



Are Your Workplace Policies Compliant with Vermont's New Leave Law? A 4-Step Action Plan for Employers

Insights

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Vermont employers should ensure compliance with an update to the state's Parental and Family Leave Act (PFLA). H. 461, which took effect on July 1, expands PFLA and now covers individuals in nontraditional family structures. Here are the top things employers need to know about the update and a four-step action plan for qualified employers.

Eligibility

If a Vermont employer has at least 10 employees who work 30 or more hours per week, they are covered by parental leave, bereavement leave, safe leave, and leave for a qualified emergency. Employers with at least 15 employees who work 30 or more hours per week are also covered by family leave provisions for the employee's own or family member's serious health condition.

Compliance Checklist

Employers in Vermont will need to review and potentially revise leave policies now that PFLA does the following:

- ✓ Expands the definition of "family member" to include "domestic partner";
- ✓ Broadens parental leave to include an employee's recovery from childbirth or miscarriage, or to care for a foster child;
- ✓ Offers new types of leave, including bereavement leave, safe leave, and military "qualified exigency" leave; and
- ✓ Allows employees to take up to 12 weeks of unpaid time off per year for bereavement leave, safe leave, and military "qualified exigency" leave.

H.461 aims to ensure protections for LGBTQ+ families, workers with low income, and other Vermont employees with unique family circumstances. We'll go into more detail below on how each of these key changes will impact your leave policies and practices.

1. Expanded Definitions

H.461 expands the definition of “family member” to allow employees to take leave to care for a domestic partner, a child of a domestic partner, a parent of a domestic partner, or a grandparent of a domestic partner. “Domestic partners” are defined as having “an enduring domestic relationship of a spousal nature.” To qualify, the employee and their partner must:

- Have shared a residence for at least six consecutive months;
- Have agreed to be responsible for each other;
- Be at least 18 years old;
- Not be married to or considered the domestic partner of another person; and
- Not be related by blood to a degree that would bar marriage under state law.

The goal of including “domestic partner” under the definition of “family member” is to allow employees in a variety of relationships to take leave to care for their loved ones.

2. Expanded Types of Leave

With this update, PFLA now offers new types of leave. For example, an employee may take up to two weeks of bereavement leave within **one year** of a family member’s death. This leave is offered to allow the employee time to administer or settle the deceased family member’s estate.

The bill also provides safe leave, which allows employees to take time off if they are – or their family member is – a victim or alleged victim of domestic violence, sexual assault, or stalking. Safe leave gives affected employees the opportunity to seek out various services, recover from injuries, safety plan, relocate, respond to a fatality, or meet with the state attorney or law enforcement.

Similarly, military “qualified exigency” leave allows employees to take time off while their spouse, child, or parent is on covered active duty or is called to covered active-duty status.

The update also broadens parental leave to include an employee’s recovery from childbirth or miscarriage, or to care for a foster child up to 18 years old.

3. Time Off for Bereavement Leave, Safe Leave, and Military “Qualified Exigency” Leave

According to the bill, during any 12-month period, an employee may be entitled to unpaid leave for up to 12 weeks for safe leave or military “qualified exigency” leave. Furthermore, an employee may use up to two weeks out of these 12 for bereavement leave, with no more than five workdays taken consecutively.

What Can Vermont Employers Do to Comply? Your 4-Step Action Plan

Now that the update to PFLA has taken effect, here’s what Vermont employers should consider doing right away:

1. Review and Revise Family Leave Policies

Ensure your policies are up to date with the new law and inform employees about any policy changes that were made.

2. Train Managers

Make sure managers and HR professionals are informed about and trained on the new law and any policy updates to ensure employee requests are handled lawfully and that employees are not retaliated against for making protected requests.

3. Be Prepared to Handle Requests

Employers can request documentation in the following circumstances:

- If the leave is for a family member, you may request documentation identifying the family relationship.
- You may request documentation of the need for safe leave. Such documentation can be from:
 - A court, law enforcement, or another government agency;
 - A domestic violence, sexual assault, or stalking assistance program;
 - A legal, clerical, medical, or other professional who provided the employee or their family member with counseling or other assistance; or
 - A self-attestation by the employee.
- You may request documentation of the need for bereavement leave. Such documentation can include:
 - A death certificate;
 - A published obituary; or
 - A written notice or verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious organization, or governmental agency.
- You may also request documentation of the need for leave for a qualifying exigency.

4. Keep Information Private

Employers are not allowed to disclose any private medical information or information relating to safe leave except in a limited number of circumstances.

Conclusion

We will continue to monitor any further legislative changes in Vermont and other workplace law developments that impact employers. Make sure you are subscribed to Fisher Phillips' Insight

developments that impact employers. Make sure you are subscribed to [Fisher Phillips Insight System](#) to get the most up-to-date information. If you have questions about the expansion to Vermont's PFLA, please contact your Fisher Phillips attorney, the authors of this Insight, or any attorney in our [Boston \(MA\)](#) or [Portland \(ME\)](#) office.

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