

Westchester County, NY Paid Sick Leave Regulations

Frequently Asked Questions

Q. Who is eligible for Westchester County, NY Paid Sick Leave?

A. All full-time and part-time (including casual part-time or seasonal) employees who perform work in Westchester County, NY are eligible for the Paid Sick Leave benefit.

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

A.

- **Part-Time Employees** accrue one hour of Paid Sick Leave for every 30 hours worked, up to a maximum of 40 hours per year. Employees can carry over accrued unused Paid Sick Leave, but can only use 40 hours of Paid Sick Leave in a year.
- **Full-Time Employees** who have 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 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. Our Full-Time PTO plan for Westchester County, NY employees provides the coverage required while still offering flexibility.

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

A.

Employee Status	Accrual Date Begins
Part-Time	07/10/2019 or Date of Hire, whichever is later
Full-Time employed < 1 year	Accrual begins at date of hire, with a higher accrual rate beginning 07/10/2019
Full-Time employed > 1 year	Date of Hire (No Change)

Q. What can I use Paid Sick Leave for?

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

- The employee's mental or physical illness, injury or health condition; need for medical diagnosis, care or treatment; and need for preventive medical care;
- To care for a family member with a mental or physical illness, injury or health condition who needs medical diagnosis, care or treatment; or who needs preventive medical care;
- The employee's or family member's presence in the community may jeopardize the health of others, as determined by public health authorities, because of exposure to a communicable disease, whether or not the employee or family member has actually contracted the disease; and
- The employee's workplace or the employee's child's day care or elementary or secondary school closes by order of a public official because of a public health emergency.

A *family member* includes the employee's:

- 1) Child, grandchild, grandparent, parent, sibling, or spouse or domestic partner.
- 2) Persons related by blood or affinity;
- 3) Persons with a child in common, regardless of whether they have been married or are domestic partners, or have lived together at any time; and
- 4) Persons not related by blood or affinity who are or have been in an intimate relationship, regardless of whether they have lived together at any time.

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

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

A. Updated PTO/Paid Sick Leave will appear on employee paychecks beginning with the July 19, 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 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 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 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 Paid Sick Leave is foreseeable, such as a scheduled appointment, the employee shall provide 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 documentation verifying the need for Paid Sick Leave?

A. Managers may ask for documentation for absences of more than three consecutive workdays. 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 Paid 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 PTO/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 and 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 Sick and Safe 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 Leave they have accrued and will need to e-mail Kronos@luxotticaretail.com to request that their remaining accrued Paid Sick 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 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 employees will not be paid out their remaining Paid 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. 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 Leave will be reinstated for part-time employees if they are rehired within 9 months.

Q. Where can I view a copy of the Westchester County Earned Sick Leave Law?

A. The full text of the law can be found [here](#).