



Subject: Leaves of Absence	Policy/Procedure Number: 00001
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Issued By: VT Office of Legislative Human Resources	Approved By: Human Resources; Joint Legislative Management Committee

PURPOSE AND POLICY STATEMENT

This policy provides a general overview of the Leaves of Absence available to year-round, eligible employees of the Vermont General Assembly under Vermont's Parental and Family Leave Act (PFLA, 21 V.S.A. § 470 *et seq.*).

It is recognized that General Assembly staff have circumstances outside the workplace that may require an extended absence from work. A leave of absence is a period of time away from work, paid or unpaid, that is longer than five consecutive workdays in duration and meets the criteria below. Leaves of absence must be requested and approved through the leave of absence request process. As governed by PFLA, eligible employees are entitled to reasonable time off for their own or for a family member's serious health condition; for the employee's pregnancy, miscarriage, or to care for or bond with a child; to respond to domestic violence, sexual assault, or stalking of the employee or an employee's family member; to participate in court proceedings related to a crime; and for bereavement, 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 law:

- Parental Leave
- Medical Leave
- Safe Leave
- Bereavement Leave
- Short-Term Family Leave
- Crime Victim Leave



Under certain circumstances, employees may also be entitled to leave when a family member is deployed on active-duty military service. In this circumstance, employees may inquire with their Office Director and/or the Legislative Office of Human Resources for details.

DEFINITIONS

Bereavement Leave – A leave of absence from employment following the death of a family member of the employee.

Crime Victim Leave – A leave of absence available to attend a deposition or court hearing in connection to a crime of which the employee or the employee's family member is a victim.

Eligible Employee – For Medical, Parental, Bereavement, Short-Term Family, and Safe Leave, an employee who has been continuously employed by the General Assembly for at least 12 months and has worked at least 1,250 hours during the past 12 months. This does not include session-only or temporary employees. For Crime Victim Leave, an employee who has been continuously employed by the General Assembly for at least six months for an average of at least 20 hours per week. Some session-only and temporary employees may meet this requirement.

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 or any relationship akin to parent and child; a spouse, domestic partner, or civil union partner; a parent or legal guardian of the employee or the employee's spouse, civil union partner, or domestic partner; a sibling, grandchild, or grandparent of the employee or the employee's spouse, domestic partner, or civil union partner; or an adult who had an *in loco parentis* relationship with the employee or the employee's spouse, domestic partner, or civil union partner when that person was a child.

Medical Leave – A leave of absence from employment for the serious health condition of the employee or the employee's family member. This entitlement is referred to as "family leave" in the applicable statutes (21 V.S.A. §§ 470 – 474).

Parental Leave – A leave of absence from employment for an employee's pregnancy; for an employee to recover from childbirth or miscarriage; for the birth of the employee's child and to care for or bond with the child one year after the child's birth; or for the initial placement of a child with the employee for the purpose of adoption or foster care.

Safe Leave – A leave of absence from employment to pursue medical care, counseling, social or legal services, and safe housing when the employee or an



employee's family member is the victim or alleged victim of domestic violence, sexual assault, or stalking.

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.

Short-Term Family Leave – Leave that does not exceed four hours for the purpose of participating in a family member's school activities, to accompany a family member to routine medical, dental or other professional services appointments, or to respond to a medical emergency involving a family member.

In Loco Parentis – A relationship in which an individual has day-to-day responsibilities to care for and support a child, regardless of biological or legal ties, where the child is under 18 years of age or is older than 18 years but incapable of caring for themselves because of a mental or physical disability. 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 have an enduring domestic relationship of a spousal nature and have a shared residence for at least six consecutive months; both are 18 years of age or older; neither is married to or considered a domestic partner of another individual; are not related by blood closer than would bar marriage under Vermont State law; and both have agreed between themselves to be responsible for each other's welfare.

LEAVE REQUEST PROCESS AND GENERAL PROVISIONS

With the exception of Short-Term Family Leave and Crime Victim Leave, the leave of absence options set out in this policy are cumulative. That is, the total amount of leave available to an employee will be reduced by the amount of leave taken, regardless of which type of available leave is used. For example, an employee who took four weeks of parental leave would only be able to take eight weeks of medical leave in a 12-month period. Because the Parental Leave entitlement is 16 weeks, an additional four weeks may be taken for that purpose after the 12-week entitlement expires.

