Unemployment Insurance

21 V.S.A. §§ 1301-1471

If you have been unemployed, or your work hours have been reduced, you may be eligible for unemployment benefits.

Call the Vermont Department of Labor 1-877-214-3330 (toll free)

For Telecommunications Relay Service: Dial 711

If you are forced to leave your job as a result of domestic violence, you may be eligible for benefits under the Domestic and Sexual Violence Survivor's Transitional Employment Program. When speaking with a representative at the toll-free number listed above, please ask to speak with the Domestic Violence Program Manager.

For free professional help in finding a job, an internship, or job training opportunities, visit a Department of Labor Job Center near you.

To find your local Job Center, visit labor.vermont.gov or call 833-719-1051.

Equal opportunity is the law. The Vermont Department of Labor is an equal opportunity employer that administers equal opportunity programs.

Auxiliary aids and services are available upon request to individuals with disabilities. Free language access assistance is also available.

Call 1-877-214-3330 (Relay 711) if you are in need of these services

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Labor.Complaints@vermont.gov
(802) 828-4000 | Fax: (802) 865-7655

VERMONT
DEPARTMENT OF LABOR

Accommodations for Pregnant Employees in Vermont

21 V.S.A. § 495k

What is the law?

An employee with a pregnancy-related condition has a right to reasonable accommodations in the workplace to perform their job. A pregnancy-related condition is one caused by pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The law applies to all Vermont workplaces and all pregnant employees.

Effective Date: January 1, 2018

What are the employer's obligations?

When employees request a reasonable accommodation pertaining to pregnancy, the employer should take time to work with the employee to fulfill the request. Ignoring a request, retaliating against, or firing the employee requesting a reasonable accommodation could expose the employer to damages and civil penalties.

Does an employer have to grant every accommodation request?

An employer may decline a reasonable accommodation if the accommodation would constitute an undue hardship. An accommodation creates an undue hardship if it would be significantly difficult, unduly expensive, or unworkable to put into place.

What are the employee's rights?

If you feel that you need reasonable accommodations to perform your job, you must request the accommodation by communicating with your employer. Examples of pregnancy-related accommodations include, but are not limited to:

- More breaks for the bathroom, water intake, or rest
- Access to a chair or stool
- Time off for prenatal appointments
- A private, clean space for breastfeeding
- Assistance with specific duties, such as manual labor or heavy lifting
- Time off to recover from medical conditions related to pregnancy or childbirth

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Child Labor Law

21 V.S.A. § 434

Non-Agricultural Employment

Children ages 14 and 15 <u>MAY NOT</u> work in hazardous occupations and may not work in communications or public utilities jobs, construction or repair jobs, drive a motor vehicle, manufacturing and mining jobs, power-driven machinery or hoisting apparatus other than typical office machines, processing occupations, public messenger jobs, transporting persons or property, workrooms where products are manufactured, mined or processed, or warehoused and storaged.

Children ages 14 and 15 <u>MAY</u> work outside of school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

- No more than 3 hours on a school day or 18 hours in a school week; 8 hours on a non-school day or 40 hours in a non-school week;
- Work may not begin before 7 a.m. or end after 7 p.m.;
- From June 1 through Labor Day, hours are extended to 9 p.m.;
- Permitted jobs include office, grocery store, retail store, restaurant, amusement park, or gasoline station.

Children Ages 16 - 18
An employee must be at least 16 years old to work most jobs. No person less than 18 years old may work in hazardous occupations.

Hazardous Occupations
Manufacturing and storing explosives, driving a motor vehicle and being an outside helper on a motor vehicle; coal mining, logging and saw-milling, power-driven woodworking machines, exposure to radioactive substances, power-driven hoisting apparatus, power-driven metal-forming, punching, and shearing machines, mining (other than coal mining), meat packing or processing, power-driven bakery machines, power-driven paper-product machines, manufacturing brick, tile, and related products, power-driven circular saws, band saws, and guillotine shears, wrecking, demolition, and shipbreaking operations, roofing operations, or excavation operations.

A person must be at least 18 years old to work in any of the hazardous non-farm jobs listed.

Agricultural Employment

Once a person turns **16 years old**, they can do any job in agriculture.

A youth **14 or 15 years old** can work in agriculture, on any farm, but only in non-hazardous jobs.

A youth **12 or 13 years old** can only work in agriculture on a farm if a parent has given written permission or if a parent is working on the same farm as their child, and only in non-hazardous jobs.

