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Leave Administration Handbook

The Research Foundation for SUNY

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Introduction

Purpose

This leave administration handbook is a comprehensive document designed to serve as the leave administration requirements for the Research Foundation for SUNY (RF). The information provided outlines leave procedures, guidance and requirements for the various types of leave and paid time off (PTO) available to Research Foundation employees.

Audience

This handbook is intended to be used by RF administrators at campuses and central office who are responsible for administering leave of absence and paid time off, to assist them in carrying out their responsibilities, responding to inquiries and resolving issues.

Overview

The RF allows eligible employees to earn vacation, sick, holiday, and personal PTO accruals to use when they are absent from scheduled work days. The purpose of PTO is to protect employees from income loss while they are not at work. Additionally, in some cases, as outlined in these documents, the RF provides paid or unpaid leave to employees.

To ensure efficient, fair, and consistent administration of leave, the RF has established policies, procedures, and guidelines to deal with a variety of issues when employees are absent from scheduled work days.

General Requirements

In general, employees requesting PTO or leave must:

- request in advance from their manager when possible
- abide by requirements for all paid and unpaid leave and leaves of absence as outlined in this handbook

Types of Leave

The RF authorizes the following types of paid time off (PTO):

- PTO holiday
- PTO vacation
- PTO sick
- PTO personal

Employees may be eligible for the following types of leave, each of which are discussed in more detail in other sections of the handbook:

- jury duty
- court appearances
- cancer screening
- voting time

- blood donation
- bone marrow donation
- crime victims
- volunteer emergency responder
- leave of absence: child care
- leave of absence: personal
- leave for service in the uniformed services
- leave for spouses of service members
- leave under the Family Medical Leave Act (FMLA)
- New York State Paid Family Leave (PFL; May provide income replacement benefits as well)

Employees may be eligible for the following income replacement benefits as appropriate:

- disability
- workers' compensation

When applying the policies and procedures to employees covered under a Collective Bargaining Agreement (“CBA”), you should also refer to the CBA applicable to the employee’s job title and work location for additional terms and conditions of employment. This Leave Handbook supplements an employee’s CBA and any matter not contained in the applicable CBA is governed by RF’s policies and procedures. To the extent the provisions of this Leave Handbook, or any other RF policy or procedure are inconsistent with the CBA’s terms, the terms of the CBA will govern.

PTO Accruals

Accrual Rates

Employees holding positions in the Research Technical Support and Service, Research/Clinical Investigator, Project/Program Administration title series and The Administration, Technical and Office Management Salary Structure (Salary Schedules 1-5) accrue vacation and sick PTO biweekly according to the Paid Time Off Plan – Series I chart. (See *Appendix A*)

Employees holding positions in the Clerical and Office Support, Technical and Research Specialists Salary Structure (Salary Schedule 6) accrue vacation and sick PTO biweekly according to the Paid Time Off Plan – Series II chart. (See *Appendix A*)

Eligible employees must be in pay status (e.g., working, using accruals or on leave paid from RF) for 50% or more work days within the past pay period to accrue vacation and sick PTO for that period.

Employees accrue PTO vacation, sick and personal if the employee has a total full time equivalent (FTE) of at least .5. The employee's accrual rates are prorated based on employee's FTE. PTO holiday accruals are described in detail in the PTO Holiday section below.

For specific eligibility for each type of PTO, see the individual sections below.

Recognition of SUNY Service

SUNY service will be recognized in establishing accruals rates and determining if a break in service has occurred when appointment to the RF payroll occurs within 15 days of the termination of the SUNY appointment. For more information, see the break in service section later in the handbook.

Charging PTO

An employee may not charge PTO unless it has already been accrued. An exception to this policy will be made if an exempt employee must be advanced leave to maintain exempt status. For more information on exempt status, refer to *Exempt Status Guidelines* section of this handbook.

Exempt Employees

Exempt employees must charge PTO in quarter day increments.

Nonexempt Employees

Nonexempt employees must charge PTO in quarter hour (15 minute) increments.

Exceptions to this may occur when employees use paid time off while on an approved FMLA leave or NYS PFL, or when supplementing disability or workers' compensation income replacement benefits. See the section *Income Replacement* for further details.

Recording PTO

Operating locations must have a system in place to record PTO vacation, sick, personal, and holiday accrual use of RF exempt and nonexempt employees. This system will be used for audit and control of vacation, sick, personal, and holiday PTO records. The RF E-time reporting and Oracle systems are compliant with the audit and control requirements at the RF.

The office responsible for the maintenance of PTO accrual balances must update accruals within 30 days of receipt of time records.

Multiple Locations Guidelines

If an employee has appointments at two locations, the offices responsible for RF Human Resources at both locations must work cooperatively to ensure that the employee accruals are correctly maintained.

Monitoring

For locations using the Oracle Business System, managers can access employee PTO balances in self-service applications and should regularly check staff unused PTO balances. If Oracle applications are not used to track PTO, the office responsible for RF Human Resources should regularly inform managers regarding employees' unused PTO accrual balances. Managers may not unreasonably withhold use of PTO.

Extraordinary Circumstances

In order to ensure consistent administration of leave at all operating locations, extraordinary circumstances regarding issues that are not addressed in this handbook should be referred to the Central Office of Human Resources, HRA@rfsuny.org.

Paid Time Off: Holiday

Eligibility

Full time regular employees and part time employees with a regular work schedule on file are eligible to receive holiday PTO. Employees assigned to the following student title(s) are not eligible to receive holiday PTO:

- Research Project Assistant
- Project Instructional Assistant
- Research Aide
- Senior Research Aide
- Camp Counselor – Student

Holiday Schedule

The following holidays are legal holidays currently observed by the RF:

- New Year's Day
- Martin Luther King Day
- Lincoln's Birthday
- Washington's Birthday
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Election Day
- Veteran's Day
- Thanksgiving Day
- Christmas Day

Operating locations should follow the campus holiday schedule as to which holidays are floating and which are designated. Managers should advise employees as to the appropriate holiday schedule.

Designated Holidays: A holiday is designated when the location is closed on a holiday.

Floating Holidays: A holiday is floating when the location remains open on a holiday.

Employees working outside the US may follow the local holiday schedule in that country up to 12 calendar days per year.

Employees working in a primary or secondary school may follow the school holiday schedule up to 12 calendar days per year.

Crediting Holiday

An employee who is required to work on a holiday will be granted equivalent holiday PTO.

Full-Time Employees

A full-time employee will receive PTO holiday for all holidays, regardless of whether the employee is scheduled to work that day or not. The maximum holiday leave credited will be 1 day for exempt employees or 7.5 hours for a 37.5 hour work week schedule, or 8 hours for a 40 hour work week schedule for nonexempt employees. Employees who are scheduled for more than 8 hours on a holiday receive no more than 8 hours of PTO holiday.

Part-Time Employees

Part-time employees must have a work schedule on file with the office responsible for RF Human Resources in order to be eligible for holiday leave.

A part-time employee receives PTO holiday for only those holidays that fall on a day that the employee is regularly scheduled to work. A part-time employee's work schedule should not be arbitrarily changed prior to a RF holiday to deprive the employee of holiday pay or to provide additional pay inconsistent with the work schedule followed prior to the holiday. The number of hours or partial days that will be credited will be credited based on the number of hours the employee is scheduled to work that day, up to 1 day for exempt employees and 7.5 or 8 hours for nonexempt employees, based on their standard work week. Exempt employees will receive credit rounded to the nearest quarter day (i.e. if a 37.5 work week employee is scheduled to work 6 hours they will receive .75 of a day.) Nonexempt employees will receive credit rounded to the nearest quarter hour.

Holidays that fall on a Saturday or Sunday: A holiday that falls on a Saturday is generally treated as a floating holiday and will be credited to part time employees based on their FTE. A holiday that falls on a Sunday may be a floating holiday or the Monday after may be a designated holiday. If the holiday is floating, it will be credited to part time employees based on the FTE. If the Monday after is a designated holiday, then part-time employees are credited based on their work schedule for that day.

For example, an employee with a regular work schedule of Monday, Tuesday, Wednesday 1/2 day (4 hours) and Thursday works a full day (8 hours) and is off Friday would be credited for holiday in the following manner:

If a designated or floating holiday falls on Monday, Tuesday or Wednesday, the individual is paid or credited ½ day or 4 hours.

If a designated or floating holiday falls on Thursday, the individual is paid for the day or credited 1 day or 8 hours.

If a designated or floating holiday falls on Friday, the individual does not receive pay for this day and is not credited with holiday time.

If a holiday falls on Saturday or Sunday and is designated a floating holiday, the individual will receive ½ day or 4 hours based on FTE. FTE is calculated by totaling the number of hours scheduled to work divided by the standard work week hours. In this case 20 hours worked / 40 hours standard workweek = .50 FTE.

If a holiday falls on a Sunday and the following Monday is the designated holiday, the individual will receive pay for 4 hours, the hours normally scheduled to work.

Floating Holidays

Employees planning to be off on a floating holiday generally must request in advance from their manager and charge holiday PTO. Employees who are out on a floating holiday due to their own personal illness or injury may charge sick time. Substantiating documentation may be required.

Requesting PTO Holiday

Employees may request to use PTO Holiday as soon as it is credited. Employees generally must request time in advance from their manager.

Use

Employees should be encouraged to use PTO holiday within a reasonable period of time (e.g., within 1 calendar year).

Employees absent from work on a holiday use PTO holiday based on their work schedule for the day up to one full day. As noted above, employees scheduled to work more than 7.5 or 8 hours will need to charge the equivalent in PTO.

For example: an employee on a 40 hour work week is scheduled to work 10 hours one day.

- A non-exempt employee will use holiday up to 8 hours and must charge the remaining two hours to their PTO bank (i.e. holiday, vacation or personal)
- An Exempt employee will use holiday up to 1 day and must charge the remaining .25 day to their PTO bank (i.e. holiday or vacation).

Paid Time Off: Vacation

Eligibility

Salaried employees appointed at a minimum of .5 full time equivalent (FTE) are eligible to accrue PTO vacation unless they are:

- Within the first six months of their date of hire. (Eligible employees will be credited with vacation accruals, based on their FTE and rate, from their date of hire, upon completion of six months service.)
- Appointed for the summer only.

- Assigned a student title(s): Research Project Assistant, Project Instructional Assistant, Research Aide, Senior Research Aide, or Camp Counselor – Student.
- Employees who by nature of their work assignment are in positions designated as non-accruing in accordance with RF guidelines; that is, employees whose work schedule corresponds to a primary or secondary school schedule.

Prior SUNY full-time service is recognized when establishing vacation accrual rates if the employee is appointed to the RF within 15 days of separation from SUNY. (See SUNY Service section for more information.)

Use

The RF recommends that each eligible employee be encouraged to take vacation leave for rest and relaxation during the year if accrued leave is available.

Requesting PTO Vacation

Employees may request to use PTO vacation as soon as it is credited. Employees generally must request time in advance from their manager.

Paid Time Off: Personal

Eligibility

Salaried employees who are appointed to a minimum of .5 FTE and hold positions in the Clerical and Office Support, Technical and Research Specialists Salary Structure ([Salary Schedule 6](#)) are eligible for PTO personal as outlined in the [Paid Time Off Plan – Series II chart](#) unless they are:

- appointed for the summer only, or
- assigned a student title(s): Research Aide or Senior Research Aide, or
- employees who by nature of their work assignment are in positions designated as non-accruing in accordance with RF guidelines; that is, employees whose work schedule corresponds to a primary or secondary school schedule.

Requesting Personal PTO

Whenever possible, employees must request personal time in advance.

Use

PTO personal is credited on the date of hire and is available for immediate use. Employees eligible for personal PTO should use this time for absences due to pressing personal business that cannot be taken care of other than during normal working hours, and for other similar circumstances, such as personal appointments, banking, and meetings with attorneys. The RF does not require an employee to give a reason for use of personal leave.

Paid Time Off: Sick

Eligibility

Salaried employees appointed at a minimum of .5 full time equivalent (FTE) are eligible to accrue PTO sick as of the first pay period in which the employee works 50% or more of the pay period, unless they are:

- appointed for the summer only, or
- assigned a student title(s): Research Project Assistant, Project Instructional Assistant, Research Aide, Senior Research Aide, or Camp Counselor – Student.

For employees working in New York City, please consult the NYC Earned Safe and Sick Time Act section, below.

Use

The primary purpose of PTO sick is to provide a reasonable measure of protection against loss of income due to illness or disability. PTO sick may also be used for medical appointments including doctor and dentist appointments, medical tests and x-rays. PTO sick is available for use upon accrual.

Other Reasons PTO Sick May Be Taken

In addition to personal illness, PTO sick may be taken under the following circumstances with managerial approval:

Bereavement/Family Illness. An employee may charge up to a total of twenty-five (25) days accrued sick per calendar year for a death or illness of an immediate family member. Immediate family is defined as a parent, child, spouse, sibling, parent-in-law, child-in-law, grandparent, grandchild or any person with whom the employee makes his/her home. Procedures for FMLA must be followed if the family illness is FMLA qualifying. Procedures for NYS PFL must be followed if the family illness is NYS PFL qualifying. (See FMLA and NYS PFL sections of the handbook for more information.). To the extent this procedure conflicts with the requirements of the FMLA and/or NYS PFL, the FMLA and/or NYS PFL govern.

Requesting PTO Sick

Employees must personally notify their manager of the employee's need to be absent due to injury or illness as soon as practicable. Generally, this personal notice should occur not later than 30 minutes before the start of their scheduled time to begin work. Generally, when requesting time off due to appointments, caring for a family member, or other planned absences, employees are expected to provide at least 30 days' notice of absence or, where 30 days is impracticable, to provide notice as soon as practicable.

Funding PTO Sick

If an employee is on leave using PTO sick for a certified total disability for more than 30 consecutive calendar days (includes Saturdays, Sundays, and holidays) it is RF policy that payments to the employee for sick leave taken on the 31st day and thereafter should be charged to the RF's fringe benefit pool rather than the account to which the employee was appointed. Since observed holidays are not charged as sick leave, they are not funded from the fringe benefit sick leave pool account, however they do count toward the 30 calendar days.

