

NYS Paid Family Leave (PFL) Q & A

Question 1: **What is NYS Paid Family Leave (PFL)?**

Answer: NYS Paid Family Leave will provide eligible workers with wage replacement during time away from work for eligible reasons.

Question 2: **What are the eligible reasons?**

Answer: To bond with a new child during the first 12 months after the child's birth or the first 12 months after the child's placement for adoption or foster care with the employee.

To provide care for an eligible family member with a serious illness. A serious health condition is an illness, injury, impairment or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential health care facility or continuing treatment or continuing supervision by a health care provider.

To participate in qualifying exigencies as defined in the federal FMLA due to a spouse, domestic partner, child, or parent's active duty military service or notice of a call to order to activity duty

Questions 3: **Who are eligible family members?**

Answer: Eligible family members include: Spouse/domestic partner, child (no age limit), parent, grandparent, siblings, and grandchild. This includes "in-laws", "step", and "in loco parentis" relationships.

Question 4: **How do I become eligible for PFL?**

Answer: To become eligible for PFL, an employee scheduled to work 20 hours or more per week will have to work for 26 consecutive weeks. If an employee's regular employment schedule is less than 20 hours per week, the employee will have to work for 175 days.

Question 5: **Is there a cost for PFL?**

Answer: Yes this benefit is paid for by the employee. The maximum contribution is 0.511% of an employee's weekly wage capped at New York's current average weekly wage (AWW) of \$1,450.17. Deductions will be capped in 2021 at \$385.34 per year (which is .511% of the annual New York State AWW of \$75,408.84).

Question 6: **Will this contribution change?**

Answer: The maximum contribution rate will be established each year in September for the following calendar year.

Question 7: **How much would I receive if I was on PFL?**

Answer: For 2021, the coverage would be for twelve weeks at 67% of an employee's average weekly wage (based on 8 weeks of earnings prior to the leave) capped at the state's average weekly wage as defined annually by New York State.

Question 8: **Was the percentage different in 2020?**

Answer: Yes in 2020 the coverage was ten weeks at 60% of an employee's average weekly wage (based on 8 weeks of earnings prior to the leave) capped at the state's average weekly wage as defined by New York State.

Question 9: **How many weeks would I get in 2021?**

Answer: For 2021 the maximum number of weeks is 12.

Question 10: **Will my position be at risk if I take PFL?**

Answer: PFL is job protected. Employees on PFL are entitled to restoration to "the position of employment held by the employee when the leave commenced or to be restored to a comparable position with comparable employment benefits". Employees are also protected from retaliation if they exercise their rights to PFL.

Question 11: **Can I continue my medical plan with the University?**

Answer: Employees on PFL are entitled to continue health benefits on the same basis as if actively working. However, employees must continue to pay their portion of the premium cost in order to maintain uninterrupted health insurance coverage. If the PFL is supplemented with vacation or PTO, deductions will be taken. If there is not enough pay to cover the deductions or the employee does not supplement their PFL with vacation or PTO, then the unpaid health care premiums will be deducted from the employee's paycheck upon their return to work.

Question 12: **When should I notify the University when I need PFL?**

Answer: An employee is responsible for notifying the University that they intend to apply for PFL benefits. If the request is foreseeable, the employee must provide the University with 30-days advance notice. If the event was not foreseeable, the employee must notify the University as soon as practical, taking into account all of the facts and circumstances.

Question 13: **Is there a form needed to apply?**

Answer: To open a PFL claim the employee must call Hartford, our PFL insurance carrier, at 1-866-548-3101.

Question 14: **Are there other forms involved?**

Answer: Once your claim is called into Hartford, they will explain the process and provide an acknowledgment letter along with any applicable certification forms needed.

Question 15: **Where can these forms be found?**

Answer: The Hartford will send the applicable forms to you. However, these forms will also be available online on the Hartford's website. During the initial call Hartford will explain your options.

Question 16: **What happens next?**

Answer: Hartford, our PFL insurance carrier, will request the “Employer Information” needed from Leave Administration who will submit that information to Hartford within 3 business days.

Question 17: **What if I am on short term disability for maternity and want to continue to remain out to bond with my baby?**

Answer: In this situation, there is no additional forms for the employee to complete. The Hartford short term disability (STD) team will explain PFL and transition the employee to PFL at the end of their STD.

Question 18: **How will you know to notify my supervisor?**

Answer: All employees should follow their department call out procedures and keep their supervisors informed of their need for PFL. Supervisors should enter the PFI code into HRMS to ensure that payment is stopped on the PFL requested dates.

