

# New York City Paid Sick and Safe Leave Plans

## Frequently Asked Questions

### Q. Who is eligible for New York City Paid Sick and Safe Leave?

A. All employees who perform work in the city of New York (including the five boroughs) are eligible for the Paid Sick and Safe Leave benefit. This includes seasonal, casual, and part-time employees.

### Q. How much paid time will 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 up to 40 hours per year, but may only use 40 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 40 hours, during their first year of employment. Employees 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, employees will follow the standard PTO plan for full-time employees.

### R. 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 full-time PTO plan for New York City employees provides the coverage required while still offering flexibility.

### Q. When does PTO/Paid Sick and Safe Leave accrual begin?

A.

Employee Status	Accrual Date Begins
Part-Time	4/1/14 or Date of Hire, whichever is later
Full-Time	Date of Hire

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

A. Full-time employees may use PTO as soon as it is accrued; part-time employees may use the accrued hours once they have worked 80 hours and 120 days.

**Eligible employees** may use safe and sick leave for any of the following reasons:

- The employee's mental or physical illness, injury or health condition;
- The employee's need for medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or the need for preventive medical care (e.g., for a doctor, dentist or eye appointment, including checkups, screenings and patient counseling);
- To care for a family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive medical care;

- The employee's or a family member's elective surgery, including organ donation;
- If the employee's workplace or the employee's child's school or childcare provider closes by order of a public official because of a public health emergency (i.e., a public health emergency must be declared by NYC's Mayor or the NYC Commissioner of Health); and
- The employee or a family member has been the victim of domestic violence, a sexual offense, stalking or human trafficking and needs to:
  - Obtain services from a domestic violence shelter, rape crisis center or other shelter or services program for relief from a family offense matter, sexual offense, stalking or human trafficking;
  - Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the employee's or a family member's safety from future family offense matters, sexual offenses, stalking or human trafficking;
  - Meet with a civil attorney or other social service provider to obtain information and advice on, and prepare for or participate in, any criminal or civil proceeding, including but not limited to matters related to family offense matters sexual offenses, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, and discrimination in employment, housing or consumer credit;
  - File a complaint or domestic incident report with law enforcement;
  - Meet with a district attorney's office;
  - Enroll children in a new school; or
  - Take other actions necessary to maintain, improve or restore the employee's or a family member's physical, psychological or economic health or safety or to protect those who employee or work with the employee.

**A family member** includes the following:

- A spouse (including a same-sex spouse);
- A registered domestic partner;
- A child (including a child of a spouse or domestic partner; a biological, adopted, foster or stepchild; a legal ward; or a child of an employee standing *in loco parentis*);
- A parent (including biological, foster, step- or adoptive parent or legal guardian of an employee, or a person who stood *in loco parentis* when the employee was a minor child), parent-in-law or parent of a domestic partner;
- A grandparent;
- A grandchild;
- A sibling (including a half, step or adopted sibling);
- Any individual related by blood to the employee; and
- Any other individual whose close association with the employee is the equivalent of a family relationship.

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

**A.** Accrued PTO/Paid Sick and Safe Leave is shown on employee paychecks. Part-time employees will see the accrued time under "Sick Balance" (Note: Sick Balances will not appear on seasonal, part-time and casual part-time paystubs until the employee has been employed for 120 days and 80 hours. 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 will enter as PTO in the POS for both part-time and full-time employees. The 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 employees), an employee will not be paid for any hours taken in excess of his or her accrued balance.

**Q. Will we require an employee to give us notice of their need for Paid Sick and Safe Leave?**

**A.** Yes. Where the need for sick leave is foreseeable, employees must provide at least 7 days advance notice. Where unforeseeable, employees will be required to notify us as soon as practicable and 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 PTO/Paid Sick and Safe Leave.

**Q. Will an employee be asked to provide a doctor's note verifying the need for Paid Sick and Safe Leave?**

**A.** We may not ask for doctors' notes or any other type of verification unless the employee is out for more than 3 consecutive days. If management feels an employee is abusing the Paid Sick and Safe 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 employee is scheduled to work a shift or perform duties perceived as undesirable.
- Evidence that an employee engaged in an activity that is not consistent with the employee being sick or with the employee using sick leave for a preventative medical appointment.

**B. 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. The ordinance specifically states that 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 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 Leave Administration 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 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 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 as PTO, 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 Sick Balance be transferred to PTO to hours.

- **Full-Time to Part-Time:** If your status changes from full-time to part-time, any accrued, unused PTO hours beyond the annual 40-hour Paid Sick and Safe Leave requirement will be paid out at the time of your status change. You 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 associate terminates?**

**A.** Part-time employees will not be paid out their remaining Paid Sick and Safe Leave. However, full-time employees will be paid out their remaining PTO balance.

**Q. If I leave the company and am re-hired, will I need to re-accrue Paid Sick and Safe Leave?**

**A.** If you are a part-time employee and rehired after being separated from the company for less than 6 months, all previously accrued but unused Paid Sick and Safe Leave will be reinstated. Full-time employees, however, will begin accruing all over again, as remaining PTO balances were paid out at the time of termination.