



State of Vermont
Department of Labor
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April 22, 2009

Cheryl Atkinson
Administrator
Office of Workforce Security
200 Constitution Avenue, NW
Room S-4231
Washington, DC 20210

Dear Ms. Atkinson:

The State of Vermont is applying for the incentive payment contained in ARRA under the base period provision. 21 VSA §1301 provides for two alternate base periods. Alternate base periods were added to statute in 1985, and there is no provision in law making it subject to discontinuation. 21 VSA § 1301 can be found at <http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=21&Chapter=017&Section=01301>. I have also attached a copy of 21 VSA § 1301 (17).

Vermont's unemployment trust fund is rapidly declining, and we anticipate we will need to seek advances early in 2010. The incentive funds will be used to strengthen the trust fund and pay benefits.

If you have any further questions, please contact Valerie Rickert, UI and Wages Director, at 802-828-4242.

Sincerely,

A handwritten signature in black ink that reads "Pat Moulton Powden".

Patricia Moulton Powden
Commissioner

PMP:lc

Attachment

cc: Marisol Lopez, Regional Office



21 VSA § 1301 (17) reads:

(17)(A) For benefit years beginning prior to January 3, 1988, the "base period" is the period of 52 weeks ending with the day immediately preceding the first day of a claimant's benefit year. Such period shall be extended by one week for each week, not to exceed 18, in which the claimant had no earnings because of sickness or disability as certified by a duly licensed physician.

(B) For benefit years beginning on January 3, 1988 and subsequent thereto the "base period" shall be the period made up of the first four of the most recently completed five calendar quarters immediately preceding the first day of a claimant's benefit year, and for any individual who fails to meet the eligibility requirements of section 1338 of this title in this base period, the commissioner shall make a redetermination of entitlement based upon a base period which consists of the last four completed calendar quarters immediately preceding the first day of the claimant's benefit year.

(C) For any individual who fails to qualify for benefits under subdivision (B) above, the commissioner shall make a redetermination of entitlement based upon a base period which consists of the last three completed calendar quarters and all wages paid prior to the effective date of the claimant's initial claim in the calendar quarter in which the initial claim was filed.

(D) All wages which fall within the "base period" of valid claims under this section shall not be available for reuse in qualifying for any subsequent benefit years under section 1338 or 1318 of this title.