

1 Introduced by House Committee on General, Housing, and Military Affairs

2 Date:

3 Subject: Labor; employment practices; parental and family leave; earned sick  
4 time; COVID-19

5 Statement of purpose of bill as introduced: This bill proposes to make  
6 temporary amendments to the earned sick time law and the Parental and  
7 Family Leave Act to address COVID-19.

8 An act relating to amending the earned sick time law and Parental and  
9 Family Leave Act to address COVID-19

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

11 \* \* \* Family leave and sick time coverage for COVID-19 \* \* \*

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

13 § 471. DEFINITIONS

14 As used in this subchapter:

15 (1) “Employer” means an individual, organization, or governmental  
16 body, partnership, association, corporation, legal representative, trustee,  
17 receiver, trustee in bankruptcy, and any common carrier by rail, motor, water,  
18 air, or express company doing business in or operating within this State ~~which~~  
19 that:

1           (A) for the purposes of parental leave employs 10 or more  
2 individuals who are employed for an average of at least 30 hours per week  
3 during a year ~~and~~;

4           (B) for the purposes of family leave employs 15 or more individuals  
5 for an average of at least 30 hours per week during a year; and

6           (C) for the purposes of family leave taken in relation to COVID-19  
7 employs five or more individuals for an average of at least 30 hours per week  
8 during the year.

9           (2) “Employee” means a person who, in consideration of direct or  
10 indirect gain or profit, has been continuously employed by the same employer  
11 for a period of one year for an average of at least 30 hours per week.

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

16           (A) the serious illness of the employee; ~~or~~

17           (B) the serious illness of the employee’s child, stepchild or ward who  
18 lives with the employee, foster child, parent, spouse, or parent of the  
19 employee’s spouse;

20           (C) a request from a medical professional, local health official, or the  
21 Commissioner of Health that the employee be isolated or quarantined as a

1 result of COVID-19, regardless of whether the employee has been diagnosed  
2 with COVID-19.

3 \* \* \*

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

6 (A) poses imminent danger of death;

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

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

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

11 § 472. LEAVE

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

14 \* \* \*

15 (2) for family leave, for either:

16 (A) the serious illness of the employee or the employee’s child,  
17 stepchild or ward of the employee who lives with the employee, foster child,  
18 parent, spouse, or parent of the employee’s spouse; or

19 (B) a request from a medical professional, local health official, or the  
20 Commissioner of Health that the employee be isolated or quarantined as a

1 result of COVID-19, regardless of whether the employee has been diagnosed  
2 with COVID-19.

3 \* \* \*

4 Sec. 3. 21 V.S.A. § 483 is amended to read:

5 § 483. USE OF EARNED SICK TIME

6 (a) An employee may use earned sick time accrued pursuant to section 482  
7 of this subchapter for any of the following reasons:

8 (1) The employee is ill or injured.

9 (2) The employee obtains professional diagnostic, preventive, routine, or  
10 therapeutic health care.

11 (3) The employee cares for a sick or injured parent, grandparent, spouse,  
12 child, brother, sister, parent-in-law, grandchild, or foster child, including  
13 helping that individual obtain diagnostic, preventive, routine, or therapeutic  
14 health treatment, or accompanying the employee's parent, grandparent, spouse,  
15 or parent-in-law to an appointment related to his or her long-term care.

16 \* \* \*

17 (5) The employee cares for a parent, grandparent, spouse, child, brother,  
18 sister, parent-in-law, grandchild, or foster child, because the school or business  
19 where that individual is normally located during the employee's workday is  
20 closed for public health or safety reasons.

1           (6) The employee is isolated or quarantined because of COVID-19  
2 pursuant to a request from a medical professional, local health official, or the  
3 Commissioner of Health, regardless of whether the employee has been  
4 diagnosed with COVID-19.

5   \* \* \*

6           (c) An employer may limit the amount of earned sick time accrued  
7 pursuant to section 482 of this subchapter that an employee may use to:

8               ~~(1) from January 1, 2017 until December 31, 2018, no more than 24~~  
9 ~~hours in a 12-month period; and~~

10             ~~(2) after December 31, 2018, no more than 40 hours in a 12-month~~  
11 ~~period.~~

12   \* \* \*

13   \* \* \* Repeals \* \* \*

14           Sec. 4. 21 V.S.A. § 471 is amended to read:

15           § 471. DEFINITIONS

16           As used in this subchapter:

17           (1) “Employer” means an individual, organization, or governmental  
18 body, partnership, association, corporation, legal representative, trustee,  
19 receiver, trustee in bankruptcy, and any common carrier by rail, motor, water,  
20 air, or express company doing business in or operating within this State that:

1 (A) for the purposes of parental leave employs 10 or more  
2 individuals who are employed for an average of at least 30 hours per week  
3 during a year; and

4 (B) for the purposes of family leave employs 15 or more individuals  
5 for an average of at least 30 hours per week during a year; ~~and~~

6 ~~(C) for the purposes of family leave taken in relation to COVID-19~~  
7 ~~employs five or more individuals for an average of at least 30 hours per week~~  
8 ~~during the year.~~

9 \* \* \*

10 (3) “Family leave” means a leave of absence from employment by an  
11 employee for one of the following reasons:

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

13 (B) the serious illness of the employee’s child, stepchild or ward who  
14 lives with the employee, foster child, parent, spouse, or parent of the  
15 employee’s spouse;

16 ~~(C) a request from a medical professional, local health official, or the~~  
17 ~~Commissioner of Health that the employee be isolated or quarantined as a~~  
18 ~~result of COVID-19, regardless of whether the employee has been diagnosed~~  
19 ~~with COVID-19.~~

20 \* \* \*

1 Sec. 5. 21 V.S.A. § 472 is amended to read:

2 § 472. LEAVE

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

5 \* \* \*

6 (2) for family leave, for ~~either:~~

7 ~~(A) the serious illness of the employee or the employee’s child,~~  
8 ~~stepchild or ward of the employee who lives with the employee, foster child,~~  
9 ~~parent, spouse, or parent of the employee’s spouse; or~~

10 ~~(B) a request from a medical professional, local health official, or the~~  
11 ~~Commissioner of Health that the employee be isolated or quarantined as a~~  
12 ~~result of COVID-19, regardless of whether the employee has been diagnosed~~  
13 ~~with COVID-19.~~

14 \* \* \*

15 Sec. 6. 21 V.S.A. § 483(a)(6) is amended to read:

16 (6) [Repealed.]

17 \* \* \* Housing \* \* \*

18 Sec. 7. [PLACEHOLDER]

19 \* \* \* Protections for Homeless Vermonters \* \* \*

20 Sec. 8. [PLACEHOLDER]

21 \* \* \* Effective Dates \* \* \*

1       Sec. 9. EFFECTIVE DATE

2           (a) This section and Secs. 1, 2, 3, 7, and 8 of this act shall take effect on  
3       passage.

4           (b) Secs. 4, 5, and 6 of this act shall take effect on March 31, 2021.