

New York State Paid Family Leave (PFL)

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Policy Statement

New York State Paid Family Leave ("PFL") will provide eligible workers with wage replacement during time away from a job to:

Bond with the employee's 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.

Provide care for a family member with a serious illness. The definition of family member includes a biological or legal relationship and in "loco parentis" in definitions of child and parent. These include:

- spouse/domestic partner
- child (no age limit)
- parent and parent-in-law
- sibling
- grandparent of employee
- grandchild (child of employee's child)

Participate in "qualifying exigencies" as defined in federal Family and Medical Leave Act due to a spouse, domestic partner, child, or parent's active-duty military service or notice of a call or order to active duty. Qualifying exigencies include:

- attending certain military events
- arranging for alternative childcare
- caring for a military member's parent who is incapable of self-care when the care is necessitated by the member's covered active duty
- addressing certain financial and legal arrangements
- attending certain counseling sessions
- attending post-deployment reintegration briefings

PFL may be taken on a continuous or intermittent basis.

Eligibility

Employers with one or more employees are required to comply with PFL. Out of state employers with employees in New York State are also subject to the law for their New York employees.

All eligible employees are entitled to participate in PFL.

- Full-time employees: If you work a regular work schedule of 20 or more hours per week, you are eligible to apply for PFL after 26 consecutive weeks of employment.
- Part-time employees: If you work a regular work schedule of less than 20 hours per week, you are eligible to apply for PFL after working 175 days (actual workdays regardless of number of hours worked per day), in a 52 consecutive week period.

This policy does not apply to students, independent contractors, consultants, and other non-employees.

Benefit Amount and Implementation

In 2024, the PFL benefit is 67% of the employee's Average Weekly Wage, not to exceed 67% of the New York State Average Weekly Wage, for a maximum of 12 weeks. The New York State Average Weekly Wage in 2024 is \$1,718.15. As such, 67% will be a maximum of \$1,151.16 per week.

Effective Date

Provided that they have met the eligibility requirements, employees will be able to apply for PFL under this policy. Newly hired employees will not be able to use any paid family leave until they meet the eligibility requirements.

Employee Contribution

All employees pay for the coverage through payroll deduction at a 2024 rate of 0.373% of their weekly wage, not to exceed the annualized statewide average weekly wage. This means that an employee's 2024 annual deduction will not exceed \$333.25.

For a newly hired employee, the deduction will begin immediately with his or her first paycheck.

You can only opt out of Paid Family Leave if you do not expect to work for the minimum amount of time required for eligibility. If you meet this criterion and wish to opt out, you can do so by completing a [PFL waiver](#). A waiver of family leave benefits may be filed when:

- Your schedule is 20 hours or more per week, but you will not work 26 consecutive weeks.
- Or

- Your schedule is less than 20 hours per week, and you will not work 175 days in a 52 consecutive week period.

Please note that if you waive coverage:

- The deduction will cease on the first payroll following receipt of your waiver form. Deductions already processed will not be refunded.
- If you subsequently become eligible for New York PFL, you will be subject to retroactive premium payments from January 1st of the calendar year in which you became eligible.

Applying for PFL

Employees are responsible for notifying Reliance Matrix and University Benefits Office if they intend to apply for PFL benefits. If the PFL request is foreseeable, the employee must provide the Pace with 30-days advance notice so they can plan for the employee's absence. If the event was not foreseeable, the employee must notify the Pace as quickly as possible.

Filing a Claim with the PFL Carrier

Once all forms and documentation have been completed, the employee sends the information directly to Reliance Matrix who reviews the claim. Reliance Matrix will reply within 18 days. If Reliance Matrix approves the claim, it is processed, and benefit payments begin. If the claim is denied, Reliance Matrix will provide the reason.

Employees can find more information about filing a claim by calling the New York State PFL toll-free helpline at (844) 337-6303.

Interaction with Family Medical Leave Act (FMLA), Vacation Time and other State and Federal Laws

NYS Disability – Since PFL is part of the disability law, eligible employees may not take more than a combined total of 26 weeks in any 52-week period. An employee's own illness is not covered under PFL.

Federal Family & Medical Leave Act – For employers with 50 or more employees subject to FMLA and where the employee is eligible for both leaves, FMLA will **run concurrently**.