Reimbursements from the sick leave pool account to the grant are processed in Oracle. Operating locations should charge payments to fund PTO sick over 30 days to the campus GL withholding award by processing a Distribution Adjustment using the SWM Sick Leave expenditure type. Refer to the procedure [Corporate GL Withholding Awards](#).

Documentation Required from Employees When Returning to Work

An employee absent on PTO sick for five (5) or more consecutive work days (except for bereavement/family illness) is required to produce a return to work form filled out by a physician before returning to work. Employees may be required to produce substantiating documentation of need to be out of work at the discretion of Human Resources.

Monitoring Sick

PTO sick usage should be monitored to ensure FMLA paperwork is sent and to ensure appropriate return to work documentation is received.

NYC's Earned Safe and Sick Time Act

Employees working in New York City (Bronx, Brooklyn, Manhattan, Queens and Staten Island) may be eligible for sick leave under the NYC's Earned Safe and Sick Time Act. Eligible employees will receive paid sick time after working 80 or more hours in a calendar year, this includes intermittent hours worked in NYC by employees whose primary work site is outside NYC. Employees are credited with 1 hour earned sick time for each 30 hours worked up to a maximum of 40 hours in a calendar year. Employees who earn accrued sick leave under the RF PTO plan, may use up to 40 hours for the purposes listed below in a calendar year.

Employees may carry over a maximum of 40 hours of PTO sick per calendar year.

Employees working in NYC must be given the [Notice of Employee Rights](#), which is included in the employee orientation package, where applicable.

Employees working in NYC may use PTO sick for the following reasons:

- the employee's mental or physical illness, injury, or health condition
- the employee's need for medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition
- the employee's need for preventive medical care
- the employee's elective surgery, including organ donations
- care of a family member who needs medical diagnosis, care, or treatment of an illness, injury, or health condition, or who needs preventive medical care
- care of a family member who has elective surgery, including organ donations
- closure of employee's workplace due to a public health emergency (as declared by the Commissioner of the New York City Department of Health and Mental Hygiene or the Mayor)
- the employee's need to care for a child whose school or child care provider is closed due to a public health emergency
- to obtain services from a domestic violence shelter, rape crisis center, or other shelter or services program for relief from a family offense matter, sexual offense, stalking or human trafficking
- to participate in safety planning, temporarily or permanently relocate, take other actions to increase the safety of the employee or the employee's family members from future issues
- to meet with a civil attorney or other social services provider to obtain information and advice on, and to prepare for or participate in, any criminal or civil proceeding, including, but not limited to, matters related to a family offense matter, sexual offense, stalking, human trafficking, custody, visitation, matrimonial issues, orders of protection, immigration, housing, discrimination in employment, housing, or consumer credit.
- to file a complaint or domestic incident report with law enforcement
- to meet with the district attorney's office
- to enroll children in a new school
- to take any other necessary actions to maintain, improve, or restore the physical, psychological, or economic health or safety of the employee or employee's family member or to protect those who associate or work with the employee

The law recognizes the following as an employee's family member: Child (biological, adopted, or foster child, legal ward, child of an employee standing in loco parentis), Grandchild, Spouse, Domestic partner, Parent, Grandparent, Child or parent of an employee's spouse or domestic partner, Sibling (including a half, adopted, or step sibling).

Paid Time Off and Employment Actions

Transfers and Separation from Employment

Operating locations may not allow employees to use PTO to extend out the employee's separation date.

PTO Holiday

No payment is made for accrued PTO holiday at separation. Employees who transfer from one operating location to another will maintain PTO balances.

PTO Vacation

Payment for up to 30 full days of accrued PTO vacation will be made to eligible employees who:

- separate from employment,
- are reassigned to a non-accruing position where PTO vacation leave cannot be used, or
- transfer from one operating location to another, unless the employee requests that the accrued vacation leave be transferred.

A cash out payment should not be made if a person is on leave-of-absence but remains an employee or if rehiring will occur within one pay period following separation.

All timesheets and exception reports should be submitted and all PTO reconciled before payment is made. If an employee is inadvertently paid for days past the date of separation, those additional days may be charged as vacation time if the balance is available.

Payment Calculation

The following calculation should be used when calculating vacation payment for part-time employees.

Example 1 (exempt employee): Employee making \$50,000/year at .60 FTE terminates with 25 days of PTO vacation.

1. Calculate the hourly rate of pay: $\$50,000 / .60 = \$83,333.33$ (annualized salary). Then $\$83,333.33 / 1950^{**}$ (hours in a year) = **\$42.74 hourly rate.**

2. Use the hourly rate to calculate vacation payout: hourly rate * (Accrued vacation days * 7.5). $\$42.74 * (25 * 7.5^{***}) = \mathbf{\$8,012.75}$ **Vacation Payout.**

Example 2 (non-exempt employee): Employee making \$30,000/year at .60 FTE (37.5 standard workweek) terminates with 150 hours of vacation leave accruals.

1. Calculate the hourly rate of pay: $\$30,000 / .60 = \$50,000$ (annualized salary). Then $\$50,000 / 1950^{**}$ (hours worked in a year) = **\$25.64 Hourly Rate.**

2. Use hourly rate to calculate vacation payout: Hourly rate * Accrued vacation hours. $\$25.64 * 150 = \mathbf{\$3846.00}$ **Vacation Payout.**

**Use 2080 hours for employees with a work schedule of 40 hours per week.

***Use 8 for employees with a work schedule of 40 hours per week

Timeframes for Payment

Payment must be made within 30 days of transfer or employment separation. Payment is charged to the fringe pool using accounts established for making accrued vacation expense payments. For additional information, refer to the [Prompt Notice of Termination and Final Payments Policy](#) and [Compensation at Termination of Employment](#).

Documenting Payment for Accrued Vacation

All requests for vacation payments must be supported by a [Vacation Payment at Termination Form](#). Requests for vacation payments at termination must also be supported by an [Oracle Information Change Form](#) or an [Employee Assignment Form](#), with a separation date documenting the employee's separation. Requests for vacation payments due to transfer must also be supported by an Oracle Information Change Form.

PTO Sick

Employees who transfer from one operating location to another will maintain PTO sick balances.

No payment is made for unused PTO sick at separation of employment.

Employees who:

- have at least 10 continuous years of equivalent full-time service, and
- still meet eligibility requirements, and
- retire at age 55 or older,

will be credited with a retirement contribution based on the value of accrued PTO sick at the time of retirement up to a maximum of the full-time equivalent of 200 days. PTO sick balances will be reduced by the amount credited for retirement contributions. Employees who separate employment prior to the qualifying factors listed above will not receive a retirement contribution for PTO sick accruals.

Outstanding Workers' Compensation Reimbursement

If an employee retires with a Workers' Compensation sick leave accrual reimbursement outstanding, a retirement contribution will be made on the sick leave accrued at the time of retirement.

When the RF receives reimbursement for the sick leave used by the employee, an additional retirement contribution will be made to the employee's TIAA contract, provided IRS limits are not exceeded under the tax rules in effect at the time of the reimbursement. If IRS section 415 code limits are exceeded, a cash payment in lieu of the retirement contribution will be paid to the employee.

If the employee's contract(s) has been annuitized, a new application will be required. See "Notification and Application Process" in Basic Retirement Plan Application Process for Vested Employees for information on obtaining and submitting an application.

For more information, refer to the document [Transferring Employees Between Operating Locations](#).

PTO Personal

Employees who transfer from one operating location to another will maintain PTO personal balances and their anniversary date.

No payment is made for PTO personal at separation of employment.

Break-in-Service

Returning Employees with more than 1 year break in service

An employee who returns to the RF payroll after longer than 1 calendar year has had a "break-in-service" and is treated as a new employee for purposes of PTO. The employee must meet the 6-month waiting period for vacation credit and use and will accrue PTO under the current rules at the rate for a new employee. An employee who is rehired to an eligible position after a 1 year break in service will not have balances restored.

Returning Employees with less than 1 year break in service

An employee who returns within 1 calendar year of leaving RF service does not incur a break-in-service in terms of establishing PTO accrual rates and will not have to meet the six month waiting period. Unused accrued sick PTO will be restored to an employee who is rehired to an eligible position within 1 year. Any accrued PTO vacation that was not already paid out will also be reinstated to employees hired to an eligible position.

SUNY Service

Immediate prior SUNY service will be recognized in determining accrual rates for employees newly hired to the RF. In addition, employees who transfer to SUNY payroll and return to the RF after 1 calendar year will not incur a break in service for leave accrual rates and waiting period only. The service between RF and SUNY must be continuous with less than a 15 day break between transfers. SUNY service will not be recognized in determining a break in service for the purpose of restoring accrual balances.

Returning Employees Who Worked for Less Than 6 Months

If an employee leaves the RF before completing the 6 months of employment needed to obtain and begin using PTO vacation and returns within 1 year, the employee's prior service is counted toward the 6-month total.

Changes in Status

Change in Workweek

Nonexempt employees whose workweek changes from 37.5 hours to 40 hours or vice-versa will maintain his or her accrual balances. As of the beginning of the next pay period after the effective date of the change, accruals will be earned at the appropriate new rate.

Change in Full-Time Equivalent (FTE) Status

An employee whose FTE changes or who changes from part-time to full-time or vice-versa will maintain his or her accrual balances. As of the beginning of the next pay period after the effective date of the change, accruals will be earned at the appropriate new rate.

Change in Accrual Status

An employee going from a non-accruing position to an accruing position will have his or her length of service credited when the applicable accrual rate is determined. The employee will not be required to observe the 6-month waiting period for vacation accrual use if the employee has been with the RF for at least 6 months.

An employee going from an accruing position to a non-accruing position will cease to accrue, but will maintain his or her accrual balances. If the employee is changing to a fellow title, a student title, hourly position, or an instructional title where he or she cannot charge accrued vacation time, then the employee will be paid for that time upon reassignment. Refer to PTO Vacation under *Transfers and Separation from Employment* in this document.

Change in Accrual Plan

An employee whose accrual PTO plan changes will maintain his or her accrual balances. As of the beginning of the next pay period after the effective date of the change, accruals will be earned at the appropriate new rate.

An employee whose accrual plan changes from Paid Time Off: Series II to Paid Time Off: Series I will retain and may use his or her personal time until his or her anniversary date and the employee will not be credited with additional personal time upon the next anniversary date.

Exempt Status Guidelines

Exempt employees must be paid on a salaried basis. Being paid on a salaried basis means that an employee regularly receives a predetermined amount of compensation each pay period. The predetermined amount cannot be reduced because of variations in the quality or quantity of the employee's work. Refer to the [Position Classification](#) document for guidance on determining whether a position meets the Fair Labor Standards tests for exemption.

Exempt Status and Salary Reductions

Exempt employees are typically paid on a salary basis. When someone is paid on a salary basis, deductions from salary are limited as noted below. In contrast, charges to leave do not affect exempt status. For this reason, exempt employees who are absent from work will generally charge PTO accruals to ensure payment of their full salary.

For any workweek in which work was performed, an exempt employee's salary may not be reduced for any of the following reasons:

- partial day absences for personal reasons, sickness or disability
- an absence because the facility is closed on a scheduled work day
- absences for jury duty, attendance as a witness, or military leave in any week in which the employee has performed any work
- any other deductions prohibited by state or federal law

If the employee does not have sufficient paid time to cover such absences, that employee must be advanced appropriate leave so that the absence of less than one day is paid for in full.

An exempt employee's salary may be reduced in a workweek when work was performed for the following leave related reasons:

- full day absences for personal reasons, including vacation
- full day absences for sickness or disability
- family and Medical Leave absences (either full or partial day absences)

Supervisors and managers do not have authority to reduce any exempt employee's pay for any reason without approval from Human Resources. Unauthorized or improper deductions should be brought to the attention of the office that handles RF payroll. Errors will promptly be corrected. Refer to [Correcting Salary Deduction Errors in Employee's Pay](#).

Exempt Part-time Status and Charging Accruals

In general, employees in an exempt status must charge their accruals to the nearest quarter day based on their work schedule. For example, if a .6 FTE/37.5 hour employee works 4.5 hours per day every day they would charge accruals at .5 or .75 for the days they were not at work so that generally the time charged equals a .6 FTE. For example, an employee who takes a week off should charge .5 for three days in the week and .75 for two days in the week totaling .6 FTE. An exempt employee is .6 FTE/37.5 hour employee working 3 7.5 hour days should charge 1 day for each day absent on a scheduled workday.

Exempt Status and FMLA

Exempt employees eligible for leave under FMLA may be placed on unpaid FMLA leave on a reduced work schedule without affecting their exempt status. Therefore, an exempt employee's salary may be reduced for absences of less than a day if she or he takes leave under FMLA for part of the workday.

Requirements for Employees Working in New York City (NYC)

Employees working in NYC are eligible for certain benefits as outlined below per regulations passed in NYC.

NYC Earned Safe and Sick Time Act

(See PTO Sick Section of this handbook)

NYC Temporary Schedule Change

Employees working in New York City (Bronx, Brooklyn, Manhattan, Queens and Staten Island) who have at least 4 months of service and work 80 hours or more per calendar year may request two temporary schedule changes per year for a qualifying personal event. Qualifying events are:

- to provide care for a minor child (under 18 years old) or care recipient (person with a disability who 1. is a family member or a person who resides in the caregiver's household and 2. Relies on the caregiver for medical care or to meet the needs of daily living)
- to attend a legal proceeding or hearing for subsistence benefits for the employee, a family member, or the employee's care recipient; or
- to attend any circumstance that would constitute a basis for leave under New York City Earned Sick and Safe Time Act (ESSTA)

A temporary schedule change is a limited alteration to the hours or times that an employee is expected to work, or to the locations where the employee is expected to work. This may include, for example, using paid time off, working remotely, swapping or shifting work hours, or using short-term unpaid leave.

Employee Requests

Employees are allowed to request a temporary schedule change two times per calendar year for up to one business day per request. The employee must notify his or her direct supervisor as soon as the employee becomes aware of the need for a schedule change due to a qualified personal event. Unless the request is for leave without pay, the employee must also make a proposal for the temporary work schedule change.

