

1 S.159

2 Introduced by Senator Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Labor; unemployment insurance; covered employment

6 Statement of purpose of bill as introduced: This bill proposes to amend the  
7 definition of employment for purposes of unemployment insurance coverage.

8 An act relating to unemployment insurance coverage

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

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

11 § 1301. DEFINITIONS

12 ~~The following words and phrases, as As used in this chapter, shall have the~~  
13 ~~following meanings unless the context clearly requires otherwise:~~

14 \* \* \*

15 (6)(A)(i) "Employment," subject to the other provisions of this  
16 subdivision (6), means service within the jurisdiction of this State, ~~performed~~  
17 ~~prior to January 1, 1978, which was employment as defined in this subdivision~~  
18 ~~prior to such date and, subject to the other provisions of this subdivision,~~  
19 ~~service performed after December 31, 1977,~~ by an employee, as defined in  
20 subsections 3306(i) and (o) of the Federal Unemployment Tax Act, including

1 service in interstate commerce, performed for wages or under any contract of  
2 hire, written or oral, expressed or implied. Services partly within and partly  
3 ~~without~~ outside this State may by election as ~~hereinbefore~~ provided in  
4 subdivision (5)(E)(i) of this section be treated as if wholly within the  
5 jurisdiction of this State. ~~And whenever~~ If an employing unit ~~shall have~~ has  
6 elected to come under the provisions of a similar act of a state where a part of  
7 the services of an employee are performed, the Commissioner, upon ~~his or her~~  
8 ~~approval of said~~ approving the election as to ~~any such~~ the employee, may treat  
9 the services covered by ~~said~~ the approved election as having been performed  
10 wholly ~~without~~ outside the jurisdiction of this State.

11 \* \* \*

12 (B)(i) Services performed by an individual for wages shall be deemed  
13 to be employment subject to this chapter unless and until it is shown to the  
14 satisfaction of the Commissioner that:

15 (i)(I) ~~Such~~ the individual has been and will continue to be free  
16 from control or direction over the performance of ~~such~~ the services, both under  
17 ~~his or her~~ the individual's contract of service and in fact; ~~and~~

18 (ii)(II) ~~Such~~ the service is either outside the usual course of the  
19 business for which ~~such~~ the service is performed, or ~~that such~~ the service is  
20 performed outside of all the places of business of the enterprise for which ~~such~~  
21 the service is performed; and

