

TO: HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER

Your Committee has reviewed "A LOCAL LAW amending the Laws of Westchester County to add a new Chapter 585 which will provide earned sick leave for certain employees."

Your Committee is aware that roughly 36% of workers in Westchester County lack paid sick time, and low-income and part-time workers are especially unlikely to be covered. Access to paid sick time promotes safe and healthy work environments by reducing the spread of illness, health care costs, and work-family conflict by providing greater flexibility to fulfill caregiving responsibilities.

Your Committee is informed that, according to the Institute for Women's Policy Research analysis 2012-2014 National Health Interview Survey (NHIS) and the 2012-2014 Integrated Public Use Microdata Series American Community Survey, 50% of Hispanic workers, 33% of Black workers, and 32% of Asian workers in Westchester County lack access to paid sick time. Additionally, state and local government workers are much more likely than private sector workers to have paid sick time: 87% of state and local government workers have access to paid sick time in Westchester County compared with 60% of private sector workers.

Your Committee notes that research shows that workers without access to paid sick time are three times more likely to forgo treatment for themselves and almost two times more likely to forgo care for a family member compared with workers who have paid sick time. Further, a recent study found that employers who provided paid sick time to their employees reported fewer

occupational injuries among employees than those who did not have paid sick time coverage.

Your Committee is also aware that paid sick time allows parents to provide personal care for their sick children. Parental care makes children's recoveries faster and can prevent future health problems. When parents don't have paid sick time, they are more than twice as likely as parents with paid sick time to send a sick child to school or daycare thereby spreading the illness to others, and five times as likely to report taking their child or a family member to the emergency room because they were unable to take time off work during normal work hours.

Your Committee has been informed that paid sick time will reduce recovery time and decrease the likelihood of spreading illness to other members of the workforce and to the public. For example, during the H1N1 flu pandemic of 2009, researchers estimate that 5 million cases of the flu would have been prevented if a federal law providing paid sick time had been in place. *See A Better Balance Report by Supriya Kumar, et al., "The impact of Workplace Policies and Other Social Factors on the Self-Reported Influenza-Like Illness Incidence During the 2009 H1N1 Pandemic"*.

Paid sick time will reduce health care expenditures. Emergency room visits increase health care costs on taxpayers. According to the Institute for Women's Policy Research ("IWPR") report, providing all workers with paid sick time nationally would reduce visits to hospital emergency departments and save \$1 billion per year in medical costs, including more than \$500 million in savings to publicly funded health insurance programs such as Medicare, Medicaid, and Child Health Plus. *See IWPR Access to Paid Sick Days Would Reduce Health Costs.* As baby

boomers age, more and more elderly individuals will need support from family caregivers to lead healthy, independent lives. Paid sick time allows employees to take off work in order to care for an elderly family member, including taking the individual to a doctor's appointment or providing care during a health emergency.

Your Committee is further informed that providing paid sick time is good for a company's bottom line. Researchers estimate that the total cost of "presenteeism," where employees go to work sick and are less productive, is more than \$150 billion per year. Sick workers also spread disease to their co-workers. Paid sick time also results in reduced voluntary and involuntary turnover. It costs an employer 150% of a salaried employee's yearly salary to replace him or her. For an hourly employee, turnover costs the employer anywhere from 50% to 75% of the employee's annual pay. Since enacting a paid sick time law in 2007, San Francisco has performed better than surrounding counties in terms of total employment. *See A Better Balance* – from reports by Paul Hemp, Vicky Lovell, Jodie Levin-Epstein and John Petro. Ensuring that all employers provide paid sick time, levels the playing field for employers who don't already provide this benefit and lets companies choose employees from a larger pool of people, allowing everyone to benefit.