The employee's initial request need not be in writing, however, the employee must submit a written request within two business days after returning to work stating (a) the date for which the change was requested; and (b) that it was due to the employee's personal event. If the employee fails to submit a written request, the employer's obligation to respond in writing (as detailed below) is waived.

Employer's Response to Request

The supervisor must respond immediately after receiving an employee's initial request. The response need not be in writing. Once the employee has submitted a request in writing, the RF must provide a written response as soon as practicable, but no later than 14 days after the written request is received. The response must include the following: (1) whether the employer agreed to the temporary change in the manner requested by the employee or would provide the change as leave without pay (which does not constitute a denial); (2) the reason for the denial, if the request is denied; and (3) how many requests and how many temporary change business days the employee has left in the calendar year, after taking into account the employer's decision contained in the written response.

The employee may only be denied a request for a temporary schedule change if the employee already used his or her two days or is otherwise exempt from the law. i.e. the employee is not a covered employee or is covered by an existing collective bargaining agreement.

NYC – Workplace Accommodations: Cooperative Dialogue

Special accommodation rules apply to New York City-based employees. For those employees, the RF will engage in a "cooperative dialogue" with individuals who may be entitled to reasonable accommodations under the NYCHRL.

Employees may request accommodations relating to:

- Religious needs;
- A disability;
- Pregnancy, childbirth or a related medical condition or
- Such person's needs as a victim of domestic violence, sex offenses or stalking.

The term "cooperative dialogue" means the process by which an employer and individual who may be entitled to an accommodation exchange information to identify the individual's needs, his or her requested accommodation(s) and potential alternatives to the requested accommodation(s).

For those employees, the RF will provide the individual requesting an accommodation with a written determination identifying any accommodation that has been either granted or denied. A determination that no reasonable

accommodation would enable the person to satisfy the essential requirements of the job may only be made after the parties have engaged, or the employer has attempted to engage, in a cooperative dialogue.

An individual need not request an accommodation to trigger the obligation to engage in cooperative dialogue with the employee. The obligation arises when the employer has notice that an accommodation may be required (e.g., a person is in a wheelchair or walking with a guide dog, etc.).

Once there is notice, the following must occur:

- **Cooperative Dialogue:** Any time an employee makes a request for an accommodation based upon any of the needs identified above or there is notice that an accommodation may be required, the RF must engage in (or at least attempt to engage in) “cooperative dialogue” within a reasonable time after the request is made (i.e., within 3-5 working days of the request). This includes gathering information to identify the individual’s needs, including requesting medical documentation from the employee to support the need for the requested accommodation (if applicable), communicating with the employee, exploring whether the requested accommodation is reasonable, and if not, considering potential alternatives to the requested accommodation that would allow the individual to perform the essential functions of his/her job. The steps should be documented as the cooperative dialogue occurs, including dates, information requested/received, all communications with the employee, difficulties posed to the employer, etc.
- **Make a Determination:** Make a determination as to whether the requested accommodation is granted or denied. This may only be done after the RF has engaged in a cooperative dialogue with the employee, or attempted to engage in a cooperative dialogue within a reasonable time after the request is made.
- **Written Documentation:** Provide a written determination to the employee identifying any accommodation that has been granted or denied [NYC Accommodation Form for Grant or Denial](#).

Leave

This section of the handbook describes the various types of paid and unpaid leave and income replacement benefits.

Duration of Leave

Leave (whether paid or unpaid) will not extend an employee’s employment termination date, if their employment would have ended at the end of the current appointment period. Leave time for employees who are on FMLA or PFL, will be evaluated on a case-by-case basis.

Jury Duty

The RF recognizes that jury duty is a civic obligation of all citizens. RF employees, who should request jury duty leave from their manager, will receive the necessary time off with full pay to fulfill that obligation. Documentation, such as a jury duty voucher, and advance notice of service are required.

An employee is expected to report to work on days when his/her attendance in court is not required. If an employee is not required to attend a full day in court, the employee is expected to report for work before or after court attendance or charge the time not in court to accrued PTO (excluding sick leave).

Court Appearances

The RF will provide time off to an employee who notifies the RF of the need to be absent:

- due to court appearances as a victim in a criminal matter or a subpoenaed or otherwise ordered witness in a criminal matter,
- for consultation(s) with the district attorney, or
- to exercise rights as provided in the criminal procedure law, the family court act, and the executive law, including obtaining a restraining order.

Employees are expected to use appropriate accruals.

Appearing on behalf of, or at the request of, the RF will be considered working time, and the employee will receive full pay without charging their accrued PTO.

In all other cases, including if an employee is an expert witness, a party to the action (plaintiff/defendant, a subpoenaed or otherwise ordered witness), employees (whether exempt or non-exempt) must get prior approval for time off and will be expected to use appropriate accrued PTO.

In all cases, employees must provide as much advance notice as is practicable.

Cancer Screening Leave

The RF allows employees to take up to a maximum of 4 hours of paid leave, including travel time, per calendar year to undertake screening for any type of cancer without deducting any other leave time from the employee (e.g. sick, personal or vacation).

The RF may require verification from the health care provider that states the purpose and length of requested leave.

Voting Time Leave

The RF allows all employees paid leave time in order to vote in federal, state or local elections, both primary and general elections. Employees may take a reasonable amount of time at the beginning or end of their shift to allow them to vote, but not more than two hours without loss of pay. Time off to vote must be taken at the beginning or end of the employee shift unless otherwise mutually agreed upon between the employee and his/her supervisor. An employee who needs time off to vote should notify their supervisor no more than 10 or no less than two working days before election day that the time off is required. The RF is not required to grant this time off, if an employee has four consecutive nonworking hours when the polls are open as the employee would then have sufficient time outside of work to vote. Campuses are required to post a notice setting forth the provisions of the time-off-to-vote law in a conspicuous place no less than 10 working days before every election. The [notice](#) must remain posted until the polls are closed on Election Day.

Blood Donation Leave

Employees will be paid for a reasonable amount of time for blood donation that occurs at or in connection with the campus location and will not have to charge PTO.

The RF provides unpaid leave to employees working twenty (20) or more hours per week for the purpose of off-premises blood donation. Leave is permitted once per calendar year up to 3 hours. Eligible employees may elect to use any applicable PTO.

Eligible employees must provide reasonable notice of at least three working days or as soon as practicable to his or her supervisor of his or her intended use of leave time.

The RF requires that employees making off-premises blood donation to show proof of their blood donation in the form of notice of blood donation or a good faith effort at blood donation from the blood bank or some other proof sufficient to the purpose.

“Off-premises blood donation” means blood donation that is not made in connection with a blood drive at the campus location where the employee works or in connection with some other convenient time and place set by the campus or RF.

Bone Marrow Donation Leave

The RF provides unpaid leave to employees working twenty (20) or more hours per week to employees who seek to undergo a medical procedure to donate bone marrow. Employees may take leave to make such a donation, to recuperate from the procedure, and to respond to any resulting complications.

The length of the leave taken must be determined by a physician, but may not exceed twenty-four (24) work hours for each covered request, unless otherwise approved by the RF. When an employee is making a scheduled bone marrow donation, he or she must notify his or her supervisor no less than 24 hours prior to the day of the donation. When the donation is unscheduled, the covered employee should notify his or her campus HR office as soon as possible after receipt of the request to donate.

The RF may require verification by a health care provider that states the purpose and length of each requested leave.

Crime Victims Leave

The RF will provide unpaid leave to employees who may be a victim of a criminal offense or exercises his or her rights as a victim or who is subpoenaed to attend a criminal proceeding as a witness. Employees may elect to use appropriate paid time off during the leave. The employee must provide at least one day notice to his or her campus RF HR office before taking the leave. Also provide his or her campus RF HR office with a copy of the form provided by the law enforcement agency and if applicable, provide a copy of the notice of each scheduled criminal proceeding that is provided to the employee as a victim.

Volunteer Emergency Responder Leave

The RF will provide employees unpaid leave to work as a volunteer emergency responder when a state of emergency is declared by the federal or state government. Employees may use appropriate paid time off during the leave.

All employees are eligible for this leave when:

- The RF has previously received written documentation from the head of the employee’s fire department or volunteer ambulance service notifying the RF of the employee’s status as a volunteer firefighter or member of a volunteer ambulance service; and
- The employee’s duties as a volunteer firefighter or member of a volunteer ambulance service are related to the declared emergency.

During the time of emergency the employee is entitled to take unpaid leave while engaged in the actual performance of his or her duties as (a) a volunteer firefighter, or (b) an enrolled member of a volunteer ambulance service unless the RF determines that the employee’s absence would impose an “undue hardship” on the conduct of the RF’s

business. The campus RF Human Resources office should contact the central Human Resources office to determine if undue hardship requirements have been met before denying leave.

Upon request, any employee who has been granted this leave must provide his or her campus RF HR office with a notarized statement from the head of the volunteer fire department or volunteer ambulance service, as applicable, certifying the period of time(s) that the employee responded to any emergency covered under the Volunteer Emergency Responder Leave.

Leave of Absence: Child Care

Employees, regardless of sex, are entitled to leave without pay for child care for up to six months immediately following the date of delivery or adoption. Leave cannot extend beyond the period of appointment. The leave period includes the period of medical disability following childbirth, FMLA leave and PFL if applicable. See Disability, FMLA and PFL sections of this handbook for additional information.

Requesting Leave and Returning from Leave

Leave must be requested in writing. At the employee's request, PTO, such as vacation or personal leave, may be charged; however, this leave cannot be used to extend the duration of child care leave. An employee who wishes to return from leave before his or her stated return date must be allowed to do so.

An employee returning from child care leave will be reinstated to his or her former position or appointed to a comparable position dependent upon the availability of work and funds.

Leave of Absence: Personal

An employee may request other leave without pay. The leave may be granted for up to one year but may not extend beyond the employee's appointment period.

Requesting Leave and Notification to Employee

Requests for leave must be made in writing and to the employee's supervisor. When an employee is granted leave without pay, the operating location's office responsible for RF Human Resources must send the employee a letter containing the following information:

- effective date of leave,
- end date of leave,
- what is expected during and at the end of the leave period, and
- employee's obligation to report after leave

It is the employee's responsibility to notify his or her manager of any changes in the employee's leave status thirty (30) days before the end date of leave. An employee who wishes to return from leave before his or her stated return date must be allowed to do so.

While on an approved leave of absence for up to one year, an employee may continue health, dental, vision care and life Insurance coverage by paying the full premium directly to the RF. All benefits (health, dental, vision care and life insurance) may be continued or just health insurance. If health insurance is not continued, dental, vision care and life insurance may be continued only as a package. Biweekly premiums can be found [here](#).

Leave for Service in the Uniformed Services

The RF supports the efforts of employees who engage in service in the uniformed services and provides eligible employees with leave, other benefits, and reinstatement.

While an individual is performing military service, he or she is deemed to be on a leave of absence and is entitled to the non-seniority rights accorded other similarly-situated individuals on non-military leaves of absence.

Requesting Leave

The employee must give advance written or verbal notice of service, except in cases of military necessity, and must submit a copy of orders to his or her manager and notify the RF office that handles Human Resources. The General Requirements section for requesting leave also applies to those taking leave for purposes of serving in the uniformed services.

Reemployment After Service

The RF shall re-employ an employee upon separation from *service in the uniformed services* or organized militia, provided the employee:

- was honorably discharged or terminated from service, and
- was employed in a position for which there was an expectation of continued employment, and
- has not been absent for duty in the uniformed services for longer than a cumulative period of five years while employed at the RF, and
- reported to work or notified his or her supervisor of an intention to return to work at the proper time, as indicated in the following table:

Period of Service	Action Employee Must Take	When Action Must Be Taken
<ul style="list-style-type: none">● 1 — 30 days	<ul style="list-style-type: none">● report to work	<ul style="list-style-type: none">● on the next regular work day*
<ul style="list-style-type: none">● 31 — 180 days	<ul style="list-style-type: none">● notify his or her supervisor of the employee's intent to return to work	<ul style="list-style-type: none">● within 14 days*
<ul style="list-style-type: none">● 181 + days	<ul style="list-style-type: none">● notify his or her supervisor of the employee's intent to return to work	<ul style="list-style-type: none">● within 90 days

*Special circumstances may apply for state militia.

The RF will reemploy employees in accordance with the escalator principle. The escalator principle requires that the employee be reemployed in a position that reflects with reasonable certainty the pay, promotional opportunities, benefits, seniority, and other job perquisites that he or she would have attained if not for the period of service. The returning service member's salary should be reviewed upon reemployment to ensure the employee receives all across-the-board and discretionary increases he or she would have benefited from had he or she remained

continuously employed as an active RF employee. An employee who is reinstated may have additional job protections for a period of up to 1 year.

Pay During Service member Leave

Employees who are called to active military duty or service as an intermittent disaster-response appointee will be paid for up to 22 work days or 30 calendar days, whichever is greater, during any one calendar year or any continuous period of ordered military service, whichever is greater. After this leave is exhausted, employees may use accrued vacation, holiday, or personal PTO or be placed on leave without pay for the period of their military duty. Military leave will be charged to the employee's current project award.

The Fair Labor Standards Act (FLSA) does not allow salary reductions of less than a full workweek for exempt employees who are called to military duty. An exempt employee who has no appropriate leave accruals must be advanced appropriate leave so the absence of less than one week is paid in full.

Accruals for Vacation and Sick Leave

Accruals for vacation and sick leave are discontinued for the duration of unpaid leave. However, length of service during military leave will be credited and any existing balances reinstated upon return to employment at the RF for the purpose of determining accrual rates.

Health Insurance

Employees who leave their job to perform service in the uniformed services have the right to continue existing health insurance coverage for themselves and their dependents for up to 24 months while in service. Employee will be responsible for the premiums during the continuation period. Employees may choose to reinstate RF health insurance coverage when re-employed, generally without any waiting periods or exclusions except for service-connected illnesses or injuries. An [application for benefits](#) and [Biweekly premiums](#) should be provided to employees.

Retirement/Pension

Retirement contributions cease when an employee is off the payroll while on covered leave. Qualifying service will be credited towards service for vesting and contribution rate when the employee returns to RF payroll. Retroactive contributions have to be made to the Basic Retirement Plan for the period of qualifying service, based on the employee's salary in effect at the start of the military leave. Campus administrators should contact the Central Office Retirement Unit when an employee returns from service to be sure they are credited for service and contributions correctly.

