

California Paid Sick Leave Regulations - Update

Frequently Asked Questions

Q. Who is eligible for California Paid Sick Leave?

A. All employees who perform work in California are eligible for paid sick leave benefit.

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 and max balance during the first year of employment, our updated Full-Time PTO plan for California 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. Starting January 1, 2024, employees will now accrue one hour of Paid Sick Leave for every 30 hours worked, up to a maximum balance of 80 hours, unless their PTO policy provides for a greater accrual rate or balance max than the law requires. Employees may use a maximum of 40 hours of Paid Sick Leave each anniversary year, with all unused Paid Sick Leave /PTO carried over to the next year.

Status & Business Unit	Amount of Leave	Carryover	Annual Paid Sick Leave Use Limit
Part-time, Casual Part-Time and Seasonal (ALL)	Up to 80 hours of Paid Sick Leave	Accrued, unused	40 hours
Full-Time - Retail	Up to 80 hours of PTO*	Accrued, unused	40 hours
Full-Time - Operations, Corporate & Professional Solutions	Follow Existing PTO Accrual Schedule (Hourly) or Flexible PTO Policy (Salaried)	Accrued, unused	40 hours

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

Q. When can employees use PTO/Paid Sick Leave?

A. Employees may use their accrued PTO/Paid Sick Leave for any absences related to: the employee’s or a family member’s illness or medical care, including (1) diagnosis, care or treatment of an existing health condition; (2) preventative care or (3) issues related to the employee being a victim of domestic violence, sexual assault or stalking.

Q. What is the definition of family member:

A. “Family member” includes:

- Child (biological, adopted, foster child, stepchild, legal wage or a child to whom the employee stands in loco parentis);
- Parent (biological, foster parent, stepparent, legal guardian of an employee or employee’s spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor);
- Spouse;
- Registered domestic partner;
- Grandparent;
- Grandchild; and
- Sibling.

Q. Can I use accrued Paid Sick Leave Immediately?

A. Full-time and part-time employees may use PTO and Paid Sick Leave for the reasons listed above

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as soon as it is accrued. Non-Retail salaried employees may use up to 40 hours immediately under the Flexible PTO policy.

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

A. PTO/ Paid Sick 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. Hours used will be deducted from the PTO or Sick Balance shown on the employee's paycheck.

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

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

- **Full Time:** Select "PTO-Sick" in Kronos.
- **Part Time:** Select "Sick" in Kronos
- **Non-Retail Salaried:** 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 or salaried employees on the Flexible PTO policy), an employee will not be paid for any hours taken in excess of the accrued balance, and your brand's attendance policy will apply.

Q. What rate of pay will an employee receive when using Paid Sick Leave?

A. Employees will be paid at their base hourly rate, unless their pay fluctuates from week to week due to incentive pay. In such cases, we will divide the total compensation for the previous 90 days by the number of hours the employee worked and pay the employee that rate. The pay will appear on the employee's check as "CA Sick Pay."

Please note: Although EssilorLuxottica will make all attempts to pay sick leave in the same payroll period in which the leave was taken, employees may see payment for their sick leave delayed until the next regularly scheduled payday, due to delays that may occur when calculating commission payments.

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 reasonable advance notice. Where unforeseeable, employees will be required to notify us as soon as practicable and follow the normal call-in procedures.

Q. Will an employee be asked to provide a doctor's note verifying the need for Paid Sick Leave?

A. We may not ask for doctors' notes or any other type of verification unless the employee is out for more than three consecutively scheduled days. An employee is permitted to take Paid Sick Leave immediately upon the employee's oral or written request. The leave is not conditioned on medical certification or documentation.

If management feels an employee is abusing the Paid Sick Leave benefit, they can contact Employee Relations via the **Employee Relations** icon on [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 with the employee using Paid Sick Leave for a covered reason.

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Q. Can an employee be required to find coverage for their absence?

A. No. An employee is not required to search for or find a replacement to cover their shift as a condition of using Paid Sick Leave.

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

1. Go to My Personal Desk (<http://mypersonaldeskna.luxottica.com/>)
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 California 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 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 their remaining Paid Sick Leave balance on termination. Full-time employees will be paid their remaining PTO balance per current PTO policy.

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Q. If I leave the company and am re-hired, will I need to re-accrue Paid Sick Leave?

A. Full-time employees rehired within twelve (12) months from their separation date will begin accruing again, as remaining accrued PTO balances were paid out at the time of termination. Previously accrued, unused Paid Sick Leave may be reinstated for employees if rehired within twelve (12) months from the date of separation from the company.

Q. What if I am in a California city that already has an established Paid Sick Leave law?

A. We will provide a more generous benefit to an employee when the local and state laws differ.

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