

125 BROAD CONDOMINIUM

125 Broad Street
New York, NY 10004

U.S. Human Resources Policies

Paid Time Off (“PTO”) and Sick Time

Department: Human Resources
Functional Owner: Benefits
Date: January, 2017 Rev. October 2022
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Purpose:

To outline eligibility for entitlement of participation in the Paid Time Off (“PTO”) and Sick Time Program. PTO is available to employees, and is intended to allow employees sufficient paid time away from work recharge, to attend to personal matters or to use for whatever purpose the employee chooses. Sick Time may be used for the employee’s own illness/medical needs, or to attend to those of a family member. The policy also defines the rules for rollover and payout of unused time. All U.S. regular full-time employees are entitled to paid leave that discourages employees from coming into the building or space when sick and does not require advanced notice when taking paid sick leave. Employers and/or managers are prevented from retaliating against an employee for requesting or using paid time off in accordance with the policy.

Applies to:

All U.S. employees, including directors, officers, partners, members, employees (regular, part-time).

“Regular PTO” Policy

Specific Eligibility for the “Regular PTO” Program:

All U.S. regular “W-2” employees scheduled to work twenty (20) hours or more per week on a regular basis (as determined by the employee’s regular weekly work schedule), and whose base pay is under \$100,000, are eligible for PTO and Sick Time. Part-time regular salaried employees scheduled to work twenty (20) or more hours per week on a regular basis are eligible for PTO and Sick Time on a prorated basis.

Exclusions:

- Interns, temporary, per diem, seasonal, or part time employees under 20 hours per week, and employees whose compensation consists wholly of commissions are not eligible for PTO.
- Union employees covered by terms of a collective bargaining agreement

Company Practices:

PTO days accrue throughout the calendar year and are based on the employee’s years of service. In addition to PTO, employees are allotted five (5) days of Sick Time at the beginning of each calendar year. PTO and Sick Time are in addition to paid holidays that 125 Broad Condominium observes each year.

Increases in PTO Accruals due to years of service will take place at the first full pay period following an employee’s anniversary date.

This policy supersedes and replaces any prior policy on the same topic. This policy is also superseded where greater rights or protections are afforded under applicable law or applicable collective bargaining agreement.

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Eligible employees are provided PTO and Sick Time according to the Table below:

U.S. Paid Time Off Program			
Years of Service	Annual Sick Days	Paid Time Off	Total Annual Allotment
0-4 years of service	5 Days (40 hours)	Up to 15 Days (120 hours) Accrual rate is 0.0577 per standard hours up to 40 hours per week *	20 Days
5-9 years of service	5 Days (40 hours)	Up to 20 Days (160 hours) Accrual rate is 0.0769 per standard hours up to 40 hours per week *	25 Days
10+ years of service	5 Days (40 hours)	Up to 25 Days (200 hours) Accrual rate is 0.0961 per standard hours up to 40 hours per week *	30 Days
<i>* Accrual rates are shown for employees working 40 hours per week. Accrual rates for employees working between 20 and 39.9 hours per week will be pro-rated accordingly</i>			

Accrual and Usage

PTO and Sick Time are payable at the employees base rate of pay. Sick Time is granted in full at the beginning of the calendar year, and is pro-rated for employees that begin employment after January 1 of the current year. The company will honor any local or state jurisdiction that requires additional paid sick time.

PTO is to be scheduled on the basis of employee preference and business requirements, subject to the approval of his/her supervisor. PTO and Sick Time are to be tracked for both exempt and non-exempt employees eligible for this Program. Managers are required to maintain accurate records.

For nonexempt employees, the minimum increment of PTO and/or Sick Time that may be used is fifteen (15) minutes. Exempt employees must take time in half day increments.

Employees are expected to schedule and take their PTO each year, and managers may require employees take their earned days during the current year.

Employees may borrow time off with manager approval before it is actually earned. However, if an employee resigns or is terminated for cause, he/she may be required to repay any paid time off taken that had not yet been earned, subject to applicable law. For employees in the District of Columbia, repayment will not be required if the leave qualifies under the Accrued Sick and Safe Leave Act (ASSLA).

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Employees with more than 20 years of service and who were receiving 35 days of PTO prior to the effective date of this policy are “grandfathered”, and can continue to receive a total of 35 days off. In order to comply with State and local laws, five (5) of these days must be specifically designated as Sick Time. Managers are responsible to honor this arrangement of 30 PTO + 5 Sick days, as this exception to the standard, and is not programmed into company systems such as Workday or PeopleSoft.

Sick Time may be used for the employee’s own illness or injury, or to care for the illness or injury of a spouse, parent or child of the employee, and/or for medical or dental appointments for self or family members.

