



## **ERIE COUNTY WATER AUTHORITY INTEROFFICE MEMORANDUM**

TO: Jerome D. Schad, Chair  
Peggy A. LaGree, Vice Chair  
Michele M. Iannello, Treasurer

FROM: Terrence D. McCracken, Secretary to the Authority

DATE: July 14, 2025

SUBJECT: Amendment to Policy No. 61 Leaves of Absence

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In order to guarantee that policies are both clear and concise, I recommend a minor amendment to Policy No. 61 regarding Leaves of Absence. Section 2 of Policy No. 61 outlines the procedures for employees who wish to donate blood, but it requires additional clarification. To provide the necessary clarification, I suggest modifying Policy 61 to enhance its clarity and conciseness.

An amended draft of Policy No. 61 has been included in the July 23, 2025 Governance and Board Meeting packets for your review and approval to amend.

Thank you.

TDM:alh

**ERIE COUNTY WATER AUTHORITY  
AUTHORIZATION FORM  
For Approval/Execution of Board Meeting Documents**

**Document Name:** \_\_\_\_\_ **Project No.:** \_\_\_\_\_

**Description:** \_\_\_\_\_

**Item Description:**

Choose one:

Other: \_\_\_\_\_

**Action Requested:**

Choose one:

Other: \_\_\_\_\_

**Approvals Required:**

**APPROVED AS TO CONTENT:**

Chief Financial Officer \_\_\_\_\_ Date: 07/14/2025

Chief Operating Officer \_\_\_\_\_ Date: 7/15/2025

Claims Rep. – Risk Manager \_\_\_\_\_ Date: \_\_\_\_\_

Comptroller \_\_\_\_\_ Date: \_\_\_\_\_

Director of Administration \_\_\_\_\_ Date: \_\_\_\_\_

Director of Distribution \_\_\_\_\_ Date: \_\_\_\_\_

Director of Human Resources \_\_\_\_\_ Date: \_\_\_\_\_

Director of IT \_\_\_\_\_ Date: \_\_\_\_\_

Director of Production \_\_\_\_\_ Date: \_\_\_\_\_

Director of Water Quality \_\_\_\_\_ Date: \_\_\_\_\_

Executive Engineer \_\_\_\_\_ Date: \_\_\_\_\_

General Counsel (Legal) \_\_\_\_\_ Date: 7/14/2025

Other: \_\_\_\_\_ Date: \_\_\_\_\_

**APPROVED FOR BOARD RESOLUTION:**

Secretary to the Authority \_\_\_\_\_ Date: 7/15/2025

**Remarks:** \_\_\_\_\_

**Resolution Date:** \_\_\_\_\_ **Item No:** \_\_\_\_\_

**ERIE COUNTY WATER AUTHORITY**  
**HR Policies/Procedures**

**Re: LEAVES OF ABSENCE**

**Policy No. 61**

**Application: All Employees**

**Amended: 10/02/2014**  
**10/20/2022<sup>1</sup>**  
**09/20/2023**  
**07/23/2025**

## **PURPOSE**

To provide guidelines whereby employees may maintain continuity of service in instances where circumstances require their absence from work.

## **POLICY**

Leaves of absence may be granted to full-time employees when circumstances covered by this policy require an employee's absence. The duration of each leave of absence and wages received by the employee during the leave of absence, if any, shall be decided in accordance with the criteria established by this policy and any applicable Collective Bargaining Agreements.

## **LEAVES OF ABSENCE**

### **A) LEAVES OF ABSENCE WITH PAY.**

#### **Section 1 Bereavement (Death in Family).**

**1.1 Leave.** Upon the death of the following family members, a leave of absence shall be granted for not more than four (4) working days beginning with the date of death of the relative. The four (4) days do not need to be used immediately or consecutively but the employee may delay or break up such days as necessary to address death-related matters. The days, however, must be used within fourteen (14) days of the date of death.

