



## LEGISLATIVE REPORT

UI Eligibility for “Urgent, Compelling, or Necessitous Circumstances”  
Report

**SUBMITTED ON:**      **JANUARY 19, 2024**

**SUBMITTED TO:**      **HOUSE COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT**  
**SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, HOUSING AND**  
**GENERAL AFFAIRS**

**SUBMITTED BY:**      **VERMONT DEPARTMENT OF LABOR**

## EXECUTIVE SUMMARY

---

Section 44 of Act 76 of 2023, *An act relating to child care, early education, workers' compensation, and unemployment insurance*, directs the Commissioner of Labor, in consultation with the Joint Fiscal Office, to review “the potential impact of extending eligibility for unemployment insurance benefits to individuals who separate from employment due to urgent, compelling, or necessitous circumstances, including the individual’s injury or illness, to obtain or recover from medical treatment, to escape domestic or sexual violence, to care for a child following an unexpected loss of child care, or to care for an ill or injured family member.”<sup>1</sup>

In preparing this report, the Department of Labor (Department) conducted research on other state laws, made outreach to respective states to gather claimant and payment related data, surveyed a population of Vermont employers, reviewed prior claims history, and made estimations based on this information.

As explained in the report, based on a lack of quality information, the Department cannot accurately estimate the number of future additional approved claims in Vermont were a version of this language to be added to Vermont statute, nor can the Department accurately assess the potential impacts on the Unemployment Insurance (UI) Trust Fund. The Department has provided the information gathered and extrapolated potential claimants and impacts based on that information. However, without additional study, the information provided in this report is not reliable enough to make public policy determinations about UI eligibility.

The Department does not recommend expanding eligibility to include individuals who separate from employment due to “urgent, compelling, or necessitous circumstances” for reasons outlined in the report. If the Legislature is intending to cover additional good cause separations, the General Assembly should be explicit in calling out those eligibility circumstances and not use vague and undefined terms such as those quoted above. With that, the Department does recommend incorporating the Domestic and Sexual Violence Survivors' Transitional Employment Program into eligibility for the unemployment insurance program.

In accordance with the above reference section, the Department of Labor submits this report to the House Committee on Commerce and Economic Development and the Senate Committee on Economic Development, Housing and General Affairs.

## SUMMARY OF LEGISLATIVE REQUEST

---

Section 44 of Act 76 of 2023, *An act relating to child care, early education, workers' compensation, and unemployment insurance*, directs the Commissioner of Labor, in consultation with the Joint Fiscal Office to submit a report “regarding the potential impact of extending eligibility for unemployment insurance benefits to individuals who separate from employment

---

<sup>1</sup> See 2023, No. 76, § 44.

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT076/ACT076%20As%20Enacted.pdf>

due to urgent, compelling, or necessitous circumstances, including the individual’s injury or illness, to obtain or recover from medical treatment, to escape domestic or sexual violence, to care for a child following an unexpected loss of child care, or to care for an ill or injured family member.”<sup>2</sup>

The report shall include:

- (1) a list of states in which individuals who separate from employment due to circumstances similar to those described in subsection (a) of this section are eligible for unemployment insurance and shall identify the specific circumstances for separation from employment in each identified state for which there is no waiting period or period of disqualification related to the circumstance;
- (2) information, to the extent it is available, regarding the number of approved claims in the states identified pursuant to subdivision (1) of this subsection where the individual separated from employment due to circumstances similar to those described in subsection (a) of this section;
- (3) an estimate of the projected range of additional approved claims per year in Vermont if individuals who separate from employment due to circumstances similar to those described in subsection (a) of this section are made eligible for unemployment insurance;
- (4) an estimate of the range of potential impacts on the Unemployment Insurance Trust Fund of making individuals who separate from employment due to circumstances similar to those described in subsection (a) of this section eligible for unemployment insurance; and
- (5) any recommendations for legislative action.<sup>3</sup>

## **CURRENT LAW**

---

Unemployment Insurance benefits provide wage replacement to individuals who lose their job through no fault of their own. “States usually disqualify claimants who lost their jobs because of inability to work, voluntarily quit without good cause, were discharged for job-related misconduct, or refused suitable work without good cause.”<sup>4</sup>

In Vermont, 21 V.S.A. § 1344(a)(2)(A) states that an individual will be disqualified for benefits if the Commissioner finds that the individual is unemployed because:

The individual left the employ of the individual’s last employing unit voluntarily without good cause attributable to the employing unit.

---

<sup>2</sup> Id.

<sup>3</sup> Id.

<sup>4</sup> Congressional Research Service, “The Fundamentals of Unemployment Compensation”, Updated April 18, 2023, <https://crsreports.congress.gov/product/pdf/IF/IF10336>.

