

## ● UNEMPLOYMENT COMPENSATION LAW

*STATUTORY CITATION:* Vt. Stat. Title 21, §§ 1301 – 1471

*GENERAL SUMMARY:* Vermont's unemployment compensation law requires most employers to pay unemployment insurance contributions to the state, in rough proportion to the dollar amount of their payroll. Contributions are used to pay weekly benefits to temporarily jobless workers who have recent earnings from insured employment and meet other eligibility criteria. Employers are generally required to pay UI contributions if they (1) paid wages of \$1,500 or more in any calendar quarter of the current or preceding calendar year, or (2) employed at least one worker for some part of a day in each of 20 different calendar weeks this year or last.

### *PROVISIONS APPLICABLE TO AGRICULTURE*

**EMPLOYER CONTRIBUTIONS** — Every farm operator or other agricultural establishment that (1) during any calendar quarter of the current or preceding calendar year paid \$20,000 or more for agricultural labor, or (2) for any portion of a day in each of 20 different calendar weeks in the current or preceding calendar year employed 10 or more workers in agricultural labor, must pay unemployment insurance contributions to the state. The amount of contributions payable is normally equal to the employer's total wage payments during the calendar year (up to a per-worker taxable wage limit determined by the state administering agency each year), multiplied by the employer's contribution rate, which is set annually by the administering agency on the basis of the employer's UI claims experience and other factors.

**ELIGIBILITY FOR BENEFITS** — A farmworker or any other unemployed individual is eligible to receive benefits only if the state agency finds that the worker (1) has registered for work at the state employment office, (2) has made a claim for benefits, (3) is able to work and available for work, (4) has been unemployed for a waiting period of one week, and (5) has, during the first four of the last five completed calendar quarters immediately preceding the initial claim for benefits, earned at least \$1,000 from insured employment in at least one such quarter and been paid additional insured wages which equal or exceed 40 percent of the wages received in the one quarter when earnings were highest.

**AMOUNT OF BENEFITS** — A claimant's weekly benefit amount is calculated by dividing the worker's earnings during the two quarters of the four-quarter base period in which earnings were highest by 45, but in no event may the weekly benefit amount exceed the statutorily prescribed maximum level. For any week in which an eligible claimant has earnings from part-time employment, the worker is entitled to a UI payment equal to the worker's weekly benefit amount, minus the week's part-time earnings.

### *SPECIAL NOTES OR ADVISORIES*

**LIABILITY OF CREW LEADERS AND LABOR CONTRACTORS** — For purposes of determining liability for payment of unemployment contributions, in cases where farmworkers performing agricultural labor are furnished to a farm operator by a crew leader who (1) is registered under the Migrant and Seasonal Agricultural Worker Protection Act, (2) pays members of the crew their earnings, and (3) has not entered into a written agreement with the farm operator under which the crew leader is designated as an employee of the farm operator, the crew leader is treated as the workers' employer. Under any other circumstances, crew members are considered employees of the farm operator, and wages paid to the workers by the crew leader are deemed to be wages paid by the farm operator.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Unemployment Insurance Division, Vermont Department of Labor, Montpelier, Vermont 05601 (802-828-4333)*. This agency is responsible for the collection of unemployment insurance contributions from employers determined liable for such payments, and is likewise responsible for the issuance of UI benefits to workers found eligible to receive them. The Department also hears and decides appeals filed by employers and employees regarding tax liability and benefit claims. Workers who are temporarily without a job and who believe they may qualify for benefits may file a claim by toll-free telephone, at 877-214-3330, or online at [uipublic01.labor.vermont.gov](http://uipublic01.labor.vermont.gov).

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*