For more information on retirement contributions and vesting after qualified leave under USERRA and NYS Military Leave Law, see the following retirement document:

[Service Credit Accumulation Rules for Nonvested Employees on Disability, Military, or FMLA Leave](#)

Definitions (Leave for Services in Uniformed Services)

National Disaster Medical System (NDMS)

An agency within the Federal Emergency Management Agency, Department of Homeland Security. The NDMS provides medical-related assistance to respond to the needs of victims of public health emergencies. Participants in the NDMS are volunteers who serve as intermittent Federal employees when activated. For purposes of USERRA coverage only, these persons are treated as members of the uniformed services when they are activated to provide assistance in response to a public health emergency or to be present for a short period of time when there is a risk of a public health emergency, or when they are participating in authorized training.

Uniformed services means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Service; and any other category of persons designated by the President in time of war or national emergency. For purposes of USERRA coverage only, service as an intermittent disaster response appointee of the NDMS when federally activated or attending authorized training in support of their Federal mission is deemed “service in the uniformed services,” although such appointee is not a member of the “uniformed services” as defined by USERRA.

Service in the uniformed services

The performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority. Service in the uniformed services includes active duty, active and inactive duty for training, National Guard duty under Federal statute, and a period for which a person is absent from a position of employment for an examination to determine the fitness of the person to perform such duty. The term also includes a period for which a person is absent from employment to perform funeral honors duty as authorized by law. Service as an intermittent disaster-response appointee upon activation of the National Disaster Medical System (NDMS) or as a participant in an authorized training program is deemed “service in the uniformed services.” Service as a System Member in the National Urban Search and Rescue Response System established under the authority of the Federal Emergency Management Agency (FEMA) is considered “service in the uniformed services”. A system member means an individual who is not a full-time employee of the Federal Government and who serves on a task force or on a system management or other technical team.

Ordered military duty

The term “ordered military duty”, as used in this section, shall mean:

Any military duty performed in the service of the state or of the United States, including but not limited to attendance at any service school or schools conducted by the armed forces of the United States, by a public officer or employee as a member of any force of the organized militia or of any reserve force or reserve component of the armed forces of the United States, pursuant to orders issued by competent state or federal authority, with or without the consent of such public officer or employee.

Leave for Spouses of Service Members

The RF provides up to ten days of unpaid leave time to employees who have a spouse on leave from a deployment with the armed forces during a period of military conflict. Spousal military leave will run concurrently with all other types of leave available to the employee. To be eligible, an employee must be scheduled to work at least 20 hours per week.

Family and Medical Leave Act (FMLA)

The RF provides leave to eligible employees under FMLA. Eligible employees may receive 12 weeks of unpaid job-protected leave during a 12-month period for various health and family-related reasons described in more detail below. For military caregiver leaves, an employee may be eligible for up to 26 weeks of leave.

Eligibility

To be eligible for leave under FMLA, an employee must:

- have at least 12 months of service;
- have worked at least 1250 hours over the previous 12 months

Employees may:

- work at a worksite with 50 or more employees in a 75 mile radius

12 Months of Service

Once an employee has completed 12 months of service with the RF, the first FMLA eligibility requirement is satisfied. The 12 months do not have to be consecutive, which means any time worked for the RF could, in most cases, be used to complete the 12 month requirement even if the employee leaves and then returns. If the employee has a break in service that lasts seven years or more, however, the time worked prior to the break will not count unless the break is due to service covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA).

1250 Hours Over the Previous 12 Months

The second requirement refers to only the 12 months prior to the requested leave period under FMLA, and time off the payroll is included in that 12-month period. Regardless of any prior service, if an employee is off the payroll for a period of time that brings the number of hours worked by the employee during the prior 12 months below 1250 hours, the employee will not be eligible for leave under FMLA. Paid Time Off, including time on FMLA leave, does not count in calculating 1250 hours worked.

Change in Eligibility Under FMLA

If an employee becomes eligible for leave under FMLA while on leave that otherwise is appropriate under FMLA (for example the employee's serious injury or illness, or leave for birth of a child), the terms and conditions of FMLA apply as of the date the employee became eligible.

Example

- If an employee requests leave for reasons qualifying for FMLA on January 1, but worked only 1210 hours in the immediately preceding 12 months, the employee is not eligible.
- If, after another 3 weeks, the employee work hours total 1250 hours during the prior 12 months, the employee becomes eligible.

Example

- An employee begins leave for the birth of a child on January 1, and has met the 1250 hours requirement but not the 12 months of service requirement. The employee meets the 12 months of service requirement on January 10. The FMLA leave can be designated as of January 10.

Informing Employees about their Rights

Employee PTO sick absences of more than three calendar days and an employee request for leave should be reviewed by the operating location to determine whether it meets the conditions for leave under FMLA. Where an employee may be eligible for FMLA, operating locations must:

- Have employees requesting leave appropriate under FMLA use the [Employee Request for Leave Form](#), or an equivalent form with the same information and appropriate [U.S. DOL](#) form. ([FMLA: Request for Leave Forms and Posted Notices](#)).
- Give to employees requesting leave appropriate under FMLA a copy of the FMLA [Employee Rights and Responsibilities](#) and [Notice of Eligibility and Rights and Responsibilities](#) provided by the Department of Labor.

Duration of Leave

Under FMLA, eligible employees are entitled to a maximum of 12 weeks (26 weeks for military caregiver leave) of leave during a 12-month rolling back period. 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. The 12 month rolling back period is counted each day an employee takes leave. See Appendix D for rolling back period examples.

When both spouses are employed by the RF and both are eligible under FMLA, the entitlement for the two employees is a combined total of 12 weeks leave per 12-month rolling back period for birth of a child or placement for adoption or foster care.

Reinstatement

The employee must be reinstated to his or her former position or an equivalent position with equivalent pay, benefits, and other terms and conditions of appointment.

Note: If the employee's employment with the RF would have ended regardless of the leave (e.g., end of the appointment period, lay off, etc.), then FMLA leave will generally not be approved beyond the effective date of that change, and the employee will not be reinstated.

However, under FMLA, a "key employee" may be denied restoration to a position when doing so would result in a "substantial and grievous economic injury" to operations. A key employee is a salaried employee who is among the highest paid 10 percent of all employees within a 75 mile radius of the worksite. Because of the limited nature of this exception, recommendations not to reinstate an employee must be reviewed by the Central Office of Human Resources and the Office of General Counsel prior to the final determination.

Reasons Leave May Be Taken

Twelve workweeks of leave in a 12-month rolling back period for:

- the birth of a child and to care for the newborn child within one year of birth;

- the placement with the employee of a child for adoption or foster care and to care for the newly placed child within one year of placement;
- to care for the employee's spouse, child, or parent (not parent-in-law) who has a serious health condition;
- a serious health condition that makes the employee unable to perform the essential functions of his or her job; or
- any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on "covered active duty"

PFL will be concurrently designated for qualifying leaves. (See PFL section of this handbook.)

For military caregiver leave, twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin.

Employee Options for Taking Leave

Employees may take FMLA leave on a continuous basis or on an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason. When leave is needed for planned medical treatment, the employee must make a reasonable effort to schedule treatment so as not to unduly disrupt RF operations.

Status of Exempt Employees on Reduced Work Schedule

Employees who are eligible for leave under FMLA and exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) may be placed on unpaid FMLA leave on a reduced work schedule without affecting their exempt status. Therefore, an exempt employee's salary may be reduced for absences of less than a day if she or he takes leave under FMLA for part of the workday.

Income Replacement During Leave

NYS Disability and Workers' Compensation

Employees who are on FMLA for their own serious health condition may be eligible for income replacement benefits under Disability or Workers' Compensation. For more information, refer to the Income Replacement: Disability or Income Replacement: Workers Compensation sections of the handbook.

Use of Accrued Paid Time Off

An employee who takes leave under FMLA for any reason may elect to use accrued paid time off for any part of the leave. If the employee elects to use accruals while on leave under FMLA, accruals must be charged in the increments indicated in the Leave Policy section of this handbook. Employees who take leave for their own serious health condition are required to use sick leave before using other forms of accrued time.

Employees may charge up to the FTE that they were at prior to going on FMLA. For example, an employee who was working at .50 FTE may charge up to .50 FTE while out on FMLA, and an employee previously at 1.0 FTE may charge up to 1.0 FTE.

The following table describes the PTO categories that can be charged for various kinds of leave under FMLA.

Purpose of Leave Under FMLA	Accrued Paid Time Off to be Charged
Birth of a child	Sick must be charged during period of disability, if applicable, then vacation, personal or holiday may be used for the remainder of the leave.
Adoption, Foster Care	Vacation, Personal or Holiday
Care for a Family Member	Family Sick (maximum of 25 days in a calendar year), Vacation, Personal or Holiday
Employee's Serious Health Condition	Sick must be charged until exhausted, then Vacation, Personal or Holiday may be used for the remainder of the disability period to supplement NYS disability or workers' compensation benefits if applicable.
Qualifying Exigency	Vacation, Personal or Holiday
Care for Military Service Member	Family Sick (if applicable, maximum of 25 days in a calendar year), Vacation, Personal or Holiday

Notifying Employees About FMLA

Operating locations are required to post the [Employee Rights Under FMLA](#) and provide employees with the [Benefits Handbook](#) or [Employee Handbook](#) containing FMLA information.

Requesting Leave

Employees must comply with RF requirements for requesting leave under the RF leave policy and provide enough information for the RF to reasonably determine whether the FMLA may apply to the leave request. Employees generally must request leave 30 days in advance when the need for leave is foreseeable. In the case of FMLA leave for a qualifying exigency, the employee must give notice of the need for such leave as soon as possible and practical, regardless of how far in advance the leave is needed.

For **planned medical treatment**, the employee must consult with the employer and try to schedule treatment and/or appointments at a time that minimizes the disruption to the employer.

When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as practicable under the circumstances. This will generally be the same or next business day after the need for the leave arises.

When an employee seeks leave for a FMLA-qualifying reason for the first time, the employee need not mention the FMLA but must provide sufficient information to provide notice that the leave may be FMLA qualifying. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Employees who wish to request leave specifically under the terms and conditions of the FMLA must carry out the steps in the following table:

Step	Action
1	<p>Apply for leave on the form provided by the operating location, either the Employee Request for Leave form or its equivalent.</p> <p><i>Note:</i> The Employee Request for Leave form is attached in the appendix of this handbook.</p>
2	<p>If leave is being requested for a serious health condition, provide a medical certification.</p> <p>To certify his or her condition, an employee should use form U.S. DOL WH-380-E.</p> <p><i>Note:</i> Employees who are seeking income replacement benefits under disability or workers' compensation should refer to the appropriate sections of this handbook for the process to file a claim for benefits under these programs.</p> <p>To certify the condition of a family member, an employee should use U.S. Department of Labor form WH-380-F, the Certification of Health Care Provider for Family Member's Serious Health Condition form.</p> <p><i>Note:</i> A second or third medical opinion may be required at the RF's request and expense.</p>
3	<p>If leave is being requested for a Qualifying Exigency or Military Caregiver Leave, provide the appropriate certification:</p> <ul style="list-style-type: none"> • To certify a Qualifying Exigency Leave, an employee should use form WH-384 – Certification of Qualifying Exigency for Military Family Leave. • To certify Military Caregiver Leave, an employee should use form WH-385 – Certification for Serious Injury or Illness of Covered Service member.

Operating locations must review all requests for leave under FMLA to determine whether the request meets the requirements of FMLA. Operating locations must respond in writing to employee requests for family and/or medical leave.

Designation of FMLA Leave

RF operating locations should use [Designation Notice Form WH-382](#), which is available from the DOL website at www.dol.gov/whd/fmla, to provide designation notice to employees that the FMLA leave request is approved, additional information is needed or that the leave request is not appropriate under FMLA.

Leave appropriate under FMLA

- The operating location must provide a Designation Form within five business days of having enough information to determine whether the leave is FMLA-qualifying;
- The operating location must provide a new Designation form for each FMLA-qualifying reason per applicable 12-month period;
- The Designation Notice must include any fitness for duty requirements; and
- The Designation Notice must state the amount of leave that is designated and counted against the employee's FMLA entitlement, if known. If the amount of leave is not known at the time of the designation, the operating location must provide this information to the employee upon request, but no more often than once in a 30-day period and only if leave was taken in that period.

Need for More Information

If an operating location is unable to determine whether a leave request should be designated as FMLA protected because a submitted certification is incomplete or insufficient, the RF is required to state in writing what additional information is needed. The RF should use the Designation Notice WH-382 to inform the employee that the certification is incomplete or insufficient, identify what information is needed to make the certification complete and sufficient and provide 7 calendar days for completion.

Leave Not Appropriate Under FMLA

The operating location must provide the employee written notice that the leave does not qualify for FMLA. This may occur if the employee is not eligible for FMLA, is requesting leave for a purpose not allowed under FMLA, or has already used all the leave he or she is entitled to under FMLA for the appropriate 12-month period. The RF should use the Designation Notice Form WH-382 to notify the employee that the leave is not FMLA-qualifying.

Retroactive Designation of Leave

In limited circumstances, leave may be retroactively designated as FMLA as long as the retroactive designation will not prejudice or restrict employee options. For example, an employee may be prejudiced if the employee could have taken the leave intermittently or on a reduced schedule had he or she known there was an option. Retroactive designation is generally not permitted for care of a family member. Leave may also be retroactively designated by agreement of the RF and employee.

Approving Leave Requests

When FMLA Applies

The approved leave must be administered under the terms and conditions of the FMLA, and where appropriate, under the RF's general leave policy and guidelines. NYS disability or workers' compensation income replacement benefits run concurrently with FMLA leave. Additional documentation requirements may apply for those seeking income replacement through those programs.

When FMLA Does Not Apply

If leave is not FMLA qualifying or FMLA has been exhausted, the employee may still be eligible for leave under other provisions. For example, employees are eligible for six months of leave immediately following the birth or adoption of a child under the RF Child Care leave. If the leave is for care of a family member he or she may be eligible for Paid Family Leave. If the leave is for the employee's illness or injury, he or she may be eligible for leave as an accommodation under the American with Disabilities Act or NYS Human Rights law or applicable local laws. Requests involving extended leave for an employee's serious injury or illness should be reviewed with the RF central office of Human Resources and Office of General Counsel.

