



<b>Subject:</b> Parental and Medical Leaves of Absence	<b>Policy/Procedure Number:</b> 00001
<b>Effective Date:</b> January 3, 2022	<b>Review Date:</b>
<b>Applicable To:</b> Eligible VT State Legislative Employees	<b>Revision Date:</b>
<b>Issued By:</b> VT Office of Legislative Human Resources	<b>Approved By:</b> Human Resources; Joint Legislative Management Committee

## PURPOSE AND POLICY STATEMENT

This policy provides a general overview of a few of the Leaves of Absence programs under PMLA available to year-round, eligible employees of the Vermont General Assembly.

It is recognized that General Assembly staff have circumstances outside the workplace, some of which may require an extended absence from work. A leave of absence is a period of time away from work, paid or unpaid, that is approved through leaves of absence request processes. As governed by the State Parental and Family Leave Law, eligible employees are permitted reasonable time off for their own or for a family member's serious health condition, as well as time off in instances of pregnancy, childbirth, or adoption, as outlined in this policy.

Session-only and temporary employees should refer to their office director for guidance regarding sick leave and other time-off applicable to session-only and temporary employees.

The following leaves of absence summarized in this policy may be granted to eligible employees within the parameters of applicable State/federal laws:

- Parental Leave
- Medical Leave
- Short-Term Family Leave

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## DEFINITIONS

**Employer** – The Vermont General Assembly and each of the legislative offices within the General Assembly.



**Eligible Employee** – An employee who has worked for the General Assembly for at least 12 months and has worked at least 1,250 hours during the past 12 months; does not include session-only or temporary employees.

**Family Member** – A child, stepchild, ward, foster child, or domestic partner's child; a child for whom the employee has an *in loco parentis*\* relationship; a spouse, domestic partner, or civil union partner; a parent or parent-in-law; a sibling or sibling-in-law; a grandchild or the grandchild of the employee's spouse, domestic partner, or civil union partner; a grandparent or grandparent-in-law; or an adult who had an *in loco parentis* relationship with an employee when the employee was a child.

**Medical Leave** – A long-term leave of absence from employment for the serious illness of the employee or employee's family member.

**Parental Leave** – A leave of absence from employment for the birth of an employee's child; or for the initial placement of a child under 18 years of age with the employee for the purpose of adoption.

**Serious Health Condition** – Illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing care delivered by a health care provider.

***In Loco Parentis*** – A relationship in which a person acts as a parent by assuming and discharging the obligations of a parent to a child. The relationship exists when an individual intends to take on the role of a parent to a child who is under 18 years of age or is 18 years of age or older and incapable of self-care because of a mental or physical disability. Persons who are *in loco parentis* include those with day-to-day responsibilities to care for or financially support a child. The specific facts of each situation will determine whether an employee stands *in loco parentis* to a child.

**Domestic Partner** – An individual is considered a domestic partner when the individual and the employee are each other's sole domestic partner and have been in an exclusive domestic relationship, while sharing a residence, for not less than six consecutive months; both parties are 18 years of age or older; neither party is married to anyone; the parties are not related by blood closer than would bar marriage under Vermont State law; and both parties are competent to enter into a legally binding contract and have agreed between themselves to be responsible for each other's welfare.



## LEAVE REQUESTS AND GENERAL PROVISIONS

A *Leave of Absence Request Form* (Attachment A) must be completed by employees requesting a planned leave under this policy and returned to Human Resources. Human Resources will work with the office director and the employee to coordinate leaves. Requests to extend a leave must be submitted in writing to Human Resources. Not all requests to extend a leave may be granted.

In the case of a serious health condition of the employee, or the employee's family member, that requires the employee to be absent from work for more than five business days, certification will be required from a physician to verify the condition and the amount of and the necessity for the leave requested. This information will be provided to Human Resources by completing a *Certification of Health Care Provider Form* (Attachment B).

Employees who accrue leave time will not continue to do so while out on a leave of absence if they are off payroll for more than 25 percent of their scheduled hours (prorated) within a pay period.

Employees who are granted leave and are enrolled in the group medical plan or the life insurance plan, or both, shall continue employment benefits for the duration of the leave at the level and under the conditions coverage would be provided if the employee continued in employment continuously for the duration of the leave. However, if the leave time is unpaid, the employee will be required to contribute to the cost of the benefits during the leave at the existing rate of employee contribution, if the employee wishes to remain enrolled in the group medical plan or the life insurance plan, or both.

Except for the above noted insurance benefits, no other benefits will apply while on a leave of absence.

