

**Communications Workers of America, AFL-CIO
Kenmore Mercy Hospital
Service and Clerical
2025 Contract Negotiations**

**Article ____
Paid Time Off**

Section 1. All full-time employees are eligible for Paid Time Off (PTO) according to the following schedule:

Length of Service	Accrual Rate	Maximum Accrual (Hours/Days)	Maximum Balance in employee bank (Hours/Days)
Date of hire to less than 3 years (0-35 months)	0.085 X each hour paid	165.0 Hours (22 Days)	217.0 Hours (29 Days)
3 years to less than 4 years (36-47 months)	0.089 X each hour paid	172.5 Hours (23 Days)	225.00 Hours (30 Days)
4 years to less than 9 years (48-107 months)	0.108 X each hour paid	210.0 Hours (28 Days)	262.50 Hours (35 Days)
9 years to less than 15 years (108-179 months)	0.127 X each hour paid	247.50 Hours (33 Days)	300.00 Hours (40 Days)
15 years to less than 24 years (180-287 months)	0.147 X each hour paid	285.00 Hours (38 Days)	337.50 Hours (45 Days)
24 years and following (288 + months)	0.166 X each hour paid	322.50 Hours (43 Days)	375.00 Hours (50 Days)

Section 2. All part-time employees are eligible for Paid Time Off (PTO) according to the following schedule:

Length of Service	Accrual Rate	Maximum Accrual (Hours/Days)	Maximum Balance in employee bank (Hours/Days)
Date of hire to less than 9 years (0-107 months)	0.069 X each hour paid	135.00 Hours (18 Days)	187.50 Hours (25 Days)
9 years to less than 24 years (108-287 months)	0.108 X each hour paid	210.0 Hours (28 Days)	262.50 Hours (35 Days)

Section 3. Eligible employees accrue PTO from their date of hire but cannot begin using their accumulated time until completion of ninety (90) calendar days of continuous service. Prior to completion of ninety (90) calendar days of continuous service an employee may take time off without pay. During their probationary period, employees shall only be permitted to use PTO for the reasons set forth in the New York State Paid Sick Leave law.

Section 4. An employee changing from an ineligible to an eligible status (e.g., per diem to full time) will begin accruing PTO from the first full pay period from the date of the change providing they have satisfied their probationary period.

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Section 5. A former employee who is rehired shall accrue but will not be eligible to use PTO unless they have satisfied their probationary period.

Section 6. If an employee changes from full-time to part-time status, there shall be no change in benefit date. In addition, the part-time employee is able to carry over up to fifty percent (50%) of the Paid Time Off maximum accrual allowed based on their part-time service category. In addition, the part-time status will have their Paid Time Off vested accrual paid out effective the following first pay period after the employee's change has taken effect.

Section 7. PTO is accrued for every hour an employee is paid, including worked hours, Union Representation time under Article 2 and paid benefit hours up to a maximum of seventy-five (75) hours per pay period.

Section 8. To the extent possible and consistent with Employer/Hospital needs and requirements, managers will attempt to recognize the personal preferences of employees with respect to the length and timing of PTO. In order to maintain an equitable system of scheduling PTO, the following guidelines must be followed. PTO is defined as a reduction in budgeted hours. It does not apply to a "requested day off" (i.e. RO).

- a.) an employee's manager must approve the use of all PTO;
- b.) all PTO must be requested in advance of the time needed except for instances of illness or other unforeseeable emergencies;
- c.) when there is a conflict in PTO selection between two (2) or more employees, the employee with the highest seniority date shall be given preference;
- d.) requests for scheduling PTO vacation requests for one or more non-prime calendar weeks must be submitted electronically to the manager three (3) months prior to the first day of the week in which time off is requested. Requests should indicate first and second choices. Reasonable efforts will be made to accommodate employee's vacation preferences. Each employee will be approved for a minimum of one (1) week of PTO during prime-time summer (Memorial Day Weekend - Labor Day weekend). Prime week requests must be submitted electronically to the manager during the period March 1 – March 15 each year. If an employee is on vacation or off during the period of vacation selection, that employee must leave a contact number for the purpose of receiving a call to schedule. Weekends requested in conjunction with approved vacation time shall be approved. Responses to written vacation requests shall be submitted electronically within fourteen (14) days of the last date such requests must be filed.
- e.) The scheduling and payment of PTO shall be based on an employee's normal work schedule and normal workdays in a work week. In the event an employee requests to reduce their scheduled hours or shifts in a workweek, the employee will be required to utilize PTO for the reduction in hours. In the event an employee is cancelled or switches an extra shift, they will not be required to use PTO.

Section 9. In all cases, sufficient PTO time must be available when the approved period of time off arrives. If the employee does not have sufficient time available then they may be required to work all or part of their regularly scheduled hours, as needed.

Section 10. Approved vacations may not be changed when personnel transfer without the consent of the employee, e.g., in instance of layoff, unit closings or transfers because of an administrative decision,

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approved vacation requests will be honored. When a transfer to another department/clinical unit or change in status occurs, at the employee's request, approved vacation requests must be resubmitted. However, every attempt will be made to accommodate the employee's previously approved vacation schedule.

Section 11. If a department or work unit is closed as a result of an Employer/Hospital recognized holiday, namely New Year's Day, Easter Sunday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day or Christmas Day, an employee may take a PTO day. If an employee is scheduled to work when their department or work unit is open, another PTO day can be scheduled at a more appropriate time depending on Employer/Hospital needs.

Part-time employees regularly scheduled to work on any of the above recognized holidays have the option of taking PTO or time off without pay.