NYS Paid Family Leave	Federal FMLA
Company with 1 or more employees	Company with 50 or more employees
Employee eligible after 6 months FT employment (or 175 days for PT)	Employee eligible after 1 year employment and must have worked 1250 hours in the 12-month period immediately preceding the need for leave
<p>Up to 12 weeks <u>paid</u> leave (implementation starts at 8 weeks leave).</p> <p>By law, the required tracking year will be the 52- week look back period.</p>	Up to 12 weeks unpaid leave in 1 FMLA tracking year period designated by employer.
Does not apply to employee’s own illness. Also applies to bonding with newborn/adoptee, foster child, caring for spouse/domestic partners, parent-in-law, employee’s grandparent, and employee’s grandchild (child of the employee’s child) as well as military exigency as defined in FMLA.	Applies to employee’s own illness as well as to care for a spouse, child, parent, military exigency, and service member care leave, many of which are similar events as NYS paid leave.
Job restoration guarantee	Job restoration guarantee
Health insurance continuation on the same basis as if working. Employee must continue to pay required premiums.	Health insurance continuation on the same basis as if working Employee must continue to pay required premiums.

Employees who are on both PFL and FMLA are required to use accrued vacation time in full-day increments. The time off will run concurrent to the leaves. Unaccrued vacation time may also be used. If the PFL is not FMLA eligible, the employee may opt to use vacation time but will not be required to do so.

Health Insurance Continuation

Employees on PFL who participate in the Pace's health insurance plan are entitled to continue health benefits on the same basis as if actively working. Employees, however, must continue to pay their portion of the premium cost while on PFL in order to maintain uninterrupted health insurance coverage. Premium payments must be sent to Pace University, University Benefits, Goldstein Academic Center, 1st Floor, 861 Bedford Road, Pleasantville, NY 10570.

All other benefits cease during periods of continuous NY Paid Family Leave.

Employee Job Protection

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."

Collective Bargaining

This policy will not apply to employees covered by a valid collective bargaining agreement if the agreement expressly waives them and provides a comparable benefit for the employees.

Non-Retaliation

The University will not in any way retaliate against an employee for exercising or attempting to exercise his/her rights under the PFL. These rights include (but are not limited to):

- Inquiring, applying or using the benefits under the PFL.
- Informing an employer, union or legal counsel about alleged violations of the PFL.
- Filing a complaint about alleged violations of the PFL.
- Participating in an investigation of alleged violations of the PFL.
- Informing other employees of their rights under the PFL.

Contact and Legal Disclaimer

Pace University

Human Resources

Goldstein Academic Center, 1st Floor

861 Bedford Road, Pleasantville, NY 10570

914-923-2730

Legal Disclaimer

This policy is compiled using information published on NYS Paid Family Leave website and is designed to be a Pace University policy that reflects the regulations of the NYS PFL law. This policy may be amended periodically as determined by the University.

Employee Frequently Asked Questions (FAQ)

When do I need to file a claim?

If you have a foreseeable situation, you must give 30-days advance notice so the University can plan for your absence. If the event was not foreseeable, you must notify Pace as quickly as possible. If you fail to do so without unusual circumstances justifying the failure, your PFL can be delayed or partially denied.

How will I be paid?

You will be paid by check directly by Reliance Matrix. You will not be paid the PFL benefit through Pace University.

When will I be paid?

Within 18 days of filing a complete claim for benefits, Reliance Matrix must pay you or deny the claim and provide an explanation of the denial.

Will I be able to take Paid Family Leave on an hourly basis?

No, PFL is only available in full day increments.

If I receive 8 weeks of Paid Family Leave benefits to bond with my newborn and then one of my parents becomes seriously ill later in the year, will I be able to receive Paid Family Leave benefits again since it is for a different reason?

No. An employee is only eligible for the maximum benefit for the year he/she applies.

Can an employee use Paid Family Leave for part of the work week?

Paid Family Leave can be taken all at once or intermittently but must always be taken in full day increments. For example, if a normal workday for a part-time employee is four hours long, you can take Paid Family Leave for the four-hour work day. You cannot take only two hours of Paid Family Leave that day and work the remaining two hours.

If I take PFL on an intermittent basis, how many days am I eligible for in 2024?

For full-time employees, who work 5 days a week, you are eligible for 60 days (equivalent of 12 work weeks). For part-time employees, the number of days is equal to the number of days you regularly work in a week times 12.

Can I take both disability and Paid Family Leave?

Your combined disability leave and PFL in any 52 week period may not exceed 26 weeks. PFL cannot be taken for an employee's own serious health issue.

Do I have to participate in the Paid Family Leave program?

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.

I am pregnant. Will I be able to receive Paid Family Leave during my pregnancy?

PFL only begins after short-term disability leave ends.

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.