

NYS Paid Family Leave



Overview

- Effective January 1, 2018
- Applies to private employers of all sizes
 - Public employers like SUNY may opt in
- Provides job protection and income replacement
- All employees are covered



Reasons for Leave

- Provides job protection and income replacement for the following reasons:
 - To bond with a newborn, adopted, foster, step child, a legal ward, or son or daughter of domestic partner in the first 12 months after birth or placement
 - No age limit to child
 - To take care of a seriously ill family member (spouse, domestic partner, child, parent, parent-in-law, grandparent, grandchild)

Reasons for Leave

- To address family issues due to a qualifying exigency when the employee's child, spouse, parent, parent-in-law or domestic partner is called to active military service
- When practicable, employees must give 30 days' notice when the leave is foreseeable
- May be used consecutively or intermittent

Eligibility

- Employees working 20 or more hours per week are eligible after working 26 consecutive weeks
 - Includes Paid Time Off
- Employees working less than 20 hours per week are eligible after 175 days worked (do not need to be consecutive)
- Must work in NYS

Benefits

- Benefits will be phased in and fully implemented 2021

Effective Date	Max # weeks	% of employee's AWW	Maximum (cap) % of NYSAWW*
Jan 1, 2018	8	50	50
Jan 1, 2019	10	55	55
Jan 1, 2020	10	60	60
Jan 1, 2021	12	67	67

*NYS Average Weekly Wage is currently \$1,305.92; expected to be impacted by increases in NY minimum wage/minimum salary for exemption

Benefits

- Maximum daily PFL benefit in 2018 is 40 (maximum of 60 days in 2021)
- Prorated based on the number of days worked per week
- PFL benefit is calculated using the average number of days worked during the past eight weeks
 - E.g. employees working an average of 3 days per week will receive up to 24 days of PFL in 2018



Benefits

- Employees are responsible for paying the employee portion of health, dental and vision insurance while on PFL leave
- Cannot use PFL and NYS Disability concurrently
- Total combined PFL and NYS Disability cannot exceed 26 weeks in a 52 week period

Calculating an employee's AWW

- 8 weeks, or portion thereof, the employee worked before the leave, including the last day worked or
- 8 weeks, or the portion thereof, immediately preceding and excluding the week in which PFL began
- Whichever is higher

Calculating an employee's AWW

Wages include:

- Salary
- Bonus, lump sum, one time discretionary award and other irregular remuneration – prorated on a weekly basis over a period of 12 months after payment
- Misc. Imputed income (e.g. Virgin Pulse cash rewards)

Calculating employee's daily benefit

- Calculate the average weekly wage for the past eight weeks (capped at NYS AWW)
- Calculate the average number of days worked per week for the past eight weeks
 - Any number of hours worked on a day counts as a day
- Divide the average weekly wage by the average number of days worked per week
 - E.g. AWW = \$1,200; Ave. number of days worked = 3.4 $\$1,200/3.4 = \352.94 average daily rate

Benefits

- Employees may only receive payment for PFL taken in full day increments
- Use of Paid Time Off
 - Employees may use appropriate accruals on a full time basis (PFL benefits go to RF and RF reimburses appropriate portion of accruals)
 - Employees may use appropriate accruals to supplement benefit
 - Employees may forego using accruals

Helpful Tools

- Work schedule for employees in Oracle
- FTE for all employees including hourly
- Reports to help calculate the AWW and eligibility
 - RF NYS Paid Family Leave Individual Average Weekly Wage Calculation report
 - RF NYS Paid Family Leave Individual Eligibility Monitoring Report – *coming soon!*
- Investigating Leave tracking system to track FMLA, PFL, Child care leaves and amount of disability used

Employee Deductions

- All employees will pay through payroll deductions
 - Deductions are after tax
- Maximum deduction is 0.126% of the employee's average weekly wage of the NYS average weekly wage, whichever is lower
 - Current maximum contribution is \$1.65/week
- Based on AWW 8 weeks determined quarterly

Employee Deductions

- Deductions began in the December 8 paycheck for existing employees and immediately upon hire for new employees
- If deductions are missed, employer can only take extra deduction for up to one month after payment of wages
- Deduction element will automatically load for all employees

Employee Deductions

- Deduction will not be taken for an employees with a waiver entered in Oracle or a work region of “Out of State” or “International”
- Deductions during leave
 - Employees on leave must contribute during periods of leave or make up deductions upon return
 - Employees who have not met eligibility for PFL and on disability cannot contribute during leave

Waivers

- Employees who meet or are expected to meet eligibility criteria cannot opt out
- Employees who will not work 26 consecutive weeks or 175 days in a 12 month period must be notified of option to waive
 - Summer only
 - Certain student appointments
 - Temporary hires

