



Town of Moira
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Town of Moira Paid Sick Time Policy

This policy shall apply to all employees of the Town of Moira Highway Department represented by Teamsters Local 287, and is meant to comply with the provisions of New York State Labor Law Section 196-b.

1. Definitions

Employer

Means the Town of Moira, Franklin County, NY

Town

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Confidential Information

Means individually identifiable health or mental health information, including but not limited to, diagnosis and treatment records from emergency services, health providers, or drug and alcohol abuse prevention or rehabilitation centers.

Confidential information also means information that is treated as confidential or for which disclosure is prohibited under another applicable law, rule, or regulation.

Domestic Partner

Shall have the same meaning as Domestic Partner, as set forth in section 2961(6-a) of the New York Public Health Law.

Family Offense

Includes any offense enumerated in section 812(1) of the New York Family Court Act, where such acts are between current and former members of the same family or household, as defined therein.

Human Trafficking

Means an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the Penal Law, or labor trafficking, as defined in section 135.35 and 135.36 of the Penal Law.

Mental Illness

Shall have the same meaning as mental illness, as set forth in section 1.03(20) of the New York Mental Hygiene law.

Preventative Medical Care

Means routine health care including but not limited to screenings, checkups, and patient counseling to prevent illnesses, disease, or other health problems.

Sexual Offense

Means any act, or threat of an act, specified within Article 130 of the New York State Penal Law.

Stalking

Means any act, or threat of an act, that constitutes the crime of stalking as defined by Article 120 of the New York State Penal Law.

2. Paid Sick Time Accrual and Availability

Accrual

As per the current collective bargaining agreement, all employees employed for more than one year are granted forty (40) hours of sick time per calendar year.

Availability

Employees are entitled to use their accrued, unused paid sick time beginning one (1) year after the start of their employment.

Definition of Year

The accrual year is January 1 – December 31.

3. Carryover of Accrued, Unused Paid Sick Time to the Next Year

If sick time is not all used within the calendar year, then employees have the following options:

- The employee shall be paid for the balance of unused sick time prior to the end of the year, or
- May accumulate the balance of unused sick time going forward year-to-year, up to a maximum of 30 days (240 hours) instead of receiving the monetary value at the end of the year.

Based on the current collective bargaining agreement Section 26.2, the Town interprets the term “day” to be 8 hours.

4. Authorized Uses of Paid Sick Time

After January 1, 2021, employees may use accrued time following a verbal or written request to the Town for the following reasons:

Care of the employee or the employee’s family member

- Employees may use their accrued, unused paid sick time hours to care for themselves or a family member (definition below) for:
 - Mental or physical illnesses, injuries, or health conditions;
 - The need for medical diagnosis, care, or treatment of mental or physical illnesses, injuries, or health conditions; or
 - The need for preventive medical care.
- For the use of paid sick time for an employee’s family member, family member is defined as:
 - A child;
 - Including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status
 - A parent;
 - Including a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child
 - A spouse;
 - A registered domestic partner;
 - A grandparent;
 - A grandchild; or
 - A sibling.

To address issues related to domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking

- For an absence from work when the employee or employee’s family member has been the victim of domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking due to any of the following as it relates to the domestic violence, family offense, sexual offense, stalking, or human trafficking:

- to obtain services from a domestic violence shelter, rape crisis center, or other services program;
- to participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members;
- to meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in any criminal or civil proceeding;
- to file a complaint or domestic incident report with law enforcement;
- to meet with a district attorney's office;
- to enroll children in a new school; or
- to take any other actions necessary to ensure the health or safety of the employee or the employee's family member or to protect those who associate or work with the employee.
- For purposes of time related to domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking, family member has the following definition:
 - Any individual whose relationship to the employee can be classified as a child, spouse, parent, parent-in-law, grandparent, or person with whom the employee has a dating relationship.

5. Reasonable Notice for the Use of Paid Sick Time

Employees must provide reasonable notice of an absence from work for the use of paid sick time to care for themselves or a family member. Such notice must not interfere with an employee's lawful use of paid sick time. Any information provided will be kept confidential.

Note: Verification will be required if an employee uses paid sick time for more than three (3) consecutive days for which the employee was required to work.

Reasonable Notice for Foreseeable Use of Paid Sick Time

If an employee's absence is foreseeable, the employee must provide notice to **the Superintendent of Highways** at least **five** days, or as early as practicable, before the first day paid sick time is used.

- If possible, notification should include the expected duration of the absence.

Reasonable Notice for Unforeseeable Use of Paid Sick Time

If an employee's absence is unforeseeable, the employee must contact **the Superintendent of Highways** as soon as possible **before** the required start of their shift.

- As a best practice, and if circumstances allow, employees should provide notice as soon as the employee learns of the need for paid sick time.
- In the event it is not practicable to provide notice of an unforeseeable absence, a person on the employee's behalf may provide such notice.
- If possible, this notification should include the expected duration of the absence.

6. Reasonable Notice for Use of Paid Sick Time for Domestic Violence

Reasonable Notice for Foreseeable Use of Paid Sick Time

An employee must give advance oral or written notice to **the Superintendent of Highways** as soon as possible for the foreseeable use of paid sick time to address issues related to the employee or the employee's family member being a victim of domestic violence, sexual assault, or stalking.

Reasonable Notice for Unforeseeable Use of Paid Sick Time

If an employee is unable to give advance notice because of an emergent or unforeseen circumstance related to the employee or the employee's family member being a victim of domestic violence, sexual assault, or stalking, the employee or their designee must give oral or written notice to **the Superintendent of Highways** no later than the end of the first day that the employee takes such time.

