

Massachusetts New PTO & Earned Sick Time Plans to Meet New Earned Sick Time Regulations

Frequently Asked Questions

Q. Who is eligible for Massachusetts Earned Sick Time?

A. All full-time, part-time (including casual part-time) and seasonal associates who perform work in Massachusetts are eligible for the earned sick time benefit.

Q. How much paid time does an associate receive under the new Earned sick time Plans?

A.

- **Part-Time Associates** accrue one hour of earned sick time for every 30 hours worked, up to a maximum of 40 hours per year. Associates can carry over up to 40 hours of unused sick time, but may only use 40 hours of earned sick time in any one year.
- **Full-Time Associates** 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 40 hours during their first year of employment. Associates can carry over up to 40 hours per year, but may only use 40 hours of PTO during the first year. After that first year, associates will follow the standard PTO plan for full-time associates.

Q. Why PTO instead of Earned sick time for Full-Time Associates?

A. The law allows companies to meet the earned sick time 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 new Full-Time PTO plan for Massachusetts associates will provide the coverage required while still offering flexibility.

Q. When does PTO/Earned Sick Time accrual begin?

A.

Associate Status	Accrual Date Begins
Part-Time	7/1/15 or Date of Hire, whichever is later
Full-Time employed < 1 year	Accrual begins at Date of Hire, with a higher accrual rate beginning 7/1/15
Full-Time employed > 1 year	Date of Hire (No Change)

Q. When can associates use PTO/Earned Sick Time?

A. Associates may use their accrued PTO/Earned Sick Time for any absences related to: the associate's or a family member's illness or medical care, including (1) care for a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; (2) attending a routine medical appointment, including travel to and from an appointment, pharmacy, or other location related to the purpose for which the time was taken; or (3) addressing the psychological, physical or legal effects of domestic violence

“Family Member” includes an associate's child, spouse, parent, or parent of spouse. “Child” includes a biological, adopted, or foster child, a stepchild or child of a person who is performing some duties of a parent under court order (legal ward or in loco parentis).

Full-time associates may use this PTO as soon as it is accrued; part-time and casual part-time may use accrued earned sick time after they have been employed for 90 days.

Q. How do I check accrued PTO/Earned Sick Time balances?

A. Accrued PTO/Earned Sick Time will appear on associate paychecks beginning July 10, 2015 (Note: Sick Balances will not appear on part-time and casual part-time paystubs until the associate has been employed for 90 days). For additional questions please contact HR Central at 1-866-431-8484.

Q. How will we input and track an associate’s use of earned sick time?

A. Managers will enter as PTO in the POS for both part-time and full-time associates. The hours used will be deducted from the PTO or Sick Balance shown on the associate’s paycheck. Beyond the negative PTO balance allowed under the Full-Time PTO plan (does not apply to part-time associates), an associate will not be paid for any hours taken in excess of his or her accrued balance.

Q. Will we require associates to give us notice of their need for earned sick time?

A. Yes. When the need to take sick leave is foreseeable, such as a scheduled appointment, the associate shall provide advance notice and should make a reasonable effort to schedule the sick time in a manner that does not unduly disrupt business operations. Where unforeseeable, associates will be required to notify us as soon as practicable and follow the normal call-in procedures. For example, associates will not be permitted to come in an hour late without prior notification, and then say that they wish to use PTO/Earned Sick Time.

Q. Will an associate be asked to provide a doctor’s note verifying the need for earned sick time?

A. We may require written documentation for use of earned sick time that:

- Exceeds 24 consecutively scheduled work hours;
- Exceeds 3 consecutive days on which the associate was scheduled to work;
- Occurs within 2 weeks prior to an associate’s final scheduled day of work before termination of employment; or
- Occurs after 4 unforeseeable and undocumented absences within a 3-month period

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 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.
- A pattern of taking leave on days when the associate is scheduled to work a shift or perform duties perceived as undesirable.
- Evidence that an associate engaged in an activity that is not consistent with the associate being sick or with the associate using sick time for a preventative medical appointment.

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

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

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

A. No. The ordinance specifically states that it is unlawful for employers to count earned sick time as an absence that may result in discipline, discharge, demotion, suspension, or any other adverse action. However, any related absences extending beyond an associate's accrued PTO/Earned Sick Time 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 associate that asserts his or her rights to receive earned sick time is strictly prohibited.

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

A. No. Earned sick time differs from intermittent FMLA leave in many ways. Most importantly, associates do not have to contact Leave Administration or submit medical certification paperwork before using earned sick time. As long as associates have accrued enough hours of PTO/Earned Sick Time to cover their absences and provided sufficient notice for their individual circumstance, they may use their PTO/Earned Sick Time without further Company approval.

Note: Associates 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 associates to the EssilorLuxottica Associate Guide for additional information on FMLA and Company Medical Leave requirements. In such cases, associates may choose to use their accrued, unused PTO/Earned Sick Time while taking a leave of absence. Managers should enter the time as PTO in the POS, which will run concurrently with their designated leave of absence.

Q. What if an associate's employment status changes in a calendar year?

A.

- **Part-Time to Full-Time:** If an associate'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. Associates will not lose the earned sick time they have accrued and will need to e-mail Kronos@luxotticaretail.com to request that their remaining accrued Sick Balance be transferred to PTO hours.
- **Full-Time to Part-Time:** If an associate's status changes from full-time to part-time, any accrued, unused PTO hours beyond the annual 40-hour earned sick time requirement will be paid out at the time of their status change. They will then be eligible to begin accruing earned sick time under the part-time Earned Sick Time plan.

Q. Are we required to pay out an associate's accrued, unused earned sick time when the associate terminates?

A. Part-time associates will not be paid out their remaining earned sick time. However, full-time associates will be paid out their remaining PTO balance.

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

A. If you are a part-time associate and rehired after being separated from the company for less than 12 months, all previously accrued but unused earned sick time will be reinstated. Full-time associates, however, will begin accruing all over again, as remaining PTO balances were paid out at the time of termination.