Your Committee additionally notes that once paid sick time laws are enacted they are popular with both business and workers. For example, businesses in New York City look very positively on the law now that it has been in effect for several years. 86% of employers surveyed said they had a positive view of the law and a whopping 98% said they had seen no instances of abuse. *See Appelbaum and Milkman, "No Big Deal: The Impact of New York City's Paid Sick*

Days Law on Employers.” Golden Gate Restaurant Association, in San Francisco, while originally an opponent, has since said the paid sick time law was successful and “the best public policy for the least cost,” also acknowledging that employees have not abused paid sick leave.

According to a study by A Better Balance entitled “Overview of Paid Sick Time Laws in the United States”, at least 41 jurisdictions nationwide, including 7 states, have enacted laws requiring employers to provide paid sick time to their employees. None of those jurisdictions have experienced negative economic consequences as a result of their paid sick time law. New York City showed steady job growth in the year after the law went into effect; San Francisco showed stronger job growth than in surrounding counties in the year after their law went into effect; Washington D.C. and Seattle saw no negative economic effects following implementation of their paid sick time law in either job loss or movement of businesses out of the city. According to a study by Appelbaum and Milkman entitled “Good for Business? The Case of Paid Sick Leave in Connecticut”, employers that already offered paid sick days made minimal or no adjustments to comply with Connecticut’s paid sick leave law. The study further indicated that the average usage in Connecticut was 4 days and half of the employers reported employees used 3 days of less. The study also noted that only minimal abuse was reported in Connecticut and what was reported was consistent with the minimal abuse which was experienced before Connecticut’s paid sick leave law took effect. *See also* New York Paid Leave Coalition’s PowerPoint entitled “Time to Care”.

Your Committee further notes that Westchester County workers in service, transportation, and manufacturing occupations are less likely to have paid sick time. 54% in service occupations and 47% in transportation and manufacturing occupations do not have access to this benefit. This includes food service workers and home health aides, two groups which can very easily, and

rapidly, spread disease. The proposed legislation intends to address these issues by providing employees with a maximum of 40 hours of earned sick leave per year and setting forth the parameters of when such earned sick leave may be used and protecting the employees from adverse employment action for appropriately exercising their right to use their earned sick time. Whether or not the earned sick leave will be paid will be determined by the number of employees employed by the employer.

Upon enactment of this law, it is anticipated that this law will be enforced by short term and long term measures. Initially, employers and employees will be provided with the requisite information as to administration and enforcement of the law. If necessary, the County may contract with an entity to monitor and oversee compliance and to report to the County Board as to the progress relating to the requisite transition. Finally, the County shall determine an appropriate administrative remedy prior to the effective date.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA"). Your Committee is advised that the Department of Planning has reviewed the applicable SEQRA regulations, and has concluded that since this proposed local law will not "change the use, appearance or condition of any natural resource or structure," or otherwise affect the environment, with respect to the State Environmental Quality Review (SEQR) Act, this does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. As such, no environmental review is required. Your Committee concurs with that conclusion.

An affirmative vote of a majority of the voting strength of your Honorable Board is required for approval of this Local Law.

In light of the aforementioned, your Committee, after careful consideration, recommends the adoption of this local law.

Dated: _____, 2018
White Plains, New York

COMMITTEE ON

8-3-18

Catharine Park
Catharine Park
Alyssa Williams
David Lubick (wop)
Walter
Yancy Bauer
Benjamin Bayler

Catharine Park
Catharine Park
Alyssa Williams
C.H.
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Benjamin Bayler

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Yancy Bauer
Benjamin Bayler

6


Budget & Appropriations
9/05/18

Labor & Housing
9/05/18

Environment, Health & Energy
9/05/18

Legislation

TO: Linda Trentacoste
Associate County Attorney

FROM: David S. Kvinge, AICP, RLA, CFM 
Director of Environmental Planning

DATE: February 8, 2018

SUBJECT: STATE ENVIRONMENTAL QUALITY REVIEW FOR
PAID SICK LEAVE LAW

Pursuant to your request for an environmental review of the above referenced action, the Planning Department has determined that no environmental review is necessary.

The action involves a local law that would add a new Article III to Chapter 700 of the Laws of Westchester County to provide paid sick leave for certain employees working within Westchester County.

