

AEO

COVID-19 Supplemental Paid Sick Leave

In response to the **COVID-19** pandemic, a number of municipalities and states have enacted emergency paid sick leave laws that supplement existing paid sick leave laws. Although these laws have different names based on location, for the ease of our associates, we are describing these laws as emergency COVID-19 paid sick leave (CPSL). For associates working in these locations, below are answers to Frequently Asked Questions.

For what reasons can I take emergency, COVID paid sick leave?

Associates may use emergency COVID-19 sick leave (CPSL) if they are unable to work due to federal, state, or local orders; advised by a health care provider to self-quarantine; experiencing symptoms of COVID-19; or caring for a minor child or adult during school/care closures due to COVID-19.

Can I take emergency CPSL while on Furlough?

Generally no. However, where state or local law requires it, AEO will allow use for covered reasons. Currently, San Francisco is the only municipality, which specifically makes furloughed associates eligible to take such emergency COVID paid sick leave.

How much time am I permitted to use?

The amount of CPSL available for use is determined by the work location of the associate. Please refer to this chart for more details and Kronos for your leave balance.

Location	Look Back Period	How much do I get if I am a <u>Part-time</u> associate?	How much do I get if I am a <u>Full-time</u> associate?	Notes
City of Los Angeles, CA Store# 2413	February 3, 2020 - March 4, 2020	An associate may receive an amount of hours no greater than the associate's average two-week pay over the look back period. The amount is determined by adding the number of hours worked in four consecutive weeks during this period, and dividing that total by two. Paid leave is subject to a cap of \$511/day or \$5,110 total.	80 hours at regular rate based on an associate's average two week pay over the look back period.	Paid leave is subject to a cap of \$511/day or \$5,110 total.

Location	Look Back Period	How much do I get if I am a <u>Part-time</u> associate?	How much do I get if I am a <u>Full-time</u> associate?	Notes
Sacramento, CA Store# 509	January 15, 2020 – July 15, 2020	An associate may receive an amount of hours equal to the number of hours they work on average over a two-week period. The paid sick leave calculation is based on the number of hours the employee worked each week during the six months immediately preceding the law's effective date, multiplied by two.	80 hours at regular rate based on an associate's average two week pay over the look back period.	
San Francisco, CA SF Office Store# 412	August 25, 2019 – February 25, 2020	An associate may receive an amount of hours equal to their average number of hours over a two-week period during the 6-month period ending on February 25, 2020, including hours they took leave.	80 hours at regular rate based on an associate's average two week pay over the look back period.	
San Jose, CA Store# 516	October 8, 2019 – April 7 2020	An associate may receive an amount of hours equal to the number of hours they work on average over a two-week period. The paid sick leave calculation is based on the average number of hours the associate worked per day during the 26 weeks immediately preceding the effective date of the Ordinance (i.e., October 8, 2019-April 7, 2020). Leave is paid at the employee's regular rate (up to a cap of \$511/day or \$5,110 total)	80 hours at regular rate based on an associate's average two week pay over the look back period.	Paid leave is subject to a cap of \$511/day or \$5,110 total. If an associate has worked for the Employer less than six (6) months, then the Employer will calculate the amount of sick leave used based on the average hours the Employer expected at time of hire to have the associate work.

Location	Look Back Period	How much do I get if I am a <u>Part-time</u> associate?	How much do I get if I am a <u>Full-time</u> associate?	Notes
San Mateo, CA Store# 2105	January 1, 2020 - July 7, 2020	An associate may receive an amount of hours no greater than the average number of hours they work in a two-week period, which employers calculate using the period of January 1 through July 7, 2020.	80 hours at regular rate based on an associate's average two week pay over the look back period.	
Santa Rosa, CA Store# 475, 2897	August 25, 2019 – February 25, 2020	An associate may receive an amount of hours equal to the number of hours they work on average over a two-week period.	80 hours at regular rate based on an associate's average two week pay over the look back period.	
Sonoma, CA Store# 2349	February 18 – August 18, 2020	An associate may receive an amount equal to the average number of work hours in a two-week period, calculated over the past six months	80 hours at regular rate	
California All CA stores not subject to local ordinance	Six months prior to date of leave	An associate may receive an amount of hours equal to the number of hours worked on average over a two-week period for the six months prior to taking leave.	80 hours at regular rate	The amount of available CPSL leave will be offset by any CPSL leave an associate has already taken pursuant to a local ordinance. For example, if a full-time associate took 20 CPSL hours pursuant to a city ordinance, they would be entitled to 20 CPSL hours under the state law.

