



# STATE OF VERMONT

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## EMPLOYER'S REINSTATEMENT LIABILITY

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**THIS NOTICE IS INFORMATIONAL AND REQUIRED UNDER THE LAW.**

EMPLOYER and EMPLOYEE ARE HEREBY ADVISED OF THE EXISTENCE AND SIGNIFICANT PROVISIONS OF 21 V.S.A. §643b.

THIS LAW PROVIDES THAT AN EMPLOYER WHO REGULARLY EMPLOYS **TEN OR MORE** PEOPLE MAY HAVE 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 years; and
2. The worker keeps the employer informed of his or her interest in reinstatement and his or her current address; and
3. The worker had an expectation of continuing work had the injury not occurred; and
4. The worker is physically capable of performing either his or her prior job, if available, or an alternative position.

REINSTATEMENT MUST BE WITH ALL BENEFITS EARNED UP TO THE DATE OF INJURY, INCLUDING BOTH SENIORITY AND ACCRUED LEAVE TIME. OBVIOUSLY, 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 LAY OFF A CURRENT EMPLOYEE IN ORDER TO COMPLY WITH THIS LAW.

SHOULD YOU HAVE QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE DEPARTMENT OF LABOR & INDUSTRY, WORKERS' COMPENSATION DIVISION AT (802) 828-2286.