Note: Verification will be required if an employee uses paid sick time for more than three (3) consecutive days for which the employee was required to work.

Verification for Absences Exceeding Three Days

If an employee has used paid sick time for an authorized purpose for more than three (3) consecutive days during which the employee is required to work, the employee must provide verification that establishes or confirms that the use of paid sick time is for an authorized purpose.

For care of the employee or the employee's family member, acceptable verification may include:

- A written or oral statement from the employee indicating that the use of paid sick time is necessary to care for the employee or their family member for an authorized purpose;
- A doctor's note or a signed statement by a health care provider indicating that the use of paid sick time is for care of the employee or their family member for an authorized purpose; or
- Other documentation demonstrating that the employee's use of paid sick time is for care of the employee or their family member for an authorized purpose.

Verification must be provided to **the Town** within **three (3)** calendar days of the first day an employee used paid sick time to care for themselves or a family member.

For an employee or the employee's family member for issues related to domestic violence as defined by the State Human Rights Law, a family offense, sexual offense, stalking, or human trafficking, the employee's choice of any one or more of the following documents satisfies this verification requirement:

- A written statement that the employee or an employee's member is a victim of domestic violence, sexual assault, or stalking, and that the time was taken to address related issues;
- A police report indicating that the employee or the employee's family member was a victim of domestic violence, sexual assault, or stalking;
- Evidence from a court or prosecuting attorney showing that the employee or the employee's family member appeared, or is scheduled to appear, in court in connection with an incident of domestic violence, sexual assault, or stalking;
- A court order of protection;
- Documentation from any of the following persons from whom an employee or an employee's family member sought assistance in addressing the domestic violence situation indicating that the employee or the employee's family member is a victim:
 - An advocate for victims of domestic violence, sexual assault, or stalking;
 - An attorney;
 - A member of the clergy; or
 - A medical professional.

Verification must be provided in a timely manner. In the event that advance notice of the time cannot be given because of an emergency or unforeseen circumstances due to domestic violence, sexual assault, or stalking, verification

must be provided to the employer within a reasonable time period during or after the time.

For any verification required, please note:

- The employee is not required to provide any details concerning the specific nature of the health condition in order to use paid sick time, unless otherwise required by law.
- Any information the employee provides will be kept confidential.

7. Paid Sick Time Increments of Use

The Town requires employees to use paid sick time in increments of **15 minute increments (.25 hours)**

8. Rate of Pay for Use of Paid Sick Time

- Employees must be paid their “normal hourly compensation” for each hour of paid sick time used.
 - “Normal hourly compensation” is the hourly rate that an employee would have earned for the time during which the employee used paid sick time.
- For employees who use paid sick time for hours that would have been overtime hours if worked, the Town is not required to apply overtime standards to an employee's normal hourly compensation.

9. Payment for the Use of Paid Sick Time

The Town must pay paid sick time to an employee no later than the payday for the pay period in which the paid sick time was used by the employee.

Note: As the Town requires verification for absences exceeding three days, such payment must be made no later than the payday for the pay period during which verification was provided to the employer.

10. Payment for the Use of Paid Sick Time, Separation, Reinstatement Upon Rehire

Separation

If an employee separates from employment, there will be financial or other reimbursement to the employee for accrued, unused paid sick time balances available at the time of separation. Any such terms for reimbursement must be mutually agreed upon in writing by both the employer and the employee, unless the right to such reimbursement is set forth elsewhere in state law or through the collective bargaining agreement.

Reinstatement of Paid Sick Time Hours Upon Rehire

- The Town must reinstate an employee's previously accrued, unused paid sick time if it rehires an employee within 12 months of separation.
 - **Note:**
 - The Town is not required to reinstate any hours of paid sick time previously provided to the employee through financial or other reimbursement at the time of separation, as long as the value of the paid sick time was paid at a rate that was at least equal to the employee's normal hourly compensation for each hour of accrued, unused paid sick time.
 - If the period of time an employee separates from employment extends into the following year (see definition under "Definition of Year"), an employer is not required to reinstate more than 40 hours of accrued, unused paid sick time.
- Upon rehire, the Town must provide notification to the employee of the amount of accrued, unused paid sick time available for use by the employee.
- If an employee is rehired within 12 months of separation, the employee will not be required to wait another one year to use their accrued, unused paid sick time if the employee met that requirement during the previous period of employment.
 - If an employee did not meet the one-year requirement for the use of paid sick time prior to separation, the previous period of time the employee worked for the Town will count towards the one-year requirement for purposes of determining the employee's eligibility to use paid sick time.

11. Retaliation Prohibited by Law

- Any discrimination or retaliation against an employee for the lawful exercise of paid sick time rights is not allowed. The Town will not discriminate or retaliate against an in any way for exercising their rights to use sick time.
- The Town may not require, as a condition of an employee taking paid sick time, that the employee search for or find a replacement worker to cover the hours

- during which the employee is on paid sick time.
- If an employee feels they are being discriminated or retaliated against for the exercise of their Minimum Wage Act rights, the employee may contact **the Town Supervisor**.
- If an employee is not satisfied with the **Town Supervisor's** response, the employee may contact the New York State Department of Labor.
Online: <https://dol.ny.gov>
Call (toll-free): 4-NYSDOL (888-469-7365)
Email: LSAsk@labor.ny.gov

Required Notification

Ongoing Notification

- In regular payroll statements, the Town will provide notice to its employees of:
 - The amount of paid sick time accrued since notice was last made;
 - The amount of paid sick time reductions since notice was last made; and
 - The total amount of unused paid sick time available for use by the employee.

Contact Information

- Employees with questions about this paid sick time policy may contact **the Town Supervisor or the Bookkeeper to the Town Supervisor**.