Since the proposed law will not "change the use, appearance or condition of any natural resource or structure," or otherwise affect the environment, with respect to the State Environmental Quality Review (SEQR) Act, this does not constitute an action as defined in section 617.2(b) of 6NYCRR Part 617. As such, no environmental review is required.

Please contact me if you need any additional information on this matter.

DSK/cnm

cc: Andrew Ferris, Chief of Staff
Paula Friedman, Assistant to the County Executive
Debby Linhardt, Committee Coordinator, Board of Legislators
Norma Drummond, Acting Commissioner
Claudia Maxwell, Associate Environmental Planner

FISCAL IMPACT STATEMENT

SUBJECT: Earned Sick Leave Law NO FISCAL IMPACT PROJECTED

OPERATING BUDGET IMPACT

To Be Completed by Submitting Department and Reviewed by Budget

SECTION A - FUND

GENERAL FUND

AIRPORT FUND

SPECIAL DISTRICTS FUND

SECTION B - EXPENSES AND REVENUES

Total Current Year Expense \$ -

Total Current Year Revenue \$ -

Source of Funds (check one): Current Appropriations Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Accounts: Human Rights Commission personal service; DoIT (graphics & printing)

personal service, materials & supplies; personal services for County hourly/temp employees

Potential Related Operating Budget Expenses: Annual Amount \$ 437,000

Describe: Personal service for enforcement by the County agency to be determined;
paid sick time earned by hourly/temp County employees; non-personal service for continuing
public education. Excludes \$200k for initial public education campaign.

Potential Related Operating Budget Revenues: Annual Amount Undeterminable

Describe: The additional wages paid by private employers will likely result in an
increase in taxable sales within the County. Each \$5 million of additional taxable sales net the
County \$100,000 after municipal and school district sharing.

Anticipated Savings to County and/or Impact on Department Operations:

Current Year: Administrative support from county agencies (e.g. Finance, HR, IT) will be
required to implement new sick leave accruals.

Next Four Years: In the event this statute results in additional costs to vendors of the County,
said vendors may pass those additional costs through to the County.

Prepared by: Gideon Grande

Title: Deputy Director

Department: Budget

Date: August 13, 2018

Reviewed By: 

Budget Director

Date: 8/13/18

LOCAL LAW INTRO. NO. 10623 - 2018

A LOCAL LAW amending the Laws of Westchester County to add a new Chapter 585 which will provide earned sick leave for certain employees.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. A new Chapter 585 is hereby added to the Laws of Westchester County to read as follows:

Chapter 585 - EARNED SICK LEAVE LAW

- Sec. 585.01. Short Title.**
- Sec. 585.02. Definitions.**
- Sec. 585.03. Accrual of Earned Sick Time.**
- Sec. 585.04. Employer's Options; Collective Bargaining Agreements.**
- Sec. 585.05. Protections for Accrued Earned Sick Time.**
- Sec. 585.06. Use of Earned Sick Time.**
- Sec. 585.07. Procedures Relating to the Request to Use Earned Sick Time.**
- Sec. 585.08. Exercise of Rights Protected; Retaliatory Personnel Actions Prohibited.**
- Sec. 585.09. Notice and Posting.**
- Sec. 585.10. Employer Records.**
- Sec. 585.11. Enforcement, Civil Action and Penalties.**
- Sec. 585.12. Confidentiality and Nondisclosure.**
- Sec. 585.13. Other Legal Requirements.**
- Sec. 585.14. Public Education and Outreach.**
- Sec. 585.15. Reverse Preemption.**
- Sec. 585.16. Severability.**

Sec. 585.01. Short Title.

This Chapter shall be known as and may be cited as the "Earned Sick Leave Law."

Sec. 585.02. Definitions.