Current Vermont statute authorizes one exception to this prohibition, specifically when an individual leaves employment to accompany a spouse due to active military relocation or U.S. Foreign Service assignment.<sup>5</sup> In all other circumstances, a voluntary quit must be due to good cause attributed to the employer in order to qualify for UI or the individual must serve a disqualification period prior to eligibility.

During the COVID-19 pandemic, the General Assembly amended this section to expand the exceptions to include voluntary separations due to circumstances related to the public health emergency. The specific language allowed for a voluntary separation when:

(ii) the individual has left employment to self-isolate or quarantine at the recommendation of a health care provider or pursuant to a specific recommendation, directive, or order issued by a public health authority with jurisdiction, the Governor, or the President for one of the following reasons:

(I) the individual has been diagnosed with COVID-19;

(II) the individual is experiencing the symptoms of COVID-19;

(III) the individual has been exposed to COVID-19; or

(IV) the individual belongs to a specific class or group of persons that have been identified as being at high-risk if exposed to or infected with COVID-19;

(iii) the individual has left employment because of an unreasonable risk that the individual could be exposed to or become infected with COVID-19 at the individual's place of employment;

(iv) the individual has left employment to care for or assist a family member of the individual who is self-isolating or quarantining at the recommendation of a health care provider or pursuant to a specific recommendation, directive, or order issued by a public health authority with jurisdiction, the Governor, or the President for one of the following reasons:

(I) the family member has been diagnosed with COVID-19;

(II) the family member is experiencing the symptoms of COVID-19;

(III) the family member has been exposed to COVID-19; or

(IV) the family member belongs to a specific class or group of persons that have been identified as being at high-risk if exposed to or infected with COVID-19;

(v) the individual has left employment to care for or assist a family member who has left employment because of an unreasonable risk that they could be exposed to or become infected with COVID-19 at their place of employment; or

---

<sup>5</sup> See 21 V.S.A. § 1344(a)(2)(A).

(vi) the individual left employment to care for a child under 18 years of age because the child's school or child care has been closed or the child care provider is unavailable due to a public health emergency related to COVID-19.<sup>6</sup>

The above pandemic related provisions went into effect on March 30, 2020, and were originally scheduled to sunset on March 31, 2021.<sup>7</sup> These provisions were ultimately extended until October 1, 2021, after the declared state of emergency expired.<sup>8</sup>

## **SUMMARY OF RESEARCH REGARDING STATE LAWS**

---

Throughout the summer, the Department of Labor conducted research on other state laws that include exceptions to the prohibition on UI eligibility for those that voluntarily quit without good cause. In addition to our own research, the Department reviewed material developed by the National Foundation for Unemployment Compensation & Workers' Compensation and made outreach attempts through the National Association of State Workforce Agencies (NASWA), both of which are national organizations that support state labor departments.

37 states currently include language in its unemployment insurance program that provide for benefits in the event the individual must separate due to some form of domestic violence or sexual harassment. In addition, eight states have language that allows for a voluntary quit due to circumstances other than good cause attributed to the employer and 26 states have a provision that allows for benefits when an individual separates from employment due to illness or disability of the individual or a member of the individual's family. See Appendix A.

Through both NASWA and direct outreach, the Department requested information from the respective states about the number of claimants who filed under the above circumstances as well as the total amount of benefits provided. Below is a summary of the information received in alphabetical order:

### Colorado

- Includes provisions that allow for benefits for individuals that separate due to domestic violence, because an immediate family member is suffering from an illness or disability, or because a loss of childcare due to a public health emergency.
- For calendar years 2021 and 2022, Colorado had 1,402 claimants file under one of the circumstances identified above. Of those, 1,049 were deemed eligible and paid a total of \$9,740,196.75 in benefits.

---

<sup>6</sup> See 2019, No. 91 (Adj. Sess.), § 31.

<https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT091/ACT091%20As%20Enacted.pdf>

<sup>7</sup> Id., § 38.

<sup>8</sup> See 2021, No. 51, § 8.

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT051/ACT051%20As%20Enacted.pdf>

#### Delaware

- Allows for individuals who separate to care for a spouse or child or due to individual medical reasons and the individual has medical documentation to substantiate the separation.
- Between January 1, 2023, and October 25, 2023, 143 claims were identified from individuals who indicated the reason for separation was under these circumstances. Delaware did not provide information on benefits paid.

#### Indiana

- Allows for separation due to victims of domestic violence.
- Between October 1, 2022, and October 30, 2023, Indiana had a total of 2,489 domestic violence issues reviewed, approving 201 and denying 2,288. Of the 201 approvals, this amounted to 183 distinct claimants and 168 of those received payment. Indiana did not provide information on benefits paid.

