

Town of Fair Haven
EARNED SICK LEAVE POLICY

Policy Applicability

The policy herein does not apply to those employees covered by the Agreement between AFSCME Local 1201, Council 93, AFL-CIO and the Town of Fair Haven, Vermont, dated July 1, 2016-June 30, 2019, or its successor agreement (aka, Union Contract).

In addition, the policy herein does not apply to full-time employees covered by individual employment contracts, specifically, the Town Manager, Police Chief, and DPW Superintendent. Though not covered by the Union Contract or an individual employment contract, the Town Accountant, by virtue of the position's job description aligning the position's benefit package as the equivalent to the Union Contract, the policy herein does not apply to this full-time position either.

The non-applicability of the above cited Union Contract employees and non-Union Contract employees shall continue in effect so long as their respective contracts/job description provide reasonable sick leave provisions equal to or greater than that required by Vermont's Earned Sick Leave Law (21 VSA §481, et seq.)

Definition

For purposes of this Policy, "*eligible employee*" shall mean an employee or an elected official of the Town who:

1. Is age 18 or older;
2. Works an average of 18 or more hours per week during the year; and
3. Is expected to work 20 or more weeks in a 12-month period.

The above definition includes newly-hired employees and those employees who are still in their probationary period of employment.

The above definition does not include an individual who:

1. Works on a per diem or intermittent basis;
2. Works only when he or she indicates that he or she is available to work;
3. Is under no obligation to work for the Town; and
4. Has no expectation of continuing employment with the Town.

Earned Sick Leave

Eligible employees will earn one (1) hour of paid sick leave for every 52 hours worked by that employee. Such leave will accrue to the employee based on hours actually worked by that employee, subject to the "waiting period".

Accrual Limit

The amount of leave that an eligible employee may accrue in a 12-month period is limited to 24 hours for 2017 and 2018 and is limited to 40 hours for 2019 and years thereafter.

Waiting Period

Eligible employees who are employed by the Town on January 1, 2017 will begin to accrue paid leave on January 1, 2017 but such leave may not be used until January 1, 2018.

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Newly hired employees (i.e., hired after January 1, 2017) who are eligible to earn leave will begin to accrue that leave on the first day of their employment but may not use such leave until one (1) year from the date of their hire.

During the initial one year "waiting period", and during any probationary period, any sick leave taken by any existing or new employee shall be unpaid.

Use of Paid Leave

Eligible employees may use paid sick leave in increments no smaller than one half-hour (0.5).

In 2017 and 2018, an employee may not use more than 24 hours of accrued leave within a 12-month period. In 2019 and beyond, an employee may not use *more* than 40 hours of accrued leave within a 12-month period.

Sick leave use is for the following purposes:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care.
- The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, "domestic violence," "sexual assault," and "stalking" shall have the same meanings as in 15 V.S.A. § 1151.
- The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

Employees must provide notice as soon as practicable of the intent to use earned sick leave and the expected duration of the employee's absence. Employees must make reasonable effort to avoid scheduling routine or preventive health care or other appointments during regular work hours.

Compensation for use of paid leave will be at the employee's regular rate of pay.

Use of this paid leave does not diminish the rights that an employee may have under the *Vermont Parental Family Leave Act* (21 VSA §470).

Carryover of Paid Leave

If an employee does not use all of his/her accrued sick leave in a 12-month period the accrued, unused sick leave will carry over at the end of the year into the next 12-month period.

Compensation at Time of Separation from Employment

The Town will not compensate eligible employees for unused, accrued sick leave at the time of separation from employment.

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Earned Sick Leave Policy**

Adopted this 21st day of March, 2017 by the Fair Haven Selectboard, and effective beginning January 1, 2017