

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on General and Housing to which was referred House Bill  
3 No. 461 entitled “An act relating to expanding employee access to unpaid  
4 leave” respectfully reports that it has considered the same and recommends  
5 that the bill be amended by striking out all after the enacting clause and  
6 inserting in lieu thereof the following:

7 Sec. 1. INTENT

8 It is the intent of the General Assembly to align Vermont’s family leave  
9 policies with inclusive and equitable standards, ensuring that LGBTQ+  
10 families, workers with low income, and individuals in nontraditional family  
11 structures have equal access to caregiving leave without undue burden.

12 Sec. 2. 21 V.S.A. § 471 is amended to read:

13 § 471. DEFINITIONS

14 As used in this subchapter:

15 (1) “Bereavement leave” means a leave of absence from employment or  
16 self-employment by an individual due to the death of the individual’s family  
17 member that occurs not more than one year after the family member’s death.  
18 Bereavement leave includes leave taken in relation to the administration or  
19 settlement of the deceased family member’s estate. Leave taken in relation to

1 the administration or settlement of the deceased family member’s estate shall  
2 not occur more than one year after the family member’s death.

3 (2) “Domestic partner” means an individual with whom the employee  
4 has an enduring domestic relationship of a spousal nature, provided the  
5 employee and the domestic partner:

6 (A) have shared a residence for at least six consecutive months;

7 (B) are at least 18 years of age;

8 (C) are not married to or considered a domestic partner of another  
9 individual;

10 (D) are not related by blood closer than would bar marriage under  
11 State law; and

12 (E) have agreed between themselves to be responsible for each  
13 other’s welfare.

14 (3) “Domestic violence” has the same meaning as in 15 V.S.A. § 1151.

15 (4) “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 that a  
19 person who for the purposes of parental leave, bereavement leave, safe leave,  
20 and leave for a qualifying exigency employs 10 or more individuals who are  
21 employed for an average of at least 30 hours per week during a year and for the

1 purposes of family leave employs 15 or more individuals for an average of at  
2 least 30 hours per week during a year.

3 ~~(2)~~(5) “Employee” means a person who, in consideration of direct or  
4 indirect gain or profit, has been continuously employed by the same employer  
5 for a period of one year for an average of at least 30 hours per week.

6 ~~(3)~~(6) “Family leave” means a leave of absence from employment by an  
7 employee ~~who works for an employer that employs 15 or more individuals~~  
8 ~~who are employed for an average of at least 30 hours per week during the year~~  
9 for one of the following reasons:

10 (A) the serious health condition of the employee; or

11 (B) the serious health condition of the employee’s ~~child, stepchild or~~  
12 ~~ward who lives with the employee, foster child, parent, spouse, or parent of the~~  
13 ~~employee’s spouse~~ family member.

14 (7) “Family member” means:

15 (A) regardless of age, an employee’s biological, adopted, or foster  
16 child; an employee’s stepchild or legal ward; a child of the employee’s spouse  
17 or civil union or domestic partner; or a child to whom the employee stands in  
18 loco parentis, regardless of legal documentation; an individual to whom the  
19 employee stood in loco parentis when the individual was under 18 years of  
20 age; or any individual for whom the employee provides caregiving  
21 responsibilities similar to those of a parent-child relationship;

1           (B)(i) a parent of an employee or an employee’s spouse or civil union  
2           or domestic partner, regardless of whether the relationship to the employee or  
3           the employee’s spouse or civil union or domestic partner is a biological, foster,  
4           adoptive, or step relationship;

5           (ii) a legal guardian of an employee or employee’s spouse or civil  
6           union or domestic partner; or

7           (iii) a person who stands in loco parentis for the employee or who  
8           stood in loco parentis when the employee or employee’s spouse or civil union  
9           or domestic partner was under 18 years of age;

10           (C) a person to whom the employee is legally married under the laws  
11           of any state or a civil union or domestic partner of an employee; or

12           (D) a grandparent, grandchild, or sibling of the employee or the  
13           employee’s spouse or civil union or domestic partner, regardless of whether  
14           the relationship to the employee or the employee’s spouse or civil union or  
15           domestic partner is a biological, foster, adoptive, or step relationship.

