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H.91

Introduced by Representative Stevens of Waterbury
Referred to Committee on
Date:
Subject: Labor; employment practices; medical leave
Statement of purpose of bill as introduced: This bill proposes to provide that
an eligible employee may take leave under Vermont’s Parental and Family
Leave Act to recover from the employee’s own serious injury or to care for a
family member with a serious injury.

An act relating to medical leave for a serious injury

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 21 V.S.A. § 471 is amended to read:

§ 471. DEFINITIONS

As used in this subchapter:

* * *

(3) “Family leave” means a leave of absence from employment by an
employee who works for an employer ~~which~~ that employs 15 or more
individuals who are employed for an average of at least 30 hours per week
during the year for one of the following reasons:

(A) the serious illness or injury of the employee; or

1 (B) the serious illness or injury of the employee’s child, stepchild or
2 ward who lives with the employee, foster child, parent, spouse, or parent of the
3 employee’s spouse.

4 * * *

5 (5) “Serious illness or injury” means an accident, injury, disease, or
6 physical or mental condition that:

7 (A) poses imminent danger of death;

8 (B) requires inpatient care in a hospital; or

9 (C) requires continuing in-home care under the direction of a
10 physician.

11 Sec. 2. 21 V.S.A. § 472 is amended to read:

12 § 472. LEAVE

13 (a) During any 12-month period, an employee shall be entitled to take
14 unpaid leave for a period not to exceed 12 weeks:

15 * * *

16 (2) for family leave, for the serious illness or injury of the employee or
17 the employee’s child, stepchild or ward of the employee who lives with the
18 employee, foster child, parent, spouse, or parent of the employee’s spouse.

19 (b) During the leave, at the employee’s option, the employee may use
20 accrued sick leave or vacation leave or any other accrued paid leave, not to

1 exceed six weeks. Utilization of accrued paid leave shall not extend the leave
2 provided ~~herein~~ pursuant to this section.

3 * * *

4 (d) The employer shall post and maintain in a conspicuous place in and
5 about each of ~~his or her~~ the employer's places of business printed notices of
6 the provisions of this subchapter on forms provided by the Commissioner of
7 Labor.

8 (e) An employee shall give reasonable written notice of intent to take leave
9 under this ~~subchapter~~ section. Notice shall include the date the leave is
10 expected to commence and the estimated duration of the leave. In the case of
11 the adoption or birth of a child, an employer shall not require that notice be
12 given more than six weeks prior to the anticipated commencement of the leave.
13 In the case of serious illness or injury of the employee or a member of the
14 employee's family, an employer may require certification from a physician to
15 verify the condition and the amount and necessity for the leave requested. An
16 employee may return from leave earlier than estimated upon approval of the
17 employer. An employee shall provide reasonable notice to the employer of ~~his~~
18 ~~or her~~ the employee's need to extend leave to the extent provided by this
19 chapter.

20 * * *

1 (h) Except for serious illness or injury of the employee, an employee who
2 does not return to employment with the employer who provided the leave shall
3 return to the employer the value of any compensation paid to or on behalf of
4 the employee during the leave, except payments for accrued sick leave or
5 vacation leave.

6 Sec. 3. EFFECTIVE DATE

7 This act shall take effect on July 1, 2023.