If the youth is **younger than 12**, they can only work in agriculture on “small” farms that are exempt from minimum wage requirements. “Small” farm refers to any farm that did not use more than 500 “man-days” of agricultural labor in any calendar quarter (3-month period) during the preceding calendar year. “Man-day” refers to any day during which an employee works at least one hour. If the farm is “small,” workers under 12 years of age can only be employed with a parent’s permission and only in non-hazardous jobs.

Hazardous agricultural occupations include:

- Operating a tractor of over 20 power-take-off horsepower or connecting or disconnecting parts to such a tractor;
- Operating or helping to operate a corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger, or mobile pea viner, feed grinder, crop dryer, forage blower, auger conveyor, or the unloading mechanism of a non-gravity-type self-unloading wagon or trailer; or, power post-hole digger, power post driver, or non-walking-type rotary tiller; Trencher or earthmoving equipment, fork lift, potato combine, or power-driven circular, band or chainsaw;
- Working on a farm in a yard, pen, or stall occupied by a bull, boar, or stud horse for breeding; a sow with suckling pigs or a cow with newborn calf with an umbilical cord present;
- Loading, unloading, felling, bucking, or skidding timber with a large end diameter of more than 6 inches;
- Working from a ladder or scaffold at a height of over 20 feet;
- Driving a bus, truck, or automobile when transporting passengers, or riding on a tractor as a passenger or helper.

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Employer's Liability and Workers' Compensation

This employer, _____ , has complied with the provisions of *21 V.S.A. § 687*, by obtaining Workers' Compensation Insurance coverage through:

_____

(Insurance Carrier)

Workers' Compensation benefits for lost time, medical expenses, disability or death because of a work-related injury are available through the above named company.

- An injured employee **MUST** immediately notify their employer of an injury.

- The employer **MUST** file an Employee Claim and Employer's First Report of Injury (Form 1) with the Vermont Department of Labor within 72 hours of the notice of an injury that requires medical attention or results in time lost from work. The employer must provide a copy of Form 1 to the injured worker and the insurance carrier.

- If the employer fails to file a First Report, an employee may file a Notice of Injury and Claim for Compensation (Form 5) with the Vermont Department of Labor within six months of injury.

- Information concerning injured worker rights and benefits is available on the Department's Workers' Compensation Division website at http://www.labor.vermont.gov or by calling (802) 828-2286.

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Employment Protections for Victims of Crime

21 V.S.A. § 472c

What is the law?

Alleged victims are protected from harassment or other discrimination by employers based on their status as an alleged victim. Employers are also required to provide alleged victims with job-protected, unpaid leave to attend certain legal proceedings relating to a relevant crime.

Effective as of: July 1, 2022

Who is an alleged victim?

An "alleged victim" is a person whom a prosecutor or other law enforcement official alleges, in a filed affidavit, has sustained:

- Physical, emotional, or financial injury or death
- As direct result of commission or attempted commission of a crime
- As direct result of commission of attempted commission of delinquency

Employee Rights

Employees who are alleged victims have the right to take unpaid leave to attend:

- Criminal proceedings where the employee is an alleged victim and has a legal right or obligation to appear at the proceeding;
- Relief from abuse hearings and neglect or exploitation hearings when the employee is a plaintiff; or
- Hearings concerning an order against stalking or sexual assault.

While on alleged victim leave, employees may use any accrued sick leave, vacation leave, or any other paid leave. Employees must continue to receive employment benefits while on leave and have the right to return to their same job or a comparable position upon return.

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Healthcare Whistleblower's Protection Act

21 V.S.A. §§ 507 - 509

VERMONT PROTECTS HEALTHCARE EMPLOYEES WHO REPORT OR REFUSE TO COMMIT ILLEGAL ACTS

Every hospital and nursing home must post this notice.

It is illegal for your employer to fire, threaten, retaliate against, or treat you differently because:

1. You reported a violation of the law by your employer to any person, entity, or public body;
2. You reported a medical error or improper quality of patient care by your employer to a person, entity, or public body;
3. You reported something that risks someone's health or safety;
4. You have objected or refused to participate in any activity, policy, or practice of your employer that you reasonably believe is a violation of a law or constitutes improper quality of care, or that will endanger your life; or
5. You have been involved in an investigation or hearing held by the government.

You are protected by this law ONLY if:

1. You are employed by a hospital or nursing home; and
2. You tell your employer about the problem and allow reasonable time for it to be corrected; or
3. You have good reason to believe that your employer will not correct the problem.

If you have been fired or your employer has retaliated against you due to a violation of this law, you may:

1. Use any available internal process, grievance procedure, or similar process available to you to maintain or restore any loss of employment rights with your employer; or
2. Bring an action in the superior court of the county where the retaliation by your employer occurred.

