



PAID TIME OFF (PTO) POLICY FOR AIDES

Wage Parity

Note: All Aides performing Medicaid-reimbursed work in New York City, Nassau County, Suffolk County, and Westchester County will receive additional wages and/or supplemental benefits as required by the Home Care Worker Wage Parity Law. If you have any questions as to additional wages and/or supplemental benefits connected with the Home Care Worker Wage Parity Law, please contact Human Resources. As of October 1, 2020, those benefits will be outlined on your weekly pay stubs, as may be required by applicable law, and on any Notice and Acknowledgement of Pay Rate and Payday you may receive after October 1, 2020.

Paid Time Off (PTO)

Section 1: At the commencement of employment, employees shall accrue Paid Time Off (“PTO”) at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum of sixty-four (64) hours per calendar year, which for the purposes of this policy runs from January 1 through December 31. PTO can be used as they are accrued either as vacation time, personal leave to take care of personal matters or as safe or sick leave in accordance with the New York City Earned Safe and Sick Time Act (“ESSTA”) and the New York State Sick Leave Law (New York Labor Law § 196-b) (“NYSSL”). Employees may use PTO as they accrue it, subject to the terms of this policy. Employees will not be entitled to use more than of sixty-four (64) hours in any calendar year, irrespective of how many unused PTO hours have been carried forward from a previous year or accrued during the current year.

The first use(s) of PTO that constitutes a leave of absence of 3 scheduled workdays (regardless of whether the days are continuous or not) in a calendar year, or payout of wage parity funds designated as PTO in the amount equivalent to 3 workdays (which may happen only at the termination of employment), shall be deemed paid days of rest provided pursuant to New York Domestic Workers’ Bill of Rights.

- a. Requests for leave time using accrued PTO for vacation must be made by the employee to the Case Coordinator, and received in writing, at least three (3) weeks prior to the date the PTO is to begin.
- b. Requests for leave time using accrued PTO for a personal leave must be made by the employee to the Case Coordinator and received in writing, at least one (1) week prior to the date the PTO is to begin.
- c. For exigent situations that are not safe or sick leave purposes, on less than one (1) weeks’ notice, an Employee may request to use one (1) accrued PTO day in any fiscal year for a bona fide emergency.
- d. Requests to use accrued PTO as safe and sick leave for “foreseeable” uses (such as doctor’s appointments and domestic violence court dates that an employee may be aware of seven days in advance) should be made by the employee to the Case Coordinator at least seven (7) days prior to the date of the employee’s intention to use sick leave, but if seven days’ advance notice cannot be provided, notice should be provided as soon as practicable. Employees will not be disciplined for “late” notice if notice is provided as soon as practicable. Notice for “foreseeable” absences may be provided verbally or in writing, including by telephone or e-mail to an assigned Case Coordinator.



If the need to use PTO for safe or sick leave is “unforeseeable,” (including absences that the employee is not aware of at least seven (7) days in advance) notice should also be provided to your Case Coordinator ideally, to ensure patient care coverage, at least two (2) hours before the start of your caregiving shift, but if that is not possible, notice should be provided as soon as practicable. Employees will not be disciplined for “late” notice if notice is provided as soon as practicable. Notice may be provided verbally or in writing (including by telephone or e-mail) to a Case Coordinator using the Case Coordinator’s specific contact information, or by telephone call or message left for the Company’s On-Call Case Coordinator after regular office hours, on weekends, or on holidays (the On-Call Case Coordinator may be reached at 718-972-2929. Note that no notice should disclose the nature of an employee’s or family member’s illness, injury, or health condition or specify the details of domestic violence, a family offense matter, or a sexual offense, stalking, or human trafficking. An employee’s failure to notify the Company that they are using PTO for safe or sick leave purposes may result in a denial of the application of PTO to an absence and the absence could be deemed unexcused and in violation of the Company’s attendance policies.

