

COLORADO PAID SICK AND SAFE LEAVE - UPDATED

FREQUENTLY ASKED QUESTIONS (FAQS)

Q: Who is eligible for Colorado Paid Sick and Safe Leave?

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

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. Our Full-Time PTO plan for Colorado employees provides the coverage required while still offering flexibility.

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 48 hours of Paid Sick Leave*	Up to 48 hours	48 hours
Part-Time - Retail	Up to 48 hours of Paid Sick Leave*	Up to 48 hours	48 hours
Part-Time - Corporate, Operations & Prof. Solutions	Up to 48 hours of PTO*	Up to 48 hours	48 hours
Full-Time - Retail (0-1 yr.)**	Up to 48 hours of PTO*	Up to 48 hours	48 hours
*Full-Time - Operations (0-1 yr.)**	Up to 80 hours of PTO	Up to 48 hours	48 hours
Full-Time - Corporate & Professional Solutions (0-1 yr.)**	Up to 120 hours of PTO	Up to 48 hours	48 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 48 hours instead of the normal 40 hours. Annual use limit of 48 hours of Paid Sick Leave will continue.

Q: What can I use Paid Sick and Safe Leave for? (Revised - Effective 8/7/2023)

(The expanded uses for Paid Sick and Safe Leave are in bold and italicized font)

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

- The employee's or a covered family member's mental or physical illness, injury or health condition; need for medical diagnosis, care or treatment; or need for preventive medical care; or
- ***Grieve, attend funeral services or deal with financial and legal matters following the death of a family member.***

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- The employee or a covered family member is a victim of domestic abuse, sexual assault or harassment, and needs to:
 - Seek medical attention to recover from a mental or physical illness, injury or health condition caused by the domestic abuse, sexual assault or harassment;
 - Obtain services from a victim services organization;
 - Obtain mental health or other counseling;
 - Relocate; or
 - Seek legal services, including preparation for or participation in a civil or criminal proceeding relating to or resulting from the domestic abuse, sexual assault or harassment; and
- Closure of the employee's place of business or a child's school or place of care by order of a public official due to a public health emergency; or
- **Care for a family member whose school or place of care is closed because of inclement weather, loss of power or another unexpected occurrence; or**
- **Evacuate their place of residence because of inclement weather, loss of power or another unexpected event that necessitates evacuation.**

A covered *family member* includes:

- An employee's immediate family member (i.e., a person who is related by blood, marriage, civil union or adoption);
- A child to whom the employee stands in loco parentis;
- A person who stood *in loco parentis* to the employee when the employee was a minor; or
- A person for whom the employee is responsible for providing or arranging health-related or safety-related care.

Q: Can I use accrued Paid Sick and Safe Leave Immediately?

A: Full-time and part-time employees may use PTO and Paid Sick and Safe Leave, respectively, for the reasons listed above as soon as it is accrued.

Q: How do I check accrued Paid Sick and Safe Leave balances?

A: Updated PTO/Paid Sick and Safe Leave balances are noted on employee paychecks. Part-time employees will see accrued time under "Sick Balance" on their paystub and full-time employees will continue to see PTO.

Q: Will we require employees to give us notice of their need for Paid Sick and Safe Leave?

A: Yes. Requests may be made orally or in writing. When the need to take Paid Sick and Safe 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 and Safe Leave?

A: Yes, for absences of four or more consecutive days (based on employee's work schedule) when the leave is for a health-related reason, and the employee or employee's family member received services from a health or social services provider regarding the leave, an employer can request a document from that provider indicating that the leave was for a qualifying purpose. If the employee or employee's family member did not receive services from a

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provider or cannot obtain documentation from their provider in a reasonable time or without added expense. In that case, an employer must permit the employee to provide their own writing indicating that the leave was for a qualifying purpose.

If the employee takes Paid Sick and Safe Leave for a safety-related reason (i.e., domestic abuse, sexual assault or criminal harassment), the following will suffice: a document from a health provider or a non-health provider of legal services, shelter services, social work, or other similar services; the employee's own writing; or a legal document indicating a safety need that was the reason for the leave (e.g., a restraining order, other court order, or police report).

The documentation may be provided to the employer upon the employee returning to work. Employees are not required to disclose the details about health or safety information.

The exception to the rule: Documentation is not required for Public Health Emergencies or COVID-related public health emergencies declared by a government official.

If management feels an employee is abusing the Paid Sick and Safe Leave benefit, they can contact Employee Relations via the [Employee Relations e-Service](#) or go to **My Personal Desk>HR Solutions>Employees Relations e-Service**. Possible signs of abuse may include, but are not limited to:

- Repeated use of unscheduled Paid 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 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 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.

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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 Leave they have accrued and will need to take the following steps to request that their remaining accrued Paid Leave be transferred to PTO hours:

1. Go to [My Personal Desk](#)
2. Click the HR Service Portal tile
3. Click "Chat or E-mail Us"
4. Answer the questions when prompted
5. Select "PTO Balance Inquiries"
6. Click on Email
7. Complete PTO Balance Inquiries form

- **Full-Time to Part-Time:** If an employee's status changes from full-time to part-time, any accrued, unused PTO hours beyond Paid Sick and Safe 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 and Safe 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 Paid Sick and Safe 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 and Safe 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 6 months.

Documents can be found on **HR Solutions>Benefits, PTO & Holidays>Paid Sick and Safe Leave>Paid Sick Leave** (via [My Personal Desk](#)). For all other questions, please contact your HR Business Partner.