#### Massachusetts

- Allows for separations due to “urgent, compelling, or necessitous reasons”.
- Between October 2022 and October 2023, there was an average of 130 claimants per month approved under the above referenced provision, with an average of \$1,128,060.32 in benefits paid out per month. This equates to a total of 1,702 claimants paid a total of \$14,664,784.16 in benefits.

#### New Jersey

- Allows for separation due to victims of domestic violence.
- Going back five years, New Jersey had a total of 420 determinations, approving 284 claims and denying 136. New Jersey did not provide information on benefits paid.

#### Oklahoma

- Allows for separation for “compelling family circumstances”, which includes illness or disability of the individual or an immediate family member, the spouse was transferred or obtained employment that is outside of commuting distance, domestic violence or abuse, and moved to accompany spouse due to military.
- Between October 1, 2022, and September 30, 2023, a total of 1,104 claimants were deemed eligible under one of the circumstances identified above. Unfortunately, Oklahoma could not provide information on the total in benefits paid and estimated high at \$6,818,304.

#### Oregon

- Allows for voluntary separation for “compelling family reasons”, which includes circumstances related to domestic violence, the illness or disability of a member of the individual’s immediate family, or the need to accompany the individual’s spouse or domestic partner to a place from which it is impractical to commute and due to a change in the location of the spouse’s or domestic partner’s employment.

- Between January 1, 2023, and October 25, 2023, 548 claimants claimed weeks in this date range with a separation meeting these criteria. Of those, 88 claimants were deemed eligible and paid a total of \$345,446 in benefits.
- Further, a total of 529 claimants claimed weeks in this date range due to a separation resulting from an individual’s injury or illness, the need to obtain or recover from medical treatment, or the duty to care for an ill or injured family member. Of those, 83 claimants were deemed eligible and paid a total of \$156,515 in benefits.

#### Utah

- Has language that allows for benefits when it would be “contrary to equity and good conscience to impose a disqualification.”
- In calendar year 2022, 152 decisions were issued to allow benefits and paid a total of \$529,062. Through October 2023, 75 decisions had been issued to allow benefits for a total of \$283,689 in benefits paid.

In addition, Pennsylvania allows voluntary separations when it is “necessitous and compelling”. Pennsylvania provided information that approximately 40 percent of voluntary quit issues are approved; however, it was not shown that 40 percent of those approved were done so under this provision in particular. In addition, it was commented that many of those approved under a voluntary quit would subsequently be denied under the able and available requirements of UI. As no payment information was provided, and as the information could not be further narrowed, the Department is not including it here.

It must be noted that one aspect of UI eligibility that was not studied in this report is the requirement that UI claimants remain “able to work, available to work, and actively seeking work.”<sup>9</sup> This is a federal program requirement outlined in the Social Security Act. States have some flexibility to determine whether a claimant meets this program requirement under their own state laws; however, states cannot wholesale waive this eligibility requirement altogether.

The “A&A” requirement can impact the eligibility of claimants who may fall under the state law provisions outlined above. For example, an individual who separates from employment to care for a family member may be deemed ineligible in one state and eligible in another depending on the state’s interpretation of its own laws related to able and available. As a general matter, an individual who is not A&A at the time of separation may later become A&A once the issue preventing the individual from being A&A is no longer a barrier to employment.

#### **PROJECTED RANGE OF VERMONT CLAIMS**

---

In addition, to reviewing the information and data provided by other states, the Vermont Department of Labor, Labor Market Information (LMI) Division conducted research in

---

<sup>9</sup> See 42 U.S.C. § 503(a)(12).

preparation for this report. Specifically, the LMI Division surveyed 1,842 employers with five or more employees. Among the questions asked, the survey inquired about whether the employer was aware of any former employees who left a job with the employer in the past 12 months due to a lack of childcare or due to the need to care for an aging family member. Approximately 600 Vermont employers provided answers to these two questions. In reviewing the responses, the Department identified that 6.1 percent of respondents indicated “yes” to having an employee leave due to lack of childcare and 4.2 percent indicated “yes” to having an employee leave due to eldercare. See Appendix C for detailed information regarding the survey results.

In consultation with the Joint Fiscal Office (JFO), the Department created incident rates of quits related to childcare and elder care as a percentage of employees. Unique incident rates were created by employer size groups based on the raw survey data collected. Based on that extrapolation and applying weighted averages based on the survey responses, the Department estimated the annual number of quits related to child and elder care to be:

Childcare:	919
Elder Care:	439
Total <sup>10</sup> :	1,358

Utilizing the average weekly benefit amount of \$470.84 (includes full and partial benefit payments) and the average number of weeks unemployed, which is 11.1, the Department is estimating an annual cost of \$7.1M dollars.

$$1,358 \text{ (claimants)} * \$470.84 \text{ (average weekly benefit amount)} * 11.1 \text{ weeks} = \$7.1\text{M}$$

Separately, the JFO estimated population adjusted figures utilizing the information provided by some of the states identified in the previous section. In the below graph, you can see the estimated amount of Vermont Adjusted Benefits when adjusting the benefits payments of other states to account for population difference.