- current spouse or domestic partner

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<sup>1</sup> This Policy 61 Leaves of Absence consolidates, revises, and replaces H.R. Policy Nos. 42.0 (Bereavement Leave), 61.0 (Leaves of Absence) and 62.0 (Jury Duty or Court Appearance Leave) and is intended to be consistent with the respective Collective Bargaining Agreements.

- child (natural, adopted, foster, or step)
- grandchild
- parent (natural, adopted, foster, or step)
- grandparent
- sibling ( natural, adopted, foster, or step)
- current father-in-law or current mother-in-law; or

Upon the death of the following family members, a leave of absence will be granted for the day of the funeral and/or memorial service:

- uncle
- aunt
- current brother-in-law or current sister-in-law
- son-in-law or daughter-in-law
- niece or nephew
- step mother-in-law or step father-in-law of an employee

## 1.2 Procedure.

- Notification.** The employee shall notify his or her immediate supervisor of any such absence at the earliest opportunity prior to the time he/she is scheduled to report for work. He/she shall state the reason for such absence and the number of days he/she will be necessarily absent from work because of such death.
- Return to Work.** Upon return to work, the employee will be asked to complete the approved form for bereavement leave and provide a copy of proof of death.
- Conditions.** Bereavement leave will only be paid for scheduled workdays and not for days off occurring within such period such as holiday pay or sick leave pay.

## Section 2 Blood Donations.

### 2.1 Leave.

- In accordance with Labor Law § 202-j, you may be excused from work for up to three (3) hours of unpaid leave of absence in any twelve-month period to donate blood, including travel time to donate during your normal work hours. ~~or~~
- ~~The Authority may allow its employees, without use of accumulated leave time, to donate blood during work hours at least two times per year at a convenient time and place set by~~

~~the Authority, including allowing employees to participate in a blood drive at the Authority's place of employment. An employee may elect to utilize accrued leave time to be compensated for such leave of absence subject to the procedures below.~~

## **2.2 Procedure.**

(a) **Notification.** The employee shall notify his or her immediate supervisor of any such absence and get prior approval from the supervisor.

~~(b)~~ **Return to Work.** To utilize accrued leave~~receive compensatory~~ time for a blood donation, an employee must return to work immediately after making the donation, if made during the workday.

~~(e)~~  
(b) —Accrued leave time used to donate blood will not be included in calculations relative to the Absentee Control Program or employee Sick Leave Bonus/Buyout programs.

~~(d)~~(c) **Conditions.**

(1) An employee may not receive a fee for the donation; and

(2) An employee must provide proof of being a blood donor.

## **Section 3 Bone Marrow and Organ Donor Leave.**

**3.1 Leave.** Employees will be granted leave with pay for purposes of bone marrow donation (up to 7 days) or organ donation (up to 30 days).

## **3.2 Procedure.**

(a) **Notification.** The employee shall notify his or her immediate supervisor of any such absence with not less than fourteen (14) days prior written notice of an intention to utilize such leave, unless there exists a documented medical emergency, attested to by a physician.

(b) **Additional Leave.** Such leave shall be in addition to any other sick or annual leave allowed.

(c) **Return to Work.** The employee must furnish the Authority

with a satisfactory medical documentation upon the completion of the procedure.

## **Section 4 Cancer Screening.**

**4.1 Leave.** Employees are permitted up to four (4) hours of leave with pay each calendar year for cancer screening.

### **4.2 Procedure.**

- (a) **Notification.** Employees should request approval from their supervisor in advance of using the leave benefit.
- (b) **Documentation.** Employees need to furnish satisfactory medical documentation upon completion of the cancer screening on forms approved by the Authority.
- (c) **Conditions.**
  - (1) The four (4) hours do not carry over from year to year.
  - (2) Travel time is included and any additional time away from work should be charged to appropriate accruals.
  - (3) Employees who choose to have this screening outside their scheduled hours of work are not entitled to compensatory time.

