



Technology & Institutional
Effectiveness

Approved By :Leadership

Policy #:4.021

Responsible VP:

Responsible Office:Human Resources

Team **PAID**

FAMILY LEAVE

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POLICY

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Last Updated:
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1. Policy Summary

Under New York State's Paid Family Leave Program, covered employees are eligible for paid family leave within the following structure.

2. Policy Scope

- Full and Part time Non-Teaching Employees with a regular work schedule of 20 or more hours per week after 26 weeks of employment.
- Part time, Temporary and Per Diem Non-Teaching Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked.
- Employees whose work schedules are temporary or seasonal and as such will never reach the 175 days worked may opt out of Paid Family Leave.

3. Policy

Eligible employees are able to receive 50% of their average weekly wage up to the maximum established by the New York State Average Weekly Wage (SAWW) for up to 8 weeks, in 2018. When Paid Family Leave is fully phased in in 2021, the maximum benefits will increase to 67% of an employee's AWW up to 67% of the SAWW for up to 12 weeks.

Paid Family Leave Benefit Schedule

Year	Weeks Available	Max % of Employee Average Weekly Wage	Capped at % of New York State Average Weekly Wage
2018	8	50%	50%
2019	10	55%	55%
2020	10	60%	60%
2021	12	67%	67%

Covered Leave Categories

Bonding with a Child

A parent may take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child. This includes children born, fostered or adopted in 2017 as long as the leave is taken within the first twelve months of the birth, adoption, or fostering.

If both spouses work for Molloy, the College can deny Paid Family Leave to one of the spouses if they have asked for the same period of time-off to bond with the same child.

Family Care

If an employee's family member has a serious health condition, they are eligible to care for them under the Paid Family Leave program. **Family members include spouses, domestic partners, children, parents, parents-in-law, grandparents and grandchildren.** Parent can be biological, foster, or adoptive, legal guardian, loco parentis as well as step-parents.

Active Military Duty Deployment

Paid Family Leave is available when a **spouse, child, domestic partner or parent** of the employee is on active military duty abroad or has been notified of an impending call or order of active military duty abroad.

Employees can take leave to help out with obligations arising out of a call to duty—for example:

- Making alternative child care arrangements for a child of the deployed military member;
- Attending certain military ceremonies and briefings; and
- Making financial or legal arrangements to address the military member's absence.

Paid Family Leave, which provides wage replacement and job security, can be taken by employees who are also eligible for time off under the military provisions in the federal Family Medical Leave Act.

4. Definitions

Average Weekly Wage: The average weekly wage is calculated by averaging gross weekly pay (including overtime) before any deductions are made (such as federal and state taxes or contributions to employee benefit programs for the 8 weeks prior to the start of the Paid Family Leave claim.

New York State Average Weekly Wage (NYSAWW) is the average weekly wage paid in New York State during the previous calendar year as reported by the Commissioner of Labor to the Superintendent of Financial Services on March 31 of each year.

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 supervision by a health care provider.

Ordinarily, conditions such as the common cold, the flu, earaches, upset stomach, minor ulcers, routine dental or orthodontia problems, periodontal disease, etc. do not meet the definition of a serious health condition.

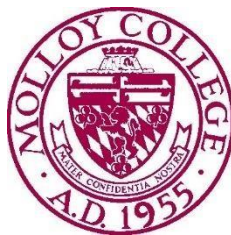
5. Related Policies and/or Documents

302: Leaves of Absence: FMLA

304: Personal Time

306: Vacation Time

Paid Family Leave Policy



Related Procedure for Policy #:

Addendum - Paid Family Leave Procedures

Claim Procedure

When an employee has a foreseeable situation, they should provide the Human Resources Office with 30 days advance notice of their intention to use Paid Family Leave and should include whether or not they will use their vacation and/or personal time to achieve full salary replacement. If the event was not foreseeable, the employee must notify the Office as soon as is possible/practical. If the requested time is “continuous”, the employee must provide the start and end dates of the PFL. If uncertain, they should provide their best estimate of start and end dates and indicate that the dates are estimated. If the dates are periodic, employees should provide the dates the PFL will be taken and should be as specific as possible.

The College is required to submit a completed claim package to the Paid Family Leave insurance carrier within 30 days of their first day of paid leave. The insurance carrier must process the claim and issue a determination within 18 days.

Employers are also responsible for providing insurers with the dates that employees use Paid Family Leave. The Human Resources Office will be responsible for approving all time sheets for employees utilizing Paid Family Leave.

Within 18 days of filing a complete claim for benefits, the Paid Family Leave insurance carrier must pay or deny the claim. If denying the claim, the insurer must provide an explanation in writing. Employees will be paid directly from the Paid Family Leave insurance carrier, not from Molloy College.

Because this law shares many of the same requirements and definitions as the federal Family and Medical Leave Act (FMLA), in most cases the two leave of absence programs will be applied concurrently, NOT one after the other. **It will never intersect with your New York State mandated disability benefits (DBL), which provide a benefit when you need to miss work because of your own disabling illness or injury.**

Employee Documentation

When filing a Paid Family Leave claim, an employee must submit supporting documentation to the insurance carrier, as detailed here:

Childbirth

The documentation requirement for a claim for Paid Family Leave to bond with a newly born child depends on whether the applicant is the birth mother or the second parent.

The birth mother must submit a birth certificate, if available, or documentation of pregnancy or birth from a health care provider. The document must include the mother’s name and the child’s due date or birth date. The second parent must submit, if available, a birth certificate naming them as a parent. If a birth certificate naming the second parent is not available, the second

parent may submit a Voluntary Acknowledgment of Paternity or a Court Order of Filiation naming them as a parent.

