

1 S.157

2 Introduced by Senator Benning

3 Referred to Committee on

4 Date:

5 Subject: Labor; employment practices; leave; court proceedings; depositions

6 Statement of purpose of bill as introduced: This bill proposes to provide
7 employees with the right to take leave from work to attend a court proceeding
8 in an action to which the employee is a party or a deposition or court
9 proceeding at which the employee is required to appear.

10 An act relating to leave to attend court proceedings and depositions

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

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

13 § 472c. LEAVE; ~~CRIME VICTIMS~~ COURT PROCEEDINGS;

14 DEPOSITIONS

15 (a) As used in this section:

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

1 (2) “Employee” means a person who ~~is a crime victim as defined in~~
2 ~~section 495d of this chapter and~~, in consideration of direct or indirect gain or
3 profit, has been continuously employed by the same employer for a period of
4 six months for an average of at least 20 hours per week.

5 (b) In addition to the leave provided in section 472 of this title, an
6 employee shall be entitled to take unpaid leave from employment for the
7 purpose of attending ~~a deposition or court proceeding related to:~~

8 (1) ~~a criminal proceeding, when the employee is a victim as defined in~~
9 ~~13 V.S.A. § 5301 and the employee has a right or obligation to appear at the~~
10 ~~proceeding;~~

11 (2) ~~a relief from abuse hearing pursuant to 15 V.S.A. § 1103, when the~~
12 ~~employee seeks the order as plaintiff;~~

13 (3) ~~a hearing concerning an order against stalking or sexual assault~~
14 ~~pursuant to 12 V.S.A. § 5133, when the employee seeks the order as plaintiff;~~

15 ~~or~~

16 (4) ~~a relief from abuse, neglect, or exploitation hearing pursuant to~~
17 ~~33 V.S.A. chapter 69, when the employee is the plaintiff a court proceeding in~~
18 ~~an action to which the employee is a party; or~~

19 (2) a deposition or court proceeding at which the employee is required
20 to appear.

21 * * *

1 (f)(1) Upon return from leave taken under this section, an employee shall
2 be offered the same or comparable job at the same level of compensation,
3 employment benefits, seniority, or any other term or condition of the
4 employment existing on the day leave began.

5 (2) This subsection shall not apply if:

6 (A) prior to requesting leave, the employee had been given notice or
7 had given notice that the employment would terminate;

8 ~~(B) This subsection shall not apply if the employer can demonstrate~~
9 by clear and convincing evidence that during the period of leave the
10 employee's job would have been terminated or the employee would have been
11 laid off for reasons unrelated to the leave or the condition for which the leave
12 was granted; or

13 (C) the employee is incarcerated after being found guilty in a
14 criminal proceeding.

15 * * *

16 (h) Subsection (b) of this section shall not apply to an employer that
17 provides goods or services to the general public if the employee's absence
18 would require the employer to suspend all business operations at a location that
19 is open to the general public.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2022.