---

<sup>10</sup> It should be noted that this estimation only includes private sector employers with five or more employees and. There are approximately 25,000 private sector employees working for smaller firms as well as 46,000 public sector employees across state and local government that have not been considered in this estimation. In addition, zero quits are estimated from firms with 1,000 or more employees. Therefore, the number of annual quits due to childcare and eldercare may be underestimated using this method.



State	Population	Annual Claimants	Annual Benefits	Adjustment Ratio (VT Pop./State Pop.)	Vermont Adjusted Annual Claimants	Vermont Adjusted Benefits	Notes
Vermont	647,464	N/A	N/A	1.00	N/A	N/A	
Utah	3,417,734	152	\$529,062	0.19	28.80	\$100,227	
Colorado	5,877,610	721	\$3,117,616	0.11	79.42	\$343,429	
Massachusetts	7,001,399	1,579	\$13,450,243	0.09	146.02	\$1,243,830	Sum of eligible decisions for 2022
Oregon	4,233,358	106	\$414,535	0.15	16.15	\$63,400	11/22 to 10/23
Delaware	1,031,890	172	N/A	0.63	107.67	N/A	10 months of data extrapolated to 12
Oklahoma	4,053,824	1,104	\$6,818,304	0.16	176.33	\$1,088,998	10 months of data extrapolated to 12. Benefits are estimated and likely too high.

Because each state law is distinct, allowing for different eligibility criteria, the above information is not a true one-to-one comparison. However, without additional information, it is not possible to estimate accurately what the impacts of adding the statutory language in H. 92 would do to the number of eligible claimants in Vermont and the fiscal impacts to the UI Trust Fund. Of all the states identified above, the closest may be Massachusetts as that state utilizes the language “urgent, compelling, and necessitous” in its UI eligibility, which matches closest with the requirements of this study.<sup>11</sup>

It must be noted that separations under these circumstances will impact certain employers more than others. Most employers, including all private sector employers are considered taxable, meaning that the employer pays quarterly UI contributions on the wages paid to its employees. Other employers, specifically State and local government and some non-profit organizations, are what is known as reimbursable employers, meaning that they do not pay quarterly contributions but instead repay the UI Trust Fund dollar-for-dollar for every benefit paid out attributed to the employer.

Taxable employers are relieved of charges due to separations that are of a voluntary nature. Any separation that would fall under the umbrella outlined in this report would be non-charged to a taxable employer as the employer is not the cause of the separation. However, as reimbursable employers are not relieved of charges, those employers would be required to pay for any benefits falling under these circumstances.

This can have negative impacts on both the UI Trust Fund and to reimbursable employers if the language in this report were to pass. For starters, reimbursable employers will be required to make payments back to the fund for separations that are not the fault of the employer, including the State of Vermont and local governments, which will likely lead to higher taxes to cover the costs of those separations. Conversely, if there are many private sector separations that are approved and non-charged to the individual employer, those costs are then covered by the UI

<sup>11</sup> It should be noted that the MA language also includes an additional qualifier that requires that the separation be involuntary, specifically “that his reasons for leaving were for such an urgent, compelling and necessitous nature as to make his separation involuntary (emphasis added).” See M.G.L. ch.151A § 25(e).

Trust Fund and socialized to all other employers across the State who then must make up the costs.

## **CONCLUSIONS & RECOMMENDATIONS FOR LEGISLATIVE ACTION**

---

Given the Department cannot accurately predict the possible number of eligible claimants and the impacts to the UI Trust Fund, the Department cannot support expanding UI eligibility to include those who voluntarily separate from employment due to “urgent, compelling, or necessitous circumstances.”

For starters, the language itself is problematic as it can allow for an endless number of scenarios for separation. Although H.92 includes a list of possible separation reasons that would be included in this definition, the list is not exhaustive. For example, someone who quits their job because of lack of transportation will argue that it was compelling and necessitous to do so. Furthermore, the Department recently had a case where an individual argued that it was justified to quit their job because the individual’s dog was desperately ill. For many, it will be argued that was an urgent and compelling reason for employment separation. The language is simply too vague to ensure it includes only those reasons listed in H.92.