For Purposes of this Chapter:

1. "Calendar year" shall mean from January 1 to December 31 in any given year.
2. "Child" shall mean, regardless of age, a biological, adopted, foster child, legal ward or a person to whom the employee stands in *loco parentis* or to whom the employee stood *in loco parentis* when that person was a minor.
3. "Domestic partner" shall mean any "domestic partner" as defined under New York State Workers' Compensation Law section 4(1).
4. "Domestic worker" shall mean any domestic worker as defined in section 2(16) of the New York State Labor Law who is employed for hire within the Westchester County for more than eighty hours in a calendar year on a full-time or part-time basis.
5. "Earned sick time" means time that is accrued in accordance with 585.03 or calculated in accordance with 585.04 to be utilized for the purposes provided in Section 585.06 of this Chapter.
6. "Employee" shall mean any person employed for hire by an employer in any employment within Westchester County for more than 80 hours in a calendar year who performs work on a full-time or part-time basis, including work performed in subsidized private sector and not-for-profit employment programs, but not including:
 - a. work performed as a participant in a work experience program established by a social services district;
 - b. work performed pursuant to work study programs under 42 U.S.C. section 2753;
 - c. work performed by employees compensated by or through qualified scholarships as defined in 26 U.S.C. section 117.
7. "Employer" shall mean any "employer" as defined in section 190(3) of New York State Labor Law, except that an employer includes Westchester County government for its employees that are not subject to a collective bargaining agreement.
8. "Family member" means: an employee's child, spouse, domestic partner, parent, sibling, grandchild or grandparent; and the child or parent of an employee's spouse, domestic partner or household member. For purposes of this subdivision, "household member" shall mean (i) persons related by consanguinity or affinity; (ii) persons legally married to or in a domestic partnership with one another; (iii) persons formerly married to or in a domestic partnership with one another regardless of whether they still reside in the same household; (iv) persons who have a child in common, regardless of whether such persons have been married or domestic partners or have lived together at any time; and (v) persons who are not related by consanguinity or affinity and who are or have been in an intimate relationship regardless of whether such persons have lived together at any time.

9. "Health care professional" means any person licensed under Federal or State law to provide medical or emergency services, including but not limited to doctors, nurses, midwives and emergency room personnel.
10. "Parent" shall mean a biological, foster, step- or adoptive parent, a legal guardian of an employee or a person who stood in loco parentis when the employee was a minor.
11. "Personal time" shall mean leave with pay for personal business including, but not limited to, use for religious observance, attendance at funerals, necessary absences due to extraordinary weather conditions, attendance at conventions other than on required business, personal or family business appointments and similar reasons.
12. Persons who are "in loco parentis" shall mean those with day-to-day responsibilities to care for and financially support a child, or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
13. "Retaliatory personnel action" means denial of any right guaranteed under this Chapter or any threat, discharge, suspension, demotion, reduction of hours, reporting or threatening to report an employee's suspected citizenship or immigration status, or the suspected citizenship or immigration status of a family member of the employee to a federal, state or local agency, or any other adverse action against an employee for the exercise of any right guaranteed herein including any sanctions against an employee who is the recipient of public benefits for rights guaranteed under this Chapter. Retaliation shall also include interference with or punishment for in any manner participating in or assisting an investigation, proceeding or hearing under this Chapter.
14. "Year", other than "calendar year" means a regular and consecutive 12-month period as determined by the employer.

Sec. 585.03. Accrual of Earned Sick Time.

1. At the commencement of employment or 90 days after this law goes into effect, whichever is later, all employees, except for domestic workers, shall accrue a minimum of one hour of sick time for every 30 hours worked.
2. Employees of an employer with 5 or more employees shall be entitled to earn and use up to 40 hours of paid sick time in a year, unless the employer selects a higher limit. Paid sick time shall be compensated at the same hourly rate as the employee normally earns during hours worked, but in no case shall this hourly amount be less than that provided under section 652(1) of the labor law of New York. Employees of an employer with fewer than 5 employees shall be entitled to earn and use up to 40 hours of unpaid sick time in a year. In determining the number of employees performing work for an employer pursuant to this subdivision, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted, provided that where the number of employees who work for an employer per week fluctuates, the number of

employees for the current calendar year may be based upon the average number of employees who worked per week during the preceding calendar year.

