



PARENTAL LEAVE, FAMILY LEAVE, AND SHORT-TERM FAMILY LEAVE

Vermont's **Parental Leave** Law covers employers with 10 or more employees who work an average of 30 hours per week over the course of a year.

Vermont's **Family Leave** Law, which includes Short-Term Family Leave, covers employers with 15 or more employees who work an average of 30 hours per week over the course of a year.

An employee 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 employee is entitled to up to 12 weeks of unpaid leave:

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

and, in addition to the leave provided in 21 V.S.A. Sec. 472, an employee is entitled to **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) of unpaid leave:

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

The employee must give reasonable written notice of intent to take **family** or **parental** leave, including the anticipated dates the 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**, an employee must give notice as early as possible, at least seven days before the leave is to be taken unless waiting seven days could have a significant adverse impact on the employee's family member.

An employee may choose to use sick leave, or vacation leave, or any other accrued paid leave time during the leave, up to six weeks. The employer may not require the employee to do so. Use of paid leave does not extend the overall leave time to which the employee is entitled.

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

Upon return from leave, an employee must be offered the job held previously or a comparable one at equal pay, benefits, seniority, and other terms and conditions.

Exceptions: An employee is not entitled to leave under the Parental and Family Leave Act if the employer can prove by clear and convincing evidence that:

- **Layoff:** during the period of leave the employee's job would have been terminated or the employee would have been laid off for reasons unrelated to the leave; or
- **Unique Services:** the employee performed unique services and hiring a permanent replacement during the leave, after giving the employee notice of intent to do so, was the employer's only available 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.

EMPLOYEES ARE PROTECTED FROM RETALIATION OF ANY KIND IN CONNECTION WITH THE ENFORCEMENT OF THIS LAW.

An employee 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 you are not a state employee)** lodge a complaint with the Office of the Attorney General at **828-3657**, or **(if you are a state employee)** lodge a complaint with the Vermont Human Rights Commission at **828-2480**. These agencies may investigate your complaint and bring action in court to enforce this law.

To obtain copies of this poster, call the Vermont Department of Labor at 828-2157 or visit our website at: <http://www.labor.vermont.gov/sections/uiwages/wage/posters/fleave.pdf>

Equal Opportunity is the Law

The State of Vermont is an Equal Opportunity/Affirmative Action Employer. Applications from women, individuals with disabilities, and people from diverse cultural backgrounds are encouraged. Auxiliary aids and services are available upon request to individuals with disabilities. 711 (TTY/Relay Service) or 802-828-4203 TDD (Vermont Department of Labor).