According to the Congressional Research Service, the two main objectives of the unemployment insurance program “are to provide temporary partial wage replacement to *involuntarily* unemployed workers and to stabilize the economy during *recessions*” (emphasis added).<sup>12</sup> “What are the objectives of this program created by the Social Security Act? On the program’s twentieth anniversary in 1955, the Secretary of Labor published this list: (1) Unemployment insurance is intended to offer workers income maintenance during periods of unemployment due to lack of work, providing partial wage replacement as a matter of right; (2) it is to help maintain purchasing power and to stabilize the economy; and (3) it is to help prevent dispersal of the employer’s trained labor force, the sacrifice of skills, and the breakdown of labor standards during temporary unemployment.”<sup>13</sup> Simply put, the unemployment insurance program was designed to assist those who lose their job involuntarily due to lack of work, and it is not intended to cover every instance where an individual’s personal life circumstances necessitate separation from the labor force.

Secondly, the General Assembly must understand the financial impact of including this provision and how it will impact certain employer populations. Any separation due to “urgent, compelling, or necessitous circumstances”, including those reasons listed in H.92, will be non-charged to taxable employers. It would be inappropriate to charge these benefits to the separating employer as the employer is not the reason for the separation. Therefore, the charges will be socialized across all taxable employers participating in the UI system. However, reimbursable employers

---

<sup>12</sup> Congressional Research Service, “The Fundamentals of Unemployment Compensation”.

<sup>13</sup> Daniel N. Price, “Unemployment Insurance, Then and Now, 1935-85”, Social Security Bulletin Vol. 48, No. 10, October 1985, <https://www.ssa.gov/policy/docs/ssb/v48n10/v48n10p22.pdf>.

will pay for the benefits due to these separations as a reimbursable employer is not relieved of charges in any instance where wages are used to establish a claim.

With that, the Department is supportive of moving the current Domestic and Sexual Violence Survivors' Transitional Employment Program into the regular UI system. As is reflected in the report regarding the utilization of the Domestic and Sexual Violence Survivors' Transitional Employment Program, the Department can better serve these individuals through efficiencies gained by moving the eligibility for these circumstances over to the regular UI program. The number of individuals potentially eligible under the eligibility criteria outlined in the Survivors' Transition Program does not create any concern regarding trust fund solvency, and allowing those individuals to file under regular UI will better ensure those individuals have the benefit supports timely and the due process rights afforded other UI claimants.

End of Report

## APPENDIX A

---

	<b>WORK SEPARATION TO ESCAPE DOMESTIC OR SEXUAL VIOLENCE</b>
<b>Alaska</b>	separation due to sexual harassment and to protect claimants' children or self from domestic violence abuse
<b>Arkansas</b>	separation due to domestic violence that causes the claimant reasonably to believe that the claimant's continued employment will jeopardize the safety of the claimant or a member of the claimant's immediate family
<b>California</b>	separation due to sexual harassment, and to protect the claimant's family or a member of the claimant's immediate family
<b>Colorado</b>	separation due to personal reasons, and when certain specified conditions of domestic violence are met
<b>Connecticut</b>	separation is to protect the individual, the individual's child, the individual's spouse, or the individual's parent from becoming or remaining a victim of domestic violence, provided such individual has made reasonable efforts to preserve employment
<b>Delaware</b>	separation due to domestic violence
<b>District of Columbia</b>	separation due to domestic violence
<b>Georgia</b>	victims of domestic violence may quit under specified circumstances without disqualification (circumstances not listed in the statute)
<b>Mississippi</b>	separation due to domestic violence
<b>Nevada</b>	separation due to domestic violence
<b>New Mexico</b>	separation due to domestic violence
<b>New York</b>	separation due to domestic violence
<b>Oklahoma</b>	separation due to domestic violence
<b>Oregon</b>	separation due to domestic violence
<b>Hawaii</b>	separation due to domestic or sexual violence
<b>Idaho</b>	separation due to sexual harassment
<b>Illinois</b>	separation due to sexual harassment, or if the claimant quit because of documented domestic violence, and made all reasonable efforts to preserve employment

