



### III. Statutory PFL Benefits

A. An eligible employee may be entitled to benefits for leave taken from work for the following qualifying events:

(1) To participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;

(2) For the employee to bond with the employee's child:

during the first 12 months after the child's birth;

during the first 12 months after the placement of the child for adoption or foster care; or

before the actual placement or adoption of a child if absence from work is required for the placement for adoption or foster care to proceed;

(3) Due to any qualifying exigency pursuant to FMLA, including out of deployment abroad on active military service or an impending call or order to active military deployment abroad in the Armed Forces of the United States for the spouse, domestic partner, or parent of the employee.

PFL will run concurrently with leave under the Family and Medical Leave Act (FMLA) where the leave qualifies under both laws. In these cases, the employee will be required to comply with notice and application procedures under both policies. If an employee whose absence qualifies both PFL and FMLA but declines to apply for PFL benefits (despite being notified they are also eligible for a PFL-qualifying reason), such time will nevertheless count against the employee's PFL allotment.

B. The weekly benefit amount and duration are as follows:

Benefit Stage Effective Date*	Maximum Length of Paid Leave	Maximum Benefit Amount	
		Payable % of Employee's Average Weekly Wage	Statewide Benefit Cap
1/1/2024	12 weeks	67%	\$1,151.16

\*For 2024 the State Average Weekly Wage (SAWW) is \$1,718.15

The benefit rate for the employee's period of family leave shall be the rate that is in effect on the first day of family leave taken.

The 52 consecutive week period is computed retroactively from the first day for which benefits are currently being claimed. A single claim may not cover more than 52 consecutive weeks.

C. Intermittent Leave. PFL can be taken intermittently (in separate blocks of time) in full-day increments. If an employee is taking intermittent FMLA leave in partial increments for a PFL-qualifying reason, and the employee is paid for working part of a day, the University will track the hours taken for FMLA and will deduct one day of PFL benefits from the employee's annual available PFL benefit.

### IV. Employee Notice Requirements When Requesting PFL Benefits

#### A. Foreseeable leave

(1) The employee must provide 30-days advance notice to the University prior to the first day of leave taken for a foreseeable qualifying event. If 30-days advance notice is not practicable, then notice must be given as soon as practicable.

(2) The advance notice must include the anticipated timing and duration of the leave for;

(a) continuous leave; or

(b) intermittent leave. The employee should provide notice as soon as practicable before each day of intermittent leave. The employee shall advise the University and the PFL carrier of the schedule of intermittent leave. The PFL carrier may withhold payment pending submission of a request for payment together with the dates of intermittent leave.

(3) The employee shall advise the University of any change in the timing and/or duration of the leave.

(4) If the employee fails to give 30-days advance notice of foreseeable leave the University may require that the PFL carrier delay the payment of benefits to the employee (known as a partial denial) for a period of up to 30 days from when the notice was given.

## B. Unforeseeable Leave

(1) When the need for continuous leave is unforeseeable, the employee must provide notice to the University as soon as practicable.

(2) When the need for intermittent leave is unforeseeable, the University may require the employee provide notice as soon as practicable before each day of intermittent leave. The employee shall advise the University and the PFL carrier of the schedule of intermittent leave. The PFL carrier may withhold payment pending submission of a request for payment together with the dates of intermittent leave.

## V. Applying for PFL Benefits

A. The employee requests PFL benefits by completing the *Request for Paid Family Leave and Certification form* (PFL-1 claim form), which is available from the PFL carrier or from Human Resources.

B. The employee provides the University with the request for PFL claim form to complete the employer information section. The employee completes the appropriate certifications or proof of claim documentation and submits the request to the PFL carrier. No benefits are to be paid by the PFL carrier until the completed request for PFL together with the necessary certifications or proof of claim documentation have been submitted to the PFL carrier.

C. The employee must submit the completed request for PFL together with the necessary certifications or proof of claim documentation to the PFL carrier no later than 30 days from the first day of leave. For a previously unspecified day of intermittent leave, the request for payment must be made within 30 days of the leave. However, employees are encouraged to file claims as quickly as possible to ensure prompt payment of benefits for qualifying leaves.

D. The PFL carrier will make the final determination on whether the employee is eligible for PFL, whether the reason for the leave qualifies under the law, and whether the employee has provided sufficient documentation to support the need for the leave. This determination is not made by the University. Employees will not receive PFL benefit payments until the claim is fully submitted to and approved by the PFL carrier. The PFL carrier will pay or deny the claim within 18 days of the submission.

#### E. Advance Request for PFL for Foreseeable Qualifying Events.

(1) An employee may submit a request for PFL in advance of the happening of a foreseeable qualifying event. Any such request shall indicate that it is being submitted in advance of the qualifying event.

