



## New York State Paid Family Leave (PFL)

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## **.01 Policy Statement**

New York State Paid Family Leave (“PFL”) will provide eligible workers with wage replacement during time away from a job to:

Bond with the employee’s new child during the first 12 months after the child’s birth, or the first 12 months after the child’s placement for adoption or foster care with the employee.

Provide care for a family member with a serious illness. The definition of family member includes a biological or legal relationship and in “loco parentis” in definitions of child and parent. These include:

- spouse/domestic partner
- child (no age limit)
- parent and parent-in-law
- grandparent of employee
- grandchild (child of employee’s child)

Participate in “qualifying exigencies” as defined in federal Family and Medical Leave Act due to a spouse, domestic partner, child, or parent’s active duty military service or notice of a call or order to active duty. Qualifying exigencies include:

- attending certain military events
- arranging for alternative childcare
- caring for a military member’s parent who is incapable of self-care when the care is necessitated by the member’s covered active duty
- addressing certain financial and legal arrangements
- attending certain counseling sessions
- attending post-deployment reintegration briefings

PFL may be taken on a continuous or intermittent basis.

## **.02 Eligibility**

Employers with one or more employees are required to comply with PFL. Out of state employers with employees in New York State are also subject to the law for their New York employees.

All eligible employees are entitled to participate in PFL.

- **Full-time employees:** If you work a regular work schedule of 20 or more hours per week, you are eligible to apply for PFL after 26 consecutive weeks of employment.
- **Part-time employees:** If you work a regular work schedule of less than 20 hours per week, you are eligible to apply for PFL after working 175 days (actual work days regardless of number of hours worked per day), in a 52 consecutive week period.

***This policy does not apply to students, independent contractors, consultants, and other non-employees.***



### **.03 Benefit Amount and Implementation Schedule**

The PFL benefit for 2018 is set as follows:

- 50% of your weekly wage, not to exceed 50% of the New York State Average Weekly Wage for a maximum of 8 weeks.
- New York State Average Weekly Wage is currently \$1,305.92 (\$67,907.84 annualized). As such, 50% would be \$652.96 per week.

However, the benefit is set to increase each year for the following three years, as follows:

- 2019 55% of Average Weekly Wage for a maximum of 10 weeks
- 2020 60% of Average Weekly Wage for a maximum of 10 weeks
- 2021 67% of Average Weekly Wage for a maximum of 12 weeks

### **.04 Effective Date**

Provided that they have met the eligibility requirements, employees will be able to apply for PFL under this policy. Newly hired employees will not be able to use any paid family leave until they meet the eligibility requirements.

### **.05 Employee Contribution**

All employees will pay for the new coverage through payroll deduction at a rate of 0.126% of their weekly wage, not to exceed the annualized statewide average weekly wage, which is currently \$67,907.84. This means that your 2018 annual deduction will not exceed 0.126% of that amount, which is \$85.56. All eligible employees will begin to see a PFL deduction in their January, 2018 paychecks; for newly hired employees, immediately with their first paycheck.

You can only opt out of Paid Family Leave if you do not expect to work for the minimum amount of time required for eligibility. If you meet this criteria and wish to opt out, you can do so by completing a [PFL waiver](#). A waiver of family leave benefits may be filed when:

- Your schedule is 20 hours or more per week, but you will not work 26 consecutive weeks;  
or
- Your schedule is less than 20 hours per week and you will not work 175 days in a 52 consecutive week period.

Please note that if you waive coverage:

- The deduction will cease on the first payroll following receipt of your waiver form. Deductions already processed will not be refunded.
- If you subsequently become eligible for New York PFL, you will be subject to retroactive premium payments from January 1<sup>st</sup> of the calendar year in which you became eligible.



**.06 Applying for PFL**

Employees are responsible for notifying [Cigna Leave Solutions](#) and [University Benefits Office](#) if they intend to apply for PFL benefits. If the PFL request is foreseeable, the employee must provide the Pace with 30-days advance notice so they can plan for the employee’s absence. If the event was not foreseeable, the employee must notify the Pace as quickly as possible.

To apply for PFL:

**Summary Chart**

PFL Event	Required Forms	Documentation Required?
Bonding with newborn, adopted, or foster child	<a href="#">PFL-1</a> and <a href="#">PFL-2</a>	Yes, see below.
Care for a sick family member	<a href="#">PFL-1</a> , <a href="#">PFL-3</a> , and <a href="#">PFL-4</a>	Yes, see below.
Qualifying Exigencies	<a href="#">PFL-1</a> and <a href="#">PFL-5</a>	Yes, see below.

**1. Employee’s PFL Request**

An eligible employee requesting PFL should obtain a copy of “Request for Paid Family Leave” (Form PFL-1) and complete Part A – “Employee Information”. After completing Part A, the employee submits Form PFL-1 to Cigna Leave Solutions.

It is the employee’s responsibility to file the PFL application and required documentation directly with Cigna Leave Solutions whose mailing address will be provided by Pace on page 2 of Form PFL-1.