No Rollover of Accrued, Unused PTO

PTO must be taken by December 31st of the year in which it was earned, and generally may not be carried over into the following year. With written manager approval and on an exception basis, up to five (5) days of PTO may be rolled over to the next year, but this must be tracked by the employee’s manager.

Exception for California and Rhode Island Employees

In states and localities where accrued, unused PTO is considered “earned wages” (ex: California, and Rhode Island), any accrued, unused PTO balance that remains at the end of the calendar year will be rolled over into the new year. Employees in these locations may not accumulate in excess of 1.75 times their annual allotment of earned PTO. Managers and employees should agree on the amount being rolled over. Employees are expected to schedule and take their PTO each year, and managers may require that employees take their earned days during the current year.

Sick Time exception for Temporary Employees

Temporary employees are excluded from Sick Time unless required by state or local law.

Leave of Absence and PTO / Sick Time

Employees on an approved Leave of Absence must use any accrued PTO and/or Sick Time (if applicable) for time that is otherwise unpaid during a Leave. For example, if an employee is approved for Family and Medical Leave to care for a family member, any available Sick Time and/or PTO must first be used before the unpaid portion of the Leave begins.

Employees on an approved Leave of Absence do not continue to earn PTO time during the leave period.

Rollover of Sick Time but not PTO

Rollover of sick time will be allowed at a maximum of five (5) days per year, and may not exceed ten (10) days per year remaining in balance except where legally required. PTO will be considered a use-it-or-lose it benefit and will not rollover unless required by state or local law.

PTO Payout at Termination of Employment

Upon termination, all earned but unused PTO hours through the termination date will be paid to employees either in their final paycheck or on the next regular payday, and in accordance with local laws.

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“Unlimited PTO” Policy

Specific Eligibility for the “Unlimited PTO” Program:

Full-time salaried exempt employees making more than \$100,000 base salary are eligible for this plan.

Exclusions:

- Exempt employees whose base salary is under \$100,000
- Interns, temporary, per diem, seasonal, or part-time employees, and employees whose compensation consists wholly of commissions are not eligible for PTO.
- Union employees covered by terms of a collective bargaining agreement
- Employees of CW Services

Company Practices:

In addition to the Unlimited PTO, employees are allotted five (5) days of Sick Time at the beginning of each calendar year. Unlimited PTO and Sick Time are in addition to paid holidays that 125 Broad Condominium observes each year.

Usage

Managers should communicate that time off is a two-way street. We offer our employees flexibility because we want to invest in them and their personal lives, and in return for flexibility, we ask our employees to ensure their work gets done timely and properly, so our company can thrive, our clients are supported, and our colleagues are able to balance their lives as well.

Eligible employees do not need to track their time off and will be allowed to take time off with supervisor approval. Managers should provide guidelines for how time-off requests are to be made and how requests will be approved.

Sick Time may be used for the employee’s own illness or injury, or to care for the illness or injury of a spouse, parent or child of the employee, and/or for medical or dental appointments for self or family members.

Rollover of Sick Time but not PTO

Rollover of sick time will be allowed at a maximum of five (5) days per year, and may not exceed ten (10) days per year remaining in balance except where legally required.

Transitioning from “Regular” PTO to Unlimited PTO

For employees who transition from the Regular to the Unlimited PTO Plan, accruals will be halted immediately upon transition. Once on the Unlimited Plan, an employee may simply use PTO without concern as to whether time is “accrued” or not. (Again, there is no PTO accrual under the Unlimited Plan). For this reason, there is no payout of accrued PTO coming into the Plan, nor is there a payout upon separation from the company.

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Exception: States and localities where accrued PTO is considered “earned wages”

- In states and localities where accrued, unused PTO is considered “earned wages” (ex: California, and Rhode Island), employees who transition to Unlimited during the year, accruals will be halted immediately upon transition to Unlimited, and the accrued balance will be carried over to the Unlimited Plan. Managers and employees should agree on the amount being rolled over and being held (if any). Employees will be required to use any rollover balance for any unpaid leave.
- If an employee in CA or RI who transitioned to the Unlimited PTO Program leaves the company prior to exhausting the rolled over PTO, upon separation from the company the employee will be paid out the accrued, unused balance that remains. No “Unlimited” PTO will be paid out.

Leave of Absence and PTO / Sick Time

If an employee has need for extended time off due to their own medical needs and/or the care of a family member, the employee must initiate a Leave of Absence through Unum, the company’s Leave of Absence vendor; the employee should not simply use the Unlimited PTO time in lieu of the obligation to work through the Leave process.

Any time on an approved Leave that is otherwise unpaid, may be paid through the Unlimited PTO program, up to a maximum of six (6) weeks.

PTO Payout at Termination of Employment

Since Unlimited PTO is not considered an accrued benefit, there is no PTO payout upon separation from the company.

Related Materials:

Leave of Absence Policies