(2) The PFL carrier will provide the employee with information regarding the claim and the manner in which missing information shall be submitted.

(3) Once PFL carrier receives a completed request for PFL, the PFL carrier shall make the final determination of whether the employee is eligible for PFL, whether the reason for the leave qualifies under the law, and whether the employee has provided sufficient documentation to support the need for the leave.

F. An employee who is absent from work and whose PFL is not fully submitted to or approved by the PFL carrier may be authorized for leave, if eligible, under the University's other leave policies. However, if the employee does not qualify under those policies, or has no available, accrued paid time off, the absence may be treated as unexcused and subject to the University's attendance policies.

#### VI. Employee Use of Accruals and Employer Request for Reimbursement

A. When an employee provides the University with advance notice of PFL, the University provides an option for employees to supplement PFL payments from the carrier with part of unused accruals or other paid time off to receive full salary during the period of family leave. In such situations, the combination of benefits can result in the receipt of more than 100% of an employee's normal wage. Benefit time payments will be paid through the University's payroll department and PFL benefits will be paid by the PFL carrier.

B. For unforeseen PFL and PFL that is determined retroactively, the University provides an option to employees to elect to use all or part of unused accruals or other paid time off to receive full salary during the period of family leave. In such situations, the time off will still count against the employee's maximum PFL allotment and the employee will be paid in full directly from the University rather than receiving monetary PFL benefits from the PFL carrier. The employee will still file a claim for PFL benefits, but the University will request reimbursement for the PFL benefits due by filing its claim for reimbursement with the PFL carrier in accordance with Workers' Compensation Law §205(2)(c).

VII. Restoration to Employment. Employees who return to work at the conclusion of an approved PFL leave will be restored to the same or a comparable position (with comparable employment benefits, pay and other terms and conditions of employment) upon their return from leave.

#### VIII. Maintenance of Benefits

If an employee's PFL claim is approved by the PFL carrier, the University will maintain the employee's health, Rx, dental and life benefits as if the employee continued to be actively employed. Specifically, the University will continue to pay its portion of the employee's premium while the employee is on PFL.

The employee will be responsible for continuing to make their portion of the health premium along with other normal deductions and is expected to make arrangements with Human Resources so that this payment is made in a timely fashion. If the payment is more than (30) days late, the employee's health care coverage may be dropped for the duration of the leave. The University will provide fifteen (15) days notification prior to the employee's loss of coverage.

IX. Appeal Rights. An employee whose claim for PFL benefits has been denied has the right under state law to appeal the determination through an arbitration procedure. Appeal information is available from the PFL carrier.

X. Fraud. An employee who fraudulently obtains PFL leave, or who uses PFL leave in an improper manner, is subject to disciplinary action, up to and including termination.

XI. Protection from Retaliation. The University will not discriminate or retaliate against any employee for inquiring about, applying for or using PFL benefits. Employees who believe they have experienced discrimination and/or retaliation should immediately notify their supervisor or Human Resources.

#### *Definitions for PFL*

*Average Weekly Wage* means, for the purpose of computing the PFL benefit, the average of the total wages of the last eight weeks, excluding the week in which PFL began.

*Child* means a biological, adopted, or foster son or daughter, stepson or stepdaughter, a legal ward, a son or daughter of a domestic partner, or the person to whom the employee stands in loco parentis.

*Family Member* means a child (regardless of age), parent, grandchild, spouse, domestic partner, sibling.

*Foreseeable Qualifying Events* include an expected birth, placement or adoption or foster care, planned medical treatment for a serious health condition of a family member, the planned medical treatment for a serious injury or illness of a covered service member, or other known military exigency.

*Grandchild* means a child of the employee's child.

*Grandparent* means the parent of the employee's parent.

*Sibling* means biological siblings, adopted siblings, stepsiblings and half-siblings. They can live outside of New York State, and even outside of the country.

*Parent* means a biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

*Providing Care* may include necessary physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a caregiver, assistance with essential daily living matters, and personal attendant services.

*Serious Health Condition* means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential health facility, or continuing treatment or continuing supervision by a health care provider. Note that ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, routine dental or orthodontic appointments, etc. do not constitute a serious health condition.

*Statewide Average Weekly Wage* means the average weekly wage of employees in this State for the previous calendar year as reported to the NYS Commissioner of Labor.

*Wages* means the money rate at which employment with a covered employer is recompensed by the employer as more fully set forth in 12 NYCRR 357.1 and in the case of a self-employed person, the person's self-employment income as defined in 26 U.S.C. § 1402(b).