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SENATE BILL NO. 655

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Commerce and Labor
on February 7, 2022)

(Patron Prior to Substitute—Senator Ebbin)

A *BILL to amend and reenact § 60.2-106 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 60.2-121.2, relating to unemployment compensation; required information upon separation; electronic submission of information; Virginia Employment Commission to develop plan for pilot program.*

Be it enacted by the General Assembly of Virginia:

1. That § 60.2-106 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 60.2-121.2 as follows:

§ 60.2-106. Employer to post and maintain posters; required information upon separation.

A. Each employer shall post and maintain in places readily accessible to individuals in its services all such posters related to unemployment insurance as furnished it by the Commission.

B. Each employer shall provide each individual who is separated from such employer information on the individual's right to apply for unemployment compensation, including eligibility requirements and application procedures. Such information shall be provided in person or electronically to the individual at the time of separation or mailed to the individual's last known address. The Commission shall establish and make available an information document that an employer may use to comply with such requirement. Notwithstanding the provisions of § 60.2-121, there shall be no penalty for a violation of this subsection.

§ 60.2-121.2. Electronic submission of information.

A. Each employer subject to the provisions of this title shall submit information relating to a claim, as defined in § 60.2-528.1, at any time when requested by the Commission, to the Commission by electronic means, unless the employer has been granted a waiver by the Commission.

B. The Commission may grant a waiver to an employer from providing information electronically pursuant to this section at any time. The Commission may grant a waiver only if the Commission finds that the electronic submission requirement creates an unreasonable burden on the employer. All requests for a waiver shall be submitted in writing.

2. That the Virginia Employment Commission (the Commission) shall develop a plan to conduct a pilot program that would require a sample group of employers to proactively provide separation information, including the date of and reason for separation, to separated individuals and electronically to the Commission within seven days of the individual's separation from employment. The plan shall include provisions to ensure (i) the pilot program includes employers that represent a variety of industries, regions of the state, employer size based on number of employees and gross receipts, and unemployment insurance experience ratings of employers and (ii) the number of employers selected to participate in the pilot program is limited to the number necessary to provide sufficient feedback on the pilot program and minimize the administrative burden on the Commission. The plan shall include a description of how the Commission will (a) document the pilot program's financial and administrative impact on the Commission and (b) collect input from participating employers on the financial and administrative impacts they experienced as a result of their involvement in the pilot program. The Commission shall submit the plan to conduct the pilot program to the Commission on Unemployment Compensation by January 1, 2023.