16           ~~(4)~~(8) “Health care provider” means a licensed health care provider or a  
17           health care provider as defined pursuant to 29 C.F.R. § 825.125.

18           (9) “In loco parentis” means a relationship in which an individual has  
19           day-to-day responsibilities to care for and support a child, regardless of  
20           biological or legal ties. Financial support is not a requirement for this  
21           relationship, recognizing caregiving roles beyond traditional definitions.

1           ~~(5)~~(10) “Parental leave” means a leave of absence from employment by  
2           an employee ~~who works for an employer that employs 10 or more individuals~~  
3           ~~who are employed for an average of at least 30 hours per week during the year~~  
4           for one of the following reasons:

5                   (A) ~~the birth of the employee’s child~~ pregnancy;

6                   (B) the employee’s recovery from childbirth or miscarriage;

7                   (C) the birth of the employee’s child and to care for or bond with the  
8           child within one year after the child’s birth; or

9                   ~~(B)~~(D) the initial placement of a child ~~to~~ 18 years of age or younger  
10           with the employee for the purpose of adoption or foster care and to care for or  
11           bond with the child within one year after the placement for adoption or foster  
12           care.

13                   (11) “Qualifying exigency” means a qualifying exigency identified  
14           pursuant to 29 C.F.R. § 825.126 that is related to active duty service by a  
15           family member in the U.S. Armed Forces.

16                   (12) “Safe leave” means a leave of absence from employment by an  
17           employee because:

18                           (A) the employee or the employee’s family member is a victim or  
19           alleged victim of domestic violence, sexual assault, or stalking;

20                           (B) the employee is using leave for one of the following reasons  
21           related to domestic violence, sexual assault, or stalking;

- 1                    (i) to seek or obtain medical care, counseling, or social or legal  
2 services, either for themselves or for a family member;
- 3                    (ii) to recover from injuries;
- 4                    (iii) to participate in safety planning, either for themselves or for a  
5 family member;
- 6                    (iv) to relocate or secure safe housing, either for themselves or for  
7 a family member;
- 8                    (v) to meet with a State’s Attorney or law enforcement officer; or
- 9                    (vi) to attend a hearing concerning an order against stalking or  
10 sexual assault pursuant to 12 V.S.A. § 5133, when the employee seeks the  
11 order as a plaintiff; and
- 12                    (C) the employee is not the perpetrator or alleged perpetrator of the  
13 domestic violence, sexual assault, or stalking.
- 14                    ~~(6)~~(13) “Serious health condition” means:
- 15                    (A) an accident, illness, injury, disease, or physical or mental  
16 condition that:
- 17                    (i) poses imminent danger of death;
- 18                    (ii) requires inpatient care in a hospital, hospice, or residential  
19 medical care facility; or
- 20                    (iii) requires continuing treatment by a health care provider; or

1 (B) rehabilitation from an accident, illness, injury, disease, or  
2 physical or mental condition described in subdivision (A) of this subdivision  
3 ~~(6)(13)~~, including treatment for substance use disorder.

4 (14) “Sexual assault” has the same meaning as in 15 V.S.A. § 1151.

5 (15) “Stalking” has the same meaning as in 15 V.S.A. § 1151.

6 (16) “U.S. Armed Forces” means:

7 (A) the U.S. Army, Navy, Air Force, Marine Corps, Space Force, and  
8 Coast Guard;

9 (B) a reserve component of the U.S. Army, Navy, Air Force, Marine  
10 Corps, Space Force, and Coast Guard; or

11 (C) the National Guard of any state.

12 Sec. 3. 21 V.S.A. § 472 is amended to read:

13 § 472. LEAVE

14 (a)(1) During any 12-month period, an employee shall be entitled to take  
15 unpaid leave for a period not to exceed 12 weeks:

16 ~~(1)(A) for parental leave, during the employee’s pregnancy and~~  
17 ~~following the birth of an employee’s child or within a year following the initial~~  
18 ~~placement of a child 16 years of age or younger with the employee for the~~  
19 ~~purpose of adoption.;~~



1           (3) In the case of an unanticipated serious health condition, a  
2           miscarriage, an unanticipated need for safe leave, a premature birth, the death  
3           of a family member, or a short-notice qualifying exigency, the employee shall  
4           give the employer notice of the commencement of the leave as soon as  
5           practicable.

