



## NEW YORK PAID SICK AND SAFE TIME POLICY

- *Provide a copy of this document to those expected to work in New York (including New York City) and document in the system.*
- *For those expected to work in New York City, also administer the **NYC Notice of Employee Rights (e1019)**.*

### Overview and Reasons for Use

All New York employees may take up to fifty-six (56) hours of paid safe and sick time per calendar year, consistent with the New York State Paid Sick Leave Law and New York City Earned Safe and Sick Time Act (hereinafter, "NYPSSL"). A calendar year is defined as January 1 to December 31. Employees accrue NYPSSL at the rate of one hour for every 30 hours worked, including overtime, up to a maximum of 56 hours per calendar year, unless provided with a more generous leave accrual or frontloaded amount in a separate written policy.

### Reasons for Use

NYPSSL may be used for:

- a mental or physical illness, injury, or health condition of an employee or such employee's family member (as defined below), regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time that such employee requests such leave;
- the diagnosis, care, or treatment of a mental or physical illness, injury or health condition of, or need for medical diagnosis of, or preventive care for, such employee or such employee's family member;
- closure of the employee's place of business by order of a public official due to a public health emergency or such employee's need to care for a child whose school or child care provider has been closed by order of a public official due to a public health emergency;
- For "safe time" when employees or their family members have been the victim of domestic violence, a family offense matter, sexual offense, stalking, or human trafficking, including the following:
  - To obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking or human trafficking.
  - To participate in safety planning, temporarily or permanently relocate, or take other actions to increase the safety of the employee or employee's family members from future family offense matters, sexual offenses, stalking or human trafficking.
  - To meet with a civil 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.
  - To file a complaint or domestic incident report with law enforcement.
  - To meet with a district attorney's office.
  - To enroll children in a new school; or
  - To take other actions necessary to maintain, improve or restore the physical, psychological, or economic health or safety of the employee or employee's family member or to protect those who associate or work with the employee.

A "family member" includes an employee's (1) child (biological, adopted or foster child, a legal ward, or a child of an employee standing in loco parentis), (2) spouse, (3) domestic partner, (4) parent (biological, foster, step- or adoptive parent, or a legal guardian of an employee, or a person who stood in loco

parentis when the associate was a minor child), (5) sibling (includes half, adopted, or step sibling), (6) grandchild, (7) grandparent, (8) the child or parent of an employee's spouse or domestic partner, (9) any other individual related by blood to the employee, and (10) any other individual whose close association with the employee is the equivalent of a family relationship.

## Plan NYPSL Attributes

Employees accrue NYPSL, at the rate of one hour for every 30 hours worked, up to a maximum of 56 hours, unless provided with a more generous leave accrual or frontloaded amount in a separate written policy. Employees may use their NYPSL as soon as it is accrued. Accrual is capped at 56 hours per calendar year. Employees will be able to use accrued NYPSL in one hour increments. Employees will be able to carry over all unused, accrued time on an annual basis but employees are limited to using only 56 hours per calendar year. Kelly does not pay employees for any accrued unused NYPSL at the end of the calendar year or upon termination of employment, unless specified otherwise in a written policy. NYPSL is not to be used to extend vacation or holidays. Misuse of NYPSL may result in disciplinary action up to and including termination.

When there is a separation from employment and the employee is rehired within six months of separation, previously accrued unused safe and sick time will be reinstated and such employee will be entitled to use such accrued time at any time after such employee is rehired.

### Pay Rate

NYPSL is paid at the highest applicable rate of pay to which the employee would be entitled under New York labor law or any other applicable federal, state, or local law, and in no event shall the rate of pay be less than the applicable minimum wage. NYPSL does not count as hours worked when calculating overtime pay for non-exempt employees.

### Balances

Refer to your paystub for your NYPSL accruals, usage and balance to determine the amount of sick and safe time available to you.

### Reporting Absences

Employees must provide oral or written notice of their request to use NYPSL prior to using it. However, where the need to use NYPSL is foreseeable, employees are asked to advise their supervisor or Human Resources in writing or orally of the need to use NYPSL at least 7 days in advance of taking such leave, unless otherwise prohibited by applicable law.

Employees who use more than 3 consecutive days of NYPSL are required to provide reasonable documentation to verify that the time was used for a covered reason under this policy. Reasonable documentation, however, does not need to explain the nature of the reason for leave. The Company will reimburse you for any costs or fees associated with obtaining documentation. Such documentation, where requested, must be provided on or within seven days after returning to work, unless otherwise prohibited by law. An employee may be subject to disciplinary action, up to and including termination, for failure or delay in providing the required reasonable documentation.

### Confidentiality

Kelly will not require the disclosure of details relating to an employee or his/her family member's medical condition or require the disclosure of details relating to an employee's or his/her family member's status as a victim of family offenses, sexual offenses, stalking or human trafficking as a condition of using time off for a covered reason as set forth above. Health information about an employee or an employee's family member obtained solely for the purposes of utilizing safe and sick time shall be treated as

confidential and shall not be disclosed except by the affected employee, with the written permission of the affected employee, or as required by law.

### **Retaliation/Discrimination Prohibited**

All employees have the right to take NYPSL, and Kelly prohibits discrimination or retaliation based on employees' good faith exercise of their right to NYPSL. Any employee who believes they have been subject to such discrimination or retaliation must immediately report the incident to Human Resources or their Kelly Representative.

Employees who exhaust their NYPSL may utilize their available PTO. When such leave is exhausted, an employee will be considered to be on unpaid sick leave. Any employee absent for more than five (5) consecutive work days for sick time should contact Human Resources or their Kelly Representative for information on short-term disability insurance provided in accordance with applicable state law.

### **Questions/Contact**

For more information, contact your Kelly Representative.