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***CONFIDENTIAL ATTORNEY-CLIENT
PRIVILEGED MEMORANDUM***

DATE: October 28, 2015

TO: Hotel Association of New York City, Inc.
Labor Relations Members
General Managers, Controllers and Human Resources Directors

FROM: Kane Kessler, P.C.
Labor and Employment Law Department

RE: **Reminders regarding sick days, vacation and surveillance**

I. Sick Days

Article 54(A)(6) of the IWA allows employees to request a pay-out of some or all of their unused sick days or to carry over some or all of their unused sick days (for a maximum accumulation of 15 days in their sick leave banks), to the next calendar year. **The payout must occur in the second payroll week each December.** The attached form, entitled "Sick Leave Pay Election Form," should be used for this request. The Hotel should indicate a reasonable return date and the Department to which the form should be returned. The form should then be distributed to employees for their completion.

II. Vacation Scheduling

As the end of the year approaches, we would like to remind Hotels of the vacation scheduling provision in the IWA. Article 28(D)(1) of the IWA states:

Vacation requests received prior to **January 15th** of each year will be scheduled in accordance with seniority and approved or denied within two (2) weeks after the January 15th deadline. Employees who have not handed in a request by January 15th will have a final opportunity to turn in a vacation request by **May 1st** for any remaining weeks available and will be scheduled in accordance with seniority and approved or denied within two (2) weeks after the May 1st deadline. Vacation requests received after the May 1st deadline will be scheduled by the Hotel on a "first come, first served" basis for any remaining vacation weeks available. All vacation requests must be submitted in writing and will be responded to in writing and shall be determined by the Hotel based on business demands.

We enclose the 2016 Vacation Request Form, which you may choose to use to facilitate the processing of vacation requests. We recommend that you encourage employees to make use of their vacations in the first quarter of 2016 in an effort to minimize potential layoffs.

III. Hidden Surveillance Cameras

Lastly, we remind Hotels of the following requirement contained in Article 64(C) of the IWA:

“Every six (6) months, i.e., on January 15th and July 15th of each year, the Employer shall provide the Union with the following information relating to the installation and use of hidden surveillance equipment completed during the previous six (6) month period: the type of equipment installed or used, the location of the equipment, the purpose of the installation or use, the duration and dates of the installment and use.”

If you have any questions, do not hesitate to contact David R. Rothfeld, Judith A. Stoll, Lois M. Traub, Alexander Soric, Robert L. Sacks, Jaclyn K. Ruocco, or Michael C. Lydakakis.

cc: Joseph E. Spinnato, Esq.
Vijay Dandapani, Chairman

SICK LEAVE PAY ELECTION FORM

Under the Hotel Association - Hotel Trades Council Industry Wide Collective Bargaining Agreement, I have the option to carry over unused sick days into the next calendar year (for a maximum accumulation of fifteen (15) days in my sick leave bank as of January 1st of the next calendar year)

and / or

be paid out in the second payroll week of December the unused portion of my sick days.

I choose: [check appropriate boxes to indicate choice]

To carry over _____ [fill in amount] days

To be paid out _____ [fill in amount] days

If I do not fill out this form, I understand that the Hotel will pay to me all of my unused sick days at my current rate of pay in the second payroll week of December.

THIS FORM MUST BE COMPLETED AND SUBMITTED TO _____
DEPARTMENT NO LATER THAN _____

Name: PRINT

DEPARTMENT

Name: SIGNATURE

DATE

2016 VACATION FORM

- **Vacation request approvals are based on business demands.**
- **Vacation requests received prior to 1/15/2016 will be scheduled in accordance with seniority and will be approved or denied in writing no later than 1/29/2016.**
- **Employees who did not turn in a vacation request by the first deadline of 1/15/2016 will have a second opportunity to hand in a request by 5/01/2016 for any remaining weeks available and will be scheduled based on seniority and will be approved or denied no later than 5/15/2016.**
- **Vacation requests not turned in by 05/01/2016 will be granted on a first come, first serve basis.**
- **Regularly scheduled Part Time employees will receive their vacation pro-rated in relation to the number of hours they regularly work.**
- **In the event an employee is absent due to layoff, illness or injury, closing or excused absence for a period aggregating more than sixty (60) days in any employment year or such longer period the employee's vacation pay shall be pro-rated in proportion to the number of weeks actually worked during said employment year.**

Employee Name (Last, First, M.I.)		Hire Date
Employee ID #		Department/Position
<input type="checkbox"/> 01/15/2016 Deadline		<input type="checkbox"/> 05/01/2016 Deadline
Date of Request	Date submitted to Department	Date received by Department
Last day at work before vacation / /	First Vacation Day / /	Last Vacation Day / /
Day Returning to Work / /		
Status of Request <input type="checkbox"/> Approved <input type="checkbox"/> Denied		

EMPLOYEE SIGNATURE	DATE
DEPARTMENT HEAD APPROVAL (NAME/SIGNATURE)	DATE
PAYROLL APPROVAL (NAME/SIGNATURE)	DATE