



Westchester County's Earned Sick Leave Law

Effective April 10, 2019

Under Westchester County's Earned Sick Leave Law, employers with five or more employees in Westchester County must provide paid sick leave. Employers with fewer than five employees must provide unpaid sick leave.

YOU HAVE A RIGHT TO SICK LEAVE, WHICH YOU CAN USE FOR THE CARE AND TREATMENT OF YOURSELF OR A FAMILY MEMBER.






In general, employees who work for a covered employer in Westchester County for more than 80 hours in a calendar year, full-time or part-time, are covered by the Earned Sick Leave Law but certain exceptions apply.

You accrue sick leave at the rate of one hour for every 30 hours worked, up to a maximum of 40 hours of sick leave per year.



You begin to accrue sick leave on July 10, 2019 or on your first day of employment, whichever is later. An employer has the right to delay your ability to use earned sick time until you have worked for the employer for 90 days.

YOU CAN USE SICK LEAVE WHEN:

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- You have a mental or physical illness, injury or health condition; you need to get a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition; you need, injury, or health condition; you need to get preventative medical care.
 - You must care for a family member who needs a medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or who needs preventative medical care.
 - Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider has closed due to a public health emergency.

YOU HAVE A RIGHT TO BE FREE FROM RETALIATION FROM YOUR EMPLOYER FOR USING SICK LEAVE

For general information about the law, contact the Human Rights Commission at (914) 995-7710 or visit humanrights@westchestergov.com. If you think you've been subjected to a violation of any rights granted under the Earned Sick Leave Law, please contact the Westchester County Department of Consumer Protection. Visit www.consumer.westchestergov.com or call (914) 995-2155.



George Latimer, County Executive
Tejash Sanchala, Esq., Executive Director
Human Rights Commission



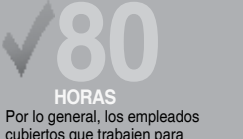
Ley de Licencia Acumulada por Enfermedad del Condado de WESTCHESTER

En vigencia desde el 10 de abril de 2019

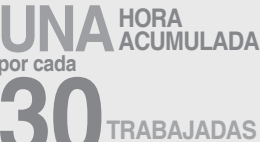
En virtud de la Ley de Licencia Acumulada por Enfermedad del Condado de Westchester (Westchester County's Earned Sick Leave Law), los empleadores que tengan cinco o más empleados en el condado de Westchester están obligados a conceder una licencia pagada por enfermedad.

USTED TIENE DERECHO A UNA LICENCIA POR ENFERMEDAD, QUE PUEDE USAR PARA BUSCAR ATENCIÓN Y TRATAMIENTO PARA USTED MISMO O PARA UN FAMILIAR.

DESPUÉS DE HABER TRABAJADO






Acumula tiempo de licencia por enfermedad a razón de una hora por cada 30 horas trabajadas, hasta un máximo de 40 horas de licencia por enfermedad por año.



Por lo general, los empleados cubiertos que trabajen para empleadores cubiertos por esta ley en el condado de Westchester por más de 80 horas durante un año calendario, a tiempo completo o a tiempo parcial, están cubiertos por la Ley de Licencia Acumulada por Enfermedad. Se pueden aplicar ciertas excepciones.

Comenzará a acumular tiempo de licencia por enfermedad desde el 10 de julio de 2019 o desde su primer día de trabajo, si esta fecha es posterior. Un empleador tiene derecho a demorar su capacidad de usar una licencia por enfermedad hasta que haya trabajado 90 días para él.

PUEDE USAR UNA LICENCIA POR ENFERMEDAD CUANDO:

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- Tenga una enfermedad mental o física, una lesión o una condición de salud; necesite obtener un diagnóstico médico, recibir atención o tratamiento para una enfermedad mental o física, una lesión o una condición de salud; o tenga que recibir atención médica preventiva.
 - Tenga que cuidar a un familiar que necesite obtener un diagnóstico médico, recibir atención o tratamiento para una enfermedad mental o física, una lesión o una condición de salud; o que necesite recibir atención médica preventiva.
 - La empresa de su empleador cierre debido a una emergencia de salud pública, o tenga que cuidar a un hijo cuando su escuela o su proveedor de atención infantil haya cerrado debido a una emergencia de salud pública.