## **Section 5 Civil Service Examination and Interviews Within the Authority.**

**5.1 Leave.** Employees will be permitted time off to take a New York State Civil Service Examination or attend an interview for a position *within the employment of the Authority only*.

**5.2 Procedure.** Employees need to provide a written request in advance to the department head for approval, to be granted a leave of absence with pay on a day when he or she is scheduled to work and intends to attend an examination or interview.

## **Section 6 Community Outreach Program Participation (Personal Leave Credit)**

**6.1 Leave.** When the Board of Commissioners has approved the Authority's participation in a Community Outreach Program upon such terms and conditions as set forth in the approving resolution, an employee may earn one (1)

day of personal leave credit for participating in a Community Outreach Program.

- (a) An employee is limited to one (1) Personal Leave Credit per year for participating in one or more Community Outreach Program(s) in a calendar year.
- (b) Employees subject to a collective bargaining agreement, may be eligible to participate in Community Outreach Programs upon such terms and conditions as set forth by the Board of Commissioners and if the collective bargaining unit approves participation subject to terms and conditions established by the collective bargaining unit.
- (c) A Community Outreach Program may include any program soliciting volunteers to provide services to those living in Erie County, including but not limited to the United Way “Day of Caring,” the Buffalo News “Kids Day” and the DEA “National Prescription Drug Take Back Program.”
- (d) All programs must be pre-approved by the Board of Commissioners for an employee to be eligible for Personal Leave Credit.

## **Section 7 Conference/Professional Education.**

**7.1 Leave.** Employees may be permitted to be absent from his/her scheduled workday to attend a professional conference or training seminar.

### **7.2 Procedure.**

- (a) Employees shall seek advance approval to attend the professional conference or training seminar.
- (b) In approving leave under this section, the Authority will consider course content, correlation to job at the Authority, and determine if the employee’s absence would adversely affect operations.

## **Section 8 Jury or Court Attendance.**

**8.1 Leave.** It is the policy of the Authority to grant time off with pay for each scheduled workday or days to an eligible employee for required attendance by the employee as a witness, as a trial juror or a grand juror in the courts of Erie County or is subpoenaed to appear in a proceeding unless the employee has a personal interest in an action or proceeding or is receiving a fee

for testifying as an expert witness.

## **8.2 Procedure.**

- (a) **Notification.** An employee applying for a leave must submit a written request to the Secretary to the Authority in advance of the required court attendance date.
- (b) **Documentation.** The request must be accompanied by a copy of the jury summons, witness subpoena or court order necessitating such attendance.
- (c) **Essential Employees.** If requested, the employee must cooperate in requesting release from or delay of jury duty when it is determined that the employee's absence would adversely affect operations.
- (d) **Jury Duty or Court Attendance Ends Early.** If the employee's services as a juror or for court attendance are not required for all or any part of a day, the employee must immediately advise his supervisor and report to work if requested.
- (e) **Fees Received by Employee for Service.** No deduction shall be made from the pay of an employee because of witness or jury fees received by him or her.
- (f) **Medical or Disability Leave at Time of Court Appearance.** If you are on medical or disability leave at the time of your jury service or Court appearance, you will not be able to deduct accrual charges during your period on leave.
- (g) **Illness.** If you are unable to report to jury service or a Court appearance due to illness, you must charge the days to sick leave. It is your responsibility to notify your supervisor as well as the jury clerk or court that you are unable to report at the specified time of appearance and unable to report to work.
- (h) **Return to Work.**
  - (1) At the conclusion of your jury service, you must provide a copy of your jury certification to your supervisor for payroll purposes, along with the Authority approved form for leave based on jury duty.



- (2) The Authority may require proof by certification of the Court Clerk of the number of days and the dates of any Court attendance.