If PTO used for safe or sick leave exceeds more than three consecutive, scheduled workdays, the Company may request that employees provide supporting documentation (e.g., documentation from a licensed clinical social worker, licensed mental health counselor, or other licensed health care provider) establishing the eligibility for and duration of the PTO used for safe or sick leave. Workdays are the days or parts of days employees would have worked had they not used PTO for safe or sick leave purposes. If an employee takes safe leave in connection with non-medical leave use (e.g., when leave is taken to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program), the Company will accept an attestation from the employee confirming their eligibility for leave in connection with the use of sick leave for non-medical uses. Any such supporting documentation or attestation should not disclose the nature of an employee’s or family member’s illness, injury, or health condition or specify the details of domestic violence, a family offense matter, or a sexual offense, stalking, or human trafficking. Note that the Company may request this information if required by other law (e.g., if the employee is taking leave under the FMLA or PFL). Employees shall have a minimum of seven (7) days and a maximum of ten (10) from the date of their return to work to submit such documentation in support of their use of PTO used for safe or sick leave; however, the Company will not withhold payment for PTO used for safe or sick leave when the documentation is unobtainable due to associated costs. The Company will reimburse the employee for any fees associated with obtaining supporting documentation from a licensed clinical social worker, licensed mental health counselor, or other licensed health care provider concerning the eligibility of the employee for use of PTO used as sick leave. Supporting documentation or an attestation requested by the Company (which need not be submitted until an employee returns to work) and any requests for reimbursement and proof of fees or costs must be submitted via email to the Human Resources Department. The failure to provide the requested supporting documentation, except when there has been a mere delay caused by the associated costs of obtaining documentation, may result in the denial of PTO for safe or sick leave or discipline, including termination of employment.

e. At the end of the calendar year, unused, accrued hours will be carried forward to the following accrued year. At the start of each calendar year employees will continue to accrue additional hours up to a maximum of sixty-four (64) hours per year, regardless of how much, if any, previously unused, accrued



PTO hours have been carried forward from the previous year. However, as stated herein employees will only be able to use a maximum of sixty-four (64) hours of PTO per calendar year, irrespective of whether that 64 hours of PTO is time carried over from a prior calendar year, time accrued during the current calendar year, or a combination of both. For employees whose PTO is funded in whole or in part as wage parity supplemental benefits, at any point in a calendar year when the maximum sixty-four (64) hours has been accrued, Edison will re-direct the wage parity funds designated for PTO towards health-related benefits. If any employee has exhausted all available PTO for non-safe or non-sick leave purposes, the employee will not be provided additional paid leave for safe or sick leave until they have accrued the requisite additional PTO that can be used for those purposes.

Aides will not be paid for any unused, accrued PTO hours upon separation from employment. However, to the extent that any employee has had their PTO funded as a wage parity additional wages or supplemental benefits since April 3, 2020, the total amount of accrued, unused wage parity funds designated for PTO will be paid out to an employee. If an employee is rehired by the Company within six months of separation from employment, previously accrued, unused PTO hours will be immediately reinstated to the extent that any wage parity additional wages or supplemental benefits have not already been paid out to the employee.

Section 2: PTO used for vacation and personal leave will be paid at a replacement-level rate of pay for missed working hours. PTO for safe or sick leave is paid based on the employee's regular rate of pay at the time PTO is taken for safe or sick leave, subject to applicable law, rule, contract, or agreement.

PTO is not considered time worked for the purpose of calculating overtime for the week in which PTO was taken. Employees will not receive overtime premium pay when taking PTO. PTO will not be considered part of the regular rate of pay for the purposes of calculating overtime rates.

Section 3: PTO pay shall be paid on the next regular pay date.

Section 4: With regards to the use of PTO as vacation time, vacations shall be picked in the order of first come first serve. During the Christmas/New Year Holiday season, an employee may not request more than one-week vacation time. All requests to use PTO for vacation are subject to approval. Vacation approval may be denied if there is no available patient coverage during the requested dates.

Section 5: The Company will not ask the employee to provide details about the medical condition that led the employee to use PTO for sick leave, or the personal situation that led the employee to use PTO for safe leave, and that any information the Company receives about the employee's use of PTO for safe or sick leave will be kept confidential and not disclosed to anyone without the employee's written permission or as required by law. The Company reserves the right to consider this information in connection with a request for a reasonable accommodation for a victim of domestic violence, stalking, or a sex offense in accordance with applicable federal, state, or local law.

Section 6: There shall be no payout of unused, accrued PTO, except as provided in Sections 1(e)above.



Section 7: An employee may request, verbally or in writing, a summary of the amount of hours of PTO they have accrued and used as safe and sick leave in the current calendar year or any previous calendar year. Information will be provided to the employee within 3 business days.

Section 8: Employees' paystubs will list the amounts of PTO accrued during the pay period, the total balance of unused, available PTO, and the amount of PTO used during that pay period.