USTE TIENE DERECHO A NO RECIBIR REPRESALIAS DE SU EMPLEADOR POR USAR UNA LICENCIA POR ENFERMEDAD

Para obtener información general sobre la ley, comuníquese con la Comisión de Derechos Humanos (Human Rights Commission) llamando al (914) 995-7710 o enviando un correo electrónico a humanrights@westchestergov.com.

Si considera que se ha violado alguno de sus derechos garantizados por la Ley de Licencia Acumulada por Enfermedad, póngase en contacto con el Departamento de Protección al Consumidor del Condado de Westchester (Westchester County Department of Consumer Protection). Visite www.consumer.westchestergov.com o llame al (914) 995-2155.



George Latimer, County Executive
Tejash V. Sanchala, Esq., Executive Director
Human Rights Commission

Chapter 585 - EARNED SICK LEAVE LAW

Sec. 585.01. - Short title.

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

(Added by L.L. No. 6-2018, § 1)

Sec. 585.02. - Definitions.

For purposes of this chapter:

- "Calendar year" shall mean from January 1 to December 31 in any given year.
- "Child" shall mean, regardless of age, 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.
- "Domestic partner" shall mean any "domestic partner" as defined under New York State Workers' Compensation Law section 4(1).
- "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 80 hours in a calendar year on a full-time or part-time basis.
- "Earned sick time" means time that is accrued in accordance with section 585.03 or calculated in accordance with section 585.04 to be utilized for the purposes provided in section 585.06 of this chapter.
- "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:
 - Work performed as a participant in a work experience program established by a social services district;
 - Work performed pursuant to work study programs under 42 U.S.C. Section 2753;
 - Work performed by employees compensated by or through qualified scholarships as defined in 26 U.S.C. Section 117.
- "Family member" shall mean any "employee" 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.
- "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 formally 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.
- "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.
- "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 that person was a minor.
- "Personal time" shall mean leave with pay for personal business including, but not limited to, to care 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.
- 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 employer, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.
- "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.
- "Year", other than "calendar year" means a regular and consecutive twelve-month period as determined by the employer.

(Added by L.L. No. 6-2018, § 1)

Sec. 585.03. - Accrual of earned sick time.

- 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.
- Employees of an employer with five 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 five employees shall be entitled to earn and use up to 40 hours of unpaid sick time in a year. In no case shall 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.
- 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 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.
- Forty hours is the maximum amount of sick leave to be accrued in a year.

(Added by L.L. No. 6-2018, § 1)

Sec. 585.04. - Employer's options; collective bargaining agreements.

- 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.
- 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 40 hours or more per calendar year, or the year as determined by the employer (i.e., anniversary date). Such an employer shall have the option to allow an employee to take time off 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.
- Nothing in this chapter shall be construed as diminishing the obligation of an employer to comply with any contract, collective bargaining agreement, employee 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.

Capítulo 585 – LEY DE DÍAS ACUMULADOS DE LICENCIA POR ENFERMEDAD

Sec. 585.01. – Título abreviado.

El presente capítulo deberá conocerse y podrá ser citado como "Ley de días acumulados de licencia por enfermedad".

(Añadido por el L.L. No. 6-2018, § 1)

Sec. 585.02. – Definiciones.

Para fines de este capítulo:

