

SURVIVOR STATE EMPLOYMENT GUIDE

VERMONT

INTRODUCTION

The resource below is for informational purposes only and may not reflect new protections enacted after its publication date. While this resource is not intended to provide legal advice, it can be used as a starting point to guide you in identifying workplace protections for survivors of domestic violence, sexual assault, and stalking in your state. Note that in addition to possible other protections enacted since this resource was last updated, there may be local or federal protections available. Employers may also provide additional protections that may be reflected in employee handbooks or policies.

ANTI-DISCRIMINATION PROTECTIONS

Under Vermont Fair Employment Practices Act ([21 V.S.A. § 495](#)), employers are prohibited from discriminating or retaliating against an employee because of the employee's status as a crime victim. To be covered an employee must be a crime victim, which is described in [21 V.S.A. § 495d\(15\)](#) as anyone who was granted relief from abuse, stalking, or sexual assault by a court order or a person who experiences emotional, financial, or physical harm, or death from the commission or attempted commission of a crime or delinquent act (which is the definition of crime victim in Vermont's criminal code [13 V.S.A. § 5301](#)) and is named as a crime victim in an affidavit filed by a law enforcement official.

Anti-discrimination protections extend to the crime victim's children (including foster and step children), parents, in-laws, spouse, or other dependent who lives with the victim. The anti-discrimination protection does not apply to any family member or dependent that is named as a defendant by the victim.

Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

REASONABLE ACCOMMODATIONS

At the time of publication, Vermont has not enacted a state law affording reasonable accommodations for domestic violence, sexual assault, or stalking. Though, notably, under Vermont's unemployment insurance law, survivors are encouraged to seek reasonable accommodations prior to voluntarily separating from their employment (see below). However, individuals may be eligible for reasonable accommodations under other laws or policies, including those that might afford reasonable accommodations for a disability related to domestic violence or sexual assault. Note that federal law, local law and/or employers' internal policies may provide other applicable protections.

LEAVE/TIME OFF WORK

Under Vermont Law, there are several ways an employee may be able to seek time off as a victim of domestic violence, sexual assault, or stalking.

- **Paid Sick and Safe Days:** In Vermont ([21 V.S.A. § 482](#)), employees must accrue at least one hour of paid sick leave for every 52 hours worked up to 40 hours per year. Employers may impose a one-year waiting period for new employees to use accrued time but do not have to. Under Vermont law ([21 V.S.A. § 483](#)), employees may use this accrued sick leave to:

- Recover from illness or injury;
- Seek healthcare;
- Care for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child or take such family member to a healthcare appointment;
- Arrange for social or legal services or obtain medical care or counseling related to domestic violence, sexual assault, or stalking where the employee or the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child is a victim of domestic violence, sexual assault or stalking as defined in Vermont law (**15 V.S.A. § 1151**)

An employer may require advanced notice, if practicable, for the time off work but an employer cannot require the employee to find a replacement worker to cover their time off.

- **Time Off for Crime Victims:** In Vermont (**21 V.S.A § 472c**), an employee is entitled to take unpaid leave (up to 12 weeks) to attend a deposition or court proceeding related to:
 - A criminal proceeding in which the employee is a victim (as defined in **13 V.S.A. 5301**) and has a right or obligation to be present at the proceeding;
 - A hearing related to employee's petition for family abuse relief (as defined in **15 V.S.A. 1103**);
 - A hearing related to employee's petition for relief against sexual assault or stalking (as defined in **12 V.S.A. 5133**);
 - A hearing related to employee's petition for relief against abuse, neglect or exploitation of a vulnerable adult (as defined in **33 V.S.A. Chapter 69**)

An employee taking this leave may elect to use accrued sick leave, vacation leave, or other accrued paid leave concurrently.

The employer must continue all of the employee's benefits during their period of leave and the employee must be offered the same or comparable job at the same compensation level, benefits, seniority or other terms as the employee had when they began leave.

An employer cannot discharge or retaliate against an employee who takes leave as a crime victim (**21 V.S.A. § 473**) and cannot discharge or discipline an employee who is a listed crime victim or is the family member of a crime victim for honoring a subpoena to testify. (**13 V.S.A. § 5313**).

Note that individuals may also be eligible to take time off under their employer's policy, including vacation time, sick time, personal days, under other state laws or protections, or under federal protections such as the Family and Medical Leave Act, which may afford unpaid leave for a severe medical condition.

UNEMPLOYMENT INSURANCE

Under Vermont's Domestic and Sexual Violence Survivors' Transitional Employment Program (**21 V.S.A. § 1253**), an individual can receive up to twenty-six weekly payments of unemployment insurance after quitting a job resulting from issues related to domestic, sexual violence, or stalking. To qualify the Commissioner of Labor must determine that a person quit their job due to one of the following:

- They reasonably fear that the violence will take place while commuting from work;
- They have plans to relocate to escape the violence;
- They reasonably believe that quitting their job is necessary for their safety of the safety of a member of their family, or
- They are emotionally or physically incapable of working due to the violence as certified in writing by a medical professional. The medical certification must be reviewed every six weeks and is renewable until the person returns to work or has reached the maximum allowable benefits.

To be eligible, a victim of domestic, sexual violence, or stalking must have tried other options before quitting their job including obtaining a protective order, moving to a safe location, or requesting a reasonable accommodation such as a new job location or assignment. A victim may be excused from this requirement if the victim can prove that taking these steps would not be beneficial, increase the likelihood of further abuse or violence, does not remedy the circumstances that created the need to quit their job.

- *Do I need to show proof of domestic violence, sexual assault, or stalking?* Yes, individuals must submit documentation of the abuse to the Labor Department. Acceptable documentation includes a sworn statement from the victim, official court or law enforcement records, or other documentation substantiating the violence from an attorney, legal professional, medical professional, or member of the clergy.