To report a violation, unsafe condition, practice, or illegal act in your workplace, contact:
(The employer should fill this out)

_____
(Name)

_____
(Title)

_____
(Location)

_____
(Telephone)

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Vermont Minimum Wage Notice

21 V.S.A. § 384

MINIMUM WAGE FOR VERMONT EMPLOYERS AND WORKERS

Minimum Wage Rate

Effective 01/01/25	**$14.01 per hour**
Effective 01/01/24	$13.67 per hour
Effective 01/01/23	$13.18 per hour

Basic Wage Rate (Tipped Employees)

Effective 01/01/25	**$7.01 per hour**
Effective 01/01/24	$6.84 per hour
Effective 01/01/23	$6.59 per hour

Maximum Tip Credit Allowed

Effective 01/01/25	**$7.00 per hour**
Effective 01/01/24	$6.83 per hour
Effective 01/01/23	$6.59 per hour

Additional Information

Service or Tipped Employees: "A service or tipped employee" is an employee of a hotel, motel, tourist place, or restaurant who customarily and regularly receives more than *$120.00* a month in tips for direct and personal customer service.

Basic Wage: The basic wage rate is the minimum required employer contribution towards the minimum wage for service or tipped employees. If an employee does not receive sufficient tips in the work week to at least achieve the minimum wage for all hours worked that week, the employer must make up the difference.

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Parental and Family Leave

21 V.S.A. § 472

Vermont's **Parental Leave Law** covers employers with 10 or more workers who work an average of 30 hours per week. Vermont's **Family Leave Law** covers employers with 15 or more workers who work on average 30 hours per week in a year. A worker who has worked for a covered employer for an average of 30 hours a week for a year is entitled to leave under these laws. During any 12 month period, the worker is entitled to up to 12 weeks of unpaid leave:

- Parental Leave: during pregnancy and/or after childbirth, or within a year following placement of a child under 16 years of age with the worker for the purpose of adoption;
- Family Leave: for serious illness of the worker, worker's child, stepchild, ward, foster child, party to a civil union, parent, spouse, or parent of the worker's spouse.

In addition to the leave provided in *21 V.S.A. § 472*, a worker is entitled to unpaid **short-term family leave** of up to 4 hours in any 30-day period (but not more than 24 hours in any 12-month period):

> **Short-Term Family Leave:** to participate in preschool or school activities related to the academic advancement of the worker's child, stepchild, foster child, or ward; to attend or accompany the worker's child, stepchild, foster child, or ward, or the worker's parent, spouse or parent-in-law to medical or dental appointments; to accompany the worker's parent, spouse, or parent-in-law to services related to their care and well-being; to respond to a medical emergency involving the employee's child, stepchild, foster child, ward, or the employee's parent, spouse or parent-in-law.

The worker must give reasonable written notice of intent to take **family or parental leave**, including anticipated dates leave will start and end. The employer may not require notice more than 6 weeks prior to birth or adoption. If serious illness is claimed, the employer may require certification from a physician. For **short-term family leave**, a worker must give notice as early as possible, at least seven days before leave is to be taken, unless waiting could have a significant adverse impact.

A worker may use sick leave, vacation leave, or other accrued paid leave during the leave, up to six weeks. The employer may not require the worker to use accrued leave. Accrued paid leave use does not extend parental and family leave beyond 12 weeks.

The employer must continue to provide all worker benefits unchanged during the leave period, but may require the worker to contribute to the cost at the existing rate of worker contribution.

Upon return, a worker must be offered the job held previously or a comparable one at equal pay, benefits, and seniority.

Exceptions: a worker is not entitled to leave if the employer can prove by clear and convincing evidence that:
- Layoff: the job would have been terminated during leave, or worker would have been laid off for unrelated reasons; or
- Unique Services: the worker performed unique services and hiring a permanent replacement, after giving the worker notice of intent to do so, was the employer's only alternative to prevent substantial and grievous economic injury.

This law sets a minimum standard for parental and family leave rights. It does not prevent an employer from offering a more generous leave policy and does not reduce an employer's obligation under a collective bargaining agreement or existing program that provides greater leave rights than the law requires.

VERMONT PROTECTS EMPLOYEES FROM RETALIATION OF ANY KIND IN CONNECTION WITH THE ENFORCEMENT OF THIS LAW.

A worker aggrieved by a violation of this law may:
- Bring a private lawsuit for injunctive relief, economic damages including prospective lost wages for a period not to exceed one year, attorney fees, and court costs;
- (If not a state employee) lodge a complaint with the Office of the Attorney General, or (if a state employee) with the Vermont Human Rights Commission. The agencies may investigate and bring court action to enforce this law.

