



## **MEMORANDUM**

(Supersedes all Previous Versions of the Memo)

To: New York City Hourly Employees Not Working under the Service Contract Act

From: Joseph Citrano, Vice President

Re: **Paid Sick Leave**

As Metlang previously informed you, New York City adopted the Earned Sick Time Act (“ESTA”) that entitles employees who work at least eighty (80) hours per year within New York City to certain paid sick leave. Eligible employees may accrue up to forty (40) hours of paid sick leave per year from scheduled assignments within New York City. The law provides that paid sick leave can be used for the following purposes:

- The employee’s own mental or physical illness, injury, or health condition;
- The employee’s need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition;
- The employee’s need for preventive medical care;
- Care of a family member who needs medical diagnosis, care, or treatment of an illness, injury, or health condition, or who needs preventive medical care;
- Closure of employee’s place of business due to a public health emergency (as declared by the Commissioner of the New York City Department of Health and Mental Hygiene or the Mayor);
- The employee’s need to care for a child whose school or child care provider is closed due to a public health emergency.

The New York City law provides that these employees are entitled to accrue one (1) hour of paid sick leave for every thirty (30) hours worked for the Company, up to a maximum of forty (40) hours of paid sick leave per year. Under our Company policy, New York City hourly employees not working under the Service Contract Act accrue paid sick time as follows:

- Hourly employees are entitled to accrue paid sick leave for purposes of the New York City sick leave law, effective with the employee’s date of hire, at the rate of one (1) hour for every thirty (30) hours worked up to a maximum of forty (40) hours

per year, solely for the purposes set forth in the New York City law. However, employees in their initial year of employment may not begin to use their accrued sick time until after ninety (90) days of employment.

- Hourly employees with unused accrued sick time at the end of the year can rollover up to 40 hours to the new year. However, employees may not use more sick time than they would otherwise accrue in a single calendar year, as set forth above. The rollover provision allows employees to use paid sick time at the start of a year where they might not yet have accrued such time.
- Salaried employees accrue one (1) week of paid sick leave in addition to their allotted vacation time (vacation time can be used for the purposes of sick leave) after one (1) year of service.
  - During a salaried employee's initial year of employment, i.e. that time prior to the employee's first anniversary based upon his/her date of hire and during which time the employee would not have otherwise accrued paid vacation or sick time as set forth above, the employee will be entitled to accrue paid sick leave solely for purposes of the New York City sick leave law, effective with the employee's date of hire, at the rate of one (1) hour for every thirty (30) hours worked up to a maximum of forty (40) hours in this initial year of employment. However, employees in this initial year of employment may not begin to use accrued sick time until after ninety (90) days of employment.

Accordingly, Metlang employees accrue paid vacation and/or sick time at a rate that is equal to or more generous than what is required under the New York City sick leave law (i.e., the law provides for accrual of one (1) hour of paid sick time for every thirty (30) hours worked).

Metlang employees who work at least eighty (80) hours per year in New York City are entitled to use their accrued paid vacation time for vacation, personal reasons and for the sick time reasons specified in the law (and outlined above). However, New York City employees are not entitled to additional paid time off under the New York City law, on top of the paid vacation and/or sick time accrued under Company policy. Time taken for sick leave purposes under the law will count against the employee's paid vacation or sick time, as applicable.

Employees who are eligible for sick leave under the law will receive written notice of their rights. A copy of this notice is posted in the nearest Metlang admin office and can be found on our website [www.metlang.com](http://www.metlang.com) under the forms section.

If an employee at the end of a calendar year does not accrue as much paid leave as he/she has used during that year, the employee's vacation or sick leave accrual for the following year will be reduced to the extent of such overuse. If an employee's employment is terminated for any reason, other than job elimination, after taking more paid leave than was earned, this will be treated as a wage advance, which the Company can deduct from the employee's final paycheck subject to the provisions of State Law.

Notice of the need to use paid vacation or sick time for purposes of illness of the employee or the employee's family member shall be provided before the start of the employee's shift on the day such leave is required, if possible. If circumstances beyond the employee's control prevent such notice, the employee shall be required to provide as much notice as possible.

Employees who need to use paid vacation or sick time, for any of the other purposes outlined in the New York City sick leave law, must provide seven (7) calendar days' notice before the requested day off in the case of foreseeable situations, and as soon as practicable in unforeseeable situations.

If an employee is absent for more than three (3) consecutive work days, for any of the purposes outlined in the New York City sick leave law, the Company may require reasonable documentation from the employee's medical provider that the use of sick time was authorized. The Company may also require the employee to submit written confirmation that the employee used paid sick leave under this policy for one of the purposes outlined in the law.

The use of vacation time for vacation or personal reasons must be requested no less than one (1) month in advance of the need for such leave. In such case, vacation time will generally be approved on a first-come, first-serve basis.

Sick time (whether taken via paid vacation time or sick time) may be taken in no less than one (1) hour increments (for example if an employee needs to come in late after a doctor appointment).

Metlang prohibits retaliation against any employee who uses sick time, or who otherwise exercises their rights under the New York City sick leave law.

More information for New York City employees can be found at:

<http://www1.nyc.gov/site/dca/about/paid-sick-leave-law.page>

Please direct any questions to me at: [Jcitrano@metlang.com](mailto:Jcitrano@metlang.com)

Thank you.