Section 9:

Employees may use PTO for the following reasons:

- I. For vacation or personal leave unrelated to sick or safe leave purposes, as specified in the points below; or
- II. For safe and sick leave purposes:
 - A. For an eligible employee's mental or physical illness, injury or health condition or need for medical diagnosis, care or treatment of a mental or physical illness, injury, or health condition or need for preventive care (e.g., screenings, checkups, patient counseling to prevent health problems);
 - B. To care for an eligible family member who needs medical diagnosis, care or treatment of a mental or physical illness, injury or health condition or who needs preventive care;
 - C. If the employee's workplace is closed by order of a public official due to a public health emergency, or the employee needs to care for a child whose school or childcare provider has been closed by order of a public official due to a public health emergency. Such emergency must be declared by the New York City Mayor's Office or the New York City Commissioner of Health and Mental Hygiene.
 - D. If the employee or an eligible family member is the victim of domestic violence, a family offense matter, or a sexual offense, stalking, or human trafficking, and time off is for "safe time" and needed to:
 - o Obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program;
 - o Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or family member;
 - o Meet with an 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 a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing or consumer credit;
 - o 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 other actions necessary to maintain, improve, or restore the health or safety (including, but not limited to, physical, psychological, or economic health or safety) of the employee or family member or to protect those who associate or work with the employee; or
- E. Or, for any other purpose permitted by the ESSTA and the NYSSLL.

A “family offense matter” is actual or threatened disorderly conduct, harassment, aggravated harassment, sexual misconduct, forcible touching, sexual abuse, stalking, criminal mischief, menacing, reckless endangerment, strangulation, criminal obstruction of breathing or blood circulation, assault, identity theft, coercion or grand larceny, between spouses, former spouses, a parent and child or between members of the same family or household, and also includes any offense enumerated in Section 812(1) of the New York Family Court Act, where such acts are between current and former members of the same family or household.

“Eligible family members” include an employee’s spouse or registered domestic partner; parent, parent-in-law or parent of a domestic partner; child or child of a domestic partner, including a biological, adopted or foster child, a stepchild, a legal ward or a child of an employee standing *in loco parentis*; sibling, including a half-sibling, step-sibling and sibling related through adoption; grandchild; grandparent; an individual related to the employee by blood; and, an individual whose close association with the employee is the equivalent of a family relationship.

PTO may not be used to extend employment beyond an end date of employment or delay a termination date. Discipline – up to and including termination – may be taken against an employee who uses PTO for vacation or personal leave inconsistent with this policy, or who uses PTO for sick and safe leave for a purpose not covered by, or in a manner not consistent with, this policy, the NYSSLL, or the ESSTA. In addition, discipline – up to and including termination – may be taken against an employee who violates this policy’s requirements concerning requesting, using, recording, verifying, and/or documenting use of PTO for safe and sick leave.

Section 10: Notice of the employees’ rights under the ESSTA is posted at all office locations and given to all new at hire and existing employees.

Section 11: When used for safe and sick leave, PTO may be used in an initial increment of four (4) hours if reasonable under the circumstances and then in half-hour increments thereafter each workday. However, when PTO is used for vacation or personal leave purposes, PTO must be used in full-day increments.

Section 12: The Company may provide other forms of leave for employees to care for medical conditions or issues related to domestic violence, stalking, or sex offenses under certain federal, state, and municipal laws. In certain situations, leave under this policy may run at the same time as leave available under another federal, state, or local law, provided eligibility requirements for that law are met. The Company



is committed to complying with all applicable laws. Employees should contact Human Resources for information about other federal, state, and municipal medical, victim, or family leave rights.

Section 13: Employees have the right to request and use PTO for safe or sick leave purposes in a manner consistent with the applicable law. The Company will not discriminate or retaliate, or tolerate discrimination or retaliation, against any employee who seeks or obtains PTO for safe or sick leave under this policy or who otherwise exercises their legal rights under the ESSTA and the NYSSLL, including communicating with any person about such a violation or otherwise exercises any right afforded by the ESSTA or the NYSSLL. Retaliation includes any threat, discipline, discharge, demotion, suspension, reduction in your hours, or any other adverse employment action against you for exercising your paid safe and sick leave rights under applicable law. In addition, the Company will not retaliate against any employee who communicates with any person about such a violation or otherwise exercises any right afforded by the ESSTA or the NYSSLL.