## **Section 9 Military Service.**

**9.1 Leave.** The Authority shall grant a leave of absence with pay pursuant to the provisions of the Military Law of the State of New York and the Uniform Services Employment and Re-employment Rights Act (USERRA) of 1994.

### **9.2 Procedure.**

(a) **Notification.** The employee shall notify the Authority with verbal and/or written notice in advance of all military duty.

(b) **Rate of Pay.**

- 1) The Authority will pay full salary for 30 days or twenty-two working days per each calendar year, whichever is greater.
- 2) If the employee is ordered to serve for a period beyond thirty (30) days or twenty-two (22) working days, whichever is greater, the Authority will pay the difference between the employee's daily military rate and the employee's daily salary rate until such time as the employee returns from active duty or a period of six months has elapsed, whichever comes first.

## **Section 10 Parental Leave (Bonding Leave, Maternity Leave, Paternity Leave)**

### **10.1 Leave.**

(a) If you anticipate being absent from work due to the birth of a child or due to adoption or foster care placement of a child under age 18, contact the Director of Human Resources for leave options available to you.

- (1) Any employee who requests leave under the terms of the FMLA must utilize accrued paid time off (vacation, personal, compensatory time, or sick leave, if applicable) before any non-paid time off shall be utilized.

- (b) Union employees should refer to applicable provisions in their Collective Bargaining Agreements.

## **Section 11 Personal Leave with Pay (PL Time).**

### **11.1 Leave.**

- (a) Personal leave shall mean a leave of absence from scheduled work granted to an employee to conduct personal business or to meet a religious obligation of his or her faith that cannot be met in the employee's time off from work.
- (b) An employee shall be granted a total of five (5) personal leave days in a calendar year.

### **11.2 Procedure.**

- (a) Paid personal leave may be used only at a time convenient to and approved in advance by the Authority and where the circumstances are such that it will not interfere with the Authority's functions and operations.
- (b) Where maintenance of the work force requires the Authority to deny requests for personal leave on a particular day, and only a limited number of employee requests can be approved for that day, the person requesting personal leave at the earliest time will be given preference within job classifications.
- (c) A request for personal leave shall be made two (2) working days in advance to the Authority stating the time of such requested leave. In case of an emergency, advance notice will be waived, however, the Authority reserves the right to require the nature of the emergency to be explained in writing.
- (d) Unused personal leave days cannot be carried over to the next year. Any such unused days will be added to accumulated sick leave but will not increase the maximum sick leave accrual permitted.

## **Section 12 Union Officials Leave.**

Under the terms and conditions of the applicable collective bargaining agreement, union officials shall be entitled to a leave with pay to represent the local Union at council meetings, conventions, or other Union business. For more information, refer to the applicable collective bargaining agreements.

## **Section 13 Wellness Programs Attendance.**

**13.1 Leave.** To promote the health and wellbeing of Authority employees, leave shall be granted to employees who attend recognized Labor Management Health Fund (LMHF) Wellness and Fitness Retreats.

### **13.2 Procedure.**

- (a) Employees who provide proof of attendance at LMHF sponsored retreats will be allowed to use available sick leave benefit time for up to 50% of the time used to attend such retreats, up to a maximum of 2.5 days of sick time.
- (b) Employees must use their own available vacation, personal or compensation time for the balance of leave time necessary to attend these retreats.
- (c) Sick leave time used to attend these retreats will not be included in calculations relative to the Absentee Control Program or employee Sick Leave Bonus/Buyout programs.

## **Section 14 Leave Required by Law.**

Notwithstanding the provisions in this Policy, the Authority shall grant any leave of absence with pay required by law.

## **B) LEAVE OF ABSENCE WITHOUT PAY.**

### **Section 1 Policy.**

An employee may submit a written request for a leave of absence *without* pay to the Secretary of the Authority.

