

Maryland Paid Sick and Safe Leave Regulations

Frequently Asked Questions

Q. Who is eligible for Maryland Paid Sick and Safe Leave?

A. All full-time and part-time (including casual part-time and seasonal) employees who perform work in Maryland are eligible for the paid sick and safe leave benefit.

Q. How much paid time does an employee receive under the Maryland Paid Sick Leave Plan?

A.

- **Part-Time Employees** accrue one hour of paid sick and safe leave for every 30 hours worked, up to a maximum of 56 hours per year. Employees can carry over up to 56 hours of accrued unused paid sick and safe leave, but may only use 80 hours of paid sick and safe leave in any one year.
- **Full-Time Employees** who've been with the company less than a year, accrue one hour of PTO for every 30 hours worked, up to a maximum of 56 hours during their first year of employment. Employees can carry over any accrued unused PTO into the next year. After the first year, employees will follow the standard PTO plan for full-time employees but may now carry over 56 hours per year.

Q. Why PTO instead of Paid Sick and Safe Leave for Full-Time Employees?

A. The law allows companies to meet the paid sick and safe leave requirements with a PTO plan as long as it is at least as generous as what the law requires. By modifying the accrual rate during the first year of employment, our updated Full-Time PTO plan for Maryland employees will provide the coverage required while still offering flexibility.

Q. When do PTO/Paid Sick and Safe Leave accrual/carryover changes begin?

A.

Employee Status	Accrual Date Begins
Part-Time	02/11/2018 or Date of Hire, whichever is later
Full-Time employed < 1 year	Accrual begins at date of hire, with a higher accrual rate beginning 02/11/2018
Full-Time employed > 1 year	Date of Hire (No Change)

Q. When can I use PTO/Paid Sick and Safe Leave?

A. Employees may use their accrued PTO/Paid Sick and Safe Leave for any absences related to:

- To care for or treat an employees or a family members illness or injury, or for preventive care
- If the employers place of business has closed by order of a public official due to a public health emergency
- If the school or child care center for the employees family member is closed by order of a public official due to a public health emergency;

- To care for a family member if a health official or healthcare provider has determined that the family member's presence in the community would jeopardize the health of others because of the family member's exposure to a communicable disease
- If the absence from work is due to domestic violence, sexual assault, or stalking committed against the employee or the employee's family member and the leave is used by the employee to obtain medical or legal services or to participate in a civil or criminal proceeding related to domestic violence, sexual assault, or stalking.

"Family member is broadly defined to include:

- A child (biological, adopted, foster, stepchild, a child for whom the employee has legal or physical custody or guardianship, or a child for whom the employee is the primary caregiver)
- A parent (biological, adoptive, foster, or stepparent of the employee or the employee's spouse)
- The legal guardian of the employee
- An individual who served as the primary caregiver of the employee when the employee was a minor
- A spouse
- A grandparent or spouse of a grandparent of the employee
- A grandchild
- A sibling and the sibling's spouse (biological, adopted, or foster).

Q. Can I use accrued PTO/Paid Sick and Safe Leave Immediately?

A. Full-time employees may use PTO for the reasons listed above, and any other reason, as soon as it is accrued. Part-time employees may use accrued sick and safe leave after they have been employed 90 days.

Q. How do I check accrued PTO/Paid Sick and Safe Leave balances?

A. Updated PTO/Paid Sick and safe Leave will appear on employee paychecks beginning March 16, 2018. Part-time employees will see accrued time under "Sick Balance" on their paystub and full-time employees will continue to see PTO.

Note: Part-time employees within the 90 day waiting period will see their accrual balance immediately on paychecks as they are accruing hours with "pp" listed next to it during their waiting period. During this time Part-time employees are unable to use the paid sick and safe leave. For additional questions please contact HR Central at 1-866-431-8484.

Q. How will we input and track an employee's use of paid sick and safe leave?

A. Managers should code the time away from work as follows:

- Select "PTO" in your timekeeping system. PTO will be deducted from Sick Balances for part-time employees; OR
- Instruct employee to enter time away from work as "PTO" (full-time) or "Sick" (part-time) in Kronos/Tempo using the Time Off Request process, then approve the employee's request. (Note: this process may not be applicable for all brands.)