**2. Required Documentation**

In addition to Form PFL-1, the employee must complete one or more of the following forms along with required documentation noted below.

- **Bonding Certification (Form PFL-2)**
- PFL only begins after birth and is not available for prenatal conditions. A parent may take PFL during the first 12 months following the birth, adoption, or fostering of a child.

**For Birth** - the birth mother will need the following documentation:

- Birth Certificate, or documentation of pregnancy or birth from a health care provider including the mother’s name and due/birth dates



**A second parent will need the following documentation:**

- Birth Certificate, or documentation of pregnancy or birth from a health care provider including the mother's name and due/birth dates; if the 2nd parent is not named on the birth certificate, the 2nd parent must provide an acknowledgement of paternity, an order of filiation or other evidence of relationship with the parent named by the medical provider or on the birth certificate
- Voluntary Acknowledgement of Paternity, or a Court Order of Filiation, or a copy of documentation for the birth mother (above), **PLUS** a second document verifying relationship to the mother

**For Foster Care:**

- Letter of Placement issued by a county or city department of social services or a local voluntary agency
- If a second parent is not named in the Letter of Placement, a copy of that document **PLUS** a second document verifying relationship to the parent named in the foster care placement

**For Adoption:**

- Legal evidence of adoption process
- If a 2nd parent is not named on the birth certificate, the 2nd parent must provide Voluntary Acknowledgement of Paternity, or Court Order of Filiation, or a second document verifying relationship to the mother or the child.

Once the employee completes Forms PFL-1 and PFL-2, the employee sends both forms with required documentation to the Cigna Leave Solutions for review.

**b. Caring for a Close Relative with a Serious Health Condition**

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential health care facility; or continuing treatment or continuing supervision by a health care provider. For example, employees who need one or more full days to care for a parent undergoing chemotherapy; or a parent is having surgery followed by extensive recuperation; or a child is undergoing intense psychotherapy and is unable to attend school for a period of time.

- The family member being cared for must complete Form PFL-3 "Release of Personal Health Information under the Paid Family Leave Law". PFL-3 must be submitted to the medical provider along with Form PFL-4 "Health Care Provider Certification for Care of Family Member with Serious Health Condition". Once the medical provider completes Form PFL-4 and gives it to the employee, the employee sends both forms with required documentation to Cigna Leave Solutions for review.



**c. Active Duty Deployment**

- PFL is available to eligible employees for situations listed under the “emergency exigency” provisions of the federal Family Medical Leave Act. In addition to Form PFL-1, the employee completes Form PFL-5 “Military Qualifying Event” and attaches the following documentation:
  - US Department of Labor Military Family Leave Certification (Federal Military Leave Form)
  - Copy of Military Duty Papers
  - Other documentation supporting the reason for the leave (copy of meeting notice, ceremony details, rest and recuperation orders, etc.)

Once the employee completes Forms PFL-1 and PFL-5, the employee sends both forms with required documentation to Cigna Leave Solutions for review.

**.07 Filing a Claim with the PFL Carrier**

Once all forms and documentation have been completed, the employee sends the information directly to Cigna Leave Solutions who reviews the claim. Cigna Leave Solutions will reply within 18 days. If Cigna Leave Solutions approves the claim, it is processed and benefit payments begin. If the claim is denied, Cigna Leave Solutions will provide the reason.

Employees can find more information about filing a claim by calling the New York State PFL toll-free helpline at (844) 337-6303.

**.08 Interaction with Family Medical Leave Act (FMLA), Vacation/Personal Time and other State and Federal Laws**

**NYS Disability** – Since PFL is part of the disability law, eligible employees may not take more than a combined total of 26 weeks in any 52 week period. An employee’s own illness is not covered under PFL.

**Federal Family & Medical Leave Act** – For employers with 50 or more employees subject to FMLA and where the employee is eligible for both leaves, FMLA will run **concurrently**.



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<b>NYS Paid Family Leave</b>	<b>Federal FMLA</b>
Company with 1 or more employees	Company with 50 or more employees
Employee eligible after 6 months FT employment (or 175 days for PT)	Employee eligible after 1 year employment and must have worked 1250 hours in the 12-month period immediately preceding the need for leave
Up to 12 weeks <u>paid</u> leave (implementation starts at 8 weeks leave).  By law, the required tracking year will be the 52-week look back period.	Up to 12 weeks <u>unpaid</u> leave in 1 FMLA tracking year period designated by employer.
Does not apply to employee's own illness. Also applies to bonding with newborn/adoptee, foster child, caring for spouse/domestic partners, parent-in-law, employee's grandparent, and employee's grandchild (child of the employee's child) as well as military exigency as defined in FMLA.	Applies to employee's own illness as well as to care for a spouse, child, parent, military exigency, and service member care leave, many of which are similar events as NYS paid leave.
Job restoration guarantee	Job restoration guarantee
Health insurance continuation on the same basis as if working. Employee must continue to pay required premiums.	Health insurance continuation on the same basis as if working Employee must continue to pay required premiums.

