

Vermont Employee Leave Laws—Overview

Employers generally have some flexibility when it comes to establishing or negotiating employee leave policies. However, Vermont employers must provide their employees with certain types of paid and unpaid leave required by state law, in addition to complying with federal leave laws such as the Family and Medical Leave Act.

Vermont state law includes the following employee leave mandates:

- Jury duty and witness leave;
- Legislative service leave;
- Military leave;
- Parental leave;
- Family leave;
- Short-term family leave;
- Paid sick leave; and
- Crime victim leave.

This Employment Law Summary provides a high-level overview of Vermont’s employee leave laws.

Overview of Employee Leave Laws

TYPE OF LEAVE	REQUIREMENTS
Jury Duty Leave	<p>An employer cannot discharge or penalize an employee for:</p> <ul style="list-style-type: none">• Serving as a juror; or• Attending any civil or criminal proceeding as a witness pursuant to a summons. <p>Employees on jury duty or serving as witnesses must be considered active employees during their service for purposes of determining seniority, fringe benefits, vacation and other rights, privileges and benefits of employment.</p>

<p>Legislative Service Leave</p>	<p>An employer must grant a temporary or partial leave of absence to an employee to serve as a member of the General Assembly. Leave cannot cause the loss of job status, seniority or the right to participate in insurance and other employee benefits during the leave of absence.</p> <p>An employee who intends to seek election to the General Assembly and invoke, if elected, the right to a leave of absence must notify his or her employer within 10 days after filing the primary election nominating petition. An employee who fails to provide notice waives his or her right to a leave of absence. Specific procedures apply for an employer that does not grant a leave of absence because it would cause unreasonable hardship for the employer's business.</p>
<p>Military Leave</p>	<p>Vermont law provides leave and job protections for reserve training and military duty in addition to the rights provided by the federal Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Under Vermont law, National Guard members are subject to USERRA requirements, rights, benefits and protections.</p> <p>In addition, members of the reserve components of the Armed Forces or National Guard, or of the ready reserve are entitled to a leave of absence to engage in military drills, training or other temporary duties. Leave may be paid or unpaid, at the employer's discretion. Upon return, National Guard members are entitled to USERRA employment reinstatement rights. The employee may not lose any sick leave, vacation time, bonuses, promotion and other benefits because of a military leave.</p> <p>Employers must continue health insurance benefits for National Guard members who are called to active duty for up to 30 days on the same terms as before the members' leave. For service beyond 30 days, members must be allowed to continue their insurance, and if the employer elects not to continue contributing its share of the cost, the state of Vermont will contribute the employer's share.</p>

<p style="text-align: center;">Parental Leave</p>	<p>An employer with 10 or more employees must provide an eligible employee with up to 12 weeks of parental leave in a 12-month period for the following reasons:</p> <ul style="list-style-type: none"> • The birth of the employee’s child (including during pregnancy); or • The initial placement of a child 16 years of age or younger with the employee for adoption (leave must be taken within a year of the placement). <p>To be eligible for parental leave, an employee must have been employed for one year and have worked an average of 30 hours per week.</p> <p>Leave is unpaid. However, during the leave, an employee may use accrued sick, vacation or other paid leave, not to exceed six weeks.</p> <p>An employer must continue all employment benefits under the same conditions as if the employee was continuously employed. The employee may be required to contribute to the cost of benefits during the leave at the existing employee rate of contribution.</p> <p>Reinstatement and employee and employer notice requirements apply.</p>
<p style="text-align: center;">Family Leave</p>	<p>An employer with 15 or more employees must provide an eligible employee with up to 12 weeks of family leave in a 12-month period for the following reasons:</p> <ul style="list-style-type: none"> • The serious illness of the employee; or • The serious illness of the employee’s child, stepchild or ward who lives with the employee, foster child, parent, spouse or parent-in-law. <p>To be eligible for family leave, an employee must be employed for one year and work an average of 30 hours per week.</p> <p>“Serious illness” means an accident, disease, or physical or mental condition that poses imminent danger of death, requires inpatient care in a hospital or requires continuing in-home care under the direction of a physician. An employer may request certification from a physician for a serious illness.</p> <p>Leave is unpaid. However, an employee may use accrued sick, vacation or other paid leave, not to exceed six weeks.</p> <p>An employer must continue all employment benefits under the same conditions as if the employee was continuously employed. The employee may be required to pay the entire cost of benefits during the leave at the existing employee rate of contribution.</p>