Section 12. Selection of Holidays

- a. Where the department/clinical unit must remain open for a recognized holidays and when staffing requirements demand, employees shall be required to work one shift on one (1) of the following paid holidays:

Independence Day
Memorial Day

Labor Day
Thanksgiving Day

Easter

- i. In addition, each employee working seven and one-half (7½) hour shifts, will be scheduled to work one (1) shift out of six (6) in the shaded areas and one (1) shift out of six (6) in the unshaded areas of the following chart:

December 24	7:00 a.m.-3:00 p.m.	December 31	7:00 a.m.-3:00 p.m.
December 24	3:00 p.m.-11:00 p.m.	December 31	3:00 p.m.-11:00 p.m.
December 24	11:00 p.m.-7:00 a.m.	December 31	11:00 p.m.-7:00 a.m.
December 25	7:00 a.m.-3:00 p.m.	January 1	7:00 a.m.-3:00 p.m.
December 25	3:00 p.m.-11:00 p.m.	January 1	3:00 p.m.-11:00 p.m.
December 25	11:00 p.m.-7:00 a.m.	January 1	11:00 p.m.-7:00 a.m.

- ii. No employee shall be required to work both Christmas Eve and Christmas Day in the same year unless it is requested or agreed upon. In the event that filling the schedule results in an employee being scheduled for Christmas Eve and Christmas Day, the least senior employee who has not selected a shift on Christmas Eve or Day will be scheduled on one of those days.
- iii. Should there be a conflict with scheduling on the holidays, it shall be granted according to seniority.
- iv. Should there be a holiday shift that is not adequately staffed under these conditions, the least senior employee on the unit will be scheduled for an additional shift. If there is an opportunity for low census this individual will be considered first based on job category.
- v. No employee will be required to work any holiday two years in a row unless they request to do so.

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vi. The holiday and/or shifts referenced below shall be paid a holiday premium at the rate of time and one-half (1½) the employee's base rate for all hours worked:

1. Christmas Eve from 3:00 pm through 11:59 pm;
2. Christmas Day from 12:00 am through 11:59 pm;
3. New Year's Eve from 3:00 pm through 11:59 pm;
4. New Year's Day from 12:00 am through 11:59 pm;
5. Easter Day from 12:00 am through 11:59 pm;
6. Memorial Day from 12:00 am through 11:59 pm;
7. Independence Day from 12:00 am through 11:59 pm;
8. Labor Day from 12:00 am through 11:59 pm; and
9. Thanksgiving Day from 12:00 am through 11:59 pm

b. The Patient Access department will continue to follow their current Holiday rotation calendar.

Section 13. The above requirement to work a holiday is based upon staffing needs. Should all staff not be required employees may be granted time off on a rotating basis by seniority. Holiday commitments occurring during scheduled vacations shall be met.

Section 14. For the purposes of accommodating requests for vacation, only staffing requirements for bargaining unit members in a given clinical unit may be considered. Vacation schedules for other employees including management employees may not interfere with the scheduling of bargaining unit personnel. Except that those non-bargaining unit employees who are listed as exceptions in the bargaining unit work may be considered in scheduling vacations. Requests for vacation shall not be unreasonably denied.

Section 15. Should an employee desire to change an approved vacation, the employee may submit the change at least thirty (30) days prior to the first day of the month in which the vacation is requested. The employee's request shall be accommodated if possible

Section 16. Full-time and part-time employees are eligible to participate in the PTO buyback program up to a maximum of seventy-five (75) hours as follows:

- a. Eligible employees may elect in December of each year by filling out an irrevocable PTO buyback election form. The form must be submitted by the employee to myhr@chsbuffalo.org or the HR department by December 15th. Forms will be made available to employees no later than December 1st.
- b. Employees' PTO payout will be made by the end of November of the following year.
- c. Employees shall only be able to receive a cash payout on PTO accrued in that calendar year and as long as the employee has the accrued time in their bank at the time of payout.

Section 17. In accordance with the Leave Time Donation policy (HR-044-BE), an eligible employee may voluntarily donate a portion of their own PTO benefit to an employee who is away from work on approved continuous leave greater than seven (7) days for NYS Disability, FMLA, NYS PFL, worker's compensation, or personal leave of absence for hardship reasons. The employee will be eligible to give hours from their own accrued balance of PTO. Donated hours shall be subtracted from the donor's PTO accrual bank with no adjustment for their dollar value. Donated hours shall be paid to the benefited employee at the benefited employee's rate of pay. The receipt of the donated PTO has to be on the same payroll as the donor.

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Section 18. Unscheduled absences are subject to the provisions of CT Article 35, Attendance and Tardiness.

Section 19. Paid Time Off (PTO) at time of termination will be processed as follows:

- a.) Employees who fail to complete the probation period, for any reason, will receive no payout of any accrued, unused PTO at time of termination.
- b.) Employees who successfully complete the probationary period and are terminated by the Employer/Hospital, will receive a payout for all accrued, unused PTO.
- c.) PTO for employees who successfully complete the probationary period and resign from their position will be processed as follows:
 1. If the employee fails to provide a minimum of two (2) weeks' written notice, there will be no payout of any accrued, unused PTO.
 2. If the employee provides a minimum of two (2) weeks' written notice and works their normal schedule during the notice period or is away from work on approved PTO, then the employee will receive a payout of all accrued, unused PTO at time of termination.
 3. If the employee provides a minimum of two (2) weeks' written notice and then takes unscheduled PTO during the notice period, the employee will not be paid for the hours away on unscheduled PTO. In addition, the hours the employee was off on unscheduled PTO will be deducted from the employee's PTO bank. Once the deduction is made, then the Employer/Hospital will pay the balance of accrued, unused PTO.
- d.) Payment of accrued, unused PTO at the time of termination will be made on the next regular payday for the pay period in which the termination occurred. Upon the death of an employee with a PTO balance, accrued, unused PTO will be paid to the employee's estate.

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