

Parental and Family Leave

21 V.S.A. § 472

Vermont's **Parental Leave Law** covers employers with 10 or more workers who work an average of 30 hours per week. Vermont's **Family Leave Law** covers employers with 15 or more workers who work on average 30 hours per week in a year. A worker who has worked for a covered employer for an average of 30 hours a week for a year is entitled to leave under these laws. During any 12 month period, the worker is entitled to up to 12 weeks of unpaid leave:

- Parental Leave: during pregnancy and/or after childbirth, or within a year following placement of a child under 16 years of age with the worker for the purpose of adoption;
- Family Leave: for serious illness of the worker, worker's child, stepchild, ward, foster child, party to a civil union, parent, spouse, or parent of the worker's spouse.

In addition to the leave provided in 21 V.S.A. § 472, a worker is entitled to unpaid **short-term family leave** of up to 4 hours in any 30-day period (but not more than 24 hours in any 12-month period):

Short-Term Family Leave: to participate in preschool or school activities related to the academic advancement of the worker's child, stepchild, foster child, or ward; to attend or accompany the worker's child, stepchild, foster child, or ward, or the worker's parent, spouse or parent-in-law to medical or dental appointments; to accompany the worker's parent, spouse, or parent-in-law to services related to their care and well-being; to respond to a medical emergency involving the employee's child, stepchild, foster child, ward, or the employee's parent, spouse or parent-in-law.

The worker must give reasonable written notice of intent to take **family or parental leave**, including anticipated dates leave will start and end. The employer may not require notice more than 6 weeks prior to birth or adoption. If serious illness is claimed, the employer may require certification from a physician. For **short-term family leave**, a worker must give notice as early as possible, at least seven days before leave is to be taken, unless waiting could have a significant adverse impact.

A worker may use sick leave, vacation leave, or other accrued paid leave during the leave, up to six weeks. The employer may not require the worker to use accrued leave. Accrued paid leave use does not extend parental and family leave beyond 12 weeks.

The employer must continue to provide all worker benefits unchanged during the leave period, but may require the worker to contribute to the cost at the existing rate of worker contribution.

Upon return, a worker must be offered the job held previously or a comparable one at equal pay, benefits, and seniority.

Exceptions: a worker is not entitled to leave if the employer can prove by clear and convincing evidence that:

- Layoff: the job would have been terminated during leave, or worker would have been laid off for unrelated reasons; or
- Unique Services: the worker performed unique services and hiring a permanent replacement, after giving the worker notice of intent to do so, was the employer's only alternative to prevent substantial and grievous economic injury.

This law sets a minimum standard for parental and family leave rights. It does not prevent an employer from offering a more generous leave policy and does not reduce an employer's obligation under a collective bargaining agreement or existing program that provides greater leave rights than the law requires.

VERMONT PROTECTS EMPLOYEES FROM RETALIATION OF ANY KIND IN CONNECTION WITH THE ENFORCEMENT OF THIS LAW.

A worker aggrieved by a violation of this law may:

- Bring a private lawsuit for injunctive relief, economic damages including prospective lost wages for a period not to exceed one year, attorney fees, and court costs;
- (If not a state employee) lodge a complaint with the Office of the Attorney General, or (if a state employee) with the Vermont Human Rights Commission. The agencies may investigate and bring court action to enforce this law.

THIS IS A MANDATORY POSTER

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