

Article 45 - Legislative Leave

Section 45.1 Answer to Appeal

The involved employee shall have the right to respond in writing to an appeal filed by an employer pursuant to 21 V.S.A. §496, in which the employer alleges unreasonable hardship would result to the employer if legislative leave was granted to the employee. If the involved employee so chooses to respond in writing, such response shall be filed within seven days after service of the appeal and shall be responsive to the employer's allegations of unreasonable hardship.

Section 45.2 Stipulation of Facts

The involved employee and employer may submit to the Board a signed stipulation of facts and a request for a decision by the Board without an evidentiary hearing. The request shall state whether the parties desire to present oral argument and/or file briefs.

Section 45.3 Hearings

The arbitrator selected pursuant to 21 V.S.A. §496(d) shall conduct a hearing within 20 days of the Board's receipt of the notice of appeal, unless the involved employer and employee have stipulated to facts pursuant to Section 45.2. At the hearing, the involved employee and employer shall have the opportunity to present evidence and arguments concerning the employer's claim of unreasonable hardship. The hearing procedure will be the same as outlined in Article 12, General Rules, contained in Part 1 of these Rules. The word "arbitrator" will be substituted in place of "Board".