

San Francisco Paid Sick Leave Frequently Asked Questions

Q. As a Store Manager/General Manager what I am required to do to be compliant with this ordinance?

A. You need to make sure you review this communication and ensure your staff knows about the law, how their individual paid sick leave hours accrue under the current PTO plan, and the process they need to follow to use the paid sick leave or PTO that they have accrued. Retaliation against any Employee that asserts his or her rights to receive paid sick leave is strictly prohibited.

Q. Why PTO instead of Sick Time?

A. The law allows companies with a PTO plan to continue using their plan, as long as it is at least as generous as what the law requires. Since Luxottica already has PTO, the new plans will provide the paid sick leave coverage required while still offering flexibility.

As of July 2015, this applies to all full-time, part-time, casual part-time and seasonal employees due to the San Francisco Formula Retail Employee Rights Ordinance. Under this ordinance, all employees were provided PTO benefits, which includes the option to use PTO for paid sick leave.

Q. Who is eligible?

A. All employees who perform work in the city or county of San Francisco are eligible for the paid sick leave benefit. This includes seasonal, casual, and part-time employees.

Q. How much paid time does an employee receive?

A. Employees accrue one hour of PTO for every 30 hours paid, up to 72 hours in their first year. After that, they follow the standard PTO plan for California employees.

Q. How do I check to see if an employee has accrued PTO?

A. Accrued PTO will appear on the employee's pay slip, which can be viewed in HR Central and within Kronos. Additionally, you may contact the HR Service Center at 1-866-431-8484 and listen for payroll prompt.

Q. When may an employee use the time?

A. The law states that an employee may use paid sick leave when the employee is ill, injured, or for the purpose of receiving medical care, treatment, or diagnosis. Employees may also use sick leave to aid or care for a family member or designated person (discussed below) when they are ill, injured, or receiving medical care, treatment, or diagnosis.

"Family member" includes child, parent, legal guardian or ward, sibling, grandparent, grandchild, spouse, and registered domestic partner. The child, parent, sibling, grandparent, and grandchild relationships include relationships resulting from adoption, step-relationships, and foster-care relationships. In addition, "child" includes the child of a domestic partner and a child of a person who is performing some duties of a parent under court order (in loco parentis).

Q. Who qualifies as a designated person?

A. Under the ordinance, employees without a spouse or domestic partner have the right to annually designate one person whom the employee may aid or care for under the sick leave benefit. Each employee must communicate to their manager who their designated person is.

Q. Will we ask the employee to provide a doctor's note verifying the need for paid sick leave?

A. The agency in charge of enforcing the leave law recommends that employers ask for doctors' notes only when there is a pattern of abuse. If management feels an employee is abusing the Paid Sick Leave benefit, they can contact Employee Relations via the **Employee Relations** icon on [HR Central](#).

Q. How will we track use of paid sick leave?

A. Enter 'PTO-Sick' into the timekeeping system for all paid sick leave hours requested by an employee. When 'PTO-Sick' is used, the employees pay slip will reflect 'SF Sick Pay'. When a manager enters 'PTO' into the timecard, however, the pay slip will reflect PTO.

Q. Will we require employees to give us notice of their need for paid sick leave?

A. Yes. Employees who wish to use paid sick leave will be required to follow the normal call-in procedures. For example, employees will not be permitted to come in an hour late without prior notification, and then say that they wish to use their sick leave.

Q. Is using paid sick leave the same as taking intermittent leave under the Family Medical Leave Act (FMLA) or California Family Rights Act (CFRA)?

A. No. Paid sick leave differs from intermittent FMLA and CFRA leave in many ways. Most importantly, employees do not have to contact Ceridian Leave Administration or submit medical certification paperwork before using paid sick leave. As long as employees have accrued enough hours of paid sick leave to cover their absences and followed the normal call-in procedures, they may use their paid sick leave without further Company approval.

Note: Employees should still contact Leave Administration at 1-866-431-8484 to initiate a leave of absence if their absence is due to their own or a family member's serious health condition. Please refer employees to the Luxottica Employee Guide for additional information on FMLA, CFRA, and Company Medial Leave requirements. In such cases, employees may choose to use their accrued, unused PTO while taking a leave of absence. Managers should enter the time as PTO, which will run concurrently with their designated leave of absence.

Q. Can we require an employee to find coverage for their absence?

A. No. We cannot require the employee find a replacement to cover their missed hours.

Q. Can paid sick leave time count as an absence under the attendance policy?

A. No. The ordinance specifically states that it is unlawful for employers to count paid sick leave as an absence that may result in discipline, discharge, demotion, suspension, or any other adverse action. However, any related absences extending beyond an employee's accrued paid sick leave or PTO will count as an absence occurrence, provided the absence is not covered by a Company-approved leave of absence or other applicable law.

Q. Are we required to pay out an employee's accrued, unused paid sick leave when the employee terminates?

A. All employees will be paid out their balance per the California PTO policy requirements.

Q. If an employee leaves the company and is re-hired, will they need to re-accrue paid sick leave?

A. Yes, because all unused PTO hours were previously paid out upon termination.