If no other leave protection applies, an employee may request vacation, sick, holiday, or personal paid time off which may or may not be granted by the operating location under the RF general leave policy, depending on the employee's eligibility and accruals and the needs of the operating location. NYS disability or workers' compensation income replacement benefits may also be available.

FMLA Records

The office responsible for RF Human Resources must retain the following documents for each leave request under FMLA:

- leave paperwork provided to the employee (e.g. Employee Rights and Responsibilities, Notice of Eligibility and rights and responsibilities, Request for Leave Form)
- signed Request for Leave form
- signed certification(s)
- Designation Notice
- signed employer response to employee request for leave
- all correspondence and communication with the employee

Confidentiality

Operating locations must maintain the confidentiality of medical records related to leave requested and taken under FMLA. Medical records must be kept in a medical file separate from the employee Personnel File.

Continuation of Benefits

Under FMLA, RF health, dental and vision insurance benefits in effect at the time of the leave will be continued up to 12 weeks for an employee on approved FMLA leave. This period can be extended to 26 weeks for employees caring for a military family member who is seriously injured in the line of duty. Life insurance may be continued at the employee's option.

An employee may also choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc.

How to Obtain Continuation of Benefits

If accruals are used at least .50 FTE during the period of FMLA leave, all benefits are continued as a regular employee. If an employee does not use accruals and receives no pay for one or more full pay periods, he or she may choose to continue their benefits by completing an [application for benefits continuation](#) and attaching a copy of the approved employee request for leave.

Payment of Premiums

During periods of approved leave under FMLA when no pay is received from the RF, an employee will be responsible for payment of the employee share of health, dental and enhanced vision insurance premiums. Basic vision is continued without charge to the employee. The employee may also elect to continue basic and/or optional life insurance coverage through payment of the full premium.

An employee [premium rate chart](#) for continued benefit coverage is available on the RF Web site.

Premiums must be paid in advance while on leave. Full payment can be deducted from the last paycheck if payment of the health premium on a pre-tax basis if desired, or advance payments can be paid monthly or biweekly. The premiums are listed in the document [Family and Medical Leave Act \(FMLA\) - Biweekly Premiums for Continuation of Benefits for Regular Employees](#).

If payment is not received within 30 days of the due date, coverage will be canceled. The employee, however, must be notified within 15 calendar days before coverage is cancelled. Notice of cancellation should therefore be sent out within 15 days after the due date.

Employees Continuing on Leave Without Pay After FMLA

An employee continuing on Leave Without Pay (LWOP) under RF leave policy (a combined maximum of one year), should contact the office at the operating location that handles employee benefits for information on premium payment under LWOP.

Recovery of Premiums Paid if Employee Does Not Return to Work

If an employee does not return to work after leave after FMLA expires, the RF may seek to recover the full share of the premium paid by the RF. The RF will not seek recovery if the employee does not return because of circumstances beyond the employee's control.

Penalty for Nonpayment

If payment is not received within 30 days of the due date, coverage will be cancelled.

Retirement Plan

An employee's time spent on leave under FMLA will be counted toward vesting in the retirement plan when it is necessary to prevent a break-in-service which would affect the employee's retirement benefits. However, no contribution will be made for any period during which the employee is not in pay status.

Reinstatement of Benefits

All employment benefits are immediately reinstated to the employee upon return to work, without waiting periods, regardless of whether the benefit was continued during leave, and are continued as if the employee had been in pay status during the leave period.

Definitions (FMLA)

Definition of child

A child is a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either: (a) under age 18, or (b) age 18 or older and “incapable of self-care because of a mental or physical disability” at the time that FMLA leave is to commence.

Definition of serious health condition

Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:

- any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
- a period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider; or
- any period of incapacity due to pregnancy, or for prenatal care; or
- any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
- a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or,
- any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.) or for restorative surgery after an accident or other injury.

Definition of family member

Family members are the employee's spouse, sons and daughters (if any), and parents, including anyone designated in loco parentis, but not including parents-in-law.

Definition of covered active duty

Covered active duty, in the case of a member of the Regular Armed Forces, is defined as duty under deployment to a foreign country. In the case of a member of the Reserves or National Guard, covered active duty is duty during deployment to a foreign country under a call or order to active duty in support of a contingency operation.

Definition of qualifying exigency leave

Employees are eligible to take up to 12 weeks of job protected leave under FMLA for any qualifying exigency that arises while a covered Service member who is a member of the Armed Forces, Reserves, or National Guard is on covered active duty in a foreign country or is called to covered active duty in a foreign country.

There are 9 different categories of this type of leave:

1. Short-notice deployment: a covered military member is notified of an impending call or order to covered active duty 7 or less days before deployment.

2. **Military events and related activities:** to attend any official ceremony, program, or event sponsored by the military that is related to covered active duty, or to attend family support or assistance programs or information briefings sponsored by the military.
3. **Child care and school activities:** to arrange for childcare when covered active duty necessitates a change in childcare arrangements, to provide childcare on an urgent basis when the urgency arises from covered active duty status, to enroll in a new school or daycare because of covered active duty, or to attend meetings at a school or daycare for a child of a covered service member due to circumstances arising from covered active duty.
4. **Financial and legal arrangements:** to make or update financial or legal arrangements to address a covered military member's absence while on covered active duty or to act as a covered military member's representative before a federal, state, or local agency to obtain or arrange military service benefits while a covered service member is on covered active duty.
5. **Counseling:** to attend counseling provided by someone other than a health care provider for oneself, the covered military member, or a child or a covered service member if the need for counseling arises from covered active duty or the call to covered active duty.
6. **Rest and recuperation:** to spend up to 15 days of leave with a covered military member who is on short-term, temporary, rest and recuperation leave.
7. **Post-deployment activities:** to attend arrival ceremonies, reintegration briefings and events and other official ceremonies sponsored by the military for a period of 90 days after the termination of covered active duty status, or to address issues that arise from the death of a covered military member while on covered active duty status.
8. **Parental care:** to care for the parent of a military member, or someone who stood in loco parentis of the military member, when the parent is incapable of self-care and the need for leave arises out of the military member's covered active duty or call to covered active duty status.
9. **Additional activities:** any other event that may arise out of covered active duty or a call to covered active duty status, provided that such leave is agreed upon by the employer and employee.

Definition of a covered service member

A covered service member is either:

- a current member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is in outpatient status, or is on the temporary disability retired list, for a serious injury or illness, or
- a covered veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. A covered veteran is an individual who was a member of the Armed Forces (including a member of the National Guard or Reserves), and was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran.

Definition of covered service member serious injury or illness:

For a current service member, a serious injury or illness is an injury or illness that was incurred by the covered service member in the line of duty on active duty in the Armed Forces or that existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces, and that may render the member medically unfit to perform the duties of the member's office, grade, rank or rating.

For a veteran, a serious injury or illness is an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and manifested itself before or after the member became a veteran, and is:

(i) a continuation of a serious injury or illness that was incurred or aggravated when the covered veteran was a member of the Armed Forces and rendered the service member unable to perform the duties of the service member's office, grade, rank, or rating; or

(ii) a physical or mental condition for which the covered veteran has received a U.S. Department of Veterans Affairs Service-Related Disability Rating (VASRD) of 50 percent or greater, and such VASRD rating is based, in whole or in part, on the condition precipitating the need for military caregiver leave; or

(iii) a physical or mental condition that substantially impairs the covered veteran's ability to secure or follow a substantially gainful occupation by reason of a disability or disabilities related to military service, or would do so absent treatment; or

(iv) an injury, including a psychological injury, on the basis of which the covered veteran has been enrolled in the Department of Veterans Affairs Program of Comprehensive Assistance for Family Caregivers.

Definition of next of kin:

Next of kin is defined as the nearest blood relative (other than spouse, parent, son or daughter).

Income Replacement: Disability

The RF provides partial income replacement for a non-work related illness or injury. This section addresses use of PTO while receiving disability benefits. For more information on disability income replacement benefits, refer to the [benefits handbook](#), the document [NYS Disability Benefits](#) and the document [NYS Disability Insurance](#).

Eligibility

All RF employees are eligible and are automatically enrolled in this benefit.

There is no waiting period if eligibility was established with a previous employer. If eligibility was not previously established, coverage begins:

- After four consecutive weeks of service for full-time employees
- After 25 regular work days for part-time employees

Disability and Use of PTO

Sick accruals must be charged at the employee's FTE from the first day of a certified disability until the accruals are exhausted (and may be used for the entire 26 weeks). If an observed holiday falls during the period of disability, holiday is charged for that day. If a floating holiday falls during the period of disability, PTO sick is charged for the day and the holiday banked for future use. The employee remains on the RF payroll until all sick accruals are exhausted, or through his or her current period of appointment, whichever comes first. Once an employee has exhausted accrued PTO sick, the application for income replacement benefits under New York State (NYS) disability must be submitted.

An employee may use accrued PTO vacation, holiday or personal to supplement disability income up to the equivalent of the employee's regular salary. For additional information, see the section of this handbook Supplementing disability or workers' compensation income replacement benefits with accrued PTO.

Disability and FMLA

If an employee is eligible for FMLA and the reason for the disability qualifies, then time out of work must be counted concurrently as FMLA and appropriate procedures followed. See FMLA section of this handbook.

Disability and PFL

Employees cannot use more than a combined total of 26 weeks disability and PFL.

Income Replacement: Workers' Compensation

The RF in compliance with the New York State Workers' Compensation Law provides partial income replacement and payments for medical expenses for a work-related illness or injury. This section addresses use of PTO while receiving workers' compensation. For more information on workers' compensation income replacement benefits, refer to the benefits handbook.

Eligibility

All employees are eligible for workers compensation coverage.

Coordinating PTO Sick and Workers' Compensation Benefits

An employee may choose to remain on the RF payroll and use PTO sick accruals from the first day of the injury or illness until sick accruals are exhausted. At that point he or she may receive workers' compensation income replacement benefits for the duration of the disability and supplement with any remaining accruals according to the section on How to calculate maximum rate to charge PTO accruals.

An employee may instead elect to receive workers' compensation income replacement benefits from the first day he or she becomes eligible for the benefits.

If a person receives income replacement under workers' compensation and is eligible for leave under FMLA, then workers' compensation and FMLA will run concurrently. For additional information, see the FMLA section of this handbook.

PTO Sick Credit

Reimbursement from the Insurance Carrier

If an employee chooses to use sick accruals, once the claim is approved by the Workers' Compensation Board, the RF will request reimbursement from the insurance carrier for the period during which sick accruals were paid to the

employee. Once the RF receives reimbursement from the insurance carrier, central office restores the dollar amount of the reimbursement to the grant.

Example of Reimbursement

Jude Smith earned \$1,500 per week before being injured on the job on July 2. The maximum workers' compensation income replacement benefit for disablements incurred is two-thirds of the employee's average weekly wage up to a maximum of the NYS average weekly wage. The NYS average weekly wage (NYSAWW) is \$1,305.92.

Employee PTO Sick Credit Adjustment

A portion of the employee's PTO sick should be restored by the campus based on the value of the reimbursement. To figure out the amount of PTO sick that should be reimbursed for employees whose AWW is higher than the NYS AWW, use the following calculation: $(NYSAWW * .67) / \text{Employee's AWW} = \% \text{reimbursement}$. Using figures in the above scenario: $(\$1,305.92 * .67) / \$1,500 = .58$.

Charging accruals while receiving income replacement benefits

An employee receiving disability income replacement can receive a maximum of \$170/week from NYS disability. The total amount the employee receives each pay period from the RF, NYS disability and voluntary short term disability (VSTD) cannot exceed the employee's normal salary per pay period. The following calculation should be used to determine the amount of RF accruals needed to make up the difference between the NYS disability amount and the employee's normal RF salary.

This calculation can also be used to determine the maximum accruals that can be charged for employees receiving workers' compensation or New York State PFL income replacement benefits.

Step	Action
1	Calculate the maximum salary the employee can earn from the RF while on disability/workers compensation benefit (WCB). $(\text{Pre-disability income} - \text{Total disability or WCB payment}^1) = \text{Maximum salary}$ ¹ Total disability payment = New York state disability plus RF voluntary short-term disability payment.
2	Calculate the appropriate full time equivalency (FTE) based on the maximum salary the employee can earn. $[(\text{Maximum amount employee can earn after receiving disability or WCB} * \text{FTE}) / \text{Pre-disability income}] = \text{Maximum FTE}$

Scenario #1:

Employee was working full time at 1.0 FTE.

Employee has an annual salary of \$75,000 (\$2884.62/pay period).

Employee receives \$170.00/week (\$340.00/pay period) total disability or WCB (if receiving WCB, replace \$340 in the following calculation with the amount of WCB)

Calculation:

$\$2884.62 - \$340.00 = \$2544.62$ Maximum salary employee can earn from RF while receiving disability or workers' compensation payments.

$(\$2,544.62 * 1.0) / \$2,884.62 = 0.88 \text{ FTE}$.

Result:

This employee may charge accruals at the maximum rate of 0.88 FTE while he or she is receiving disability or workers' compensation payments.

Scenario #2:

Employee was working part time at 0.60 FTE.

Employee has an annual salary of \$50,000 (\$1923.07/pay period).

Employee receives \$170.00/week (\$340.00/pay period). total disability or WCB (if receiving WCB, replace \$340 in the following calculation with the amount of WCB)

Calculation:

$\$1923.07 - \$340.00 = \$1583.07$ Maximum salary employee can earn from RF while receiving disability or workers' compensation payments.

$(\$1583.07 * .60) / \$1923.07 = 0.50$ FTE.

Result:

This employee may charge accruals at the maximum rate of 0.50 FTE while he or she is receiving disability or workers' compensation payments.

Scenario #3:

Employee was working full time at 1.0 FTE.

Employee has an annual salary of \$60,000 (\$2307.69/pay period).

Employee receives \$500.00/week total disability or workers' compensation from NYS and VSTD (\$1000.00/pay period).