Waivers

- Employee is responsible for applying for the waiver
- Waiver information posted
 - Employee Handbook
 - Benefits Handbook
 - Website (PFL page and Statement of Rights)
- Revocation of Waiver
 - If employee has a change in appointment that causes him or her to become eligible
 - Must pay retroactive deductions back to the time of hire or December 1, 2017 whichever is later

Waivers

- Waiver form must be submitted to the campus HR department
 - HR review and approve based on anticipated schedule and appointment information
 - Kept in employee file
- Tracked via Oracle extra information type on the People form

Breaks in Service

- Breaks in service where employee is terminated for more than 28 days will restart the count for eligibility
- Employees on 10 month or academic year appointments will not have a break in service during normal periods of time off, however, deductions must be paid during the time off the payroll

PFL and FMLA

- PFL uses a lookback method to determine PFL balance available
 - RF changing FMLA to lookback method to coincide
- PFL may be used intermittently for birth or placement of a child
 - RF changing FMLA requirements to coincide and concurrently designate

Request for PFL

- Contents of certification depend on type of PFL
 - Regs specify documentation to be submitted for each type of leave
- Employee must also submit request form to carrier
 - Can pre-file before qualifying event so long as additional information provided when qualifying event occurs
 - Carrier must notify employee of additional information needed within 5 business days

Request for PFL

- Employer must complete employer information on request form within 3 business days of receipt
- Carrier has 18 days to pay or deny claim

Claims Process

- Employee notifies supervisor and HR of the need to take leave
- HR sends Employee Request for Leave Form, Application for PFL and Statement of Rights (*and if FMLA qualifying the appropriate FMLA forms*)

Type of Leave	Forms
Bonding with a child	PFL 1 and PFL 2 along with appropriate certification documents as listed on the forms
Care of a Seriously Ill family Member	PFL 1, PFL 3 and PFL 4 along with appropriate certification documents as listed on the forms
Qualifying exigency	PFL 1 and PFL 5 along with appropriate certification documents as listed on the forms

Claims Process

- Employee must complete the Employee Request for Leave form and Form PFL-1, Part A
 - Demographic Information
 - Reason for taking leave (e.g. bond with a child, care for a family member or military qualifying event)
 - What family member the employee is taking leave to care for
 - Type of leave (e.g. continuous or periodic) and dates of leave
 - Employment Information – demographics, AWW, multiple employers
 - Employee declaration must be signed

Claims Process

- RF must complete PFL-1, Part B – Employer Information
 - Demographic Information (e.g. address, FEIN, SIC, etc.)
 - Campus contact information (e.g. name, ph#, email)
 - Employee's hire date
 - 8 weeks of earnings and AWW (includes bonus pay and other forms of irregular remuneration)
 - Will the employee receive full wages while on PFL and if the RF will request reimbursement (if yes, just indicate date the employee will be paid full wages through)

Claims Process

- PFL-1, Part B – Employer Information con't
 - Has the employee taken NYS DBL, PFL, both or none within the preceding 52 weeks, if yes the dates must be provided
 - Is the employee taking FMLA concurrently with PFL
 - Insurance carrier demographic information:
First Reliance Standard Life Insurance Company
PO Box 7749
Philadelphia, PA 19101-7749
Fax: (267) 256-3519
Email: ClaimsIntake@rsli.com or if filed by the RF, email: Susana.Betances@rsli.com
 - Employer declaration must be signed

Claims Process

- PFL-1, Part B, must be completed by the campus and returned to the employee within 3 business days
- Employee must then gather the appropriate supporting documentation and submit the application and supporting documentation to the insurance carrier
- Insurance Carrier will notify the employee and the campus within 18 days if the application has been approved or denied

Employee Communication Plan

Communication Vehicle	Distributed To:	Distribution Date	Distributed By:
Benefits Bulletins – Regular and Grad	All Benefits Eligible Regular EE and Grad Students	11/01/2017	Central Office
PFL Letter to Employees	All RF Employees	10/25/2017	Central Office
PFL Letter to PIs	All RF PIs and Supervisors	10/27/2017	Campus HR
Benefits Handbooks – Regular and Grad	All Regular EEs and Benefits Eligible Grads	January 2018	Central Office
Employee Handbook	All RF EEs	January 2018	Central Office

Communication Plan

➤ Reference Materials

- Charts (PFL and FMLA comparison)
- Process Flows
- FAQs

➤ Information on RF Website

➤ Leave Handbook (includes PFL procedure and claims process)

Interactive Exercise

- Birth of a child and things to consider
 - Accrual balances
 - Employees goal for leave
 - Stay on leave for as long as possible
 - Keep income as high as possible
 - Preserving leave accruals
 - Intermittent vs. Continuous leave

Questions?

