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H.461

Representative Donahue of Northfield moves that the report of the Committee on General and Housing be amended in Sec. 3, 21 V.S.A. § 472, by striking out subsection (f) in its entirety and inserting in lieu thereof a new subsection (f) to read as follows:

(f) Upon return from leave taken under this subchapter, an employee shall be offered the same or comparable job at the same level of compensation, employment benefits, seniority, or any other term or condition of the employment existing on the day leave began. ~~This subchapter~~ subsection shall not apply if, prior to requesting leave, the employee had been given notice or had given notice that the employment would terminate. This subsection shall not apply if the employer can demonstrate by clear and convincing evidence that:

(1) during the period of leave the employee’s job would have been terminated or the employee laid off for reasons unrelated to the leave or the condition for which the leave was granted; ~~or~~

(2) the employee performed unique services and hiring a permanent replacement during the leave, after giving reasonable notice to the employee of intent to do so, was the only alternative available to the employer to prevent substantial and grievous economic injury to the employer’s operation; or

1 (3) the employer was unable to find an employee willing to take the
2 position on a time-limited basis and hiring a permanent replacement, after
3 giving reasonable notice to the employee of intent to do so, was the only option
4 available to enable the employer to prevent substantial and grievous economic
5 injury to the employer's operations.