Calculation:

$\$2307.69 - \$1000.00 = \$1307.69$ Maximum salary employee can earn from RF while receiving disability or workers' compensation payments.

$(\$1307.69 * 1.0) / \$2307.69 = 0.57$ FTE.

Result:

This employee may charge accruals at the maximum rate of 0.57 FTE while they are receiving disability or workers' compensation payments.

New York State Paid Family Leave

The RF provides eligible employees Paid Family Leave (PFL) in accordance with the requirements of New York State (NYS) regulations. PFL provides job protection and income replacement to eligible employees.

Eligibility

To qualify for PFL, employees must:

- Work in New York State; and
- Either:
- Work 20 hours or more per week for 26 consecutive weeks of employment; or
 - Work less than 20 hours per week and complete 175 days worked, including paid time off.

The RF will count use of scheduled vacation, personal, sick, holiday PTO or other time away from work that has been approved by the RF, or other periods where the employee is away from work but is still considered to be an employee towards consecutive weeks or days worked when determining eligibility.

Periods of temporary disability shall not be counted as consecutive weeks or days worked when determining eligibility.

The RF NYS PFL Individual Eligibility Monitoring Report can be used to assist with determining eligibility.

Reasons Leave May be Taken

Eligible employees may take leave for the following reasons:

- To take care of a seriously ill family member (spouse, domestic partner, child, parent, parent-in-law, grandparent, grandchild)
- To bond with a newborn, adopted or foster, step child, a legal ward, or son or daughter of a domestic partner in the first 12 months after birth or placement; or
- To attend to family issues related to a qualifying military deployment

Duration and Benefits

PFL will be implemented in four phases as indicated in the chart below. The RF will use a 12 months rolling back period to determine how much PFL an employee is eligible when a request is made. This means that the RF will look back over the last 12 months prior to the effective date of a PFL request. Any PFL used during that period will be deducted when determining the balance available for the current request.

Benefits and duration of leave:

Date	Weeks of Leave	Percent of Pay Recovered of employee's average weekly wage or the State Average Weekly Wage (AVWW) whichever is less
January 1, 2018	8	50%
January 1, 2019	10	55%
January 1, 2020	10	60%
January 1, 2021	12	67%

Employee options for taking leave

Employees may take leave from work on a consecutive basis or an intermittent or reduced schedule basis. That means an employee may take leave in separate blocks of time or by reducing the time he or she works each day or week for a single qualifying reason.

Leave Increments

Employees may take leave continuously or intermittently in the following ways:

- Weekly – employees taking PFL in weekly increments will be eligible for the maximum number of weeks of leave in at 52 week period.
- Daily – when employees take leave in daily increments, the employee’s maximum period of PFL is calculated based on the average number of days worked per week with a maximum of days being 5 times the number of weeks an employee is eligible for, e.g. 40 days in 2018 up to 60 days in 2021. Thus, an employee that works an average of three days per week will receive a maximum of 24 days in 2018 up to 36 days in 2021.

PFL Benefits

Employees are eligible for income replacement benefits while on PFL. Employees apply for benefits through the RF disability carrier, First Reliance. See the claims procedure in Appendix E for more information on applying for benefits.

Benefits are paid in the following ways:

- Weekly – weekly benefits are paid according to the chart above based on:
 - If the employee’s AWW is higher than the state AWW, then it is the appropriate percent of the state AWW based on the chart above, e.g. 50% in 2018 up to 67% in 2021.
 - If the employee’s AWW is less than the state AWW, then AWW is calculated for the 8 weeks prior to going out on leave using the 8 weeks prior to the last day worked before the leave OR the eight weeks prior, but not including the week PFL begins. Whichever is the higher average weekly wage should be used. Operating locations should run the “RF Individual NYS Paid Family Leave Average Weekly Wage Calculation” report to calculate the AWW for employees See Appendix E for more information on calculating the AWW and running the report. The AWW can be found on the [NYS Department of Labor, labor statistics website](#).
- Daily – daily benefits are calculated based on the employee’s AWW (computed in the same manner as set forth above) divided by the average number of days the employee worked per week. To arrive at the average number of days the employee worked per week, average the number of days the employee worked per week over the same eight weeks used in calculating the employee’s AWW. The RF NYS PFL Individual Eligibility Monitoring Report provides work schedules for employees and days worked as reported in E-time reporting for nonexempt employees. If PFL is also FMLA-qualifying, increments of less than a day are not eligible for PFL benefits but should be counted towards the amount of PFL taken. Once incremental hours add up to an employee’s full work day, 1 day of PFL can be designated.

Reinstatement

Except in limited circumstances, the employee must be reinstated to his or her former position or an equivalent position with equivalent pay, benefits and other terms and conditions of appointment. Any decision not to reinstate an employee returning from PFL must be made in consultation with RF Central HR and the General Counsel's office.

Changes in Employment Status

Change in Eligibility While on Leave

If an employee becomes eligible for PFL while on leave that otherwise is appropriate for PFL, the terms and conditions apply as of the date the employee became eligible.

Example: An employee begins leave for the birth of a child on February 1 and completes 26 consecutive weeks of employment, using accruals, on February 15. PFL can be designated and applied for as of February 15.

Change in Schedule

Employees who become eligible for PFL by meeting the eligibility criteria above continue to be eligible for PFL even if their schedule changes.

Employees who do not meet the eligibility to qualify for PFL at the time of hire or rehire and have a change in schedule during employment that does qualify them for benefits will begin payroll deductions within eight weeks of the change. Retroactive deductions will be paid back to the time of hire or rehire and service completed, if applicable, will count towards qualification for leave.

Breaks in Service

Employees who separate from employment and are rehired after a break of more than 28 days need to meet the eligibility criteria for PFL. Employees who separate from employment and are rehired within 28 days of separation will maintain continuous service for PFL benefits and must make up any missed deductions for the period of time they were out.

10 Month and Academic Year Appointments

Employees who have time off of the payroll during a regular academic year or 10 month appointment will maintain continuous service for PFL eligibility and benefits and must make up deductions for any time in unpaid status (e.g. summer period.) 10 month and academic year appointments should be indicated in the Appointment Type field in Oracle. This field can be accessed by clicking the others button on the assignment form.

Payroll Deductions

Eligible employees will have payroll deductions taken from their check for the PFL benefit.

Payroll deductions are not taken during periods of disability.

Waivers

Employees whose appointment is expected to meet the eligibility criteria cannot opt out of the program and payroll deductions. In rare circumstances, employees may opt out of the program if their appointment meets the following criteria:

- Regularly work 20 hours per week or more for less than 26 continuous weeks; or
- Regularly work less than 20 hours per week for less than 175 days in a 12 month period.

Ineligible employees who do not meet the time-worked requirement should be aware of the option to waive coverage and should fill out the [waiver form](#).

Within eight weeks of any change in the regular work schedule of an employee that requires the employee to continue working for 26 consecutive weeks or 175 days in 52 consecutive week period, any waiver is deemed revoked.

If the waiver is revoked, by either the employee, or the RF due to a change in work schedule, the RF will take retroactive deductions for the period of time the employee was covered by the waiver, and that period of time counts towards eligibility for PFL.

The RF may not force employees to opt out of the program. Employees may also revoke the waiver even if their schedule does not change.

The fully executed waiver must be kept on file as long as the employee is employed with the RF.

An employee who elects not to enter into a waiver shall have deductions from payroll for the duration of his or her employment.

See the Appendix F on administering waivers and entering information into the Oracle Business System.

PFL and FMLA

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, when applicable, the two leave of absence programs will be applied concurrently, not consecutively.

If the RF designates a period of family leave to be covered by the FMLA for a reason also covered under PFL, and the RF informs the employee of their eligibility for family leave benefits, and the employee declines to apply for payment of PFL benefits, the RF and insurance carrier may count the leave against the employee's maximum duration of family leave in a 52 week period.

PFL and Disability

PFL will never run concurrently with New York State mandated disability benefits, which provide a benefit when employees need to miss work for their own disabling illness or injury. Eligible employees can use a maximum of 26 weeks PFL and disability (regardless of whether income replacement benefits are received) in a 52 week period. This means that when an employee applies for PFL, HR administrators should count time away from work for PFL and disability in the prior 12 months when considering how much PFL is available for an employee to use.

Use of Accrued Paid Time Off (PTO)

An employee who takes PFL may elect to use accrued PTO for any part of the leave. The following table describes the PTO categories to be charged for various kinds of PFL.

Purpose of PFL	Accrued PTO to be Charged
Bond with a child or Qualifying Exigency	Vacation, Personal or Holiday
Care of a Family Member	Family Sick (Maximum of 25 days in a calendar year), Vacation, Personal or Holiday

Coordinating PTO and PFL Benefits

An employee may choose to remain on the RF payroll and use PTO full time at the FTE they were working prior to going on PFL until accruals are exhausted. For example, if an employee was working .50 FTE then he or she may charge up to .50 FTE; if working 1.0 FTE may charge up to 1.0 FTE, etc. Once accruals are exhausted, he or she may receive PFL benefits for the remainder of the PFL leave.

An employee may instead elect to receive PFL benefits from the first day of the leave. If an employee chooses to do this, he or she may choose not to use accruals or to use supplemental accruals. If supplementing with accruals, refer to the section: Charging Accruals While Receiving Income Replacement Benefits for the calculation to determine the maximum accruals that can be charged.

PTO Accrual Credit - Reimbursement from the Carrier

If an employee chooses to use sick accruals, he or she should apply for PFL benefits. Once the claim is approved by the Disability Carrier, the RF will be reimbursed the benefits from the carrier for the period during which accruals were paid to the employee. Once the RF receives reimbursement from the insurance carrier, central office restores the dollar amount of the reimbursement to the grant.

To determine the amount of accruals to be restored to the employee, calculate the percent of the employee's weekly wage that the PFL benefit equals. To determine this, use the following calculation: $(\text{PFL Benefit}) / (\text{Employee's Weekly Wage}) = (\text{percent of accruals to restore to employee})$.

Notifying employees about PFL

Operating locations are required to post the notice to employees and provide employees with the Benefits Handbook or Employee Handbook containing PFL information. The posting is available on the NYS Department of Labor Website.

In addition, employees requesting leave must be given the request for leave form and [Statement of Rights under PFL](#).

Requesting Leave

Employees must comply with the RF requirements for requesting leave under the RF leave policy and provide enough information for the RF to reasonably determine whether PFL may apply to the leave request. When practicable, employees must provide 30 days' notice when the leave is foreseeable.

When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as practicable under the circumstances. This will generally be the same or next business day after the need for the leave arises.

When an employee seeks leave for a PFL qualifying reason for the first time, the employee need not expressly assert PFL rights or even mention the PFL. If an employee later requests additional leave for the same qualifying condition, the employee must specifically reference either the qualifying reason for leave or the need for PFL leave.

Process for Requesting PFL

When an employee may be eligible for PFL, the operating location must have employees requesting leave use the Employee request for Leave Form, or an equivalent form with the same information, and the appropriate NYS DOL form. These forms should be made available to the employees upon request. Employees must provide the qualifying event and the anticipated timing and duration of the leave. In addition, the type of family leave must be identified when providing notice.

A claim for PFL shall be considered complete when an eligible employee submits a Request for Paid Family Leave and Certification to the self-insured employer or carrier. The following forms should be used to submit a claim for PFL:

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

Employees must advise the RF and the carrier of the schedule for intermittent leave. When the dates are not specified on the Request for Paid Family Leave, the carrier or the RF may withhold payment pending submission of a request for payment together with the date of leave.

Once a request for family leave is received from an employee, complete the employer information contained in Part B of the Request for Paid Family Leave (currently form PFL-1), or any other carrier-designated format, and return it to the employee within three business days. The carrier must pay or deny the claim within 18 days.

Payment shall be completed as soon as possible, but in no event more than 18 days from the date of the request. Employees must request payment for a previously unspecified day of family leave within thirty (30) days of the leave. See Appendix E for more detailed information on submitting claims forms.

Designating PFL

If the reason for leave is a qualifying reason, the operating location should preliminarily grant PFL leave during the process of submitting request forms to the carrier, contingent on the determination by the carrier. PFL leave is designated by the disability carrier with a notice to the employee and the employer. At that time, the PFL leave can be formally designated by the operating location.

When PFL Does Not Apply

If the leave is not approved by the carrier as PFL, then the operating location should determine if the leave is a qualifying FMLA leave. If the leave cannot be designated as FMLA or PFL, the employee may still be eligible for leave under other provisions. For example, employees are eligible for six months of leave immediately following the birth or adoption of a child under the RF Child Care leave.

If no other leave protection applies, employees may request vacation, sick, holiday or personal paid time off which may or may not be granted by the operating location under the RF general leave policy, depending on the employee's eligibility and accruals and the needs of the operating location.

PFL Records

The office responsible for RF Human Resources must retain the following documents for each leave request under PFL:

- Leave paperwork provided to the employee (Notice to Employees, Request for Leave Form)
- Signed request for leave form
- Signed employer response to the employee request for leave
- Request form(s) with completed employer portion
- Fully completed and signed request form if submitted to the employer and not directly to the carrier - (If form is submitted directly to the carrier, it should be noted in the file.)
- All correspondence and communication with the employee

Waiver forms must be maintained electronically in the Oracle business system or in the employee's personnel file.

Confidentiality

Operating locations must maintain the confidentiality of medical records related to leave requests.

Continuation of Benefits while on PFL

While on PFL, RF health, dental, and vision insurance benefits in effect at the time of the leave will be continued for employees on approved leave. For information on how to obtain continuation of benefits, payment of premiums and reinstatement of benefits refer to the section on Continuation of Benefits Under FMLA. The same processes are followed for employees on PFL leave.

Definitions (PFL)

Definition of Benefit

The money payable to an eligible employee during family leave

Definition of Serious Health Condition

"Serious health condition" means 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.

