

# New Jersey Paid Sick Leave Regulations

## Frequently Asked Questions

### **Q. Who is eligible for New Jersey paid sick and safe leave?**

**A.** All full-time and part-time (including casual part-time and seasonal) employees who perform work in the state of New Jersey 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 benefit year. Employees can carry over up to 40 hours of accrued unused paid sick and safe leave, 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 of accrued, unused PTO into the next year. After the first year, employees will follow the standard PTO plan for full-time employees.

### **Q. How do we define a "benefit year"?**

**A.** Our benefit year runs one year from your date of hire. For example, if you were hired on January 3, 2018, your benefit year runs until January 2, 2019.

### **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 New Jersey employees will provide the coverage required while still offering flexibility.

### **Q. Will all cities in New Jersey follow this policy?**

**A.** Yes, all cities in New Jersey will now follow the state law.

### **Q. What can I use paid sick and safe leave for?**

- A.** Effective October 29, 2018, an employee may use earned sick leave for any of the following reasons:
- The employee's or a family member's diagnosis, care, treatment of or recovery from a mental or physical illness, injury or other adverse health condition, or need for preventive medical care;
  - The employee or a family member is a victim or domestic or sexual violence, and needs to obtain:
    - Medical attention;
    - Services from a designated domestic violence agency or other victim services organization;
    - Psychological or other counseling; or
    - Legal services, including obtaining a restraining order or preparing for or participating in a civil or criminal legal proceeding;

- Closure of the employee's workplace or a child's school or place of care by order of a public official due to an epidemic or other public health emergency;
- A public health authority determines that the employee's or a family member's presence in the community would jeopardize the health of others;
- To attend a child's school-related conference, meeting, function or other event requested or required by a school administrator, teacher or other professional staff member responsible for the child's education; and
- To attend a meeting regarding a child's care in connection with the child's health or disability.

**Family member is defined as:**

- Spouse, domestic partner or civil union partner;
- Child (including a biological, adopted, foster or stepchild; a legal ward; and a child of a domestic partner or civil union partner);
- Grandchild;
- Sibling (including a sibling of a spouse, domestic partner or civil union partner);
- Parent (including a biological, adoptive, foster or stepparent; legal guardian; a person who stood *in loco parentis* when the employee was a minor; a parent of a spouse, domestic partner or civil union partner; and a parent's spouse, domestic partner or civil union partner);
- Grandparent (including a grandparent's spouse, domestic partner or civil union partner); and
- Any other individual related by blood to the employee or whose close association with the employee is the equivalent of a family relationship.

**Q. Can I use accrued paid sick and safe leave immediately?**

**A.** Full-time employees may use paid sick and safe leave for the reasons listed above, and any other reason, as soon as it is accrued. Part-time employees may use paid use sick and safe leave after their 120 day waiting period.

**Q. How do I check accrued paid sick and safe leave balances?**

**A.** Paid sick and safe leave will appear on employee paychecks beginning with the **November 9th** paycheck. Part-time employees will see time under "Sick Balance" on their paystub and full-time employees will continue to see PTO.

**Note:** Part-time employees within the 120 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. Is there a limit to how much paid sick and safe leave can be accrued and/or used?**

A. Yes, there is a cap of 40 hours that can be earned or used in a benefit year.

**Q. Can I carry over unused paid sick and safe leave?**

A. Yes, up to 40 hours can be carried over each benefit year.

**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 7 days advance notice and should make a reasonable effort to schedule the 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 leave?**

A. Managers may ask for doctors' notes or other types of if an employee is out for more than 3 consecutive 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 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 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 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. If you feel you have been retaliated against, please contact Employee Relations via the e-service icon on [HR Central](#). You may also file a complaint with the New Jersey Department of Labor and Workforce Development online at [nj.gov/labor/wagehour/complnt/filing\\_wage\\_claim.html](http://nj.gov/labor/wagehour/complnt/filing_wage_claim.html).

**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 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 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 Sick 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 40-hour paid sick 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 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 and safe leave balance on termination. Full-time employees will be paid out their remaining PTO balance per current PTO policy.