<b>Indiana</b>	if an individual voluntarily left employment or was discharged due to circumstances directly caused by domestic or family violence
<b>Kansas</b>	separation due to sexual harassment or domestic violence
<b>Maine</b>	separation due to sexual harassment or domestic violence
<b>Massachusetts</b>	separation due to sexual harassment or domestic violence
<b>Missouri</b>	separation due to domestic abuse that makes separation involuntary
<b>Minnesota</b>	separation due to sexual harassment, domestic abuse, or stalking, or when a claimant quits because they or their minor child is a victim of documented abuse, when there is evidence of domestic abuse of the claimant and their minor child that required quitting, or a childcare problem
<b>Montana</b>	separation due to an individual or child of the individual being a victim of domestic violence, sexual assault, or stalking or an attempt on the individual's part to protect self or child from such conduct
<b>Nebraska</b>	separation due to domestic violence
<b>New Hampshire</b>	separation or discharge because of domestic abuse and made all reasonable efforts to preserve employment
<b>New Jersey</b>	separation due to leaving work voluntarily or being discharged due to a documented case of domestic violence
<b>North Carolina</b>	separation due to the claimant quitting or being discharged due to domestic violence
<b>North Dakota</b>	reason for separation is directly attributed to domestic violence or sexual assault that is verifiable by documentation which substantiates that continued employment would jeopardize the safety of the individual or of the individual's spouse, parent, or minor child
<b>Rhode Island</b>	separation due to sexual harassment or domestic violence
<b>South Carolina</b>	separation due to leaving work voluntarily or being discharged due to a documented case of domestic violence
<b>South Dakota</b>	separation due to domestic abuse if the situation was reported to law enforcement and cooperates with law enforcement; leaves employment and remains separate from the situation and made reasonable efforts to preserve their employment prior to quitting
<b>Texas</b>	separation due to documented family or sexual violence or stalking
<b>Utah</b>	separation due to sexual harassment
<b>Washington</b>	separation was necessary to protect the claimant or immediate family from domestic violence or stalking
<b>Wisconsin</b>	separation due to domestic abuse or concerns about personal safety

<b>Wyoming</b>	separation if forced to leave the most recent work as a result of being a victim of documented domestic abuse	
	<b>NECESSITOUS OR COMPELLING CIRCUMSTANCES</b>	
<b>Arizona</b>	separation for compelling personal reasons	
<b>Colorado</b>	separation for compelling personal reasons	
<b>Massachusetts</b>	quit for urgent, compelling, necessitous nature as to make separation involuntary	
<b>Maryland</b>	separation due to valid circumstances including a cause of a necessitous and compelling nature	
<b>Missouri</b>	if left due to compelling and necessitous medical reasons or domestic abuse that makes separation involuntary	
<b>Montana</b>	if the claimant left unsuitable work for any reasons or if the claimant left for compelling reasons arising from the work environment (such as undue risk of injury)	
<b>Pennsylvania</b>	if left due to compelling and necessitous nature, either work or non-work related as to make separation involuntary	
<b>Virginia</b>	if left due to such urgent, compelling, and necessitous nature as to make the separation involuntary	
	<b>SEPARATION DUE TO AN INDIVIDUAL'S INJURY OR ILLNESS OR TO OBTAIN OR RECOVER FROM MEDICAL TREATMENT</b>	<b>TO CARE FOR AN ILL OR INJURED FAMILY MEMBER</b>
<b>Alaska</b>		includes leaving work to care for an immediate family member who has disability or illness
<b>Arkansas</b>	compelling personal emergency - illness, injury, pregnancy, or disability of the claimant or a member of the claimant's immediate family	compelling personal emergency - illness, injury, pregnancy, or disability of the claimant or a member of the claimant's immediate family
<b>Colorado</b>	qualifies after providing the employer with a written medical statement addressing matters related to health, if the individual left due to health-related reasons (not payable to approved - authorized - voluntary leaves of absence);	leaving to care for an ill or disabled family member; leaving for health-related reasons after providing the employer with a written medical statement addressing matters related to health

<b>Connecticut</b>	no disqualification for voluntary leaving if the individual leaves work due to a health condition that renders the job unsuitable so long as the claimant advised the employer of their condition, and no other suitable work was available that the individual could have performed within the limits of their health restrictions	
<b>Delaware</b>		quits work to care for their spouse, child under 18, or parent with verified illness or disability
<b>District of Columbia</b>		to care for an ill or disabled family member
<b>Hawaii</b>	separations due to compelling family reasons including illness or disability of a member of the individual's immediate family	
<b>Illinois</b>	physically unable to perform work and deemed so by a licensed doctor	must care for a spouse, child, or parent, and the employer is unable to accommodate the need to provide such care
<b>Indiana</b>	if unemployment is due to medically substantiated physical disability; the claimant who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation	
<b>Maine</b>	leaving caused by illness or disability of the claimant; the claimant took all reasonable precautions to protect the claimant's employment status by notifying the employer of the need for time off, change or reduction in hours, or a shift change and being advised by the employer that the time off or change in a reduction in hours or shift or shift change cannot or will not be accommodated	leaving caused by illness or disability of the claimant's immediate family member; unexpected loss of child or elder care for which the claimant was not at fault and for which no work alternatives such as changes in hours or a leave of absence or alternative child or elder care options were available despite good faith efforts made by the claimant to resolve the issue and continue working
<b>Michigan</b>	for medically substantiated illness or injury; must first unsuccessfully attempt to both secure alternative work for the employer within medical capabilities, and to secure a leave of absence	
<b>Missouri</b>	necessitous medical reason	

