

February 25, 2026

Representative Marc Mihaly, Chair  
Representative Ashley Bartley, Vice-Chair  
House Committee on General and Housing  
Vermont General Assembly  
115 State Street  
Montpelier, VT 05633

Chair Mihaly and Vice-Chair Bartley,

Teamsters Local 597 represents over 900 women and men that have built successful careers in sectors such as package delivery, freight, dairy processing, public transit and school bus services, building material and wire and cable manufacturing, police services and municipal highway maintenance. Local 597 members working in the private and public sectors are proud to serve the Vermont residents.

Local 597 is looking to address a problem that has arisen for workers that need to access workers compensation insurance when injured at work. Here is a real life explanation to illustrate the issue:

*Jane suffers an injury at work, breaking her arm. Jane goes out on workers compensation for 12 weeks, during this time she receives a letter from a nationwide HR company such as the Hartford, and returns to work when her arm is healed and she is cleared by her doctors. Jane returns to work and later notifies Human Resources (HR) that she is pregnant and will need to apply for Parental and Family Leave. HR informs Jane that she does not have any Family Leave remaining, as she used her time when out on workers compensation. The Company signed up Jane for Parental and Family Medical Leave; to run concurrently with Workers Compensation- without her approval, and without her consent. After learning she will not be able to use either state or federal family leave, Jane uses up all of her sick time taking days and time here and there to attend appointments for pre-natal care. On the day that Jane gives birth, Jane is not able to take maternity leave. She needs to make a decision there and then as to whether she risks getting fired for absenteeism and losing her job and all of her medical benefits for herself and her new family, or if she will just come into work.*

*Jane reports this to the Attorney General's office thinking this must surely be a mistake and surely must be against the law. The Attorney General gets back in touch with her and lets her know that, like with the Federal Act, the only requirement for the employer to be able to use up her job protected time under the state leave acts is that her employer needs to inform her that she was being signed up.*

H.459, An Act Relating to the Parental and Family Leave Act, is simple and straightforward legislation that seeks to close a loophole that has had a negative impact on Teamsters, and working families throughout the state. H.459 requires employers to receive consent from workers before signing them up for the VTPFL, while out on workers compensation insurance. No worker

should have to work through their maternity leave, or be unable to care for a sick child because an employer decided to run workers compensation and FMLA and VTPFL concurrently.

What are the odds that a worker goes out on workers comp., only to return to work and have to take additional leave due a medical condition? Not high. But, it does happen and we need to hold unscrupulous employers accountable for treating their workers like disposable trash bags. If the ability to do this is such a benefit to the worker, as those lobbying against this bill state, then why would it be difficult for an employer to convince workers to do both, why do employers need the right to force workers to use their unpaid leave. What is wrong with making this VTPFL process one where the worker needs to consent? Workers can't sign up for health insurance without consenting, they must consent to the manner in which they receive their payroll, consent to having things withheld from their paycheck, they need to consent to how a whole slew of benefits are used.

I would like to discuss a few real world examples of how this affects people, people that I know who have brought their experience to me. Some of them called in and even discussed this struggle on live radio.

First let me talk about a worker named Josh – Josh is a man who has worked to support his family for years, he works in a dangerous industry, he has to work in the elements and he has to work long hours. He has not been a stranger to personal tragedy, having had a child who had cancer years ago. He spoke to me, and anyone else who listened about his time working at UPS, an employer that is notorious for a high rate of worker injury, and he told us about his own story being injured while working outside with faulty equipment. Josh struggled for months to recover from his injury, finally making back to work. UPS and the Hartford Group had sent him letters letting him know that they had opened up an VTPFL claim on his behalf. When he questioned it, they even had a term for it, double dipping, telling him that because he had had this injury at work, his employer was able to also use up his entitlement of state and federal leave without his consent. Josh knew from his past experience just how important it could be to have VTPFL and his sixth sense was sadly spot on, as shortly after returning to work from his injury, Josh's wife was diagnosed with cancer. She would need regular, at times intense, medical treatment for the rest of her life. Josh would have to go months caught between a rock and a hard place, risking discipline for absenteeism if he was out to take care of his family, all because his employer was allowed to 'double-dip' without his consent. Josh talks about how stressful it is working at one of the most dangerous employers in state and having to worry about being forced into a lose-lose situation.