6           (4)(A) In the case of a serious health condition of the employee or a  
7           member of the employee’s family, an employer may require certification from  
8           a health care provider to verify the condition and the amount and necessity for  
9           the leave requested.

10           (B) An employer may require an employee to provide documentation  
11           of the need for safe leave. An employee may provide documentation from any  
12           one of the following sources:

13                   (i) a court or a law enforcement or other government agency;

14                   (ii) a domestic violence, sexual assault, or stalking assistance  
15           program;

16                   (iii) a legal, clerical, medical, or other professional from whom the  
17           employee, or the employee’s family member, received counseling or other  
18           assistance concerning domestic violence, sexual assault, or stalking; or

19                   (iv) a self-attestation by the employee describing the  
20           circumstances supporting the need for safe leave; no further corroboration shall  
21           be required unless otherwise mandated by law.

1           (C) An employer may require an employee to provide documentation  
2           of the need for bereavement leave. An employee may provide any of the  
3           following forms of documentation:

4                   (i) a death certificate;

5                   (ii) a published obituary; or

6                   (iii) a written notice or verification of death, burial, or memorial  
7           services from a mortuary, funeral home, burial society, crematorium, religious  
8           organization, or governmental agency.

9           (D) An employer may require an employee to provide documentation  
10          of the need for leave for a qualifying exigency as set forth in 29 C.F.R.  
11          § 825.309.

12          (E) An employer shall not disclose any private medical information  
13          or information relating to a safe leave that the employer receives pursuant to  
14          this subdivision (4) except to the extent the disclosure is permitted by law and:

15                   (i) consented to by the employee in writing;

16                   (ii) required pursuant to a court order; or

17                   (iii) required pursuant to State or federal law.

18          ~~(4)~~(5) An employee may return from leave earlier than estimated upon  
19          approval of the employer.

20          ~~(5)~~(6) An employee shall provide reasonable notice to the employer of  
21          the need to extend leave to the extent provided by this subchapter.

1 (f) Upon return from leave taken under this subchapter, 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. This ~~subchapter~~ subsection shall  
5 not apply if, prior to requesting leave, the employee had been given notice or  
6 had given notice that the employment would terminate. This subsection shall  
7 not apply if the employer can demonstrate by clear and convincing evidence  
8 that:

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

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

16 (g)(1) An employer may adopt a leave policy more generous than the leave  
17 policy provided by this subchapter.

18 (2)(A) Nothing in this subchapter shall be construed to diminish an  
19 employer’s obligation to comply with any collective bargaining agreement or  
20 any employment benefit program or plan that provides greater leave rights than  
21 the rights provided by this subchapter.

1           (B) A collective bargaining agreement or employment benefit  
2 program or plan may not diminish rights provided by this subchapter.

3           (3) Notwithstanding the provisions of this subchapter, an employee may,  
4 at the time a need for parental or family leave arises, waive some or all the  
5 rights under this subchapter provided the waiver is informed and voluntary and  
6 any changes in conditions of employment related to any waiver shall be  
7 mutually agreed upon between employer and employee.

8           (h) Except for the serious health condition of the employee or safe leave  
9 when the employee is the victim or alleged victim, an employee who does not  
10 return to employment with the employer who provided the leave shall return to  
11 the employer the value of any compensation that the employer paid to or on  
12 behalf of the employee during the leave, except payments for accrued sick  
13 leave or vacation leave.

14       Sec. 4. 21 V.S.A. § 472a is amended to read:

15       § 472a. SHORT-TERM FAMILY LEAVE

16           (a) In addition to the leave provided in section 472 of this title, an  
17 employee shall be entitled to take unpaid leave not to exceed four hours in any  
18 30-day period and not to exceed 24 hours in any 12-month period. An  
19 employer may require that leave be taken in a minimum of two-hour segments  
20 and may be taken for any of the following purposes:



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

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

~~(4)~~ a relief from abuse, neglect, or exploitation hearing pursuant to 33 V.S.A. chapter 69, when the employee is the plaintiff.

\* \* \*

Sec. 6. EFFECTIVE DATE

This act shall take effect on July 1, 2025.

1 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE