

# EssilorLuxottica

## Minnesota Earned Sick and Safe Time - Update

### Frequently Asked Questions (FAQs)

#### Q. What is the update?

**A.** In response to the repeal of the Earned Sick and Safe Ordinance in Duluth, MN on January 18, 2024, we have made adjustments to align with the Minnesota ESST (Earned Sick and Safe Time) law uniformly. As a result, the maximum accrual of ESST hours per year has been modified from 64 to 48 hours.

#### Q. Who is eligible for Minnesota Earned Sick and Safe Time?

**A.** All full-time, part-time, casual part-time and seasonal employees who perform work in Minnesota. Under the new law, employers are required to provide the most protective law that applies to their employees. As such, the sick and safe leave laws in Bloomington, Minneapolis and St. Paul, MN are blended into the State Minnesota Earned Sick and Safe Time program.

#### Q. Why PTO instead of Earned Sick and Safe Time for Full-Time Employees?

**A.** The law allows companies to meet the Earned 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 Minnesota employees provides the coverage required while still offering flexibility.

#### Q. When do employees begin to accrue Earned Sick and Safe Leave?

**A. Accrual:** Employees will now accrue one hour of Earned Sick and Safe Time for every 30 hours worked, up to maximum of 48 hours per year, unless their PTO policy provides for a greater accrual rate or balance max than the law requires. Employees may carry over accrued, unused Earned Sick and Safe hours to the following year, up to a maximum cap of 80 hours.

Status & Business Unit	Amount of ESST Leave	Carryover
Part-Time, Casual Part-Time and Seasonal Employees (ALL)	Up to 48 hours of Sick Leave	Accrued, unused up to 80 hours
Full-Time Retail	Up to 48 hours of PTO*	Accrued, unused up to 80 hours
Full-Time and non-retail Part-Time Operations, Corporate and Professional Solutions	Follow Existing PTO Accrual Schedule (Hourly or Flexible PTO (Salaried))	Accrued, unused up to 80 hours

\*After the first year of employment, employees will follow the Retail PTO accrual schedule.

#### Q. Will employees accrue Earned Sick and Safe Time when on vacation, PTO or sick?

**A.** No, the Earned sick and safe leave can only be accrued when the employee is actively working.

#### Q. Are Earned Sick and Safe Time hours accrued on overtime hours worked?

**A.** For hourly/nonexempt employees (not exempt from earning overtime) earned sick and safe time hours accrue on all hours worked.

#### Q. Can an employer set a limit on how many Earned Sick and Safe Time (ESST) hours an employee can accrue?

**A.** Yes. Employees may accrue up to 48 hours per benefit year and carryover year to year, until the 80 hours of maximum accrual cap is reached.

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## **Q. What can I use Earned Sick and Safe Time for?**

**A.** An employee may use the accrued sick and safe time for:

- The employee's or a family member's mental or physical illness, injury or health condition; need for medical diagnosis, care (including prenatal care) or treatment; or need for preventive care, or the death of a family member; or
- Absences due to domestic abuse, sexual assault or stalking of the employee or the employee's family member to:
  - Seek medical attention or psychological or other counseling services related to physical or psychological injury or disability caused by domestic abuse, sexual assault or stalking;
  - Obtain services from a victim services organization;
  - Seek relocation due to domestic abuse, sexual assault or stalking; or
  - Seek legal advice or take legal action (e.g., prepare for or participate in a civil or criminal legal proceeding);
- To accommodate the employee's workplace is closed due to weather or public emergency or closure of family member's school or place of care is closed due to weather or public emergency;
- Unable to work or telework because the employee is prohibited from working by the employer due to health concerns related to the potential transmission of a communicable disease related to a public emergency and employee has been exposed to a communicable disease or the employee's employer has requested a test or diagnosis; and
- The closure of a family member's school or place of care due to inclement weather; loss of power, heating or water; or other unexpected closure.

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 is defined as an employee's:

1. Child (including step, adopted, fostered, legal ward, adult child, child for whom the employee is legal guardian or child to whom the employee stands or stood in loco parentis);
2. Spouse or registered domestic partner;
3. Sibling, stepsibling or foster sibling;
4. Parent (including stepparent, adoptive, foster parent or a person who stood in loco parentis when the employee was a minor child);
5. Grandchild, foster grandchild or step-grandchild;
6. Grandparent or step-grandparent;
7. Child or a sibling of the employee;
8. A sibling of the parents of the employee;
9. A child-in-law or sibling-in-law;
10. Any of the family members listed 1 through 9 above of an employee's spouse or registered domestic partner;
11. Any other individual related by blood or whose close association with the employee is the equivalent of a family relationship; and
12. Up to one individual annually designated by the employee.

## **Q. Once a part-time employee reaches their benefit year cap or maximum accrual cap of Earned Sick and Safe Time (ESST) Leave hours, do they receive credit for additional hours worked?**

**A.** No. Once part-time employee reaches the yearly (benefit year) cap of 48 ESST hours, the employee no longer accrues ESST hours for that benefit year. Once an employee reaches 80 ESST hours through

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carryover and accrual, they no longer accrue additional hours (even if they yearly cap is not yet met) until they use some of the hours they have “in the bank.” The two limits, 48 ESST per benefit year and a maximum accrual cap of 80 hours, operate in tandem.

## **Q. How do I check accrued Earned Sick Time balances?**

**A.** PTO/Sick Time 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 ESST?**

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

- If under a PTO policy, select “**PTO**”. PTO will be deducted from the employee’s PTO balance; OR
- If under a Paid Sick Leave Plan Only, select “**Sick**”.

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 or maximum use limit (whichever is reached first), and your brand’s attendance policy will apply.

## **Q. Will we require employees to give us notice of their need for ESST?**

**A.** Yes. When the need to take Earned Sick and Safe Time is foreseeable the employee should provide at least seven (7) days 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/Earned Sick and Safe Time.

## **Q. Will an employee be asked to provide documentation verifying the need for ESST?**

**A.** When the ESST extends beyond three (3) consecutively scheduled workdays and we are providing health benefits to the employee, the employer may request documentation that does not disclose confidential medical information of the employee or the employee’s family member. If the employee is unable to secure the requested documentation, in most cases the employee may supply the employer with a written statement indicating the employee is using or used ESST for a qualifying purpose. The written statement may be written in the employee’s first language and does not need to be notarized or in any particular format.

If management feels an employee is abusing the Earned Sick Time benefit, they can contact **Employee Relations** via [mypersonaldesk](#). Possible signs of abuse may include, but are not limited to:

- Repeated use of unscheduled ESST 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

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being sick or using ESST 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 Earned Sick Leave count as an absence under the attendance policy?**

**A.** No. It is unlawful for employers to count Earned Sick and Safe Time 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/Earned 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 Earned Sick and Safe Time is prohibited.

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

**A.** No. ESST 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 ESST. As long as employees have accrued enough hours of PTO/Sick Hours to cover their absences and provided sufficient notice for their individual circumstance, they may use their PTO/Sick hours 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/Sick hours while taking a leave of absence. Managers should enter the time in Kronos, 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 ESST they have accrued and will need to take the following steps to request that their remaining accrued ESST 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 and submit the "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 Earned Sick and Safe Time requirement will be paid out at the time of their status change. They will then be eligible to begin accruing Earned Sick and Safe Time under the part-time Sick Leave plan.

## **Q. If I leave the Company and am re-hired, will I need to re-accrue Earned Sick and Safe Time/Paid Time Off (PTO)?**

**A.** Full-time employees will begin accruing all over again, as remaining PTO balances are paid out

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at the time of termination. Previously accrued, unused sick hours will be reinstated for part-time employees if they are rehired within 180 days from their termination date.

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.