Employees who are on both PFL and FMLA are required to use accrued vacation and accrued personal time in full-day increments. The time off will run concurrent to the leaves. Unaccrued vacation and/or personal time may also be used. If the PFL is not FMLA eligible, the employee may opt to use vacation and personal time but will not be required to do so.

**.09 Health Insurance Continuation**

Employees on PFL who participate in the Pace's health insurance plan are entitled to continue health benefits on the same basis as if actively working. Employees, however, must continue to pay their portion of the premium cost while on PFL in order to maintain uninterrupted health insurance coverage. Premium payments must be sent to Pace University, University Benefits, 100 Summit Lake Drive, 3<sup>rd</sup> Floor, Valhalla, NY 10595.

**All other benefits cease during periods of continuous NY Paid Family Leave.**



#### **.10 Employee Job Protection**

PFL is job protected. Employees on PFL are entitled to restoration to “the position of employment held by the employee when the leave commenced or to be restored to a comparable position with comparable employment benefits.”

#### **.11 Collective Bargaining**

This policy will not apply to employees covered by a valid collective bargaining agreement if the agreement expressly waives them and provides a comparable benefit for the employees.

#### **.12 Non-Retaliation**

The University will not in any way retaliate against an employee for exercising or attempting to exercise his/her rights under the PFL. These rights include (but are not limited to):

- Inquiring, applying or using the benefits under the PFL.
- Informing an employer, union or legal counsel about alleged violations of the PFL.
- Filing a complaint about alleged violations of the PFL.
- Participating in an investigation of alleged violations of the PFL.
- Informing other employees of their rights under the PFL.

#### **.13 Contact & Legal Disclaimer**

Pace University  
Human Resources  
100 Summit Lake Drive, 3<sup>rd</sup> Floor  
Valhalla, NY 10595  
914-923-2730

##### **Legal Disclaimer**

This policy is compiled using information published on [www.ny.gov/new-york-state-paid-family-leave](http://www.ny.gov/new-york-state-paid-family-leave) and is designed to be a Pace University policy that reflects the regulations of the NYS PFL law. This policy may be amended periodically as determined by the University.





#### **.14 Employee Frequently Asked Questions (FAQ)**

**When do I need to file a claim?**

If you have a foreseeable situation, you must give 30-days advance notice so the University can plan for your absence. If the event was not foreseeable, you must notify Pace as quickly as possible. If you fail to do so without unusual circumstances justifying the failure, your PFL can be delayed or partially denied.

**How will I be paid?**

You will be paid by check directly by Cigna Leave Solutions. **You will not be paid the PFL benefit through Pace University.**

**When will I be paid?**

Within 18 days of filing a complete claim for benefits, Cigna Leave Solutions must pay you or deny the claim and provide an explanation of the denial.

**Will I be able to take Paid Family Leave on an hourly basis?**

No, PFL is only available in full day increments.

**If I receive 8 weeks of Paid Family Leave benefits to bond with my newborn and then one of my parents becomes seriously ill later in the year, will I be able to receive Paid Family Leave benefits again since it is for a different reason?**

No. An employee is only eligible for the maximum benefit for the year he/she applies.

**Can an employee use Paid Family Leave for part of the work week?**

Paid Family Leave can be taken all at once or intermittently, but must always be taken in full day increments. For example, if a normal work day for a part-time employee is four hours long, you can take Paid Family Leave for the four-hour work day. You cannot take only two hours of Paid Family Leave that day and work the remaining two hours.

**If I take PFL on an intermittent basis, how many days am I eligible for in 2018?**

For full-time employees, who work 5 days a week, you are eligible for 40 days (equivalent of 8 weeks). For part-time employees, the number of days is equal to the number of days you regularly work in a week times 8.

**Can I take both disability and Paid Family Leave?**

Your combined disability leave and PFL in any 52 week period may not exceed 26 weeks. PFL cannot be taken for an employee's own serious health issue.

**Do I have to participate in the Paid Family Leave program?**

PFL is not optional for most employees. The exception is if you are in a job that will not allow you to attain the 26 continuous weeks or 175 days needed to qualify for PFL.

**I am pregnant. Will I be able to receive Paid Family Leave during my pregnancy?**

PFL only begins after short-term disability leave ends.

**Will I be able to use Paid Family Leave to take care of an eligible relative living outside New York?**

Yes, as long as you are caring for an eligible family member and provide the medical certification.



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**I am not a US citizen. Will I still be eligible for Paid Family Leave?**

Yes. Your citizenship status has no impact on your PFL eligibility.

**Will my spouse and I be able to use Paid Family Leave at the same time?**

If you and your spouse have different employers, you are both eligible to take PFL at the same time. However, if you and your spouse work for the same employer, they can deny PFL to more than one employee at the same time to care for the same family leave recipient, or to bond with a child.