	Reinstatement and employee notice requirements apply.
Short-term Family Leave	<p>An employer with 15 or more employees must provide an eligible employee with up to four hours of unpaid short-term family leave in any 30-day period, not to exceed 24 hours in any 12-month period. Short-term family leave may be taken for any of the following reasons:</p> <ul style="list-style-type: none"> • To participate in preschool or school activities directly related to academic educational advancement of the employee's child, such as a parent-teacher conference; • To attend or accompany the employee's child, parent, spouse or parent-in-law to routine medical or dental appointments; • To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to his or her care and well-being; or • To respond to a medical emergency involving the employee's child, parent, spouse or parent-in-law. <p>To be eligible, an employee must be employed for one year and work an average of 30 hours per week. For this purpose, an employee's child includes a stepchild, foster child or ward who lives with the employee.</p> <p>Employees may use accrued paid leave, including vacation and personal leave, to substitute for the otherwise unpaid short-term family leave.</p> <p>An employer may require short-term family leave to be taken in two-hour minimum increments. Employees must make a reasonable attempt to schedule appointments outside of regular work hours. Except in cases of emergency, an employee must provide his or her employer with the earliest possible notice, no later than seven days, before leave is taken.</p>
Paid Sick Leave	<p>With few exceptions, employers must provide eligible employees with one hour of paid sick time for every 52 hours worked. Sick time accruals may be capped at 40 hours in a 12-month period.</p> <p>In addition, an employer may require a one-year waiting period before newly hired employees may use accrued paid sick time. The employee must accrue sick time during the waiting period, but may not be permitted to use it.</p> <p>To be eligible for paid sick time, an employee must be at least 18 years of age, be employed for more than 20 weeks in a 12-month period and average at least 18 hours of service per week during a year.</p>

	<p>An eligible employee must be able to use accrued sick time for any of the following reasons:</p> <ul style="list-style-type: none"> • The injury or illness of the employee or for the employee to obtain diagnostic, preventive, routine or therapeutic health care; • For the employee to care for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild or foster child, including helping that family member obtain diagnostic, preventive, routine or therapeutic health care; • To accompany the employee’s parent, grandparent, spouse or parent-in-law to an appointment related to his or her long-term care; • For the employee to arrange for social or legal services or obtain medical care or counseling for the employee or for the employee’s family member who is a victim of domestic violence, sexual assault or stalking; and • For the employee to care for a child or other family member because the school or business where that individual normally is during the employee’s workday is closed for public health or safety reasons. <p>An employer is prohibited from retaliating against an employee for using sick time or requiring an employee to find a replacement for sick time absences. Also, an employee’s group health insurance benefits must be maintained as normal during sick time leave, with the employee contributing his or her portion of the cost.</p> <p>Employees may be required to make reasonable efforts to avoid scheduling routine or preventive health care appointments during regular work hours. An employee can also be required to notify the employer as soon as practicable of the intent to take sick time, including the expected duration of leave.</p> <p>Rehire, carryover and employer posting provisions apply.</p>
<p>Crime Victim Leave</p>	<p>Employers must allow eligible employees who are alleged crime victims to take unpaid leave from work to attend a deposition or court proceeding relating to:</p> <ul style="list-style-type: none"> • A criminal proceeding, when the employee is an alleged victim and the employee has a right or obligation to appear at the proceeding; • A relief from abuse hearing pursuant to 15 V.S.A. § 1103, when the employee seeks the order as plaintiff;

	<ul style="list-style-type: none"> • A hearing concerning an order against stalking or sexual assault pursuant to 12 V.S.A. § 5133, when the employee seeks the order as plaintiff; or • A relief from abuse, neglect, or exploitation hearing pursuant to 33 V.S.A. chapter 69, when the employee is the plaintiff. <p>To be eligible, an employee must have been employed with the employer for at least six months for an average of at least 20 hours per week.</p> <p>An alleged crime victim is a person who is alleged in a law enforcement affidavit to have sustained physical, emotional or financial injury or death as a result of a crime or act of delinquency. It also includes a family member of the person if the person:</p> <ul style="list-style-type: none"> • Is a minor; • Has been found to be incompetent; • Is alleged to have suffered physical or emotional injury as a result of the violent crime or act of delinquency; or • Was killed as a result of the alleged crime or act of delinquency. <p>“Family member” is defined expansively.</p> <p>Employees may choose to use any available paid leave, such as accrued sick or vacation leave, during crime victim leave.</p> <p>Employers must maintain the employee’s benefits for the duration of the leave, with the employee continuing to pay his or her portion of the cost. Employees are entitled to be reinstated to their same or comparable job at the same rate of pay, benefits, seniority or any other term or condition of employment existing on the day the employee’s leave began. Employer workplace posting requirements apply.</p>
--	--

More Information

Contact Heffernan Insurance Brokers for more information on employee leave laws in Vermont.