3. Domestic workers shall accrue a minimum of one hour of sick time for every seven days worked, which shall be in addition to the one day of rest provided for in New York State Labor Law section 161(1). All domestic workers employed by any employer, regardless of the number of domestic workers employed, shall be entitled to earn and use up to 40 hours of earned paid sick time in a year, unless the employer selects a higher limit.
4. Forty (40) hours is the maximum amount of sick leave to be accrued in a year.

Sec. 585.04. Employer's Options; Collective Bargaining Agreements.

1. Nothing in this Chapter shall be construed to discourage or prohibit an employer from allowing the accrual of earned sick time at a faster rate than provided herein; or from providing more sick time than provided herein.
2. In lieu of calculating the accrual of earned sick time, an employer shall have the option to provide an employee with sick time and personal time which if combined equals forty (40) hours or more per calendar year, or the year as determined by the employer (*i.e.*, anniversary date). Such an employer shall be in compliance with this law, provided that the employee is permitted to take time as needed for sick time, with no advance notice necessary and no restrictions are placed on use of earned sick time other than those contained in this Chapter.
3. Nothing in this Chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employment benefit plan or other agreement providing more generous earned and/or paid sick time to an employee than required herein. Nothing in this Chapter shall be construed as diminishing the rights of public employees regarding earned and/or paid sick time or use of earned and/or paid sick time as provided in the laws of New York State or Westchester County pertaining to public employees.

The provisions of this chapter shall not apply to any employee covered by a valid collective bargaining agreement if:

(a) such provisions are expressly waived in such collective bargaining agreement; and

(b) such agreement provides for a comparable benefit for the employees covered by such agreement in the form of paid days off; such paid days off shall be in the form of leave, compensation, other employee benefits, or some combination thereof. Comparable benefits shall include, but are not limited to, vacation time, personal time, sick time, and holiday and Sunday time pay at premium rates.

Sec. 585.05. Protections for Earned Sick Leave.

1. Earned sick time that has not been utilized can be carried over to the following year, provided that the maximum amount of sick leave for any given year remains at forty (40) hours.
2. If any employee, including domestic workers, is transferred to a separate division, entity or location within Westchester County, but remains employed by the same employer, the employee is entitled to all unused earned sick time accrued at the prior division, entity or location provided that said prior division, entity or location is also located in Westchester County.
3. When there is a separation from employment and the employee is rehired within 9 months of separation by the same employer, previously accrued earned sick time that had not been used shall be reinstated.
4. When one employer is succeeded by another employer, all employees of the original employer who remain employed by the successor employer are entitled to all the unused earned sick time they accrued when employed by the original employer.

Sec. 585.06. Use of Earned Sick Time.

1. All earned sick time may be used for:
 - a. An employee's mental or physical illness, injury or health condition; an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; an employee's need for preventive medical care;
 - b. The care of a family member with a mental or physical illness, injury or health condition; care of a family member who needs medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition; and care of a family member who needs preventive medical care;
 - c. Any employer who is willing to pay for the use of an employee's earned sick time, may authorize an employee to utilize sick time if the employer reasonably determines that an employee's mental or physical illness, injury or health condition or an employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury or health condition requires immediate attention;
 - d. The care for an employee or family member when it has been determined by the public health authorities having jurisdiction that the employee's or family member's presence in the community may jeopardize the health of others because of his or her exposure to a communicable disease where or not the employee or family member has actually contracted the communicable disease;

- e. The closure of the employee's place of business by order of a public official due to a public health emergency;
 - f. The closure of a day care or elementary or secondary school attended by an employee's child where such closure was due to a public health emergency.
2. An employee's ability to use earned sick time may be delayed until the employee has worked for the employer for 90 days.
 3. In the event that an employee only needs to use a portion of a day of earned sick time, an employee may use a minimum of four hours and, if more time is needed, then the smallest increment that the employer's payroll system uses to account for absence or use of other time.
 4. At its discretion, an employer may loan earned sick time to an employee in advance of accrual by such employee.
 5. Nothing in this section shall be construed as requiring an employer to provide financial or other reimbursement to an employee upon the employee's termination, resignation, retirement or other separation from employment for unused accrued earned sick time.

