



H.461, An act relating to expanding employee access to unpaid leave Vermont Paid Leave Coalition

The unpaid leave provisions contained in H.461 are minor in scope, but if passed, will have a profound positive impact on the Vermonters they protect.

Vermont's competitive advantage lies in being a place where people *want* to live, work, and start businesses. Where employees and business owners alike have rights, protections, and access to opportunity. Part of that means providing basic workplace protections. Protecting workers from unfair termination is part of what makes Vermont's economy strong.

It is important to emphasize that H.461 makes changes to Vermont's *unpaid* leave statutes, which means businesses are not required to continue wage payments during employee time off. This bill also includes an exemption for unique services where an absence would cause substantial and grievous economic harm.

We are reaching out with context on a few components of H. 461 to support the committee's discussion on this important bill:

- **In Loco Parentis:** Including *in loco parentis* relationships would bring Vermont's law in line with the federal Family and Medical Leave Act (FMLA), which is the standard also currently referenced in Vermont's paid sick time law. The U.S Department of Labor has [clear guidance](#) on how to interpret *in loco parentis* in the FMLA, as well as a [fact sheet](#) with a list of factors considered in that determination. It is the DOL's "interpretation that either day-to-day care or financial support may establish an in loco parentis relationship where the employee intends to assume the responsibilities of a parent with regard to a child."

While H. 461 does not explicitly mention the federal statute, the language is consistent with existing federal guidelines. Removing or narrowing *in loco parentis* protections in H. 461 would not only exclude important relationships



from these protections but would also add a new set of guidelines diverging from the federal standard and potentially causing further confusion.

- **Bereavement Leave:** Vermont should not shrink from providing nation-leading protections to its workers. While it is true that other states offer less bereavement leave, it's an unfortunate reality that these leaves are often insufficient when travel, caregiving, or mental health needs are considered. When workers are forced to take unpaid time away from work to make funeral arrangements or settle a loved one's estate, they should not risk losing their job.
- **Documentation on Relationship Status:** Vermont's current unpaid leave law does not require documentation proving the relationship between a leave taker and, for example, a deceased family member. This is longstanding policy and there has not been any indication that this has caused problems. Requiring specific documentation to verify relationships could be complicated and burdensome, and would unnecessarily revisit existing law. For survivors of domestic violence, it could put their safety at further risk.

Additionally, relationship verification has not typically been addressed in detail in other states, even for paid leave programs.

The Vermont Paid Leave Coalition is a community of over 80 businesses, non-profits, and everyday Vermonters working to ensure no one has to choose between making a living and caring for themselves or a loved one. The Coalition is guided by a Steering Committee whose members include representatives from AARP Vermont, the American Heart Association, the Hanover Consumer Cooperative Society, Vermont Businesses for Social Responsibility, the Vermont Commission on Women, the Vermont Network Against Domestic and Sexual Violence, and Voices for Vermont's Children.