Hours used will be deducted from the PTO or Sick Balance shown on the employee's paycheck.

Beyond the negative PTO balance allowed under the Full-Time PTO plan (does not apply to part-time associates), an employee will not be paid for any hours taken in excess of his or her accrued balance.

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

A. Yes. When the need to take sick and safe leave is foreseeable, such as a scheduled appointment, the employee shall provide advance notice and should make a reasonable effort to schedule the sick and safe leave in a manner that does not unduly disrupt business operations. Where unforeseeable, employees will be required to notify us as soon as practicable and follow the normal call-in procedures, unless a legitimate reason prevents them from doing so.

Q. Will an employee be asked to provide a doctor's note verifying the need for paid sick and safe leave?

A. Managers may ask for doctors' notes or other types of if an employee is out for more than 3 days. However an employer cannot require that the documentation specify the nature of the employee's or family member's injury, illness, or medical condition. 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](#). Possible signs of abuse may include, but are not limited to:

- Repeated use of unscheduled sick and safe leave on or adjacent to weekends, regularly scheduled days off, holidays, vacation, or pay day.
- Taking leave on days when other leave has been denied.
- Evidence that an employee engaged in an activity that is not consistent with the employee being sick or using sick leave for a preventative medical appointment.

Q. Can an employee be required to find coverage for their absence?

A. No. An employee is not required to find a replacement to cover their shift, but is encouraged to seek out and participate in voluntary shift trades.

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

A. No. It is unlawful for employers to count paid sick and safe 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 PTO/Paid Sick Leave balance will count as an unexcused absence, provided the absence is not covered by a Company-approved leave of absence or other applicable law.

Retaliation against any employee that asserts his or her rights to receive paid sick and safe leave is strictly prohibited.

Any employee who believes he or she did not receive sick and safe leave in violation of the Law may file a complaint with the Montgomery County Office of Human Rights.

Q. Is using paid sick and safe leave the same as taking intermittent leave under the Family Medical Leave Act (FMLA)?

A. No. Paid sick and safe leave differs from intermittent FMLA leave in many ways. Most importantly, employees do not have to contact EssilorLuxottica Leave and Disability or submit medical certification paperwork before using paid sick and safe leave. As long as employees have accrued enough hours of PTO/Paid Sick and Safe Leave to cover their absences and provided

sufficient notice for their individual circumstance, they may use their PTO/Paid Sick and Safe Leave without further Company approval.

Note: Employees should still contact EssilorLuxottica Leave and Disability 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 EssilorLuxottica Employee Guide for additional information on FMLA and Company Medical Leave requirements. In such cases, employees may choose to use their accrued, unused PTO/Paid Sick and Safe Leave while taking a leave of absence. Managers should enter the time in the POS, which will run concurrently with their designated leave of absence.

Q. What If an employee's employment status changes in a calendar year?

A.

- **Part-Time to Full-Time:** If an employee's status changes from part-time to full-time, their status change date will be the date used to determine when full-time rules begin to apply. Employees will not lose the paid sick and safe leave they have accrued and will need to e-mail Kronos@luxotticaretail.com to request that their remaining accrued Sick and Safe balance be transferred to PTO hours.
- **Full-Time to Part-Time:** If an employee's status changes from full-time to part-time, any accrued, unused PTO hours beyond the annual 56-hour paid sick and safe leave requirement will be paid out at the time of their status change. They will then be eligible to begin accruing paid sick and safe leave under the part-time Paid Sick and Safe Leave plan.

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

A. Part-time employees will not be paid out their remaining sick leave balance on termination. Full-time employees will be paid out their remaining PTO balance per current PTO policy.

Q. If I leave the company and am re-hired, will I need to re-accrue paid sick leave?

A. Previously accrued, unused paid sick and safe leave will be reinstated for part-time employees if they are rehired within 9 months of separation. Full-time employees, however, will begin accruing all over again, as remaining PTO balances are paid out at the time of termination.