Sec. 585.07. Procedures Relating to the Request to Use Earned Sick Time.

1. Earned sick time shall be provided upon the request of an employee. Such request may be made orally, in writing, by electronic means or by any other means acceptable to the employer. When possible, the request shall include the expected duration of the absence.
2. When the use of earned sick time is foreseeable, the employee shall make a good faith effort to provide notice to the employer in advance and shall make a reasonable effort to schedule the use of earned sick time in a manner that does not unduly disrupt the operations of the employer.
3. An employer that requires notice of the need to use earned sick time shall provide a written policy that contains the procedures for the employee to provide notice. An employer that has not provided a copy of its written policy to the employee shall not deny earned sick time to the employee based on noncompliance with such policy.
4. An employer may not require, as a condition of an employee's use of earned sick time, that the employee find another employee to work during the time of the employee's absence.

5. For earned sick time of more than 3 consecutive work days, an employer may require the employee to provide reasonable documentation that the earned sick time has been used for a purpose covered by section 585.06 above. Documentation provided by the employee and signed by a health care professional indicating that earned sick time is necessary shall be considered reasonable documentation for purposes of this section. The employer cannot require a doctor to provide a note containing information in violation of HIPAA.

Sec. 585.08. Exercise of Rights Protected; Retaliatory Personnel Actions Prohibited;

1. It shall be unlawful for an employer or any other person to interfere with, restrain, or deny the exercise of, or the attempt to exercise, the right to use earned sick leave.
2. It shall be unlawful for an employer to include used earned sick time as an absence that may lead to or result in discipline, discharge, demotion, or suspension.
3. An employer shall not take retaliatory personnel action or discriminate against an employee because the employee has requested to use or has used earned sick time.
4. An employer shall not take retaliatory personnel action or discriminate against an employee that has filed a complaint regarding an employer's alleged violation of this Earned Sick Leave Law.
5. An employer shall not take retaliatory personnel action or discriminate against an employee that has informed another employee of his or her rights under the Earned Sick Leave Law.
6. There shall be a rebuttable presumption of unlawful retaliatory personnel action whenever an employer takes adverse action against an employee within 90 days of the filing of a complaint regarding an employer's alleged violation of this Earned Sick Leave Law.

Sec. 585.09. Notice and Posting.

1. At the commencement of employment or within 90 days of the effective date of this law, whichever is later, all employers shall give employees a copy of the Earned Sick Leave Law and written notice of how the law applies to that employee.
2. Employers shall display a copy of the Earned Sick Leave Law and a poster in English, Spanish and any other language deemed appropriate by the County of Westchester, in a conspicuous location accessible to the employee.
3. An employer who willfully violates the notice and posting requirements of this section shall be subject to a civil fine in an amount not to exceed \$500 for each separate offense.

Sec. 585.10. Employer Records.

1. Employers shall retain records clearly documenting the hours worked by employees and earned sick time accrued and taken by employees, for a period of three years.
2. There shall be a rebuttable presumption of a violation of the Earned Sick Leave Law for an employer's failure to retain records in accordance with subdivision 1.

Sec. 585.11. Enforcement, Civil Action and Penalties.