1. As used in this subchapter, "continuing treatment or continuing supervision by a health care provider" means one or more of the following:

- a. A period of more than three consecutive, full days during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to illness, injury, impairment, or physical or mental conditions, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:
 - i. Treatment two or more times by a health care provider; or
 - ii. Treatment on at least one occasion by a health care provider, which results in a regimen of continuing treatment under the supervision of the health care provider.
 - b. Any period during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to a chronic serious health condition. A chronic serious health condition is one which:
 - i. Requires periodic visits for treatment by a health care provider;
 - ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and
 - iii. May cause episodic rather than a continuing period of incapacity. Examples of such episodic incapacity include but are not limited to asthma, diabetes, and epilepsy.
 - c. A long-term or permanent period during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to an illness, injury, impairment, or physical or mental condition for which treatment may not be effective. The family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include, but are not limited to, Alzheimer's, a severe stroke, or the terminal stages of a disease.
 - d. A period during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated because he or she is receiving treatment (including any period of recovery therefrom) by a health care provider for:
 - i. Restorative surgery after an accident or other injury; or
 - ii. A condition that would likely result in a period of incapacity of more than three consecutive full days in the absence of medical intervention or treatment. Examples include, but are not limited to, cancer (e.g., chemotherapy and radiation), severe arthritis (physical therapy), or kidney disease (dialysis).
2. As used in this subchapter, the term treatment includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine examinations. Examples of a regimen of continuing treatment includes, but is not limited to, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications (e.g., aspirin, antihistamines, or salves), bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of leave under this subchapter.
 3. Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not serious health conditions unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for leave under this subchapter. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this paragraph are met. Mental illness or allergies may be serious health conditions, but only if all the conditions of this paragraph are met.

Definition of Leave for Adoption

An employee may take family leave before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, submit to a physical examination, or travel to another country to complete an adoption. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.

Definition of Leave for Qualifying Exigency

Family leave benefits for an eligible employee that are based upon a qualifying exigency as interpreted under the Family and Medical Leave Act, 29 U.S.C.S 2612(a)(1)(e) and 29 C.F.R. 825.126(b)(1)-(9), arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States, shall be paid for no longer than the maximum periods of time as set out in section 204 of the Workers' Compensation Law.

Appendix A – Paid Time Off Charts

[Paid Time Off Series I](#)

Employees holding positions in the Research Technical Support and Service, Research/Clinical Investigator, Project/Program Administration title series. Employees holding positions in Administration, Technical and Office Management Salary Structure ([Salary Schedules](#)).

[Paid Time Off Series II](#)

Employees holding positions in the Clerical and Office Support, Technical and Research Specialists Salary Structure ([Salary Schedules](#)).

Appendix B – Oracle and System Processes

The RF uses Oracle as its system of record for PTO accruals earned and used during employment. Accrual rates credited in the system are based on FTE, the appropriate plan element, and the continuous service date on the element or the original hire date on the person form, as well as the assignment status. Accruals are calculated dynamically, so any one of the variables changes, the accrual immediately changes as well. Usages are deducted based on entries the employee makes on their timecards.

Establishing PTO Elements

When an employee is hired or becomes eligible for PTO accruals, the appropriate PTO element(s) should be added to the person’s record with the effective date of the day they become eligible. The appropriate elements will be available to select in the list of element entries based on the assignment category.

Following are the different types of PTO elements that should be used:

Type of Employee	PTO Elements
Employees Eligible for PTO Plan – Series I (Exempt)	PTO Holiday Plan EX; PTO Sick EX; PTO Vacation EX
Employees Eligible for PTO Plan – Series I (Nonexempt 37.5 hour workweek)	PTO Holiday Plan NEX 37 Half; PTO Sick ENEX 37 Half; PTO Vacation ENEX 37 Half
Employees Eligible for PTO Plan – Series I (Nonexempt 40 hour workweek)	PTO Holiday Plan NEX 40; PTO Sick ENEX 40; PTO Vacation ENEX 40
Employees Eligible for PTO Plan – Series II (Nonexempt 37.5 hour workweek)	PTO Holiday Plan NEX 37 Half; PTO Sick NEX 37 Half; PTO Vacation NEX 37 Half; PTO Personal NEX 37 Half
Employees Eligible for PTO Plan – Series II (Nonexempt 40 hour workweek)	PTO Holiday Plan NEX 40; PTO Sick NEX 40; PTO Vacation NEX 40; PTO Personal NEX 40

The element will use the original hire date to calculate the rate of the accrual. If the original hire date is not the date that should be used then each element will need a continuous service date added in the entry values. A full biweekly accrual will be credited if the employee is eligible for 5 or more days in the period.

FTE and Accruals

The Oracle business system also takes into account FTE when determining the biweekly accrual for an employee. The FTE at the start of the pay period (Saturday) is used when calculating the rate for the period.

If the FTE fluctuates during the period the new FTE will be applied at the beginning of the next pay period. Required Leave Accrual Adjustments in Oracle.

Although the system automatically credits accruals and deducts usages based on the time card there are times where manual adjustments to balances will be necessary. The following table describes these adjustments:

The following table describes adjustments to leave accruals that must be made in the Oracle business system under certain circumstances:

If	Then	How
An employee changes from nonexempt to exempt status or vice versa (Accrual element will end date when employment category is changed on Assignment form.)	Add new element the day after the old element ends.	Refer to work instruction Enter an Element for PTO, FMLA, or Military Leave of Absence.
	Transfer balance via positive adjustment element.	Refer to work instruction Enter an Adjustment to a Leave Balance.
	Adjust for first pay period of change, if applicable.	
Adjust holiday balance using element entries or delete the element, as appropriate.	Refer to work instruction Enter an Adjustment to a Leave Balance.	
A nonexempt employee changes normal hours in standard work week.	Change accrual element by end dating current element.	Follow procedure outlined in "Change Benefit Enrollment."
	Add new element.	Refer to work instruction Enter an Element for PTO, FMLA, or Military Leave of Absence.
	Transfer balance from prior element.	Refer to work instruction Enter an Adjustment to a Leave Balance.

Manually Entering Absences

There may be an occasion when an employee's absence will need to be added to manually. The following table describes the steps that must be made in the Oracle business system:

If	Then	How
An absence on an employee's timecard does not transfer during the paid time off transfer process or for any other reason.	Manually add the absence to the employee's record.	<ol style="list-style-type: none"> 1. Select FastPath 2. Select Leave and Accruals 3. Select Absence Information 4. Date Track to appropriate pay period end date. 5. Enter employee's assignment number or name. 6. Select the green + button 7. Select the Absence Type 8. Enter the Actual Start Date and End date of absence 9. Enter the number of days or hours 10. Select the Save button

Oracle Leave Accrual Year-End Carryover Process

The carryover process performs two functions; applies annual accrual limits and carries over balances to the next calendar year.

Every year on January 1st or 2nd, employees' net entitlement balances as of December 31 will be credited to the next year. No adjustments for annual maximums will be done at this time. Every payroll thereafter through the first payroll in March, time that employees have used in the previous year but had not yet been submitted by December 31 will be updated and excess amounts over the maximum entitlements for the year will be removed. Campuses and employees should be aware that after each process runs, balances may change to reflect these adjustments.

Any timecards submitted for the previous year after the last carryover process is run, will need to be reviewed and the campus will need to manually adjust employee balances for any time taken.

Any employee who changes statuses in the first payroll of the year (exempt to nonexempt or vice versa) will need manual adjustments for both the status change and any usage and maximums. Campuses should complete the date adjusted with any date OTHER than the first payroll date in January to avoid having these adjustments being overwritten by the carryover processes.

Oracle System Process for Holidays

NONEXEMPT EMPLOYEES – All full time nonexempt employees have the accrual credited to them for ALL holidays. If an employee observed the day off, "Holiday" should be charged for the Hours Type on the timecard. If an employee works on the holiday, the number of hours worked should be entered with a comment in the comments section stating that he or she worked on the holiday. The holiday accrual is kept for use at a later time. If no comment is entered, the employee will get an error message and will not be able to submit the time card.

NONEXEMPT EMPLOYEES (PART TIME) – Part time nonexempt employees receive the holiday credit based on their work schedule. Part-time employees must have a work schedule on file in order to receive holiday credit and will receive a credit based on the number of hours they are scheduled to work on that day up to a maximum of 7.5 or 8.0 hours. If there is a work schedule on file for an employee, but the holiday lands on a day that the employee is not scheduled to work, the employee will not receive a holiday credit for that day. If a holiday falls on a Saturday or Sunday, the holiday credit will be based on the employee's FTE. If there is no work schedule on file, the employee will not receive the holiday credit.

HOURLY EMPLOYEES – Hourly employees must have a work schedule on file to receive holiday credit. The amount of holiday credited is based on the number of hours scheduled to work in a day up to a maximum of 7.5 or 8.0 hours. If an hourly employee observes a holiday and doesn't work, "Holiday" should be entered. If an employee works on a holiday, the number of hours worked should be entered with a comment in the comment section stating that he or she worked on a holiday.

EXEMPT EMPLOYEES

Campuses that credit holiday accruals in Oracle for ALL Holidays:

(FULL TIME) - Full time exempt employees will receive holiday accruals for each holiday and will select "Holiday" for the Hours Type to show he or she did not work that day. If an employee works on a holiday, no exception should be entered and a comment must be entered in the comments section stating that he or she worked. The accrual is kept to use at a later time.

(PART TIME) – Part time exempt employees receive holiday credit based on their work schedule. Part-time employees must have a work schedule on file in order to receive holiday credit and will receive a credit based on the number of hours they are scheduled to work on that day up to a maximum of 1 day. If a holiday falls on a Saturday or Sunday, the holiday credit will be based on the employee's FTE. If there is a work schedule saved for an employee, but the holiday lands on a day that the employee does not work, the employee will not receive a holiday credit for that day. If there is no work schedule on file, the employee will not receive the holiday credit.

Campuses that credit Exempt Employees holiday accruals for floating Holidays ONLY:

Exempt employees will receive holiday accrual only for floating holidays (based on FTE and work schedule). If an exempt employee works on a floating holiday, the time worked should be entered with a comment in the comments section stating the employee worked. The accrual will be kept for use at a later date. If an employee takes the day off, then "Holiday" should be chosen for the Hours Type on the timecard to charge their time accordingly.

For holidays that are designated and the operating location is closed (non-floating holidays), exempt employees do not need to enter anything on the exception report if the employee is off. If an employee works on that holiday, a comment must be in the comments section stating that he or she worked, and the campus HR dept. will need to manually credit the holiday accrual, so it can be used at a later date.

List of Campuses and Holiday Credit Process

Campuses that credit holiday accruals for ALL holidays:

Albany, SUNY Poly, Binghamton, Brockport, Cortland, Fredonia, Geneseo, Old Westbury, New Paltz, Oneonta, Oswego, Plattsburgh, Potsdam, Purchase, SUNY IT, Alfred, Canton, Farmingdale, Morrisville, ESF, and Optometry

Campuses that credit holiday accruals for floating holidays - Lincoln's Birthday and Election Day:

Downstate, Buffalo State, Empire State, Cobleskill, Central Office and SPO (Sys Admin)

Campuses that credit for floating holidays - Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans Day:

University at Buffalo

Entering Absences Manually

Occasionally the paid time off transfer process does not complete. In these instances, you will be notified by email to manually add the absences that did not transfer.

Monitoring Absences

Absences can be monitored for the entire campus by running the RF Absence Report. In particular, sick usages should be reviewed to identify any absences greater than 3-5 days in order to follow campus processes in requiring doctor's notes or sending FMLA paperwork. (See sections on PTO sick and FMLA) Use the following parameters to review absences related to sick. The date parameters reflect the actual days taken not when they were entered. This report can be run with a text format so it can be opened in Microsoft Excel and sorted.

The screenshot shows a 'Parameters' dialog box with the following fields and values:

- Effective Date: 17-MAR-2016
- Reporting Type (Required Field): Location (Run for 1 Location)
- Location (Required Field): Campus Location Here
- Organization: (Empty)
- Employee: (Empty)
- Date From: Start of Period to Review
- Date To: End of Period to Review
- Absence Type 1: Absence NYC Earned Sick Time
- Absence Type 2: Non Worked Hours Absence Type
- Absence Type 3: Non Worked Time Absence Type
- Absence Type 4: Sick EX Absence Type
- Absence Type 5: Sick NEX 37 Half Absence Type
- Absence Type 6: Sick NEX 40 Absence Type
- Absence Type 7: (Empty)
- Absence Type 8: (Empty)
- Absence Type 9: (Empty)

Buttons at the bottom: OK, Cancel, Clear, Help.

Appendix C – Forms

[Employee Request for Leave](#)

[Family Medical Leave Act](#)

[FMLA Notice of Eligibility and Rights and Responsibilities](#)

[FMLA Employee Rights and Responsibilities under FMLA](#)

[FMLA Designation Notice](#)

[FMLA Forms](#)

[New York State Paid Family Leave](#)

[PFL FAQs](#)

[PFL Statement of Rights \(PFL271\)](#)

[Notice of Compliance \(PFL 120\)](#)

[PFL Claim Forms](#)

[Military Leave](#)

[Bonding with Baby](#)

[Care of Family Member](#)

[PFL Waiver](#)

[Application for Continuation of Benefits](#)

[NYC Accommodations Form for Grant or Denial](#)

Appendix D – FMLA Rolling Back Examples

The rolling method is also commonly known as the “look-back” method by HR professionals. Using this method, the employer will look back over the last 12 months from the date of the request, add all FMLA time the employee has used during the previous 12 months and subtract that total from the employee’s 12-week leave allotment.

Step 1: Determine FMLA Time Needed

The first step is to review the employee’s request for leave and determine the duration of the leave.

Step 2: Determine FMLA Time Previously Taken

The employer would next review the employee’s attendance record for the 12 months preceding the start of the FMLA request and total the amount of FMLA leave the employee has taken in the last 12 months.

Step 3: Determine FMLA Time Left in 12-Month Period

Next the employer would subtract the total amount of FMLA leave taken in the last 12 months from the 12 weeks the employee is entitled to in any 12-month period. This can be done in full weeks, fractions of weeks, days or even hours, depending on how the leave was used.

Step 4: Determine Total FMLA Time Available for This Request

If the employee has not taken any FMLA leave in the previous 12 months, the employee has the full 12 weeks available to use (see Example 1).

If the employee has taken FMLA leave in the previous 12 months, but the current leave requested will not extend into the one-year anniversary of the start of the previous leave, the result from Step 3 will be the amount of leave the employee has available to use (see Example 2).