Let me now tell you about a worker named David – David is a man who lives with his nephew. He adopted his nephew at a young age and has raised him as his son, and when he was very young, his nephew began to struggle with illness. David has VTPFL set up so that he can attend doctor's appointments with his son and see to his health needs. One year David injured himself. He was put in a position where while he was out of work, his employer filed on his behalf for VTPFL, without David's consent. When David returned to work, David started to rack up disciplinary actions due to his absenteeism, time which had previously been protected leave due to it being

for medical appointments. Dave was eventually issued a termination. All because he was doing the right thing and taking care of his family.

Let me tell you about a worker named Cameron – Cameron also works at UPS, a company with one of the highest rates of workplace injuries in the state, and he suffers with Crohn's disease, which is a well known serious illness. He told about how he had been run into in a UPS vehicle and severely hurt. He struggled for a year, doing everything that was asked of him in order to get back to work. He talks about how this happened to him when he had been out of work recovering from this severe injury. After this severe injury, he was unable to take any VTPFL days to get his very necessary treatment for his Crohn's disease. Cameron talked about the worry that this circumstance puts him under. He talked about how this could really help a lot of people. He is right about that.

Here is a letter that was sent to me about this issue from another worker in the state named Mike - "My name is Mike Yalicki. I have been an worker UPS since July 10th, 2003.

Through absolutely no fault of my own, I was injured at work on January 11th, 2024. My injury occurred, while I was manually opening an overhead door at the UPS Berlin facility. This particular door had been written up for repairs, six times prior to my injury. The facility engineering department at UPS did not address the issue, until after my injury was reported.

I spent the next nine months on Workmen's Comp. During this time, the Hartford Insurance Company reached out to me via Mail. The Hartford is the VTPFL provider for UPS workers. They notified me, that UPS opened a VTPFL claim in my name. This was done without my knowledge or consent.

I called them immediately, to let them know that I was not on VTPFL, that I was on Workmen's Comp. through Liberty Mutual my employers insurance company. I was extremely confused as to how the company was running both buckets simultaneously. I didn't and I still don't, understand how I could be on both items at the same time. I was told by many sources, that, unfortunately, this was how the law worked.

Unfortunately, during the time when I was out for my injury, my father Stanley A Yalicki was diagnosed with Cancer. My parents live in Tega Cay, South Carolina. I worked extremely hard to attend all of my doctor's appointments and physical therapy sessions while working to help my patients navigate this difficult time. I did almost all this over the phone, due to the miles between us and the physical therapy appointments that I was doing to get myself back to work as fast as possible.

I was successfully cleared and returned to work in September. I called the Hartford to let them know that I would like to open a VTPFL Claim because of my father's health situation and they told me all of my days had been used for the year. This was thanks to UPS's wrongful use of my VTPFL days when I was on Workers compensation.

I spent the next three months working 60 hours a week, 12 hours a day, five days a week driving a UPS package car. On three weekend occasions I flew to South Carolina on Saturday morning and flew home on Sunday night to help my parents during this very hard time. All while returning to work on time for Monday morning. My parents needed a lot more help and more time for me than this was providing. Unfortunately, UPS threatened me with discipline if I was to miss any days because I had no days left in my bank. I was just trying to hang on until I earned new days for VTPFL to take time off to take care of my parents and their needs.

Stan did pass away and I was only afforded my four days of funeral leave. Something needs to be done to change the improper use of these days by employers like UPS!"

I am also joined today by a fellow Teamster, and Veteran Tracy Whalen who is, right now, this very day, out of work due to a work related injury and having this very travesty affect him personally.

To close, I will reiterate that you will hear from some interests discussing this that there is a benefit to workers to doing this, that these workers have something to gain by employers doing this. We think it is a loophole and this decision should be left up to the worker whether 'double-dipping' is beneficial for them or not. What I can tell you is that companies that use this loophole don't use it to 'benefit' their workers. If these are kindly employers just looking out for their injured workers, then there is **nothing** in the law that prevents those employers from reinstating workers who are injured at work exactly where they were prior to their injury. This mandatory 'double-dipping' is employers exploiting a loophole and done for other reasons solely for the benefit of the employer.

I hope we can close this loophole and pass H.459. I am happy to answer any questions.

Sincerely,

Curtis Clough, President  
Teamsters Local 597