- "Año calendario" significará del 1ro de enero al 31 de diciembre de un año dado.
- "Menor" significará, sin importar la edad, un hijo biológico, adoptado o de crianza, pupilo o una persona por quien el empleado tiene las responsabilidades y poderes de los padres (*loco parentis*), o por quien el empleado tuvo las responsabilidades y poderes de los padres cuando la persona era menor de edad.
- "Pareja doméstica" significará cualquier "pareja doméstica" tal como se define en la sección 4(1) de la Ley de compensación al trabajador del estado de Nueva York.
- "Trabajador doméstico" significará cualquier trabajador doméstico tal como se define en la sección 2 (16) de la Ley del Trabajo del estado de Nueva York, que sea un empleado contratado dentro del condado de Westchester por más de 80 horas en un año calendario, ya sea a tiempo completo o a tiempo parcial.
- "Días acumulados de licencia por enfermedad" quiere decir que se han acumulado en conformidad con la sección 585.03 o que se han calculado en conformidad con la sección 585.04, a ser utilizados para los fines dispuestos en la sección 585.06 del presente capítulo.
- "Empleado" significará cualquier persona empleada por contrato por un tiempo en cualquier empleo dentro del condado de Westchester por más de 80 horas en un año calendario, que se desempeña en el trabajo sea a tiempo completo o a tiempo parcial, incluyendo trabajo realizado en programas de experiencia laboral, pero que no incluye:
 - Trabajo realizado en calidad de participante en un programa de experiencia laboral establecido por un distrito de servicios sociales;
 - Trabajo realizado en conformidad con programas estudio-trabajo bajo la sección 2753 del 42 U.S.C.
 - Trabajos realizados por empleados que sean pagados por, o mediante becas calificadas tal como se define en la sección 117 de 27 U.S.C.
- "Empleador" significará cualquier "empleador" tal como se define en la sección 190(3) de la Ley del Trabajo, excepto que un empleador incluye al gobierno del condado de Westchester para aquellos de sus empleados no estén sujetos a un convenio colectivo de trabajo.
- Miembro de la familia significará el hijo, cónyuge, pareja doméstica, padre, hermano, nieto o abuelo del empleado; y el hijo o padre del cónyuge, pareja doméstica o miembro de la familia del empleado. Para fines de esta subdivisión, "miembro del hogar" significará (i) personas relacionadas por consanguinidad o filia; (ii) personas legalmente casadas o en una relación de pareja entre sí; (iii) personas que estuvieron casadas o en una relación de pareja anteriormente sin importar si todavía residen en el mismo hogar; (iv) personas que tienen un hijo en común; (v) personas sin importar si esas personas han estado casadas o en una relación de pareja en algún momento; y (vi) personas que no estén relacionadas por consanguinidad ni por filia; y que tienen o han tenido una relación íntima sin importar si esas personas han vivido juntas en algún momento.
- "Profesional de atención médica" significa cualquier persona con licencia federal o estatal para proveer servicios médicos o de emergencias, que incluye pero no se limita a médicos, enfermeros, parteras y personal de la sala de emergencia.
- "Padre" significará un padre biológico, de crianza, padastro o adoptivo, tutor legal de un empleado o una persona que tuvo las responsabilidades y poderes de un empleado (*loco parentis*), o por quien el empleado tuvo las responsabilidades y poderes de los padres cuando el empleado era menor de edad.
- "Tiempo personal" significará licencia con paga por asuntos personales que incluyen pero no se limitan a, fiestas religiosas, asistencia a funerales, ausencias necesarias debido a condiciones extraordinarias del clima, asistencia a convenciones aparte de las requeridas por el trabajo, citas de negocios personales o familiares y razones similares.
- Personas que estén en "loco parentis" significará aquellas personas con responsabilidades día a día para el cuidado y soporte financiero de un hijo o pupilo, o para quien tenía dicha responsabilidad por el empleado cuando el empleado era menor de edad. No es necesaria una relación biológica ni legal.
- "Acción de represalia por parte del empleador" significará la de negación de cualquier derecho garantizado bajo el presente capítulo o cualquier amenaza, despido, suspensión, descenso de rango, reporte o amenaza de reporte el estatus migratorio del empleado o de ciudadanía que se sospecha de un empleado o del estatus migratorio o de ciudadanía que se sospecha de un miembro de la familia del empleado o una agencia federal, estatal o local o cualquier otra acción de un empleado por haber usado cualquiera de los derechos garantizados en el presente, incluyendo cualquier sanción en contra de un empleado que sea receptivo de beneficios públicos por derechos garantizados bajo el presente capítulo. Represalia deberá también incluir interferencia con, o castigo por haber participado o ayudado de alguna manera a una investigación, proceso o audiencia bajo el presente capítulo.
- "Año" aparte de "año calendario" significa un período regular consecutivo de doce meses tal como lo determine el empleador.

(Añadido por L.L. No. 6-2018, § 1)

Sec. 585.03. – Acumulación de horas de licencia por enfermedad.