Location	Look Back Period	How much do I get if I am a <u>Part-time</u> associate?	How much do I get if I am a <u>Full-time</u> associate?	Notes
<p>Colorado</p> <p>Store# 67, 394, 484, 490,543,685, 2082, 2120, 2251, 2384, 2403, 2874, 2880</p>	N/A	80 hours at regular rate	80 hours at regular rate	<p>The paid days are <u>calendar</u> days on which the associate would have worked. For example, if an employee falls ill on May 1, 2020 and makes plans to get tested or is told by a health care provider to quarantine or isolate, then the maximum is May 1 to 14, 2020 -- and the associate gets paid only for those days they actually would have worked. For example, if the associate was scheduled to work only ten out of those fourteen days, the associate is paid for only those days they actually would have worked (i.e., ten days).</p>

Location	Look Back Period	How much do I get if I am a <u>Part-time</u> associate?	How much do I get if I am a <u>Full-time</u> associate?	Notes
<p>New York</p> <p>NYDO</p> <p>Store# 2434, 2827, 110, 126, 147, 214, 226, 295, 299, 343, 344, 391, 471, 494, 503, 526, 621, 622, 741, 742, 745, 771, 788, 813, 826, 850, 871, 2000, 2071, 2089, 2135, 2158, 2160, 2185, 2214, 2235, 2236, 2248, 2262, 2273, 2274, 2278, 2323, 2326, 2347, 2354, 2355, 2376, 2414, 2598, 2746, 2747, 2754, 2755, 2767, 2854, 2875, 2876, 2888, 5500</p>	N/A	14 days	14 days	The paid days are <u>calendar</u> days, and the pay required should represent the amount of money that the associate would have otherwise received for the 14 day period
<p>Puerto Rico</p> <p>Store# 2040, 2092, 2224, 2255, 2292, 2852</p>	N/A	5 days	5 days	Before associates can use this new leave, first they must exhaust all available accrued sick leave and any other available accrued leave to which they are entitled.

Location	Look Back Period	How much do I get if I am a <u>Part-time</u> associate?	How much do I get if I am a <u>Full-time</u> associate?	Notes
Philadelphia Store# 02366 02425	September 11, 2019 – March 11, 2020	An associate may receive an amount of hours equal to fourteen times the average hours worked per day for the six months prior to the public health emergency declaration.	80 hours or an amount of leave equal to their average hours worked over a 14-day period, capped at 112 hours.	
Pittsburgh Corporate (South Side) Store# 00801 02756	Number equal to the average number of hours that the employee was scheduled over the past 90 days of work, including hours for which the employee took leave of any type	An associate may receive an amount equal to the amount of time the employee is otherwise scheduled to work or works on average in a 14-day period.	80 hours	COVID-19 Sick Time must be provided to employees immediately, without any waiting period or accrual requirements, once they have been employed by the employer for the previous 90 days. COVID-19 Sick Time is also in addition to any paid leave or sick time provided by the employer

Do I have to bring in medical or other official documentation to prove the reason for my use of CPSL?

At this time, AEO is not requiring such documentation to be provided. We understand that obtaining such documentation may be difficult for many associates or is not required by local laws due to a desire not to overwhelm medical providers. However, unless prohibited by local law, AEO is requiring that associate’s identify the reason for their use of CPSL in writing (e.g., email is fine). For example, an email that says, “Hello Store Team Leader, I will be taking one-week of paid sick leave because I am being required to quarantine by my doctor” would be sufficient.

How long do I have to take this time?

Although many of these laws have different dates that employees must take their time by, AEO has decided to allow associates to use any available time by the later of either December 31, 2020 or the date upon which a state or locality requires employees to use such emergency COVID paid sick leave.

I have heard that companies are allowed to pay less than full wages (2/3rd of normal pay) for certain CPSL absences, is AEO doing this?

No. AEO will pay full wages for all CPSL hours. For example, if your normal hourly pay rate is \$10.00, all CPSL will be paid at this rate.

Is CPSL different from regular paid sick time?

Yes. CPSL is limited to absences related to certain COVID-19 reasons and because it is in response to a public health emergency, it does not accrue. Instead, it is allocated to associates as a lump sum. However, regular paid sick time covers a broader range of circumstances and accrues based on the number of hours an associate works. Another difference is that both full-time and part-time associates may take CSPL (if eligible). Use of regular paid sick time is limited to part-time associates. For details on regular paid sick time and accrual, amounts please refer to the PTO and Paid Sick Time Policy. [Click here to view the Paid Time Off and Sick time Policy.](#)

How do I request CPSL and have it entered into the timekeeping system?

Eligible associates must reach out to members of their store leadership team to enter their requested CPSL time into their timecard. Then the leaders would select Emergency Sick Leave from the pay code box, key in the amount of hours the associate will be taking and save the timecard. This process is similar to how store leaders enter time for PTO, Sick, Call Offs, etc.

I don't live in a city or state with CPSL but I am being required to quarantine (e.g., positive COVID-19 test, exhibiting symptoms or due to close contact with a COVID-19 positive individual). What about me?

Although associates not working in a location with CPSL are not able to take such paid leave, there are other options available that can help associates in this position. Currently AEO has suspended its attendance policies as it relates to absences due to quarantines mandated due to a positive COVID-19 test; COVID-19 symptoms; or contact tracing. Associates that are forced to miss work due to these reasons will also be paid for their scheduled hours for the week in which the quarantine is ordered. Additionally, Associates should work with their HRBP and the Benefits team to determine if other leaves and/or accommodations are available. The health and safety of our associates is our number one priority and AEO is committed to working with Associates to balance the needs to the individual and the business.