If the employee has taken FMLA leave in the previous 12 months and the current leave requested will extend beyond the one-year anniversary of the start of the previous leave, the previous leave will “drop off” of the 12-month look-back period one day at a time, thereby rolling off from the FMLA time already taken onto the FMLA time now available. The result from Step 3, plus any time that will roll off from the previous year, will be the amount of leave the employee has available to use (see Example 3).

The Department of Labor (DOL) provides a useful chart on Fact Sheet 28H that provides a visual illustration of the FMLA rolling or look-back method that may be helpful as well.

Examples

In all scenarios below, the employee normally works eight hours per day, Monday through Friday.

Example 1

Scenario

Jane has worked full time for ABC Company for three years. Jane is pregnant and wishes to take 12 weeks of FMLA leave beginning on June 1.

Actions

HR pulls Jane’s attendance record for the last 12 months (May 31-June 1 of the previous year). It shows that Jane has not taken any FMLA leave in the last 12 months.

Because there is no FMLA leave to deduct from Jane's 12-week entitlement, Jane is entitled to the full 12 weeks of FMLA leave for the birth of her baby.

Example 2

Scenario

The HR department has been notified that Bob was in a car accident over the weekend. HR contacts his wife and learns that Bob was seriously injured and will require surgery with three weeks of recovery time.

Actions

- HR pulls Bob's attendance record for the last 12 months. It shows:
 - Bob's wife had a baby eight months ago, and Bob took two weeks of FMLA leave for that event, and
 - Bob's newborn child experienced a serious health condition three months ago, and Bob used four weeks and three days of FMLA leave for that event.
- HR adds the two FMLA events that have occurred in the last year. The two events total six weeks and three days (6 3/5 weeks) of FMLA leave used in the last 12 months.
- HR subtracts the 6 3/5 weeks from Bob's total 12-week FMLA allotment. Bob has 5 2/5 weeks of FMLA left to use while he recovers from his surgery, so the three weeks requested is covered.

7/1/2017	Bob has a car accident
4/11/17 – 5/12/17	Bob took 4 weeks and 3 days FMLA
11/1/2016 – 11/15/16	Bob took 2 weeks of FMLA
Total FMLA between 7/1/2016 – 6/30/2017	6 weeks and 3 days
Total FMLA left	5 weeks and 2 days

Example 3

Scenario

Mary's son has a serious health condition. Mary has notified the HR department that she will need to take two days off per week to take her son to treatment. The treatment is expected to last a total of five weeks, for a total of 10 days (or two weeks) of FMLA time.

Actions

- HR pulls Mary's attendance record for the last 12 months. Her record shows:
 - Mary used 7 weeks of FMLA leave starting 11 months ago because of her son's illness, and
 - Mary suffered a broken leg herself five months ago and took 2 weeks of FMLA leave, and then used another 1.5 weeks of FMLA leave intermittently for physical therapy and follow-up doctor's appointments.
- HR adds the FMLA events that have occurred in the last 12 months. The FMLA time taken in the last 12 months totals 10.5 weeks.
- HR subtracts the 10.5 weeks from Mary's total 12-week allotment. Mary has 1.5 weeks (or 7.5 days) of FMLA left in this 12-month period.
- HR determines that the request to use intermittent FMLA leave will extend past the 12-month anniversary of her previous leave, thereby rolling 3 weeks of leave taken previously off of the 12-month look-back calendar one day at a time, giving Mary the available 10 days of FMLA time she needs for this leave request.

7/15/2017 – 8/19/2017	Mary needs 2 days/week FMLA for the next 5 weeks
2/4/2017 – 2/18/2017	Mary took 2 weeks FMLA

2/19/2017 – 3/19/2017	Mary takes 1.5 weeks intermittent leave
8/1/2016 – 9/19/2016	Mary takes 7 weeks of FMLA
Total between 7/13/2016 – 7/14/2017	10 weeks and 2.5 days
Total FMLA available as of 7/15/2017	1 week and 2.5 days
Total FMLA available as of 7/22/2017	1 week, 2.5 days – 2 days taken in the week = 1 week .5 days
Total FMLA available as of 7/29/2017	1 week, .5 days – 2 days taken = 3.5 days
Total FMLA available as of 8/5/2017	3.5 days + 5 days = 8.5 days – 2 days taken = 6.5 days
Total FMLA available as of 8/12/2017	6.5 days + 5 days = 11.5 days – 2 days taken = 9.5 days
Total FMLA available as of 8/19/2017	9.5 days + 5 days = 14.5 days – 2 days taken = 12.5 days

Appendix E - New York State Paid Family: Claims Process

Process

The NYS Paid Family Leave (NYS PFL) claims process consists of the following steps:

- Requesting NYS PFL
- Sending employees the required forms
- Completing and submitting required forms
- Calculating the Average Weekly Wage
- Running the RF Individual NYS Paid Family Leave Average Weekly Wage Calculation
- Payment

Requesting NYS PFL

Employees must comply with the RF requirements for requesting leave under the RF leave policy and provide enough information for the RF to reasonably determine whether PFL may apply to the leave request.

When practicable, employees must provide 30 days' notice when the leave is foreseeable.

When the need for leave is foreseeable less than 30 days in advance or is unforeseeable, employees must provide notice as soon as practicable under the circumstances. This will generally be the same or next business day following the employee's awareness that leave is required.

Required Forms

The following forms must be sent to employees upon the request for PFL:

- [Statement of Rights](#) (PFL-271S) (PDF)
- [Employee Request for Leave](#) (PDF)
- Application for Paid Family Leave (see below for appropriate 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

Completing and Submitting Forms

The following table shows the steps that are taken after an employee receives the Employee Request for Leave, Notice of Rights and Application for PFL forms.

Step	Who Does It	Bond with a newborn, a newly adopted or foster child	Care for a family member with a serious health condition	Assist family members due to another family member's active military duty or impending duty abroad
1	Employee	Complete the Employee Request for Leave form and completed PFL-1 Part A and send to employer	Complete the Employee Request for Leave form and completed PFL-1 Part A and send to employer	Complete the Employee Request for Leave form and completed PFL-1 Part A and send to employer
2	Campus	Complete PFL-1 Part B, and return to employee within 3 business days	Complete PFL-1 Part B and return to employee within 3 business days	Complete PFL-1 Part B and return to employee within 3 business days
3	Campus	A copy of the completed PFL-1 form should be kept on file at the campus and also sent to central office	A copy of the completed PFL-1 form should be kept on file at the campus and also sent to central office	A copy of the completed PFL-1 form should be kept on file at the campus and also sent to central office
4	Employee	Not Applicable, skip to Step 5	Care recipient completes PFL-3 and provides to health care provider	Not Applicable, skip to Step 5
5	Employee	Complete PFL-2 and collect supporting documentation	Complete "Employee" information at the top of PFL-4 and provide to care recipients health care provider	Complete PFL-5 and collect supporting documentation
6	Healthcare Provider	Not Applicable, skip to Step 7	Health care provider completes PFL-4 and returns it to the employee	Not Applicable, skip to Step 7
7	Employee*	Send completed forms and documentation to insurance carrier: First Reliance Standard Life Insurance Company PO Box 7749 Philadelphia, PA 19101-7749 Fax: (267) 256-3519 Email: ClaimsIntake@rsli.com	Send completed forms and documentation to insurance carrier: First Reliance Standard Life Insurance Company PO Box 7749 Philadelphia, PA 19101-7749 Fax: (267) 256-3519 Email: ClaimsIntake@rsli.com	Send completed forms and documentation to insurance carrier: First Reliance Standard Life Insurance Company PO Box 7749 Philadelphia, PA 19101-7749 Fax: (267) 256-3519 Email: ClaimsIntake@rsli.com If filed by the RF, email: Susana.Betances@rsli.com

		If filed by the RF, email: Susana.Betances@rsli.com	If filed by the RF, email: Susana.Betances@rsli.com	
8	Insurance Carrier	Insurance carrier accepts or denies claim within 18 days and notifies employee and employer of the determination	Insurance carrier accepts or denies claim within 18 days and notifies employee and employer of the determination	Insurance carrier accepts or denies claim within 18 days and notifies employee and employer of the determination
9	Central Office	Ensures Oracle records reflect benefit continuation and monitors PFL payments	Ensures Oracle records reflect benefit continuation and monitors PFL payments	Ensures Oracle records reflect benefit continuation and monitors PFL payments

****If the employee submits the entire completed claim form and supporting documentation to the campus, the campus may submit the claim to First Reliance on behalf of the employee.***

How to complete PFL-1 Part B

The employer is required to complete PFL-1 Part B and return it to the employee within 3 business days. The following table shows the information needed to complete this form.

Field	Field Name	Response
1	Business's full legal name and mailing address	The Research Foundation for SUNY at (insert campus name and address)
2	Employer FEIN	14-1368361
3	Employer's Standard Industrial Classification (SIC) Code	5417
4	Employer's contact name for questions related to PFL	Campus contact name
5	Employer's telephone number	Campus contact phone number
6	Employer's email address	Campus contact email address
7	Employee's date of hire	Employee's date of hire
8	Employee's occupation code	Optional field
9	Enter the last 8 weeks of gross wages for the employee and calculate the average gross weekly wage	Run the "RF Individual NYS Paid Family Leave Average Weekly Wage Calculation" and use this report to assist in completing this field * *see additional details below regarding calculation of the AWW
10	If the employee will receive full wages while on PFL, will the employer be requesting reimbursement?	Check "Yes" if the employee is using full accruals for all or a portion of the PFL leave. Manually write in the date the employee will be paid full accruals through. Check "No" if the employee should receive PFL benefits directly from the carrier and is not using accruals in full.
11a and 11B	In the preceding 52 weeks, has the employee taken leave for NYS DBL, PFL, both or none?	Review leave files and provide leave information as appropriate. NYS DBL should be checked off even if the employee used sick leave for the entire DBL period.
12	Is the employee taking FMLA concurrently with PFL?	Indicate "Yes" or "No"
13	PFL insurance carrier's name and mailing address	First Reliance Standard Life Insurance Company PO Box 7749 Philadelphia, PA 19101-7749

		Fax: (267) 256-3519
14	PFL Carrier's Phone Number	800-351-7500
15	PFL Policy Number	DBL252038

Calculation of the AWW

The AWW is calculated using the gross weekly wages for the 8 weeks preceding the leave and must include bonuses and other forms of irregular remuneration for the 52 weeks preceding PFL. The "RF Individual NYS Paid Family Leave Average Weekly Wage Calculation" report can be run for an individual employee to provide the gross wages, including irregular remuneration, and also calculates the AWW.

The AWW can be calculated in two ways: 1) using the 8 weeks, or portion thereof, the employee worked before leave including the last day work or; 2) using 8 weeks or portion thereof, immediately preceding and excluding the week in which PFL began, whichever is higher. The "RF Individual NYS Paid Family Leave Average Weekly Wage Calculation" should be run both ways to determine which is higher.

How to run the "RF Individual NYS Paid Family Leave Average Weekly Wage Calculation"

The following are the steps to run the "RF Individual NYS Paid Family Leave Average Weekly Wage Calculation" in Oracle:

1. Select "Processes and Reports" from your navigation window
2. Select "Submit Requests"
3. Select "Single Request" and click the "OK" button
4. From the list of values select "RF Individual NYS Paid Family Leave Average Weekly Wage Calculation"
5. Enter your campus code in the "Parent Organization" field
6. Enter the last day worked in the "As of Date"
7. Enter the RF Employee Number in the "Employee Number" field and select OK
8. Click "Submit"

Once the process completes, click "View Output" to see the "RF Individual NYS Paid Family Leave Average Weekly Wage Calculation" for the employee. Run the report again to calculate the AWW for the 8 weeks preceding the PFL leave, not including the week PFL began. Compare the two reports to determine which AWW is higher. Use the higher AWW to complete the claim form.

Payment

First Reliance Standard Life Insurance Company (First Reliance) reviews the application for PFL and approves or denies the claim within 18 days. If the claim is approved, First Reliance will send a check to the employee.

Employees may only receive payment for PFL taken in full day increments. If an employee takes PFL for less than a full day increment, they are not entitled to PFL benefits. However, once the incremental hours add up to an employee's full work day, 1 day of PFL can be designated to the PFL entitlement. The carrier must be notified when the incremental hours add up to an employee's full work day to enable them to appropriately track the employee's PFL entitlement balance.

Additional Information Requirement

First Reliance may request additional documentation if there is unclear or conflicting information on the application for PFL. First Reliance may also request payroll records to verify earnings to determine the Average Weekly Wage for benefit payment.

Appendix F - New York State Paid Family: Waiver Procedure

1. Employee submits a completed waiver form to campus HR/Benefits staff.
2. HR/Benefits staff reviews the waiver form in conjunction with the employee's appointment documentation and work schedule to determine if they agree the employee is eligible to waive the benefit. (e.g. will not work 175 days/52 week period or 26 consecutive weeks). Skip to Step 4 if waiver is approved.
3. If HR/Benefits staff denies the waiver request, the employee should be notified of the denial and the reason for the denial.
4. If HR approves the waiver request, the waiver should be entered into Oracle and the waiver form should be stored in the employees benefits file.

Oracle Entry of New Waivers

1. Navigate to People>Enter and Maintain
2. Click the "Find" button on the People Form
3. Search for the employee by entering one of the following:
 - a. Full Name
 - b. Social Security Number
 - c. Employee Number
4. Once you have selected the employee you are entering the waiver for click, on the "Others" button in the bottom right hand side of the People Form
5. Select NYS Paid Family Leave Waiver from the drop down list
6. If this is the first time a waiver is being entered for an employee, click into a blank line in the details section which will cause the Extra Person Information Waiver Detail form to appear
7. The NYS Paid Family Leave Waiver and the Start Date field are both required. Select yes to indicate the employee is waiving coverage and enter the effective start date of the waiver.
8. Click Save

Oracle Entry to End Date a Waivers

1. Follow steps 1 through 5 above
2. Select the existing waiver in the details section you wish to end date
3. In the Extra Person Information Waiver Detail, enter the end date of the waiver
4. Click Save