

## Oregon New PTO & Paid Sick Leave Plans to Meet New Paid Sick Leave Regulations

### Frequently Asked Questions

#### Q. Who is eligible for Oregon Paid Sick Leave?

A. All full-time and part-time (including casual part-time and seasonal) employees who perform work in the state of Oregon are eligible for the paid sick leave benefit.

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

A.

- **Part-Time Employees** accrue one hour of paid sick leave for every 30 hours worked, up to a maximum of 80 hours per year. Employees can carry over up to 40 hours of accrued unused sick leave, but may only use 40 hours of paid sick leave in any one year.
- **Full-Time Employees** who've been with the company less than a year, accrue one hour of PTO for every 30 hours worked, up to a maximum of 80 hours during their first year of employment. Employees can carry over up to 40 hours per year, but may only use 40 hours of PTO during the first year. After the first year, employees will follow the standard PTO plan for full-time employees.

#### R. 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 during the first year of employment, our new Full-Time PTO plan for Oregon employees will provide the coverage required while still offering flexibility.

#### Q. When does PTO/Paid Sick Leave accrual begin?

A.

Em Status	Accrual Date Begins
Part-Time	1/1/16 or Date of Hire, whichever is later
Full-Time employed < 1 year	Accrual begins at Date of Hire, with a higher accrual rate beginning 1/1/16
Full-Time employed > 1 year	Date of Hire (No Change)

#### Q. When can I use PTO/Paid Sick Leave?

A. Employees may use their accrued PTO/Paid Sick Leave for the following reasons:

- Any absence related to the diagnosis, treatment or preventative care of an associate's or family member's mental or physical illness, injury or health condition.
- Any purpose for which Oregon Family Leave may be taken.
- Issues related to the employee or family member being a victim of domestic violence, sexual assault or stalking.
- A business or school closure caused by a public health emergency.

“Family member” is defined as the spouse of an employee, the biological, adoptive or foster parent or child of the employee, the grandparent or grandchild of the employee, a parent-in-law of the employee or a person with whom the employee was or is in a relationship of in loco parentis.

**Q. Can I use accrued PTO/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 hired on or before 1/1/16 may use sick leave (for only the above reasons) as soon as it is accrued. Employees hired after 1/1/16 can use accrued sick leave after they have been employed 90 days.

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

**A.** Accrued PTO/Paid Sick Leave will appear on employees paychecks beginning January 8, 2016. Part-time employees will see accrued time under “Sick Balance” on their paystub and full-time employees will continue to see PTO. 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 using Kronos will enter as PTO for full-time employees and Sick for part-time employees. The 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 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 sick leave is foreseeable, such as a scheduled appointment, the employee shall provide advance notice and should make a reasonable effort to schedule the sick 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 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 3 consecutive days. If management feels an employee is abusing the Paid Sick Leave benefit, they can contact Employee Relations via the [Employee Relations e-service](#).

Possible signs of abuse may include, but are not limited to:

- Repeated use of unscheduled 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 with the employee using sick leave for a preventative medical appointment.

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

**A.** No. We cannot require the employee to find a replacement worker to cover their missed hours or require them to work an alternate shift to make up for the use of sick leave.

**Q. Can paid sick leave count as an absence under the attendance policy?**

**A.** No. The ordinance specifically states that 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 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 Paid 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 as 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 [HR Service Portal](#) to request that their remaining accrued Sick Balance 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 the annual 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.

**R. 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 sick leave balance. Full-time employees will be paid out their remaining PTO balance.

**Q. If I leave the company and am re-hired, will I need to re-accrue paid sick leave?**

**A.** Previously accrued, unused paid sick leave will be reinstated for part-time employees if they are rehired within 180 days of separation. Full-time employees, however, will begin accruing all over again, as remaining PTO balances are paid out at the time of termination.