If those documents are not available, the second parent can submit birth documentation from the birth mother's health care provider **and** either a marriage certificate or evidence of a civil union or domestic partnership to demonstrate the relationship to the birth mother.

If none of these documents are available, the second parent may submit other documentary evidence of parental relationship to the child, to be evaluated on a case-by-case basis by the carrier.

<https://www.ny.gov/sites/ny.gov/files/atoms/files/bonding.pdf>

Foster Care

A claim for Paid Family Leave to bond with a fostered child requires the submission of a letter of placement issued by a county or city department of social services or local voluntary agency. If a second parent is not named in documentation, a copy of the document plus a document verifying the relation to the parent named in the foster care placement will be needed.

<https://www.ny.gov/sites/ny.gov/files/atoms/files/bonding.pdf>

Adoption

A claim for Paid Family Leave to bond with an adopted child requires a court document finalizing adoption, or, for Paid Family Leave taken before the adoption is complete, a document showing that the adoption process is underway. Examples of proof of a pending adoption include a signed statement from an attorney, adoption agency or adoption-related social service provider that the employee is in the process of adopting a child.

If the second parent is not named in that document, they must also file documentation verifying the relationship to the parent named in the adoption.

<https://www.ny.gov/sites/ny.gov/files/atoms/files/bonding.pdf>

Serious Health Condition

A claim for Paid Family Leave to care for a family member with a serious health condition requires a medical certification, completed by the care recipient's health care provider.

An authorization for personal health disclosure form is required by the HIPAA Privacy Rule and must be completed by the care recipient and retained on file with the health care provider in order to submit the required medical information.

<https://www.ny.gov/sites/ny.gov/files/atoms/files/careforfamilymember.pdf>

Active Military Duty Deployment

A claim for Paid Family Leave to assist loved ones when a family member is deployed abroad on active military duty generally requires either a PFL-5 “Military Qualifying Event” certification or a US Department of Labor “Certificate of Qualifying Exigency for Military Family Leave.” Those forms include (1) military documentation of the family member’s deployment or impending deployment (active duty orders or other notice from the military), and (2) documentation of the reason for leave.

<https://www.ny.gov/sites/ny.gov/files/atoms/files/military.pdf>

Waivers:

If a temporary or seasonal employee does not expect to work long enough to qualify for Paid Family Leave (those who will never reach the 175 days worked requirement), he or she may opt out of paying Paid Family Leave payroll contributions by completing a waiver of benefits form during their onboarding process in the Human Resources Office. This waiver is optional, and an employer may not require that an employee sign a waiver. Employees who complete a waiver will not contribute to Paid Family Leave through payroll deductions and will not be eligible to take Paid Family Leave. If the employee’s schedule changes and will be expected to qualify for Paid Family Leave, the waiver is automatically revoked and the employee is responsible for paying any required Paid Family Leave contributions from the first day of employment.

An employee is not entitled to continue to accrue Paid Time Off while out on Paid Family Leave, but the law and regulations do not prohibit the employer from allowing the employee to continue accruing leave.

Examples/FAQ’S

Claim Examples

Example - 2018:

- An employee who makes on average \$1,000 a week would receive a benefit of \$500 a week (50% of \$1,000), for up to eight weeks.
- An employee who makes on average \$2,000 a week would receive a benefit of \$652.96, because this employee is capped at one-half of the New York State Average Weekly Wage. The SAWW is \$ 1,305.92 in 2017. Fifty percent of the SAWW would mean the employee gets \$652.96 per week on Paid Family Leave, for up to eight weeks.

Example - 2020:

- An employee who makes on average \$1,000 a week would receive a benefit of \$600 a week (60% of \$1,000), for up to ten weeks.
- An employee who makes on average \$2,000 a week would receive a benefit of \$822.73, because this employee is capped at sixty percent of the New York State Average Weekly Wage. The SAWW is \$ 1,371.22 (**Estimated** SAWW for 2020). Sixty percent of the SAWW would mean the employee gets \$822.73 per week on Paid Family Leave, for up to 10 weeks.

Frequently Asked Questions:

Does Paid Family Leave cost me anything? *New York's PFL is entirely employee-funded. That is, the benefit is paid for by employees. Beginning on or after January 1, 2018, you will see a payroll deduction to pay for your PFL benefit. Use the ny.gov/pflcalculator to view an estimate of your weekly payroll deduction.*

Do I have to participate in the Paid Family Leave program? *Yes, PFL is not optional for most employees. The exception is if you are in a job that will not allow you to attain the 26 continuous weeks or 175 days needed to qualify for PFL, such as a summer only employee.*

I am pregnant; will I be able to receive Paid Family Leave during my pregnancy? *PFL only begins after birth. It is not available for pre-natal conditions.*

Will I be able to use Paid Family Leave to take care of an eligible relative living outside New York? *Yes, as long as you are caring for an eligible family member and provide the medical certification.*

Will I be able to use Paid Family Leave if I work part-time? *In most instances, yes. You must work 175 days part-time to be eligible for a PFL benefit.*

I am collecting workers' compensation. Will I be able to use Paid Family Leave? *If you are not working and are collecting workers' compensation, you may not use PFL.*

Will I have to take all of my sick time and/or vacation before I use Paid Family Leave? *Molloy will permit you to use vacation and/or personal leave to achieve full salary replacement, but will not require you to use this time.*

Can I take Paid Family Leave and use my sick and/or vacation time together so that I receive my full salary? *Molloy will permit you to use vacation and/or personal leave to achieve full salary replacement, but will not require you to use this time.*

Will my spouse and I be able to use Paid Family Leave at the same time? *If you and your spouse both work for Molloy, the College reserves the right to deny PFL to more than one employee at the same time to care for the same family leave recipient, or to bond with a child.*