At the employee's option, the employee may use accrued sick leave, annual leave, compensatory time, or any other accrued time when taking leave covered under this policy, provided that the combination of paid and unpaid leave shall not exceed the applicable leave entitlement. Utilization of accrued paid leave shall not extend the leave provided pursuant to this policy.

Employees should endeavor to provide as much notice to their supervisor or



office director as possible when planning a leave. However, it is recognized that notice is not always possible. In the case of an emergency, the employee should give their supervisor or office director as much notice as possible under the circumstances.

A Leave of Absence Request Form (Attachment A) must be completed by employees requesting a planned **Medical**, Parental, or **Safe** 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. If a leave of absence is necessary in the case of an emergency, the employee may be required to complete the Leave of Absence Request Form as soon as possible. This form provides important information about leave entitlements and the timing of a leave to both employees and supervisors.

In the case of a Medical Leave, certification will be required from a physician to verify the medical condition as well as the duration of and necessity for the leave requested. This information will be provided to Human Resources by completing a *Certification of Health Care Provider Form* (Attachment B). In the case of a Parental Leave, certification appropriate to the circumstances will be required. In the case of a Safe Leave, the employee will be required to complete the self-attestation section on the Leave of Absence Request Form.

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 to receive these employment benefits for the duration of the leave at the level and under the same conditions coverage would be provided if the employee had not taken leave. However, if the leave time is unpaid, the employee will be required to continue 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, the employee shall submit a certification from a licensed health care professional clearing the



employee to return to work to Human Resources. If the employee needs a reasonable accommodation to return to work, this request should be submitted in writing at the same 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.

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.

b. Parental Leave

Eligible employees are entitled to take up to 16 weeks of leave during any 12-month period for reasons related to the employee's pregnancy or miscarriage, the birth of an employee's child, to bond with the employee's new baby within a year of the baby's birth, and when a child is placed with an employee for adoption or foster care.

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 parental leave maximum of 16 weeks in a 12-month period.

c. Safe Leave

Eligible employees are entitled to take up to 12 weeks in any 12-month period when the employee or the employee's family member is the victim of domestic violence, sexual assault, or stalking.

Employees may take this leave intermittently (a few days or a few hours at a



time) or on a reduced leave schedule. Intermittent and reduced schedule leave will count against the employee's maximum of 12 weeks in a 12-month period.

Safe Leave may be used for the following reasons, either for the employee or for a family member:

- to seek or obtain medical care, counseling, or social or legal services;
- to recover from injuries;
- to participate in safety planning;
- to relocate or secure safe housing;
- to respond to a fatality or near fatality related to domestic violence, sexual assault, or stalking; and
- to meet with a State's Attorney or law enforcement officer.

Employees will be asked to complete a self-attestation regarding the need for Safe Leave, which is provided on the Leave of Absence Request Form. Information regarding an employee's request for Safe Leave will be kept confidential unless disclosure is required by law or if the employee contents, in writing, to its disclosure.

d. Bereavement Leave

Employees may use up to two weeks of their leave entitlement for bereavement leave following the death of a family member, with not more than five workdays to be taken consecutively. If approved by the employee's office director, in consultation with the Legislative Office of Human Resources, an employee may be permitted to take the two weeks continuously. Bereavement leave must be used in the year following the family member's death and may be taken in relation to the administration and settlement of the deceased family member's estate.

Employees may be required to provide documentation of the need for bereavement leave.

e. Short-Term Family Leave

In addition to the above leave options, 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 family member, 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 accompany the employee's family member to other appointments for professional services related to their care and well-being, 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.

f. Crime Victim Leave

Crime Victim Leave is an additional leave available to employees for the purpose of attending a deposition or court proceeding related to a crime perpetrated against themselves or a family member. Any time taken away from work for this purpose does not count against an employee's leave entitlements. For more information on this type of leave, employees may contact their supervisor and/or the Legislative Office of Human Resources.

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.



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

Vermont Parental and Family Leave Law, 21 VSA §§ 470 – 474.