<b>Montana</b>	left due to personal illness or injury upon the advice of a licensed and practicing health care provider, and, after recovery, is certified by such provider, suitable work was not available with the previous employer	
<b>New Hampshire</b>	left due to work-related illness or injury which was not the claimant's fault, maintained the employee-employer relationship, released to work but employer unable to return individual to same or similar work due to reduction in force, economic conditions, or application of seniority rules	
<b>New Jersey</b>	no disqualification for voluntary leaving is imposed if the individual leaves work due to a medical condition that was caused or aggravated by the work provided there was no other suitable work available that the individual could have performed within the limits of the disability	
<b>North Dakota</b>	when a doctor orders or notices that injury or illness is caused or aggravated by the employment, and there was no reasonable alternative to leaving work	
<b>Ohio</b>	if a licensed doctor certifies that continued employment presents a health hazard	
<b>Oklahoma</b>	allows for medically verifiable illness of the claimant and immediate family members of the claimant	allows for medically verifiable illness of the claimant and immediate family members of the claimant
<b>Oregon</b>		compelling family reason
<b>Rhode Island</b>		good cause also includes leaving work to care for an immediate family member who has a disability or illness
<b>South Dakota</b>	if a licensed doctor certifies that continued employment presents a health hazard	compelling family reason
<b>Texas</b>	due to a claimant's medically verified illness, injury, or disability or that of the claimant's minor child or to care for a terminally ill spouse; must meet able and available requirements	due to a claimant's medically verified illness, injury, or disability or that of the claimant's minor child or to care for a terminally ill spouse; must meet able and available requirements



<b>Nevada</b>	allows quitting due to an individual's illness or disability or a member of the individual's immediate family	
<b>Washington</b>	due to illness or disability or the death, illness, or disability of an immediate family member, if the claimant pursued all reasonable alternatives to preserve employment, then terminated employment status and is not entitled to reinstatement to the same/comparable position; reasonable alternatives include promptly requesting a leave of absence with the reason and promptly requesting re-employment when again able to work (unless these actions are a futile act)	due to illness or disability or the death, illness, or disability of an immediate family member, if the claimant pursued all reasonable alternatives to preserve employment, then terminated employment status and is not entitled to reinstatement to the same/comparable position
<b>West Virginia</b>	if a licensed doctor certifies that continued employment presents a health hazard	
<b>Wisconsin</b>	if left work due to the claimant's illness or the verified disability or illness of an immediate family member that necessitated care for a period of time longer than the employer was willing to grant a leave of absence	

## APPENDIX B

---

DRAFT December 2023

This document was prepared by the Economic & Labor Market Information Division. It details the results of two questions from a recently completed employer survey.

### Employer Survey

The survey was created using Survey Monkey, a web-based survey development software. It was distributed to 1,842 firms. There were 671 responses during the 22 days it was available. This resulted in a response rate of 36.4%. The survey recipients included firms with covered employees as determined by Vermont Unemployment Insurance law. For the purpose of the study, the universe population is private firms with average employment of five or more employees in the 3<sup>rd</sup> quarter of 2022. Only firms with a valid email were included in the sample.

### Results

**Table 1. Firms with Employees that Left Job to Care for Children or Aging Family Members**

Responses	Childcare		Eldercare	
	Count	Share of Responses	Count	Share of Responses
"No" Responses	587	93.9%	598	95.8%
"Yes" Responses	38	6.1%	26	4.2%
<b>Total</b>	<b>625</b>	<b>100.0%</b>	<b>624</b>	<b>100.0%</b>

Employers were asked two questions about employee retention related to childcare and eldercare: “Are you aware of any former employees who left a job with your firm in the past twelve months due to a lack of childcare (not related to parental leave)?” and “Are you aware of any former employees who left a job with your firm in the past twelve months due to care for an aging family member?”. The most common response, over 90% for both questions, was “No, none”. The “Yes” responses are broken down below by both the industry and number of employees reported to have left.

### Childcare

There were 625 responses to “Are you aware of any former employees who left a job with your firm in the past twelve months due to a lack of childcare (not related to parental leave)?” Thirty-eight employers reported that at least one person left in the past twelve months due to lack of childcare. Of the 38 that responded “Yes”, half (19 or 50.0%) reported exactly “one” employee and about the other half (18 or 47.4%) reported “2-5” employees. Only one (2.6%) respondent answered “6-10” employees and there were no respondents that reported losing more than 10 employees.

