

# San Diego Paid Sick Leave Regulations

## Frequently Asked Questions

### Q. Who is eligible for San Diego Paid Sick Leave?

A. All full-time and part-time (including casual part-time, seasonal and salaried) employees who perform work in the city of San Diego are eligible for the paid sick leave benefit, which expands the current paid sick leave benefit provided by the state of California.

### Q. How much paid time does an employee receive under the new Paid Sick Leave Plans?

A.

- **Part-Time Employees** accrue one hour of paid sick leave for every 30 hours worked, up to a maximum 80 hours per year. Employees can carry over any accrued unused paid sick leave up to a maximum balance of 80 hours, but may only use 40 hours of paid sick leave in any one year. This is an increase over the current California balance and use caps of 48 and 24 hours, respectively.
- **Full-Time Hourly Employees** who've been with the company less than a year accrue one hour of PTO for every 30 hours paid, up to a maximum of 80 hours during their first year of employment. Employees can carry over any accrued unused PTO into the next year.. After that first year, employees will follow the standard California PTO plan for full-time employees.
- **Salaried Employees** have no change to their PTO policy. However, to ensure we are tracking accrual and use, employees will notice 48 hours of paid sick leave on their paycheck. Employees may use their full 48 hour balance each year, starting July 1, but cannot carryover any unused paid sick leave at the end of the year. Note: These 48 hours of paid sick leave are not in addition to, but included in, the designated amount of PTO that salaried employees can accrue under the PTO accrual schedule.

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

A. The law allows companies to meet the paid sick 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 San Diego employees will provide the coverage required while still offering flexibility.

### Q. When do PTO/Paid Sick Leave accrual changes begin?

A.

Employee Status	Accrual Date Begins
Part-Time	7/1/16 or Date of Hire, whichever is later
Full-Time	7/1/16 or Date of Hire, whichever is later
Full-Time employed > 1 year	7/1/16 or Date of Hire, whichever is later
Salaried	7/1/16 or Date of Hire, whichever is later. 48 hour grant will renew every 12 months.

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

**A.** Employees may use their accrued Paid Sick Leave for the following reasons:

- Employee is (or caring for or assisting a family member who is) physically or mentally unable to perform his or her duties due to illness, injury, or medical condition
- Obtaining (or assisting a family member to obtain) professional diagnosis or treatment for a medical condition
- Employee’s medical reasons, such as pregnancy or obtaining a physical examination
- Time away from work is necessary due to domestic violence, sexual assault, or stalking, if time is used to allow the employee to obtain for him or herself or a family member one or more of the following
  - Medical attention needed to recover from physical or psychological injury or disability caused by domestic violence, sexual assault, or stalking
  - Services from a victim services organization
  - Psychological or other counseling
  - Relocation due to domestic violence, sexual assault, or stalking
  - Legal services, including preparing for or participating in any civil or criminal legal proceeding related to or resulting from domestic violence, sexual assault, or stalking
- Employee’s place of business is closed, or employee is providing care or assistance to a child whose school or child care provider is closed, by order of public official due to a public health emergency.

“Family member” is defined as child, spouse, domestic partner, parent, parent-in law, grandparent, grandchild, and sibling.

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

**A.** Full-time and salaried employees may use PTO/Paid Sick Leave as soon as it is accrued or granted. Part-time employees may use accrued sick leave after they have been employed 90 days or 90 days after effective date.

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

**A.** Paid Sick Leave will continue to appear on employee paychecks. Full-time employees will continue to see the time as “PTO”; part-time and salaried will see it listed as “Sick Balance.”

**Note:** employees within the 90 day waiting period will see their “Sick Balance” accrual immediately on paychecks as they are accruing hours with “pp” listed next to it during their waiting period. During this time employees are unable to use the paid sick 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 leave?**

**A.** Managers will enter as “Sick” in CIAO!, eyeNET and Sundial POS locations or “PTO – Sick” in Tempo/Kronos locations for part-time, full-time and salaried employees. For salaried employees who do not appear in a POS or Tempo/Kronos timekeeping system, please call HR Central at 1-866-431-8484 to request use of paid sick leave.

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 employees to give us notice of their need for paid sick leave?**

**A.** Yes. When the need to take sick leave is foreseeable, such as a scheduled appointment, the employee shall provide advance notice, not to exceed 7 days, and should make a reasonable effort to schedule the sick 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 verification in accordance with their brand's attendance policy. 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 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 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 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 leave is strictly prohibited.

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

**A.** No. Paid sick 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 Leave to cover their absences and provided sufficient notice for their individual circumstance, they may use their PTO/Paid Sick 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 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 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 the annual 80-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 leave under the part-time Paid Sick Leave plan.

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

**A.** Part-time and salaried 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 leave will be reinstated for part-time employees if they are rehired within 6 months of separation. Full-time employees, however, will begin accruing PTO all over again, as remaining PTO balances are paid out at the time of termination.