

	Safe and Sick Leave Policy	
	Program/Department: Human Resources	Document Category: N/A
	Approved By: Policy Review Team	Original Approval Date: January 1, 2023
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Purpose:

Edison recognizes that our administration staff may sometime require time off to their own illnesses and care for eligible family members. Accordingly, the Company provides Safe/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) (“NYSSLL”). This policy describes details of such Safe/Sick Leave, including eligibility, hours, accrual, taking time off, and carryover.

Scope:

This policy applies to all Edison full-time, part-time, contingent, and contractor workers employees in an administration position in New York State.

Safe/Sick Leave Eligibility:

Employees begin accruing Safe/Sick Leave immediately and can begin using Safe/Sick Leave as they accrue them.

Safe/Sick Leave Accrual and Uses:

At the commencement of employment, eligible employees shall accrue Safe/Sick Leave at the rate of one (1) hour for every thirty (30) hours worked, up to a maximum of fifty-six (56) hours per calendar year, which for the purposes of this policy runs from January 1 through December 31. Salaried exempt employees will be assumed to work 40 hours in a week unless the employee's regular work week is less than forty 40 hours, in which case Safe/Sick Leave accrues based upon that regular workweek. Employees will not be entitled to use more than of fifty-six (56) hours in any calendar year, irrespective of how many unused Safe/Sick Leave hours have been carried forward from a previous year or accrued during the current year. Employees may use Safe/Sick Leave as they accrue it, subject to the terms of this policy.

Employees may use Safe/Sick Leave for the following reasons:

- 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 medical care (e.g., screenings, checkups, patient counseling to prevent health problems).
- 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 medical care; or
- 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.

- If the employee or an eligible family member is the victim of domestic violence, a family offense, sexual offense, stalking or human trafficking and time off is needed to:
 - Obtain services from a domestic violence shelter, rape crisis center or other shelter or services program.
 - Participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or family member.
 - 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.
 - 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 and safety) of the employee or family member or to protect those who associate or work with the employee.

- For any other reason permitted by the ESSTA or 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.

Safe/Sick Leave may not be used as vacations days. Additionally, Safe/Sick Leave may not to be used to extend employment or to delay a termination date. Discipline – up to and including termination – may be taken against an employee who uses Safe/Sick Leave for a purpose not covered by, or in a manner not consistent with, this policy, the ESSTA, or the NYSSLL. 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 Safe/Sick Leave.

Scheduling Safe/Sick Leave:

For foreseeable absences related to Safe/Sick Leave such as doctor's appointments and domestic violence court dates that the employee is aware of at least 7 days in advance, the Company expects that employees

typically should be able to provide at least 7 days' advance notice to ensure patient caregiving is not affected, but if 7 days' advance notice cannot be provided, notice should be provided as soon as practicable. When the need for Safe/Sick Leave is unforeseeable, such as situations involving sudden illness, the Company does not require advance notice, but employees must provide notice as soon as practicable. Employees will not be disciplined for "late" notice if notice is provided as soon as practicable. Notice of the need to use Safe/Sick leave may be provided verbally or in writing, including by providing notice to an employee's director by phone and or email. Note that no notice should disclose the nature of an employee's illness, injury, or health condition or specify the details of domestic violence, a family offense matter, sexual offense, stalking, or human trafficking.

If Safe/Sick Leave is for more than three consecutive, scheduled workdays, the Company may request that employees provide supporting documentation from a licensed clinical social worker, licensed mental health counselor, or other licensed health care provider, establishing the eligibility of the employee to Safe/Sick Leave (i.e., confirming the need for and duration of Safe/Sick Leave). 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. Workdays are the days or parts of days employees would have worked had they not used Safe/Sick Leave. The supporting documentation or attestation should not disclose the particular reason for leave, the nature of an employee's or family member's illness, injury or health condition or specify the details of a family offense matter, sexual offense, stalking or human trafficking, but note that the Company may request this information if required by other law (e.g., if the employee is taking leave under the FMLA). To the extent a third party, such as a health care provider, provides an attestation confirming an employee's eligibility to take leave for more than three days, the Company will reimburse the employee a fee for such documentation in connection with Safe/Sick Leave usage. If requested, the supporting documentation must be provided to the Company within seven (7) days of returning to work; however, the Company will not withhold payment for Safe/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 Safe/Sick Leave. Supporting documentation 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 Safe/Sick Leave or discipline, including termination of employment.

Employees are not required to search for or find a replacement worker to cover the hours during which such employee is utilizing Safe/Sick Leave. Safe/Sick Leave 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.

Carryover:

Employees who have unused Safe/Sick Leave remaining at the end of the year will carry over those unused hours to the next calendar year. However, irrespective of how many hours may be carried over from a previous calendar year or provided during the current calendar year, employees may not use more than 56 hours of Safe/Sick Leave in a calendar year.

Rate of Pay:

Safe/Sick Leave is paid at the employee's regular rate of pay at the time Safe/Sick Leave is taken, subject to

applicable law, rule, contract, or agreement.

Confidentiality:

The Company will not ask the employee to provide details about the medical condition that led the employee to use Safe/Sick Leave, or the personal situation that led the employee to use Safe/Sick Leave, and that any information the Company receives about the employee’s use of Safe/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 Safe/Sick Leave or in connection with a request for a reasonable accommodation for a victim of domestic violence, stalking or a sex offense under applicable law.

Termination:

Edison does not pay accrued but unused Safe/Sick Leave out upon termination. Edison employees whose employment is terminated (either voluntarily or involuntarily) will forfeit any unused, accrued Safe/Sick Leave hours. If an employee is re-hired within 6 months of termination, they will have forfeited Safe/Sick Leave re-instated.

Effects on other Rights and Policies:

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.

No Retaliation Permitted:

Employees have the right to request and use Safe/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 Safe/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.

Revision History/Date:	Revision Key Points:
January 1, 2023	New policy put in place
November 21, 2023	Language Modifications