

# Michigan Paid Sick and Safe Leave Regulations

## Frequently Asked Questions

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

A. All full-time and part-time (does not include casual part-time or seasonal) hourly employees who perform work in the state of Michigan are eligible for the Paid Sick and Safe Leave benefit.

### Q. How much paid time does an employee receive under the Paid Sick and Safe 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 40 hours per year. Employees can carry over 40 hours of accrued unused Paid Sick and Safe Leave, but can only use 40 hours of Paid Sick and Safe Leave in a 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 40 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.

### 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. Our Full-Time PTO plan for Michigan employees provides 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	03/29/2019 or Date of Hire, whichever is later
Full-Time employed < 1 year	Accrual begins at date of hire, with a higher accrual rate beginning 03/29/2019
Full-Time employed > 1 year	Date of Hire (No Change)

### Q. What can I use Paid Sick and Safe Leave for?

A. An employee may use Paid Sick and Safe Leave for the following reasons:

- The employee's or a covered family member's mental or physical illness, injury or health condition; need for medical diagnosis, care or treatment; or need for preventative medical care;
- The employee or a covered family member is a victim of domestic violence or sexual assault, and needs to:
  - Obtain medical care or psychological or other counseling for physical or psychological injury or disability;
  - Obtain services from a victim services organization;
  - Relocate;
  - Obtain legal services; or
  - Participate in any civil or criminal proceedings related to or resulting from the domestic violence or sexual assault;

- For closure of the employee's primary workplace or a child's school or place of care by order of a public official due to a public health emergency; and
- When it has been determined by the health authorities having jurisdiction or by a health care provider that the employee's or a family member's presence in the community would jeopardize the health of others because of exposure to a communicable disease, whether or not the employee or family member has actually contracted the communicable disease.

**“Family member”** is broadly defined to include:

- A child (including a biological, adopted, foster or stepchild; a legal ward; and a child to whom the employee stands *in loco parentis*);
- A parent (including a biological, adoptive, foster or stepparent or a legal guardian of the employee or the employee's spouse; and a person who stood *in loco parentis* when the employee was a minor child);
- A spouse (i.e., an individual to whom the employee is legally married);
- A grandparent;
- A grandchild; and
- A sibling (including a biological, adopted or foster sibling).

**Q. Can I use accrued 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 Paid Sick and Safe Leave for the reasons listed above after they have been employed 90 days.

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

**A.** Updated PTO/Paid Sick and Safe Leave will appear on employee paychecks beginning with the April 14, 2019 paycheck. 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 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 excessive 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 Paid 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 documentation verifying the need for Paid Sick and Safe Leave?**

**A.** Managers may ask for documentation but must give the employee 3 days to provide. However an employer cannot require that the documentation specify the nature of the employee's or family member's injury, illness, medical condition or domestic violence/sexual assault. 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 Paid 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 and Safe 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.

**Q. Is using Paid Sick and Safe Leave the same as taking intermittent leave under the Family Sick and Safe 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 Sick and Safe 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](mailto:Kronos@luxotticaretail.com) to request that their remaining accrued Paid Sick and Safe Leave 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 40-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 Paid Sick and Safe 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 and Safe Leave?**

**A.** Full-time employees will begin accruing all over again, as remaining PTO balances are paid out at the time of termination. Previously accrued, unused Paid Sick and Safe Leave will NOT be reinstated for part-time employees if they are rehired.