- Al inicio del empleo o 90 días después que esta Ley entre en efecto, lo que sucediere más tarde, todos los empleados, con excepción de los trabajadores domésticos, acumularán un mínimo de una hora de licencia por enfermedad por cada 30 horas trabajadas.
- Empleados de un empleador que tenga cinco empleados o más deberán tener derecho a acumular y usar hasta 40 horas de licencia por enfermedad con paga en un año, a menos que el empleador elija un límite más alto. Las horas de licencia por enfermedad con paga serán pagadas a la misma tarifa por hora que las horas de licencia por enfermedad no con paga. Si el empleador elige un límite más alto, el límite será menor de lo que se dispone bajo la sección 652(1) de la Ley del Trabajo en Nueva York. Los empleados de un empleador que tenga menos de cinco empleados tendrán derecho a acumular y usar hasta 40 horas de licencia por enfermedad sin paga en un año. Al determinar el número de empleados de desempeño trabajos para un empleador en conformidad con esta subdivisión, todos los empleados que desempeñen trabajos por los que se les paga, sea a tiempo completo, tiempo parcial o temporalmente, deberán contar siempre que cuando el número de empleados que trabajan para un empleador por semana fluctúa, el número de empleados del año calendario actual puede basarse en el número promedio de empleados que trabajaron por semana durante el año calendario anterior.
- Los trabajadores domésticos acumularán un mínimo de una hora de licencia por enfermedad por cada siete días trabajados, que será además de un día de descanso que dispone la Sección 161(1) de la Ley del Trabajo del estado de Nueva York. Todos los empleados domésticos empleadas por cualquier empleador, sea en un número de trabajadores domésticos empleados, deberán tener derecho a acumular y usar hasta 40 horas de licencia por enfermedad con paga en un año, a menos que el empleador elija un límite más alto.
- Cuarenta horas es la cantidad máxima de licencia por enfermedad que se puede acumular en un año.

(Añadido por L.L. No. 6-2018, § 1)

Sec. 585.04. – Opciones para el empleador; convenios colectivos de trabajo.

- No se interpretará nada en este capítulo como que desaprueba o prohíbe a un empleador de permitir la acumulación de horas de licencia por enfermedad y por razones personales, de manera más rápida de la que se dispone en el presente; o de proporcionar más horas de licencia por enfermedad de las que se dispone en el presente.
- En lugar de calcular la acumulación de horas de licencia por enfermedad, un empleador deberá tener la opción de proveerle a un empleado horas de licencia por enfermedad o por razones personales si la combinación de las horas es igual a 40 horas o más por año calendario, o por el año tal como se lo haya determinado el empleador (por ejemplo, fecha de aniversario del empleado). Tal como se dispone en la sección 652(1) de la Ley del Trabajo, tal como se define en esta ley, un empleador se le permite tomar las horas de licencia por enfermedad que necesite, sin que sea necesaria una notificación por adelantado y sin que se pongan restricciones al uso de las horas acumuladas de licencia por enfermedad, aparte de las que están contenidas en el presente capítulo.
- Nada contenido en este capítulo deberá interpretarse como que disminuye la obligación de un empleador de cumplir con algún contrato, convenio colectivo de trabajo, plan de beneficios de empleo u otro acuerdo que provea más generosamente horas acumuladas o pagadas de licencia por enfermedad a un empleado que las que se estipulan en este capítulo. Sin embargo, nada en este capítulo deberá interpretarse como que disminuye los derechos de empleados públicos con respecto a horas acumuladas o pagadas de licencia por enfermedad ni el uso de las horas acumuladas o pagadas de licencia por enfermedad tal como se dispone en las leyes del estado de Nueva York o del condado de Westchester en lo referente a empleados públicos.

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

- Such provisions are expressly waived in such collective bargaining agreement; and
- 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.

(Added by L.L. No. 6-2018, § 1)

Sec. 585.05. – Protecciones for earned sick leave.

- 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 40 hours.
- 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.
- When there is a separation from employment and the employee is rehired within nine months of separation by the same employer, previously accrued earned sick time that had not been used shall be reinstated.

- When an employee is succeeded by another employee, all employees of the original employer who remain employed by the successor employer shall be entitled to all the unused earned sick time they accrued when employed by the original employer.

(Added by L.L. No. 6-2018, § 1)

Sec. 585.06. – Use of earned sick time.

- All earned sick time may be used for:
 - 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 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.
 - 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.
- An employee's ability to use earned sick time may be delayed until the employee has worked for the employer for 90 days.
- In the event that an employee only needs to use a portion of a day of earned sick time, an employer 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.
- At its discretion, an employer may loan earned sick time to an employee in advance of accrual by such employee.
- 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.
- (Added by L.L. No. 6-2018, § 1)
- Sec. 585.07. – Procedures relating to the request to use earned sick time.
 - 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.
 - 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.
 - 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 non-compliance with such policy.
 - 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.
 - For earned sick time of more than three 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.
- (Added by L.L. No. 6-2018, § 1)
- Sec. 585.08. – Exercise of rights protected; retaliatory personnel actions prohibited.
 - 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.
 - It shall be unlawful for an employer to include used earned sick time as an absence that may lead to result in discipline, discharge, demotion, or suspension.
 - 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.
 - 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.
 - 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.
 - 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.
- (Added by L.L. No. 6-2018, § 1)
- Sec. 585.09. – Notice and posting.
 - 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 to law applies to that employer.