### **Section 2 Procedure.**

#### **2.1 Leave of Thirty (30) Days or Less.**

- (a) If the leave of absence is for thirty (30) calendar days or less, the employee will make a written request to the Secretary of the Authority.
- (b) The written request shall include the reason for the request and the length of time requested.
- (c) The Secretary, in his/her discretion may approve a leave for thirty (30) calendar days or less.

#### **2.2 Leave of Greater than thirty (30) days.**

- (a) If the leave of absence without pay request exceeds thirty (30)

calendar days, the employee will submit a written request to the Secretary to the Authority.

- (b) The written request shall include the reason for the request and the length of time requested.
- (c) The Board of Commissioners will decide whether to grant a leave of absence without pay of more than thirty (30) days.
- (d) The employee requesting the leave without pay will be advised of the Authority's decision within a reasonable time after the decision has been made.

## **C) MISCELLANEOUS PROVISIONS APPLICABLE TO LEAVE REQUESTS.**

### **Section 1 Service Accrual While on Leave.**

**1.1 Continuity and accrual of employment service** *with the Authority* is maintained during periods of paid and unpaid leaves of absence.

**1.2 Vacation Credits.** An employee shall earn vacation credits based upon his or her total accrued service in any permanent position or positions in the employment of the Authority.

**1.3 Sick Leave Benefits.** An employee absent from work on an authorized leave of absence with full pay such as vacation, holidays, sick leave, military service, and other authorized leaves of absence with pay, shall be deemed "working" and earning sick leave credits within the meaning of Authority policy or an applicable collective bargaining agreement. Unpaid leave time does not count toward earning sick leave credits.

### **Section 2 Returning from Leave.**

**2.1 Return from Leave.** Employees granted a leave of absence must return to work on the first scheduled workday following the expiration of the leave.

**2.2 Failure to Return to Work from Leave.** If an employee fails to return to work at the conclusion of his/her leave, the employee will be considered having abandoned his/her position and employment will be terminated.

### **Section 3 Family Medical Leave Act.**

**3.1 The Act.** The Family and Medical Leave Act (FMLA) requires

the Authority to extend to eligible employees as defined by the provisions of the Act, the right to be absent from work for certain and family medical reasons without loss of job security or group health insurance benefits for up to twelve (12) weeks each calendar year. Employees should consult with the Authority's Human Resources Department to determine their eligibility for FMLA.

### **3.2 Military Family Leave.**

- (a) Eligible employees with a spouse, son, daughter, or parent on active duty or call to active-duty status in the National Guard or Reserves may use the 12 weeks to address certain military events.
- (b) FMLA also includes a special leave that permits eligible employees to take up to 26 weeks to care for a covered service member during a single 12-month period. Any employee who requests or is placed on leave under the Family Medical Leave Act of 1993, must utilize accrued paid time off (vacation, personal or compensatory) or sick leave, as outlined in Policy No. 47, Sick Leave Benefits, before any non-paid time off is utilized.

## **Section 4 Insurance Benefits Continuation During Leave.**

### **4.1 Medical/Dental/Vision.**

- (a) **Paid Leaves of Absence.** Insurance coverage continues throughout the duration of the paid leave.
- (b) **Unpaid Leaves of Absence.** Authority paid coverage continues to the end of the month in which an unpaid leave begins. Thereafter, an employee may elect employee-paid continuation coverage under COBRA. COBRA is explained further in Policy No. 45, COBRA Continuation Benefits. Additional provisions may apply under FMLA leave.

## **Section 5 Life Insurance Continuation During Leave.**

**5.1 Coverage.** Life Insurance Coverage continues in force for the duration of a paid leave only.

## **Section 6 Long-Term Disability Continuation During Leave.**

**6.1 Coverage.** Long Term Disability coverage continues in force for the duration of a paid leave only.

## **Section 7 Sick Leave of Absence.**

**7.1 Policies and procedures** covering absences necessitated by the illness or other disability of the employee or immediate family members are further explained in Policy No. 47, Sick Leave or in the applicable collective bargaining agreement.