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Safety Records Notice

21 V.S.A. § 691a

POSTING OF SAFETY RECORDS
NOTICE TO EMPLOYEES

All Vermont employers must advise their employees that they may review the employer's record of workplace safety, including workplace injury and illness, and where that information may be found. The employer's data shall be available for review by any employee and by the Commissioner of Labor. This information shall not otherwise be publicly accessible.

The employer's data is available at:

_____

(Location)

Employer Contact:

_____

(Name)

Work Telephone: _____

Email: _____

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Vermont Sexual Harassment Notice

SEXUAL HARASSMENT IS ILLEGAL

Sexual harassment is illegal and prohibited by the *Vermont Fair Employment Practices Act (VFEPA)* (*21 V.S.A. §§ 495 - 496a*) and *Title VII of the Civil Rights Act of 1964* (*42 U.S.C.A. § 2000e et seq.*).

Vermont law protects all workers, not just employees. Vermont's protections against sexual harassment extend to all individuals engaged "to perform work or services," even if they are not "employees" under state or federal law. References to "employer," "employee," and "employment" should be understood to apply to work agreements beyond the traditional employer-employee relationship.

Sexual Harassment is a form of sex discrimination and refers to unwelcome sexual advances, requests for sexual favors, and other verbal, physical, written, auditory, or visual conduct of a sexual nature when:

a. Submission to that conduct is made either explicitly or implicitly a term or condition of work; or
b. Submission to, or rejection of, such conduct by an individual is used as a component of the basis for work related decisions affecting that individual; or
c. The conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment does not need to be severe or pervasive to be unlawful.

It is unlawful to retaliate against an individual performing work or services for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment.

Employers **MUST** ensure a workplace free from sexual harassment for individuals performing work or services. Every employer must promptly respond to or report complaints of sexual harassment or suspected sexual harassment.

Examples of sexual harassment include: unwelcome sexual advances, suggestive or lewd remarks, and unwanted hugs, touches, or kisses; requests for sexual favors, pornographic posters, cartoons, and drawings; unwelcome sexual jokes.

Consequences for committing sexual harassment may include: disciplinary action, from a verbal warning to dismissal; damages and other relief for the victim; civil penalties of up to $10,000 per violation; criminal penalties.

Employees or individuals engaged to perform work or services who believe they have been sexually harassed or retaliated against for reporting sexual harassment are encouraged to report the situation as soon as possible to one or more of the following.

a. His or her supervisor;
b. _____ (the head of this organization);
c. The person who is designated to receive such complaints and reports:
   Name and Title: _____
   Address and Telephone Number _____

The employer will promptly investigate and respond to all reports and knowledge of sexual harassment.

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Vermont's Earned Sick Time Act

21 V.S.A. § 482

How is sick time earned?

An employee earns one hour of earned sick time for every 52 hours of actual work, including overtime. An employee will also be entitled to use up to 40 hours in 2025 and subsequent years.

How can sick time be used?

Sick time may be used when an employee or employee's child, parent, grandparent, spouse, or parent in- law is sick or injured. This includes obtaining healthcare or traveling to related appointments or to address the effects of domestic violence, sexual assault, or stalking. Earned sick time may be used to care for a family member because local schools or businesses are closed for public health or safety reasons.

When does accrual begin?

An employee begins accruing sick leave on January 1st, 2025, or on the first day of employment, whichever comes later.

When will paid sick time be available to use?

An employer may allow use of earned sick time as it accrues or may impose a waiting period of up to one year or first day of employment, whichever comes later.

Are all employees entitled to sick time?

Not all employees are subject to the protections of the Act. There are limited exemptions for certain types of employment and certain seasonal and part-time employees.

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Workers' Compensation Reinstatement Rights Notice

21 V.S.A. § 643b Reinstatement

An employer who regularly employs 10 or more people (at least 10 of whom work more than 15 hours a week), has an obligation to rehire a worker who has suffered a work-related injury, provided that the following conditions are met:

1. The worker recovers from the injury within two (2) years of the onset of disability;
2. The worker keeps the employer informed of his or her interest in reinstatement and his or her current mailing address;
3. The worker had an expectation of continuing work had injury not occurred; and
4. The worker is physically capable of performing either their prior job, if available, or an alternative suitable position.

Reinstatement must be with all benefits earned up to the date of injury, including both seniority and accrued leave time. Such benefits need not accrue **during** the period of actual disability.

Please note that the right to reinstatement applies only to the first **available** suitable job. Thus, the employer is not obligated either to create an "extra" position for a returning worker or to layoff a current employee in order to comply with this law.

Questions regarding the above should be referred to the Vermont Department of Labor, Workers' Compensation and Safety Division at 802-828-2286 or our website: www.labor.vermont.gov.

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