- 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.
- 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 \$500.00 for each separate offense.

(Added by L.L. No. 6-2018, § 1)

Sec. 585.10. - Employer records.

- 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.
- 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.

(Added by L.L. No. 6-2018, § 1)

Sec. 585.11. - Enforcement, civil action and penalties.

- 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 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.
- If there has been no resolution of the matter in accordance with subsection 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 affidavits 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:
 - Dismiss the complaint if not proven by a preponderance of the evidence;
 - Adjust the matter upon consent; or
 - Determine a violation has occurred and impose any of the following penalties and any other penalties as may be provided for in this chapter:
 - Require the employer to pay the employee three times the wages that should have been paid under this chapter or \$250.00, whichever is greater for each instance of sick time taken by an employee but unlawfully not compensated by the employer;
 - Require the employer to pay the employee \$500.00 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;
 - 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.

- In lieu of the procedures set forth in subsections 1. and 2. above, any person who presents to the department a written request for a violation of this chapter may commence a civil action in the appropriate court of jurisdiction not later than one 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 subsection 2. above.

(Added by L.L. No. 6-2018, § 1)

Sec. 585.12. - Confidentiality and nondisclosure.

- 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.
- 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.

(Added by L.L. No. 6-2018, § 1)

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 of 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.

(Added by L.L. No. 6-2018, § 1)

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.

(Added by L.L. No. 6-2018, § 1)

Sec. 585.15. - Reverse preemption.

- This local law shall be null and void on the date 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 state legislation has been enacted for the purposes of triggering the provisions of this section.

(Added by L.L. No. 6-2018, § 1)

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.

(Added by L.L. No. 6-2018, § 1)

(Añadido por L.L. No. 6-2018, § 1)

Sec. 585.09. - Notificación y publicación.

- Al inicio del empleo o dentro de los 90 días de la fecha de vigencia de esta Ley, lo que ocurra más tarde, todos los empleadores les deberán dar a sus empleados una copia de la Ley de horas acumuladas de licencia por enfermedad y una notificación escrita de cómo la Ley se aplica a ese empleado.
- Los empleadores deberán exhibir una copia de la Ley de horas acumuladas de licencia por enfermedad y un cartel en inglés, español y en cualquier otro idioma que sea el empleado de Westchester considere apropiado, en un lugar visible y accesible a los empleados.

- Un empleador que intencionalmente viole los requerimientos de notificación y publicación de esta sección estarán sujetos a una multa civil por una suma que no exceda \$500.00 por cada ofensa separada.

(Añadido por L.L. No. 6-2018, § 1)

Sec. 585.10. - Ré cords del empleador.

- Los empleadores deberán guardar los récords que documenten claramente las horas trabajadas por los empleados y las horas acumuladas y usadas por cada empleado durante un periodo de tres años.
- Hubo una presunción refutable de violación de la Ley de horas acumuladas de licencia por enfermedad para un empleador que no haya guardado los récords en conformidad con la subdivisión 1.

(Añadido por L.L. No. 6-2018, § 1)

Sec. 585.11. - Cumplimiento, acción civil, sanciones.

- El Departamento de Pesas y Medidas - Protección al Consumidor (de aquí en adelante nos referiremos a él en esta sección como el "departamento") deberá establecer un proceso para recibir denuncias de personas que aleguen haber sido agraviadas porque el empleador no cumplió con las disposiciones de este capítulo. Dicha denuncia deberá presentarse dentro de un año de la ocurrencia de la supuesta violación. Una vez que la denuncia se haya recibido, el departamento investigará la denuncia y si el departamento encuentra que haya una causa probable que soporte la ocurrencia de una violación, tratará de facilitar una resolución.
- Si no se ha llegado a una resolución del asunto en conformidad con la subdivisión 1, que se encuentra inminentemente arriba, entonces el departamento emitirá una citación para el empleador en la forma de un aviso de comparecencia en el cual le notificaron de la supuesta violación y lo indicarán la hora y el lugar de la audiencia para que comparezca en la audiencia que no ocurrirá en menos de ocho días después de haberle entregado la citación. Dicha audiencia se llevará a cabo ante un funcionario a cargo de la audiencia administrativa