

New York Paid Family Leave Benefits (Effective January 1, 2018)

New York Paid Family Leave (“PFL”) provides partial pay during leave from work for certain family reasons during a 52-week calendar period for eligible employees. PFL is funded by a modest deduction from employees’ paychecks, the amount of which is set by the New York Department of Financial Services.

Eligibility

Administrative or staff employees (including students) whose regular employment schedule is at least 20 hours per week and who have worked at least 26 consecutive weeks are eligible for PFL benefits under this policy. Administrative or staff employees (including students) who work less than 20 hours per week may become eligible for PFL benefits under this policy after the employee has worked for 175 days in a 52 consecutive week period.

Deduction of Premiums

Employees will automatically pay the cost for this new benefit through a post-tax payroll deduction. The cost to employees is .126% of weekly wages to a maximum of \$85.56 per year (in 2018).

Waiver Eligibility

Part-time, temporary or student employees, who will likely never qualify to be eligible for PFL due to either limited hours or limited annual work days, may waive PFL coverage and opt out of these deductions. To waive PFL coverage you must complete an “Employee Opt-Out of Paid Family Leave Benefits” form available from Human Resources.

Reasons for Leave Benefits

Eligible employees are entitled to a partially paid, job-protected leave of absence from work for the following reasons:

1. To provide care, including physical or psychological care, to an eligible employee’s family member due to a family member’s serious health condition;
2. To bond with an eligible employee’s child within 12 months of birth, or placement for adoption or foster care;
3. For any qualifying reason as provided for under FMLA arising from the employee’s spouse, domestic partner, child or parent being on active military duty, or, alternatively, being notified of an impending call or order to active military duty.

For the purposes of this policy and the administration of PFL benefits, “family members” include spouses, domestic partners, children, parents, parents-in-law, grandparents and grandchildren, and “serious health condition” includes any illness, injury, impairment or physical or mental condition that involves either: (a) inpatient care in a hospital, hospice or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider.

Use of Leave

Employees may take PFL in weekly or daily increments. Employees who also qualify for leave under the Family and Medical Leave Act (FMLA) may take FMLA in hourly increments, but will not receive partial pay under PFL for leave taken in less than daily increments. If applicable to their employment classification, employees may, however, use accrued sick, personal or vacation time to receive pay for FMLA taken in less than daily increments in accordance with the College’s *Family and Medical Leave Act* policy (available at <https://www.union.edu/offices/human-resources/policies/fmlapolicy.pdf>). When the total hours taken for FMLA in less than full day increments reaches the number of hours in an employee’s usual work day, the College will deduct one day of PFL benefits from an employee’s annual PFL benefit.

Employees must provide the College notice as soon as practicable before each day of intermittent PFL using the call-in procedure stated in the College’s *Punctuality and Attendance* policy.

Benefits During Leave

Beginning January 1, 2018, eligible employees will be entitled to up to eight (8) weeks’ of paid leave benefits during a 52-week calendar period, paid at 50% of the employee’s average weekly wage or 50% of the State Average Weekly Wage, whichever is less. The amount of PFL that eligible employees can apply for will be increased annually until January 1, 2021 in accordance with the following schedule:

Year	Weeks Available	Maximum % of Lesser of Actual or State Average Weekly Wage
2019	10	55%
2020	10	60%
2021	12	67%

Continuation of Health Insurance Benefits

Insurance benefits will continue during PFL as long as the employee remits their normal portion of the premiums that are deducted from their paycheck. Failure to pay normal insurance-related deductions may result in termination of insurance coverage.

Right to Reinstatement

The period of time an employee is receiving PFL benefits is considered job protected. Upon return from PFL, an employee has the right to return to the same or an equivalent position.

Notice Requirements

When the need for PFL is foreseeable, employees are expected to submit a written request for leave to Human Resources as far in advance as possible, but no later than 30 days prior to the first day of leave. If giving 30 days’ advance notice is not practicable because of a lack of the knowledge of the approximate date leave will need to begin, a change in circumstances, or a medical emergency, employees must notify Human Resources as soon as practicable and generally must comply with the College’s normal call-in procedures. Failure to provide timely notice for foreseeable leave may result in partial denial of the PFL claim by the College’s insurance carrier.

How to File a Claim for Benefits

In addition to providing adequate notice to the College, an eligible employee must file a claim for PFL benefits with the College’s insurance carrier by completing a *Request for Paid Family Leave form* (available from Human Resources). The form must be submitted together with any necessary certifications or proof of claim documentation to Human Resources. Employees will receive notice of approval or denial of their claim for PFL benefits directly from the insurance carrier.

Appeal Rights/Disputes

A PFL dispute is enforced through an arbitration process with the New York Workers’ Compensation Board (NYWCB). Should you disagree with a PFL eligibility or benefit decision please consult with Human Resources.

Coordination with Other Laws and Leaves of Absence

Employees may not collect PFL while simultaneously collecting short-term disability benefits. Employees who become eligible for both PFL and disability benefits, may receive only a combined amount of 26 weeks of disability benefits and PFL benefits in a 52-consecutive calendar week period.

Employees who qualify for PFL benefits may also qualify for leave under FMLA. FMLA leave and PFL benefits will run concurrently, and nothing in this policy is intended to extend the maximum period of leave permitted by law. If an employee’s leave is designated as FMLA by the College, and the employee qualifies for but declines to apply for PFL benefits, the College will nonetheless count the period against the employee’s maximum PFL leave in a 52-week period.

If applicable to their employment classification, employees may supplement PFL benefits up to their full salary or wages with unused sick, personal and/or accrued vacation time.

Non-Discrimination

The College will not discriminate or retaliate against any employee who takes leave covered by this policy. Any employee who believes he or she has been subject to unlawful discrimination or retaliation must report it promptly to the Dean of Diversity & Inclusion/Chief Diversity Officer.