

## Making the Town a Municipal "Employer of Choice:" Warrant Article #26 - Earned Sick Leave

**2014 Referendum:** 79.8% of Amherst voters voted in favor of requiring paid sick leave for all employees of businesses with 11 or more employees. To avoid creating an unfunded mandate, the Referendum excluded municipalities.

**Objective:** Town part-time hourly workers' earned, paid sick leave at least as good as the new state law requires of private employers, while preserving the more generous sick/personal leave that the Town's new plan will provide for certain year-round, part-time hourly Town employees.

### Town's Sick/Personal Leave Plan for Part-time, Hourly Town employees, effective 1 July 2015

- 60 hours' leave for 988 hours of work (19 hours/week); equals 1 hour for each 16.5 hours worked.
- Work must be year-round & at least 520 hours in FY **preceding** FY when leave becomes available.
- Leave is credited in a lump sum at start of FY following FY in which hours are worked.
- Leave is prorated by number of hours worked; up to 1/3 of hours can be for personal purposes.
- Only 26 Town (includes Library) part-time, hourly employees out of 156 qualify.
- Projected cost of \$28,000 for 26 employees assumes all leave is taken; "some" employees replaced. (Estimate appears excessively high).

### Disadvantages of Town's Leave Plan

- Arbitrary "cliff." 521 hours worked = 30+ hours of leave; 519 hours worked = 0 hours of leave.
- Excludes 130 of 156 part-time Town workers (e.g., DPW & golf course seasonal; 24 out of 31 year-round Library employees. Doesn't count poll workers.) (HR Director chart, 2/26/15; email 2/25/15).
- Starts at beginning of FY **after** employee enters on duty: employee can work up to a year without any leave, and for an extended time in every year without knowing if s/he will qualify in next FY.
- Uncertainty for employees: no assurance of any leave in following FY until work 520 hours in current FY (prorated for new hires); many factors can cut hours, so no leave earned in that FY.
- Capricious: employee can qualify for leave in one year; fail (even just barely) to qualify the next.
- Built-in financial incentive for supervisors to schedule employees for fewer than 520 hours.
- Built-in possibility of favoritism by supervisors wanting to ensure 520 hours for certain employees.

### Referendum / Warrant Article #26 Plan

- Advantages: covers Town part-time hourly employees not covered by the more generous Town plan effective 1 July 2015; usable starting 90<sup>th</sup> day of employment; helps to protect public health.
- Disadvantages: only 1 hour of earned, paid sick leave for 30 hours worked; no personal leave.

### Why Pass Warrant Article #26?

- Amherst voters support employees' earned, paid sick leave. The Town's sick/personal leave plan however creates two disparate categories of hourly employees: those with earned, paid sick/personal leave, and those with none. That morale problems could result should be obvious.
- Providing earned, paid sick leave at the less generous state level for other hourly workers will still result in two disparate categories of hourly employees. The second category, however, will have at least some earned, paid sick leave. In addition, this leave will be available for any part-time, hourly Town employee who fails in a given FY to qualify for the Town's more generous leave in the following FY.

**Warrant Article #26: Earned sick leave for Town employees not covered by the Town's more generous sick/personal leave policy**

To see if the Town will authorize earned sick leave for all part-time, non-benefited Town employees, on the same basis as the voters of Massachusetts required by referendum in November, 2014, for employees of firms with eleven (11) or more employees, i.e., such employees are entitled to earn and use one hour of sick time for every 30 hours worked, and would begin accruing those hours on the date of hire or on July 1, 2015, whichever is later, and to see if the Town will appropriate the funds necessary.

An employee could begin to use earned sick time on the 90th day after hire. An employee could use earned sick time, if required, to miss work in order:

(1) to care for a physical or mental illness, injury, or medical condition affecting the employee or the employee's child, spouse, parent, or parent of a spouse;

(2) to attend routine medical appointments of the employee or the employee's child, spouse, parent, or parent of a spouse; or

(3) to address the effects of domestic violence on the employee or the employee's dependent child.

Earned paid sick time would be compensated at the same hourly rate paid to the employee when the sick time is used.

Employees could carry over up to 40 hours of unused sick time to the next calendar year, but could not use more than 40 hours in a calendar year.

If an employee missed work for a reason eligible for earned sick time, but agreed with the supervisor to work the same number of hours or shifts in the same or next pay period, the employee would not have to use earned sick time for the missed time, and the Town would not have to pay for that missed time. Supervisors would be prohibited from requiring such an employee to work additional hours to make up for missed time, or to find a replacement employee. The Town would not have to pay employees for unused sick time at the end of their employment.

Supervisors would be prohibited from interfering with or retaliating based on an employee's exercise of earned sick time rights, and from retaliating based on an employee's support of another employee's exercise of such rights.

This article would not override the Town's obligations under any contract or benefit plan with more generous provisions than those proposed here.