Question 19: **Will Leave Administration enter the PFI codes?**

Answer: Not necessarily. When Leave Administration receives an approval for a PFL request from Hartford, we will check to ensure the codes have been entered into the system so that pay is stopped. If they have not been entered, we will either notify the supervisor or enter the codes. It is important that the supervisor or timekeeper enter the codes as soon as the employee has indicated their need for PFL regardless as to whether an approval has been received. If University pay has not been stopped timely, it will cause an overpayment situation and the employee will need to pay back the overpaid amount.

Question 20: **Is the process then complete?**

Answer: No you need to be sure you submit any required certification forms to Hartford. You can fax them to 1-833-357-5153.

Question 21: **What supporting documentation is needed?**

Answer: The supporting documentation depends on the type of PFL requested.

Bond with a newborn, newly adopted child or a foster child	Bonding Certification (Form PFL-2)
Care for a family member with a serious health condition	Health Care Provider Certification for Care of Family Member with Serious Health Condition (Form PFL-4)
Time off due to a family member’s active Military duty or impending active duty	Military Qualifying Event (Form PFL-5)

Question 22: **What if I am requested to provide my Average Weekly Wage (AWW). How will I know that?**

Answer: You can find your average weekly wage in HRMS through self-service. Log into HRMS, go to Self-Service/Paid Family Leave/Average Weekly Wages.

Question 23: **How are the work schedules determined on the AWW page in HRMS?**

Answer: The system calculated the work days to be used for PFL benefits. For hourly employees, the max is 5 days, and for salaried, the default is 5 days. Employees can review their AWW page in HRMS to ensure the number of days is accurate. If not, the employee has the ability to override the days and put the correct days in the "Enter Actual Days Worked if Different" column. In HRMS go to Main Menu>Self Service>Paid Family Leave>Average Weekly Wages.

Question 24: **Why would my pay stop from the University?**

Answer: When out on PFL the University will stop your pay and your PFL payment will come directly from Hartford.

Question 25: **When the claim is completed and all applicable documentation is submitted, how long does it take to get a response?**

Answer: If all the necessary information or documents are complete, the insurance carrier will process the claim within 18 days.

Question 26: **How will I be notified?**

Answer: Hartford will send you a letter indicating the approval, extensions, or if incomplete the requirement to cure the deficiency.

Question 27: **Do I have to wait for an approval before taking the PFL time requested?**

Answer: No, if you are eligible for PFL, taking time away for an eligible reason, and have provided all the necessary documents, then your PFL should be approved and you should take the dates requested.

Question 28: **If my claim is approved, how will I be paid?**

Answer: Your payment for any PFL day will be from Hartford. Payments are made weekly in the form of a check or direct deposit. These benefits will be taxable.

Question 29: **How do I notify my department that I will be away from work?**

Answer: On the dates when you need to take time away for PFL, you would follow the call out procedures within your department. You will also need to notify Hartford when you are out on PFL. When Hartford approves a claim, they will notify the employee, the "reports to" supervisor in HRMS, and Leave Administration.

Question 30: **How often will I be paid by Hartford for approved PFL time?**

Answer: Payments will be processed on a weekly basis in arrears.

Question 31: **What if I do not need a full day of PFL, can I break it into hours or half days?**

Answer: No PFL runs for a full day, you cannot work on a day that you request PFL.

Question 32: **Since I am not receiving my full pay when on PFL, can I also take vacation or PTO?**

Answer: Yes, you are able to supplement your PFL payments with vacation or PTO. You must notify your supervisor that you wish to take vacation or PTO while out on PFL.

Question 33: **How many hours of vacation or PTO can I supplement with on a day I'm out on PFL?**

Answer: Because PFL is granted in full day increments but the benefit paid is a portion of the employee's salary, the system is programmed to calculate the amount of vacation or PTO time to be used. The program allows up to 1/5 of the standard weekly hours multiplied by the yearly PFL percentage (33% in 2021).

Question 34: **How will my department know what the hours should be?**

Answer: The timekeeper should add a row and enter an estimated time for vacation or PTO in Time and Labor on a day coded for PFI. Upon clicking the save button the system will identify the calculated hours to use for vacation or PTO. If the amount of time entered is less than the percentage allowed, no system message will display.

Question 35: **What if my request for PFL is not approved. Do I have any options?**

Answer: If you are denied for PFL, Hartford will provide you with the reason and describe the appeal process. You will be charged vacation for any days taken as PFI and the request is denied.

Question 36: **Does Short Term Disability (STD) time away count against my 12 weeks of PFL?**

Answer: Perhaps. An employee may only use a combined 26 weeks of STD and PFL during any 52-week period. As an example, if you were on STD for 20 weeks and then returned and needed PFL, you would have 6 weeks remaining in a 52 week period.

Question 37: **How does FMLA impact PFL?**

Answer: FMLA automatically runs concurrently with Workers' Compensation and/or STD. FMLA would also run concurrent with PFL if the reason and family member was also eligible under FMLA.

