

VERMONT

EARNED PAID SICK TIME

In general, all employees working at least 18 hours per week during a year are eligible to accrue and use paid sick leave.

For the purposes of providing paid sick leave, “employee” does not include:

- Employees who are under the age of 18;
- Individuals employed by an employer for 20 or fewer weeks in a 12-month period (or in a job scheduled to last 20 weeks or fewer);
- Certain per diem or intermittent employees who only work when available with no expectation of continued employment;
- Individuals employed by the federal government; and
- Certain individuals employed by the state.

Employees must accrue at least **one hour of paid sick time for every 52 hours worked**.

Employees can accrue:

- From **1/1/2017 to 12/31/2018: Up to 24 hours** of paid sick leave a calendar year.
- After **12/31/2018: Up to 40 hours** of paid sick leave in a calendar year.

There is a **waiting period of one year for existing employees on January 1, 2017**. The waiting period shall begin on January 1, 2017 and shall end on or before December 31, 2017.

There is a **waiting period of one year** for newly hired employees. During this waiting period, an employee shall accrue earned sick time, but shall not be permitted to use the earned sick time until he or she has completed the waiting period.



EFFECTIVE: 1/1/2017

An employer is prohibited from retaliating against an employee for using sick time or requiring an employee to find a replacement for sick time absences. Also, an employee’s group health insurance benefits must be maintained as normal during sick time leave, with the employee contributing his or her portion of the cost.

Paid Sick Leave – Use of

An eligible employee must be able to use his or her accrued sick time for any of the following reasons:

- The employee is ill or injured;
- The employee obtains professional diagnostic, preventive, routine or therapeutic health care;
- The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild or foster child, including helping that individual obtain diagnostic, preventive, routine or therapeutic health care;
- To accompany the employee’s parent, grandparent, spouse or parent-in-law to an appointment related to his or her long-term care;
- For the employee to arrange for social or legal services, or to obtain medical care or counseling for the employee or for the employee’s parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking.
- For the employee to care for parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee’s workday is closed for public health or safety reasons.

Family Member

- Children (includes foster)
- Parents;
- Parents-in-law;
- Grandparents;
- Spouses;
- Grandchildren; and
- Siblings

Leave Increments

Employee may use paid sick time in at least one-hour increments.

If an employee’s sick time absence is shorter than a full workday, the employee may use sick time in the smallest increments that the employer’s payroll systems uses to account for other absences.

Paid Sick Leave – Employee Notice Requirement

Employees are required to make reasonable efforts to avoid scheduling routine or preventive health care appointments during regular work hours.

An employee must also notify Superior Group or SDI (and customer) as soon as practicable of the intent to take sick time, including the expected duration of leave.

Paid Sick Leave – Carry Over

Workers are entitled to carry forward unused paid sick time and shall continue to accrue paid sick time, but employers aren’t required to allow use of more than 24 hours (from 1/1/2017 to 12/31/2018) or 40 hours (after 12/31/2018) a year.

If the employer offers a paid time off (PTO) policy that provides at least the full amount of PTO required by the paid sick time law at the beginning of each year, and it can be used for the law’s purposes at any time during the calendar year, accrued but unused paid sick leave shall not carry forward.

Accrual and Payment of Earned Sick Time	
<p>Full-time exempt employees not subject to the overtime provisions of the Federal Fair Labor Standards Act, are limited to 40 hours in each workweek for which full-time exempt employees may accrue earned sick time.</p> <p>When an employee uses sick time, he or she must be paid at a rate that is the greater of either the employee's normal hourly wage rate or Vermont's minimum wage rate.</p> <p>The employer requires employees to apply accrued sick time for sick time absences.</p>	<p>The employer shall calculate the amount of earned sick time that an employee has accrued:</p> <ul style="list-style-type: none"> • As it accrues during each pay period; or • On a quarterly basis, provided that an employee may use earned sick time as he or she accrues it during each quarter.
Paid Sick Leave – Upon Termination	
<p>Accrued unused paid sick leave is not paid out upon termination, resignation, retirement, or other separation from employment.</p>	<p><u>Note:</u> Only paid out if using a PTO or vacation policy to comply with the Ordinance</p>
Upon Rehire	
<p>Whether an employee is entitled to any specific sick time rights upon rehire will depend on the nature of the employee's separation from employment:</p> <ul style="list-style-type: none"> • Discharged Employees: An employee who was discharged after completing his or her waiting period and is rehired by the same employer within 12 months of the discharge must begin to accrue sick time and be able to use sick time without a waiting period. • Voluntary Resignation: An employee who voluntarily resigns employment after he or she completed a waiting period and is rehired by the same employer within 12 months is not entitled to accrue and use sick time without a waiting period, unless agreed to by the employer. <p>Under no circumstance is an employer required to reinstate a former employee's previously accrued, but unused sick time upon rehire.</p>	
Vermont – In SAP if the employee is <i>working</i> in Vermont, mark as “Vermont”.	

Vermont's Earned Sick Time Act

Notice of Employee Rights

HOW IS SICK TIME EARNED?

An employee will earn one hour of earned sick time for every 52 hours of actual work, including overtime. An employee will be entitled to use up to 24 hours of earned sick time annually in 2017 and 2018, and up to 40 hours in 2019 and subsequent years.

HOW CAN SICK TIME BE USED?

An employee can use sick time when the employee or employee's child, parent, grandparent, spouse, or parent-in-law is sick or injured. This includes helping a family member obtain health care or travel to an appointment related to his or her long-term care, or to address the effects of domestic violence, sexual assault or stalking. An employee may use earned sick time to care for a family member because the school or business where the family member is located is closed for public health or safety reasons.



FOR MORE INFORMATION,

*or to report suspected violations of the Act, contact the
Vermont Department of Labor at 1-802-828-0267*

WHEN DOES ACCRUAL BEGIN?

An employee begins accruing sick leave on January 1st, 2017 or on the first day of employment, whichever comes later.

IS THERE AN EXCEPTION FOR SMALL BUSINESSES?

A small business that employs five or fewer full-time employees will not be subject to the Act until January 1st, 2018.

WHEN WILL PAID SICK TIME BE AVAILABLE TO USE?

An employer may elect to allow the use of earned sick time as it accrues, or may impose a waiting period of up to one year after January 1st, 2017 or the 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, as well as for certain seasonal and part time employees.

For a complete list, go to:

<http://legislature.vermont.gov/statutes/section/21/005/00481>