

VERMONT

Vermont Expands Parental and Family Leave

Vermont has enacted [H. 461](#), a bill that significantly amends the state's Parental and Family Leave Act (PFLA), which provides unpaid employee leave for family care purposes. Among other changes, the bill includes a definition of "family member" and adds coverage for safe leave, bereavement leave and military exigency leave. The bill also makes recovery from childbirth and miscarriage covered events.

The amendments take effect **July 1**.

Vermont PFLA

The Vermont PFLA provides 12 weeks per year of unpaid parental leave, which generally applies to employers with 10 or more workers, and unpaid family leave, which generally applies to employers with 15 or more workers. Employees are eligible if they have worked for their employer at least 30 hours per week for a year. Under the amendments, airline flight crew members are also eligible if they meet the federal Family and Medical Leave Act (FMLA) special hours of service rules.

Parental and family leave is job-protected.

"Family Member"

The PFLA permits family leave for a number of reasons, including to care for specified family members with a serious health condition. The amendments substitute "family member" for the statute's previous list of people whose care qualifies for leave, and define "family member" expansively to include, among other individuals, domestic partners, parents and children of the employee's civil union or domestic partner, those with whom the employee has in loco parentis relationships (regardless of legal documentation), any individual for whom the employee provides caregiving responsibilities similar to those of a parent-child relationship, siblings and the siblings of the employee's spouse or civil union or domestic partner, and grandparents and grandchildren of the employee or their spouse or civil union or domestic partner.

The new definition of family member also applies to short-term family leave under the PFLA, which allows for up to an additional four hours of unpaid leave

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Highlights

- Vermont has amended the PFLA to cover more qualifying events.
- The amendments allow PFLA leave to be used for pregnancy and childbirth, qualifying exigencies, safe leave and bereavement.
- The changes also provide a new, expansive definition of "family member."

Parental leave now covers the employee's recovery from childbirth or miscarriage.

in any 30-day period (not to exceed 24 hours in any 12-month period) to participate in preschool or school activities, accompany a family member to routine medical or dental appointments (or other appointments for professional services related to their care and well-being), or respond to a medical emergency involving a family member.

Leave for Pregnancy and Childbirth

The amendments revise the definition of parental leave to include leave for:

- The employee's pregnancy;
- The employee's recovery from childbirth or miscarriage;
- The birth of the employee's child and to care for or bond with the child within one year after their birth; and
- The placement of a child with the employee for adoption or foster care, and to bond with the child within one year after the placement.

Leave for a Qualifying Military Exigency

Under the amendments, employers of 10 individuals or more must allow employees to use their PFLA leave for a qualifying exigency [under](#) the federal Family and Medical Leave Act. The qualifying exigency must be related to active duty service by a family member in the U.S. Armed Forces.

Safe Leave

Employers with 10 employees or more must also permit their workers to use their PFLA leave for specified purposes when the employee or the employee's family member is a victim or alleged victim of domestic violence, sexual assault or stalking.

Bereavement Leave

The amendments additionally require employers with at least 10 employees to allow them to use two weeks of PFLA leave for bereavement due to the death of a family member. The leave can include leave taken for the administration or settlement of the deceased family member's estate, and it must be taken within one year after the family member's death. No more than five days of bereavement leave may be taken consecutively.

Notice and documentation requirements apply for qualifying exigency, safe and bereavement leave.

Next Steps for Employers

Employers should review their policies and procedures, including any written policies and employee handbooks, and make any necessary updates to comply with the amendments by July 1. Managers, supervisors and HR representatives should become familiar with the new leave requirements.