure continues; provided further that no
17 claimant shall be considered ineligible in any week of unemployment for
18 failure to comply with the provisions of this subdivision if such failure is due
19 to an illness or disability which occurs after the claimant has registered for
20 work, filed a claim for benefits and during a week for which the individual was
21 entitled to waiting period credit or benefit payments, ~~and no work which would~~

1 ~~have been considered suitable but for the illness or disability has been offered~~
2 ~~after the beginning of such illness or disability.~~

3 * * *

4 Sec. 5. 21 V.S.A. § 1349 is amended to read:

5 § 1349. APPEALS TO BOARD; SUPREME COURT APPEAL

6 (a) Within 30 days after date thereof, an interested party may appeal from
7 the decision of the referee to the board, by filing a written request therefor in
8 the manner prescribed by regulations of the board. The appeal shall be heard
9 by the board after notice to the claimant and his or her last employer, within a
10 reasonable time after notice of the appeal is filed, and the board may affirm,
11 modify, or reverse the decision of the referee solely on the basis of evidence in
12 the record transferred to it by the referee, or upon the basis of evidence in the
13 record and such additional evidence as it may direct to be taken. Upon motion
14 made by the commissioner a review may be initiated by the board of a decision
15 of the referee or a benefit determination. The board shall make its findings of
16 fact and conclusions thereon. Prompt notice of the findings of fact, ruling of
17 law, conclusions, and decision of the board shall be given as ~~hereinabove~~
18 provided in this subsection. The decision shall be final unless an appeal to the
19 supreme court is taken. Testimony given at any hearing upon a disputed claim
20 shall be recorded, but the record need not be transcribed unless ordered.

1 (b) A claimant or employer may not appeal to the board or the supreme
2 court pursuant to this section unless the claimant or employee has participated
3 in either the benefit determination or referee hearing under section 1348 of this
4 title.