

New York State Paid Family Leave (PFL)
Frequently Asked Questions for Research Employees

Topic Area: PFL General

Q. What is the New York State Paid Family Leave Law?

A. The New York Paid Family Leave (PFL) is a job-protected and income replacement benefit to eligible employees who need to be away from work for the following reasons:

- to bond with a newborn, adopted, step or foster child; or a domestic's partner's child within the first 12 months after birth, adoption or placement
- to take care of a seriously ill family member (spouse, domestic partner, child, parent, parent-in-law, grandparent, grandchild, siblings)
- to address family issues due to a qualifying exigency (as defined by Federal Family Medical Leave Act (FMLA) when the employee's child, spouse, parent, parent-in-law or domestic partner is called to active military service

B. When does PFL becomes effective?

A. PFL becomes effective January 1, 2018 with a 4-year phase-in and will be fully implemented in 2021

Effective January 1, 2018 maximum length of paid leave 8 weeks

Effective January 1, 2019 maximum length of paid leave 10 weeks

Effective January 1, 2020 maximum length of paid leave 10 weeks

Effective January 1, 2021 maximum length of paid leave 12 weeks

Q. What benefits are provided?

A. The New York PFL benefit for 2018 is set as follows:

50% of your average weekly wage (AWW), not to exceed 50% of the New York State AWW, which is currently \$1,306, for a maximum of 8 weeks.

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

2019 55% of your AWW, not to exceed 55% of the New York State AWW for a maximum of 10 weeks.

2020 60% of your AWW, not to exceed 60% of the New York state AWW for a maximum of 10 weeks.

2021-onward 67% of your AWW, not to exceed 67% of the New York State AWW for a maximum of 12 weeks.

Q. How long must an employee be working to be eligible for NY PFL coverage?

A. RF employees working 20 or more hours per week are eligible for coverage after working 26 consecutive weeks.

Employees working less than 20 hours per week are eligible after 175 days worked (do not need to be consecutive).

Q. What happens if an employee has a break in service?

Employees who separate and are off the payroll for more than 28 days and are then rehired must meet the eligibility requirements starting from their date of rehire.

Q. What about employees whose normal work schedule is 10 months and includes a break over the summer?

A. The summer period will not count as a break in service upon restarting in the fall however the employee will need to make up deductions for the summer period.

Q. If an employee's work location is out of state, is he or she eligible for the PFL benefit?

A. No, employees must work in NYS to be eligible for this benefit.

Q. Is electing the PFL benefit optional?

A. No, it is not optional.

Q. Is there an option to waive benefits?

Employees whose appointment meets or is expected to meet at the time of hire the eligibility criteria, cannot opt out of the program and payroll deductions. In rare circumstances, employees may opt out of the program if they will never meet the eligibility criteria. If the employee do not believe that they have met, or will ever meet, the eligibility criteria then the employee may submit a waiver form to opt out of the program and payroll deductions. The waiver form is located at <https://www.ny.gov/sites/ny.gov/files/atoms/files/PFLWaiver.pdf>.

Q. What happens if an employee waives benefits and subsequently becomes eligible?

If an employee opt out of payroll deductions and subsequently meet the eligibility criteria, then payroll deductions that were missed will need to be paid retro-active to December 1, 2017 or date of hire, whichever is later.

Q. Who pays for Paid Family Leave?

A. For 2024, the state has mandated that all employees will pay for the new coverage through payroll deduction at a rate of 0.373% of weekly wages, capped at the New York State Average Weekly Wage (NYSAWW) which is currently \$1,718.15 The maximum annual contribution is \$333.25.

Q. How is the Average weekly wage calculated?

A. It is calculated from base salary and irregular remuneration such as bonuses, and lump sum discretionary awards. Bonuses and irregular remuneration are prorated on a weekly basis over a period of 12 months and added to the average weekly wage for 12 months after payment.

Q. When does PFL deduction takes effect?

A. Deductions will begin in the December 8, 2017 paycheck.

Q. How can PFL benefit be used?

A. PFL benefit may be used consecutively or intermittently based on specific circumstances of the qualifying event.

Q. Can an employee use PFL and statutory disability benefits concurrently?

A. No, PFL and Disability cannot be used concurrently. However, they can be used consecutively up to a combined maximum of 26 weeks of benefits in a 52 week period.

Q. Can an employee use Paid Time Off benefit to supplement the PFL benefit?

A. Yes, employees may use appropriate accruals to supplement the benefit.

Q. How does PFL impact an employee's health insurance benefits?

A. The employee can keep their health insurance while on leave. However, they must contribute during the periods of leave.

Q. How many days' notice should the employee give the RF going out on PFL?

A. Employees must provide 30 days' advance notice for foreseeable leave and as much notice as is practicable for unforeseeable leave

Q. If multiple employees qualify for PFL for the same event, (e.g. birth or placement of a child), can they take PFL at the same time?

A. Yes, though they can only take the amount of PFL available to them.

Topic Area: Bonding Benefits

Q. If the mother is pregnant. Will she be able to receive Paid Family Leave during her pregnancy?

A. Paid Family Leave **only** begins after the birth. It is not available for pre-natal conditions.

Q. Can an employee going on maternity leave take both DBL and PFL at the same time?

A. No, the employee won't be able to take DBL and PFL concurrently. But she can start with DBL and then transition to PFL to bond with the child. The combined duration, however, may not exceed 26 weeks in a consecutive 52-week period.

Q. Can an employee use PFL instead of DBL for a maternity leave?

A. Yes, the employee can choose to take PFL instead of DBL for the birth of a child.

Q. Can the employee take 8 weeks DBL for the birth of a child, then take 8 weeks of PFL

A. Yes, as long as they meet all other requirements and did not exceed 26 weeks of benefits in a consecutive 52 week period.

Topic Area: PFL and FMLA

Q. Can PFL and FMLA benefits run concurrently?

A. The federal FMLA provides job-protected leave for many of the same reasons as PFL. Because the new law shares many of the same requirements and definitions as the FMLA, in most cases the two leave of absence programs will be applied concurrently, NOT one after the other.

Q. What changes are occurring to FMLA?

A. Effective January 1, 2018 the RF will use a look back method for determining FMLA availability. For those who are eligible, this means that the RF will look back over the last 12 months prior to the effective date of an FMLA request. Any FMLA used during that period will be deducted when determining the balance available for the current request. For the period November 1, 2017 through December 31, 2017, employees will have the option of using whichever methodology is more advantageous to them.

Topic Area: Claims Process

Q. Where can employees find the PFL claim form?

A. Employees should request the claim form from their campus HR office. The claim form can also be found on the NYS PFL website at www.ny.gov/PaidFamilyLeave

Q. How can the employee request for the PFL benefit?

A. The employee must submit a request for leave form and obtain the PFL claim form from his/her campus HR office. The employee works with the RF and their health care provider to complete the form according to the instructions. The employee submits the claim form to the carrier First Reliance Standard for processing.

Q. How long does it take the carrier to pay or deny a claim?

A. The carrier has 5 days to review and request additional information if necessary. The carrier has 18 days to pay or deny a claim after receipt of completed request with the necessary certification.

Q. Does a claim form have to get filled out for each day off?

A. Yes, if the employee applies for intermittent PFL leave the claim form must list the days off and be submitted for reimbursement by the carrier.

Q. If the employee is currently collecting workers' compensation. Is the employee still eligible to use PFL?

A. No. If the employee is not working and is collecting workers' compensation, then the employee is not eligible for PFL.

Q. Who may employees contact regarding questions about PFL?

A. The employee may contact their campus HR office for more information.