1. The Department of Weights and Measures – Consumer Protection (hereinafter referred to in this section as the “Department”) shall establish a process to receive complaints from a person alleged to have been aggrieved by an employer's non-compliance with this Chapter. Such complaint must be filed within one (1) year after the occurrence of the alleged violation. Once a complaint is received, the Department shall investigate the complaint, and if the Department finds probable cause to support that a violation has occurred, it shall attempt to facilitate a resolution.
2. If there has been no resolution of the matter in accordance with subdivision 1 above, then the Department shall issue a summons to the employer in the form of an appearance ticket that shall give notice of alleged violation and set forth the time and place of the hearing on such complaints, which shall not be less than eight days following service of the summons. Such hearing shall be held before a hearing officer who shall hear testimony and examine exhibits as may be offered and received in evidence, but shall not be required to follow strict rules of evidence. The hearing officer shall have the power to:
 - a. dismiss the complaint if not proven by a preponderance of the evidence;
 - b. adjust the matter upon consent; or
 - c. determine a violation has occurred and impose any of the following penalties and any other penalties as may be provided for in this chapter:
 - i. Require the employer to pay the employee three times the wages that should have been paid under this Chapter or two hundred fifty dollars, whichever is greater for each instance of sick time taken by an employee but unlawfully not compensated by the employer;
 - ii. Require the employer to pay the employee five hundred dollars for each instance of sick time requested by an employee but unlawfully denied by the employer and not taken by the employee or unlawfully conditioned upon searching for or finding another employee to work;

- iii. Grant such additional relief, as it deems appropriate, the full amount of any unpaid earned sick time plus any actual damages suffered as the result of the employer's violation of the Earned Sick Leave Law, reasonable attorney's fees, the cost of the administrative hearing, and other monetary or equitable relief as may be appropriate, without limitation, reinstatement to employment and back pay.

The determination of the hearing officer shall be served upon the parties. The aggrieved party may appeal said determination to a court of competent jurisdiction by the commencement of a proceeding within 30 days after service of said order upon the aggrieved party. If the court finds an unlawful violation has occurred, the court may impose the penalties set forth in this subdivision.

3. In lieu of the procedures set forth in subdivision 1 & 2 above, any person who claims to have been aggrieved by a violation of this Chapter may commence a civil action in the appropriate court of jurisdiction not later than one (1) year after the occurrence of an alleged violation. If the court finds an unlawful violation has occurred, the court may impose the penalties set forth in subdivision 2 above.

Sec. 585.12. Confidentiality and Nondisclosure.

1. Health information about an employee or family member obtained solely for the purposes of utilizing sick time shall be treated as confidential and shall not be disclosed except with the written permission of the affected employee, unless such disclosure is otherwise required by law.
2. Any health or safety information possessed by an employer regarding an employee or employee's family member must be maintained on a separate form and in a separate file from other personnel information.

Sec. 585.13. Other Legal Requirements.

This Chapter provides minimum requirements pertaining to earned sick time and shall not be construed to preempt, limit, or otherwise affect the applicability of any other law, regulation, requirement, or policy that provides for greater accrual or use by employees of earned sick time or that extends other protections to employees. In addition, nothing in this Chapter shall be construed to prevent, interfere or conflict with any rights of an employee under the New York Disability Benefits Law and Paid Family Leave Benefits Law, N.Y. Workers' Comp. Law § 200 et seq.

Sec. 585.14. Public Education and Outreach.

The Westchester County Human Rights Commission shall develop and implement a multilingual outreach program to inform employees, parents and persons who are under the care of a health care provider about the availability of earned sick time under this Chapter. This

program shall include the distribution of notices and other written materials in English and Spanish and any language deemed appropriate by the Westchester County Human Rights Commission to child care and elder care providers, domestic violence shelters, schools, hospitals, community health centers and other health care providers in Westchester County.

Sec. 585.15. Reverse Preemption.

This local law shall be null and void on the day that Statewide or Federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or Federal administrative agency issues and promulgates regulations preempting such action by the County of Westchester. The Board of Legislators may determine via resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Sec. 585.16. Severability.

If any provision of this Chapter or application thereof to any person or circumstance is judged invalid, the invalidity shall not affect other provisions or applications of the Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared severable.

§2. This Local Law shall take effect 180 days after its adoption, except that in the case of employers who have employees covered by a collective bargaining agreement as specified in Section 585.04(3), this local law shall apply beginning on the stated expiration date in the collective bargaining agreement.