Question 38: **What if I want to use up my FMLA and then start PFL?**

Answer: If you are eligible for both plans and the reason you are taking FMLA is also eligible under PFL, then they would automatically run concurrently regardless as to whether you applied for both plans.

Question 39: **What is the difference between PFL and FMLA?**

Answer: FMLA is a federal law, whereas PFL is a state law. PFL is paid time off and FMLA is unpaid. FMLA can be used for an employee's own serious health condition, where PFL cannot. PFL provides coverage for additional family members that are not eligible under

FMLA, including grandparents, grandchildren, and parents-in-law. PFL can be taken intermittently for bonding with a child where FMLA may be taken intermittently but not for bonding. PFL must be taken in increments of 1 full day, where FMLA can be taken in less than a day increments.

Question 40: What if my spouse or sibling and I both work for the University and are in need of PFL?

Answer: If you and your spouse or sibling both work for the University, you may both have the ability to be approved for PFL but you cannot be away from work at the same time to care for the same family member.

Question 41: What if I am part time, do I have 12 weeks of PFL?

Answer: If you are a part time employee, your PFL time will be prorated. For example, if you work 3 days per week, your PFL eligibility would also be 3 days per week for 12 weeks.

Question 42: Do I have the ability to opt out of PFL?

Answer: If you are scheduled under 20 hours per week and will not meet the eligibility requirements (175 days) you have the ability to waive PFL. However, should you become eligible at some point in the future, you are required to pay the deductions back to your hire date.

Question 43: If I know that I won't be eligible and understand that if I become eligible, I would owe back deductions but still would like to waive the benefit, what do I need to do?

Answer: You would need to complete the waiver form entitled, Employee Opt-Out of Paid Family Leave Benefits, located in HRMS/Self Service/Paid Family Leave/Waiver.

Question 44: What if I have previously worked 26 consecutive weeks but have changed my status and am scheduled less than 20 hours but have not worked consistently so I have not worked 175 days within the last 12 months. Can I waive the benefit?

Answer: No, once you have met the eligibility you are eligible for the PFL benefit regardless of your change in status unless you have a break in service. In addition, you have to work 175 days to become eligible for PFL, however, once you are eligible, then it is not necessary to work 175 days within the last 12 months.

Question 45: What happens if I waive the benefit and then meet the eligibility requirements for PFL?

Answer: The system will revoke the waiver and begin to take deductions, including the past deductions owed.

Question 46: What if I am out on short term disability (STD) for maternity. Can I apply and receive PFL as well to bond with my child?

Answer: An employee cannot be on STD and PFL at the same time. Once the STD ends, an employee can begin PFL as a block of time or intermittently.

Question 47: Do I need to take PFL to bond with my child immediately after birth or placement?

Answer: No, a parent can take PFL during the first 12 months following birth, adoption, or fostering a child.

Question 48: **What if I started a 2020 claim and it is continuing in 2021. Will I be paid at 67%?**

Answer: The percentage of PFL pay provided is determined by the start of your claim. Therefore, if your claim is a 2020 claim, you would continue to receive 60%.

Question 49: **How would I be able to get the 67% in 2021?**

Answer: If you will need additional PFL time and there is a 3 month break from the last day you took time away under your 2020 claim, you can open a 2021 claim to obtain the 67%.

Question 50: **I am not sure I understand how STD, FMLA, and PFL relate. Are there case examples?**

Answer: Here are some case examples that may help:

Case #1 - An employee was on STD for 20 weeks and then returned to work. A couple months later the employee requested a 12 week block of time for PFL to take care of a family member with a serious illness.

Results: An employee may only use a combined 26 weeks of STD and PFL during any 52-week period. In this case, the employee would only be approved for PFL for 6 weeks because he/she had already used 20 weeks of STD during the previous 52 weeks.

Case #2 - An employee was approved to take 12 weeks of PFL for his grandchild who had a serious health condition. When he returned, he requested intermittent leave under FMLA for his mother's serious health condition. Did he have 12 weeks of FMLA to take?

Results: The 12 weeks of PFL that the employee took did not count against his FMLA entitlement because he did not take PFL for an FMLA-qualified family member (an employee may not take FMLA to care for a grandchild). Therefore, the employee still has 12 weeks of FMLA available.

Case #3 - An employee took 6 weeks of PFL for her son's serious health condition. Upon return to work, the employee became ill with her own serious health condition. She went out on STD and her doctor disabled her for 26 weeks. Was she able to receive STD payments for the 26 weeks she was disabled?

Results: An employee may only use a combined 26 weeks of STD and PFL during any 52-week period. Because the employee already took 6 weeks of PFL earlier in the year, she only has 20 weeks of STD available to her.