**Table 2. Are you aware of any former employees who left a job with your firm in the past twelve months due to a lack of childcare (not related to parental leave)?**

Possible "Yes" Responses	Counts	Share of "Yes" Responses
Yes, one	19	50.0%
Yes, 2-5	18	47.4%
Yes, 6-10	1	2.6%
Yes, more than 10	0	0.0%
<b>Total "Yes" Responses</b>	<b>38</b>	<b>100.0%</b>

n=625

Of the 38 total "Yes" responses, Education and Health Services employers represented over one third of all replies (13 or 34.2%). Trade, Transportation, and Utilities employers were the second highest representation of "Yes" answers, at about one-fifth (8 or 21.1%).

**Table 3. Are you aware of any former employees who left a job with your firm in the past twelve months due to a lack of childcare (not related to parental leave)?\***

Industry	No, none		Yes, one		Yes, 2-5		Yes, 6-10		Total of Yes	
	Count	Share of Responses	Count	Share of Responses	Count	Share of Responses	Count	Share of Responses	Count	Share of Responses
Natural Resources and Mining	6	1.0%	0	0.0%	0	0.0%	0	0%	0	0.0%
Construction	88	15.0%	0	0.0%	0	0.0%	0	0%	0	0.0%
Manufacturing	47	8.0%	2	10.5%	3	16.7%	0	0%	5	13.2%
Trade, Transportation, and Utilities	117	19.9%	3	15.8%	5	27.8%	0	0%	8	21.1%
Information	15	2.6%	0	0.0%	0	0.0%	0	0%	0	0.0%
Financial Activities	12	2.0%	1	5.3%	1	5.6%	0	0%	2	5.3%
Professional and Business Services	95	16.2%	3	15.8%	1	5.6%	0	0%	4	10.5%
Education and Health Services	69	11.8%	8	42.1%	4	22.2%	1	100%	13	34.2%
Leisure and Hospitality	84	14.3%	1	5.3%	3	16.7%	0	0%	4	10.5%
Other services	54	9.2%	1	5.3%	1	5.6%	0	0%	2	5.3%
<b>Total</b>	<b>587</b>	<b>100.0%</b>	<b>19</b>	<b>100.0%</b>	<b>18</b>	<b>100%</b>	<b>1</b>	<b>100%</b>	<b>38</b>	<b>100.0%</b>

n=625

\*No firm indicated more than 10 employees left due to childcare

### Eldercare

There were 624 responses to "Are you aware of any former employees who left a job with your firm in the past twelve months due to care for an aging family member?" Of the 26 "Yes" responses, about two-thirds (18 or 69.2%) reported one employee and the other third (8 or 30.8%) reported losing "2-5" employees. No employers reported losing more than 5 employees.

**Table 4. Are you aware of any former employees who left a job with your firm in the past twelve months due to care for an aging family member?**

Possible Responses	Counts	Share of "Yes" Responses
Yes, one	18	69.2%
Yes, 2-5	8	30.8%
Yes, 6-10	0	0.0%
Yes, more than 10	0	0.0%
Total "Yes" Responses	26	100.0%

n= 624

Of the 26, "Yes" responses, Education and Health Services represented over one-third of all replies (10 or 38.5%). Trade, Transportation, and Utilities represented almost one-third of all "Yes" responses (8 or 30.8%).

**Table 5. Are you aware of any former employees who left a job with your firm in the past twelve months due to care for an aging family member?\*\*\***

Industry	No, none		Yes, one		Yes, 2 to 5		Total of Yes	
	Count	Share of Responses	Count	Share of Responses	Count	Share of Responses	Count	Share of Responses
Natural Resources and Mining	6	1.0%	0	0.0%	0	0.0%	0	0.0%
Construction	87	14.5%	1	5.6%	0	0.0%	1	3.8%
Manufacturing	50	8.4%	1	5.6%	1	12.5%	2	7.7%
Trade, Transportation, and Utilities	117	19.6%	6	33.3%	2	25.0%	8	30.8%
Information	15	2.5%	0	0.0%	0	0.0%	0	0.0%
Financial Activities	14	2.3%	0	0.0%	0	0.0%	0	0.0%
Professional and Business Services	96	16.1%	2	11.1%	0	0.0%	2	7.7%
Education and Health Services	72	12.0%	5	27.8%	5	62.5%	10	38.5%
Leisure and Hospitality	86	14.4%	2	11.1%	0	0.0%	2	7.7%
Other services	55	9.2%	1	5.6%	0	0.0%	1	3.8%
<b>Total</b>	<b>598</b>	<b>100.0%</b>	<b>18</b>	<b>100.0%</b>	<b>8</b>	<b>100.0%</b>	<b>26</b>	<b>100.0%</b>

n=624

\*\*\*No firm indicated more than 5 employees left due to eldercare