

## New York and New York City Paid Sick Leave Regulations (Updated)

### Frequently Asked Questions

**Q. Who is eligible for Paid Sick Leave?**

**A.** All full-time and part-time (including casual part-time or seasonal) employees who perform work in New York are eligible for the Paid Sick Leave benefit.

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

**A.**

Status & Business Unit	Amount of Leave	Carryover	Annual Use Limit of Paid Sick Leave
Casual Part-Time and Seasonal (ALL)	Up to 56 hours of Paid Sick Leave*	56 hours	56 hours
Part-Time - Retail	Up to 56 hours of Paid Sick Leave*	56 hours	56 hours
Part-Time - Corporate, Operations & Prof. Solutions	Up to 56 hours of PTO*	56 hours	56 hours
Full-Time - Retail (0-1 yr.)**	Up to 56 hours of PTO*	56 hours	56 hours
*Full-Time - Operations (0-1 yr.)**	Up to 80 hours of PTO	56 hours	56 hours
Full-Time - Corporate & Professional Solutions (0-1 yr.)**	Up to 120 hours of PTO	56 hours	56 hours

\*Accrue one hour of Paid Sick Leave for every 30 hours worked

\*\* After the first year of employment, employees will follow the standard PTO plan for full-time employees, except for the carryover of 56 hours instead of the normal 40 hours. Annual use limit of 56 hours of Paid Sick Leave will continue.

**Q. Why PTO instead of Paid Sick Leave for certain Part-Time and 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 and non-retail Part-Time PTO plans for New York employees provides the coverage required while still offering flexibility.

**Q. How does the Flexible PTO policy work with the New York Paid Sick Leave?**

**A.** Our Flexible PTO policy was designed to allow salaried full-time employees to use Paid Sick Leave in localities where required. Employees should use the "Sick" Pay Code in Kronos to reflect the time used for Paid Sick or Safe Leave purposes.

**Q. What can I use Paid Sick Leave for?**

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

- An employee's or a covered family member's mental or physical illness, injury or health condition, regardless of whether the illness, injury or health condition has been diagnosed or requires medical care at the time the employee requests leave;

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- Note: This includes recovery from the side effects of the COVID-19 Vaccine
- An employee's or family member's diagnosis, care or treatment of a mental or physical illness, injury or health condition; need for medical diagnosis; or preventive care;
- The employee's or a family member's elective surgery, including organ donation **(applicable only to employees working in NYC)**;
- 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 NY's Governor or an official from the NY Department of Health) **(applicable only to employees working in NYC)**; or
- An employee or family member is the victim of domestic violence, a family offense, a sexual offense, stalking or human trafficking, and the employee needs time off from work to do the following (as related to the domestic violence, family offense, sexual offense, stalking or human trafficking):
  - Obtain services from a domestic violence shelter, rape crisis center or other services program;
  - Participate in safety planning, temporarily or permanently relocate or take other actions to increase the employee's or family member's safety;
  - Meet with an attorney or other social services provider to obtain information and advice on, and prepare for or participate in, any criminal or civil proceeding;
  - 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; **(only applicable to employees working in NYC)**
  - 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 any other action necessary to ensure the employee's or family member's health, physical, psychological, economic health, or safety or to protect those who employee or work with the employee.

An employee is not eligible to take sick leave if they committed the domestic violence, family offense, sexual offense, stalking or human trafficking and were not the victim.

A *family member* means the employee's:

- Spouse;
- Domestic partner;
- Child (including a biological, adopted or foster child; a legal ward; a child of an employee standing in loco parentis; or the child of a spouse or domestic partner);
- Parent (including a biological, adoptive, foster or stepparent; a legal guardian; a person who stood in loco parentis when the employee was a minor child; or the parent of a spouse or domestic partner);
- Sibling;
- Grandchild;
- Grandparent; or
- Any other individual whose close association with the employee is the equivalent of a family relationship **(Only applicable to employees working in NYC)**

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

**A.** Eligible employees may use PTO/Paid Sick Leave for the reasons listed above as soon as it is accrued.

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

**A.** PTO/Paid Sick Leave will appear on employee paycheck. Casual part-time and retail part-time employees will see accrued time under "Sick Balance" on their paystub. Non-retail part-time and all full-time employees will continue to see PTO. For additional questions please contact HR Service Center via the [HR Services Portal](#).

## **Q. How will we input and track an employee's use of Paid Sick Leave?**

**A.** Managers and employees using the Kronos Time Off Request process should code the time away from work as follows:

- If under a PTO policy, select "PTO" in Kronos. PTO will be deducted from the employee's PTO balance; OR
- If under a Paid Sick Leave Plan Only, select "Sick" in Kronos.

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 the accrued balance.

## **Q. Will we require employees to give us notice of their need for New York 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 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. 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 documentation verifying the need for Paid Sick Leave?**

**A.** When the sick leave extends beyond three consecutively scheduled workdays, the employer may request documentation that does not disclose confidential medical information. However, this documentation will only be required if the employee does not incur any cost for obtaining the requested documentation for the Paid Sick Leave.

If management feels an employee is abusing the Paid Sick Leave benefit, they can contact **Employee Relations** via [mypersonaldesk](#). 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
- 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 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,

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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 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. Retail part-time employees and all casual part-time 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 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 and they are not eligible for a part-time PTO plan, up to 56 hours of PTO will be transferred to Paid Sick Leave. Any accrued, unused PTO hours beyond the 56-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 not on a PTO plan will not be paid out their remaining Paid Sick Leave balance on termination. Full-time and non-retail 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 and non-retail part-time employees will begin accruing all over again, as remaining PTO balances were paid out at the time of termination. Previously accrued, unused Paid Sick Leave may be reinstated for retail part-time, casual-part time and seasonal employees.

**Questions:** Contact your HR Business Partner for assistance.

**Materials:** HR Solutions>Benefits, PTO & Holidays>Paid Sick and Safe Leave> [Paid Sick Leave](#)