Earning hours: Accrual and carryover FAQ

What is the accrual of hours?

Accrual of hours is when each ESST hour is added to a saved total the employee may use. AbbeyCare will provide each employee with one hour of ESST for every 30 hours worked, up to at least 48 hours a year.

What is a "year"?

A "year" means January 1st through December 31st.

New employees begin accruing ESST on their first day of employment.

Is there a cap on how many ESST hours an employee can accrue?

Yes, AbbeyCare will allow each employee to accrue up to at least 48 hours a year, carried over from year to year, until an 80-hour maximum accrual is reached.

Do ESST hours accrue on overtime hours worked?

Yes. ESST hours accrue on all hours worked, including overtime hours.

Do hours accrue when the employee is not working (on vacation or out sick)?

No. The law does not require ESST hours to accrue when an employee is not working. AbbeyCare employees will not accrue hours while not working.

How frequently are ESST hours calculated?

ESST hours are calculated and recorded at the same frequency as all other typical payroll practices (bi-weekly). Amounts accrued and available for use in addition to amounts used each pay period are listed on the employee's earnings statement (also known as a paystub).

Do unused ESST hours carry over from year to year?

Yes, AbbeyCare will carry over each employee's accrued and unused ESST hours to the following year (January 1st). Total accruals including carryover amounts will be capped at 80 hours of ESST.

Payout or transfer of ESST hours

- **Will unused ESST hours be paid out when an employee leaves their job?**

No. It is an AbbeyCare will not pay out any accrued and unused ESST if an employee leaves their job, either voluntarily or involuntarily.

- **Are ESST hours restored if an employee returns to work for a former employer?**

- An employee who returns to work for AbbeyCare **within 180 days** of separation is entitled to the ESST hours accrued before leaving AbbeyCare.

When can employees start using accrued ESST hours?

Employees may use earned sick and safe time as it is accrued

Will AbbeyCare require an employee to provide notice to use ESST leave?

AbbeyCare will require notice of up to seven days in advance when the need to use ESST is foreseeable. If the need is unforeseeable, AbbeyCare will require notice as soon as practicable.

If an employee is using ESST for a foreseeable reason such as a yearly checkup, and does not notify AbbeyCare until the day before the appointment, can AbbeyCare deny the employee's use of ESST?

AbbeyCare requires notice of intent to use ESST up to seven days in advance when ESST is used for a foreseeable reason. AbbeyCare may deny the employee's request to use ESST if the employee did not follow the notice requirements in the policy.

Can an employer require an employee to provide documentation to use ESST leave?

AbbeyCare will require an employee to provide reasonable documentation of ESST use only when more than three consecutive days of ESST are used. If the employee is unable to secure the requested documentation, in most cases the employee may supply the employer with a written statement indicating the employee is using or used ESST for a qualifying purpose such as:

- an employee's own or a family member's illness (who is not a client), injury, or need for medical care;

- absence due to domestic abuse, sexual assault, or stalking;
- the closure of a place of work or a child's school/care facility due to a public emergency;
- and addressing funeral, memorial, or financial/legal matters following a family member's death.

Will AbbeyCare require documentation from employees after they use ESST for more than three consecutive calendar days or more than three consecutive workdays?

Yes. AbbeyCare will require employees to provide such documentation.

Can AbbeyCare require an employee to provide specific details about the reason for using sick and safe time?

No, the law does not require that an employee provide specific details about the reason for using sick and safe time, including details related to the employee's or their family member's medical condition.

Does an employer's PTO policy meet the requirements of the ESST law if their employees can choose whether to use PTO for vacation, sick and safe time, or both?

Yes. The PTO policy is as generous as what is required under the ESST law.

Can an employee use ESST during times the employee is not scheduled to work?

ESST is paid leave from work. If an employee **is not** scheduled to work, the ESST law **does not** require an employer to allow employees to use ESST. AbbeyCare employees will not be able to use ESST for shifts that they are not normally scheduled to work.

Rates of pay

At what rate must ESST be paid?

ESST must be paid at the same hourly rate as an employee earns from employment. Under no circumstances can the hourly rate be less than the applicable local or state minimum wage, whichever is higher.

Is ESST paid at the wage rate at the time of accrual or the wage rate at the time ESST is used?

ESST must be paid at the hourly rate of pay for the shift for which the leave is being used.

If an employee has two or more different rates of pay for the same employer, what should the rate of pay be for sick and safe time hours used?

The rate of pay for the employee's use of sick and safe time should be the rate of pay for the job or shift the employee was scheduled to work but for which ESST hours were used instead.

If the shift for which an employee takes ESST leave would have brought them into overtime pay had they worked, is the employer responsible for paying an overtime rate for the ESST hours used for that shift?

The ESST law does not require employers to pay an overtime rate if the hours taken as ESST leave would have brought the employee into overtime pay had the employee worked.