Eligible employees are paid for State holidays and do not use accrued time off for a State holiday that falls during an approved leave of absence.

Prior to returning to work following a serious health condition, certification from a licensed health care professional clearing the employee to return to work will be required to be submitted to Human Resources. If the employee believes that they will need a reasonable accommodation to return to work, they should request it in writing at that time.



## **POLICY**

### **Leaves Covered Under this Policy**

#### **a. Medical Leave**

Eligible employees with proper certification are entitled to take up to a maximum of 12 weeks of leave in any 12-month period for the serious health condition of the employee or the employee's family member. The total amount of leave available to an employee will be reduced by the amount of parental leave that the employee takes in the 12-month period (for example, an employee who also took 4 weeks of parental leave within the 12-month period would only be able to take 8 weeks of medical leave).

Employees may take this leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule if required by the *Certification of Health Care Provider*. Intermittent and reduced schedule leave will count against the employee's maximum of 12 weeks in a 12-month period.

At the employee's option, the employee may use accrued sick leave or annual leave or other accrued time for a medical leave, provided that the combination of paid and unpaid leave shall not exceed 12 weeks in total. Utilization of accrued paid leave shall not extend the leave provided pursuant to this policy.

#### **b. Parental Leave**

Eligible employees are entitled to take up to 16 weeks of leave during any 12-month period during the employee's pregnancy and following the birth of an employee's child or within a year following the initial placement of a child under 18 years of age for the purpose of adoption. The total amount of leave available to an employee will be reduced by the amount of medical leave that the employee takes in the 12-month period (for example, an employee who also took 4 weeks of medical leave within a 12-month period would only be able to take 12 weeks of parental leave).

In addition to eligibility requirements, employees must meet one of the following criteria:

- have given birth to a child;
- be a spouse or domestic partner of a gestational parent who has given birth to a child;
- have an *in loco parentis* relationship with or be a genetic parent of a child just born or adopted; or
- have adopted a child under 18 years of age.



The leave shall be unpaid, except as provided here:

- During the leave, at the employee's option, the employee may use up to 16 weeks of any accrued paid leave, including sick leave, annual leave, and personal leave.
- No combination of paid and unpaid leaves shall extend the parental leave beyond 16 weeks.

Notwithstanding the above, an employee may use accrued sick leave for the period of disability resulting from pregnancy, miscarriage, abortion, or illness resulting therefrom.

Intermittent or reduced schedule parental leave (a few days or a few hours at a time), or both, may be granted based on the requirements of the employee's position and departmental staffing and needs. Intermittent or reduced schedule parental leave, or both, must not disrupt or adversely impact the work of the General Assembly and other legislative employees. These leave requests must be approved by the employee's office director, in consultation with the Office of Legislative Human Resources. Intermittent and reduced schedule parental leave will count against the employee's maximum of 16 weeks in a 12-month period.

### **c. Short-Term Family Leave**

Eligible employees are also entitled to take leave in a minimum of one-hour segments not to exceed four hours in any 30-day period and not to exceed 24 hours in any 12-month period, for any of the following purposes:

- i.* to participate in pre-K or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, ward who lives with the employee, or a child for whom the employee has an *in loco parentis* relationship, such as a parent-teacher conference;
- ii.* to attend or to accompany the employee's family member to routine medical or dental appointments;
- iii.* to coordinate or participate in activities relating to the care of the employee's parent, spouse, domestic partner, civil union partner or parent-in-law, such as arranging for long-term care, hospice care, or home care services; or
- iv.* to respond to a medical emergency involving the employee's family member.

Employees should make a reasonable attempt to schedule appointments so that they fall outside of regular work hours. Except in emergency situations,



employees should provide a minimum of a seven-day notice for a short-term leave.

Employees do not have to fill out a *Leave of Absence Request Form* in relation to a short-term family leave; however, employees may be required to provide documentation for recurring short-term family leaves.

### **Returning from Leave**

Upon return from leave taken under this policy, an employee shall be offered the same or a 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 shall not apply if:

- a. prior to requesting leave, the employee had been given notice or had given notice that the employment would terminate;
- b. 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
- c. 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.

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This document is subject to change and is not intended to establish a contract of employment or any contractual rights.

Employees with questions, concerns, or disputes with the content of this policy must notify their direct supervisor/director or the Office of Legislative Human Resources at the Vermont General Assembly, Montpelier, VT, in writing.

### **References**

State Parental and Family Leave Law, 21 VSA 470-4744