

1 SENATE BILL NO. 1120

2 AMENDMENT IN THE NATURE OF A SUBSTITUTE

3 (Proposed by the House Committee on Commerce and Energy

4 on February 9, 2023)

5 (Patron Prior to Substitute--Senator Stanley)

6 A BILL to amend and reenact § 60.2-111 of the Code of Virginia, relating to the Virginia Employment
7 Commission; authorized representative or member of Commission; powers.

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 60.2-111 of the Code of Virginia is amended and reenacted as follows:**10 **§ 60.2-111. Duties and powers of Commission; reporting requirements.**

11 A. It shall be the duty of the Commission to administer this title. It shall have power and authority
12 to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures,
13 require such reports, make such investigations, and take such other action, including the appointment of
14 advisory groups, as it deems necessary or suitable to that end. Such rules and regulations shall be subject
15 to the provisions of Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2, except as to the subject matter of
16 subdivisions 2 and 3 of § 60.2-515, which shall become effective in the manner prescribed by § 2.2-4103.
17 The Commission shall determine its own organization and methods of procedure in accordance with
18 provisions of this title, and shall have an official seal which shall be judicially noticed. In the discharge of
19 the duties imposed by this title, the Commissioner shall have the authority to authorize any attorney
20 employed by the Commission to have the power to issue subpoenas to compel the attendance of witnesses
21 and the production of books, papers, correspondence, memoranda, and other records deemed necessary as
22 evidence in connection with the investigation or adjudication of any disputed claim or the administration
23 of this title. Any party who disputes such subpoena may file a motion to quash any subpoena issued
24 pursuant to this section prior to the date production is required in a miscellaneous action in a circuit court
25 for which such motion shall be given priority on the docket.

26 B. The Commission shall prepare an annual balance sheet of the moneys in the fund and in the
27 Unemployment Trust Fund to the credit of the Commonwealth in which there shall be provided, if
28 possible, a reserve against the liability in future years to pay benefits in excess of the then-current taxes.
29 That reserve shall be set up by the Commission in accordance with accepted actuarial principles on the
30 basis of statistics of employment, business activity, and other relevant factors for the longest possible
31 period. Whenever the Commission believes that a change in tax or benefit rates is necessary to protect the
32 solvency of the Fund, it shall promptly so inform the Governor and the General Assembly and make
33 recommendations with respect thereto.

34 C. In preparing the annual balance sheet required by subsection B, the Commission shall regularly
35 track metrics related to unemployment insurance benefits, establish a mechanism to help assess the
36 adequacy of benefits, and examine metrics related to reciprocity, average benefit levels, and benefit income
37 replacement ratios. The annual balance sheet shall include the following calculations: (i) the average
38 unemployment insurance benefit levels, (ii) the average income replacement of unemployment insurance
39 benefits, and (iii) the reciprocity rate for unemployment insurance benefits in the Commonwealth.

40 D. The Commission, as part of its biennial strategic plan submitted to the Department of Planning
41 and Budget, shall develop and maintain a comprehensive unemployment insurance Resiliency Plan that
42 describes specific actions the Commission will take, depending on the level of increase in unemployment
43 insurance (UI) claims, to address staffing, communications, and other relevant aspects of operations to
44 ensure continued efficient and effective administration of the UI program. The Resiliency Plan shall
45 include proposed actions consistent with the following objectives to effectively prepare for periods of high
46 unemployment:

47 1. Develop specific strategies or steps the Commission will take to modify staffing levels in
48 response to incidents that increase UI program demand. These strategies or steps shall (i) include a staffing
49 plan for varying levels of UI workload volume, (ii) cover several scenarios that may affect UI assistance
50 services, (iii) explain how existing staff would be reallocated to high-priority functions in response to high
51 demand, and (iv) describe how the Commission's hiring process will be streamlined to fill key vacant
52 positions such as adjudication and appeals staff.

