



**Governed by:** Human Resources

**Approval Date:** October 10, 2023

**Last Updated:** 10/10/2023

**Policy:** Paid Family Leave (PFL)

### ***Overview of Purpose:***

In accordance with the New York State Paid Family Leave Benefits Law, CEO provides eligible employees with time off to care for family members under certain circumstances. See Paid Family Leave (PFL) for additional information.

Employees on paid family leave (PFL) will receive partial pay through an insurance policy funded by a small weekly post-tax payroll deduction (set in accordance with state law). Payroll deductions begin on the employee's first day of employment. Pursuant to state law, participation in the PFL program is mandatory for all employees, except for those eligible for a waiver, as explained in the Waiver section below.

In some instances, leave will qualify and be counted as both FMLA and PFL. In these cases, the employee will be required to comply with notice and application procedures under both policies. Please refer to the Family Medical Leave Act procedure for additional

### ***Eligibility:***

- A full-time employee (regularly scheduled for at least 20 hours per week) is eligible to take PFL after they have been employed by the Agency for 26 weeks.
- A part-time employee (regularly scheduled for less than 20 hours per week) is eligible to take PFL after working 175 days.
- Time spent on Agency paid time off will be counted towards eligibility, provided deductions were taken during that paid time. However, time spent on short-term disability or unpaid leave is not counted.

### ***Amount of Leave Available:***

The amount of PFL available will be phased in over several years. The maximum amount of leave available in a 52- week period is 12 weeks. The 52-week period is counted by measuring backwards from each day for which PFL is taken. PFL may be taken in weekly or daily increments.

In the event an employee also collects Short Term Disability benefits for their own disability (DBL), the maximum amount of time that can be taken under state law for both DBL and PFL is 26 weeks in a 52-week period.

No more than one related employee may use PFL to care for the same family member at the same time. For example, if both spouses work for CEO, CEO may deny PFL to one spouse if both have

requested the same period of time off to bond with the same child. However, spouses could take PFL to bond with the child at different time periods.

### ***Benefit Levels:***

Employees do not continue to receive their full pay from the Agency during PFL. Rather, after filing a claim with the Agency's PFL carrier, employees will receive a partial wage replacement benefit directly from the PFL carrier. See Applying for Leave Benefits below. Benefit levels are set by state law as a percentage of the employee's weekly income, subject to a statewide cap set by the state each fall and effective January 1.

If a continuous PFL leave spans across calendar years, the employee's benefit amount is set at the start of the leave and does not increase during the leave.

### ***Qualifying Reasons for PFL:***

Once eligible, employees can apply to take PFL for the following reasons:

- To provide care for a child (regardless of age), parent (including parent-in-law), grandparent, grandchild, sibling, spouse and/or domestic partner with a "serious health condition." Providing care includes necessary physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters, and personal attendant services. During the leave, the employee must be in close physical proximity to the care recipient. Serious health condition means an illness, injury, impairment or physical or mental condition, including transplantation preparation and recovery from surgery related to organ or tissue donation, that involves either inpatient care or continuing treatment or supervision by a health care provider. This includes preparation for and recovery from surgery related to organ or tissue donation. For further detail as to whether a particular condition qualifies as a serious health condition, please consult Human Resources.
- Please note that ordinarily, unless complications arise, the common cold, the flu, earaches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., do not constitute a serious health condition.
- To bond with a new child following the birth, adoption, or placement in foster care. In the case of adoption or placement, leave may be taken prior to the adoption or placement if the employee's absence is necessary for the placement or adoption to proceed. The total leave must be taken within one year of the first day of leave, or within one year of the adoption/placement, whichever is earlier. In the case of a birth, the leave must be taken within the first year following the child's birth.
- To attend to a qualifying exigency arising out of the fact that the employee's spouse, domestic partner, child, or parent is on or has been called to military active duty. If you have questions regarding the definition of qualifying exigency, please consult Human Resources. Or the definition of qualifying exigency can be found in the Company's FMLA policy. PFL is not intended, nor available for the employee's own disability or serious health condition. Disability and/or FMLA may be available in those circumstances. Please see the Agency's New York State Disability Benefits and FMLA policies for further information. PFL will run concurrently with leave under the FMLA policy where the leave qualifies under both laws. If

an employee whose absence qualifies for both PFL and FMLA declines to apply for PFL benefits (despite being notified they are also taking leave for a PFL-qualifying reason), such time will nevertheless count against the employee's PFL allotment.

### ***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-day increments for a PFL-qualifying reason, and the employee is paid for working part of a day, The Agency will track the hours taken as FMLA. When the total hours taken reaches the number of hours in the employee's usual workday, the Agency will deduct one day of PFL benefits from the employee's annual available PFL benefit.

### ***Employee Notice Requirements:***

Employees must provide the Agency with notice prior to the start of any family leave by contacting their supervisor or Human Resources. If the need for leave is foreseeable, such as for planned medical treatment or appointments, or to bond with a child, the employee must provide at least 30 days' advance notice, or as soon as the need for the leave is known.

If an employee fails to give 30 days' notice of a foreseeable PFL leave with no reasonable excuse for the delay, the Agency's PFL carrier may partially deny the leave claim for a period of up to 30 days from the date the notice is given.

If the need for leave is not foreseeable, such as in the case of a medical emergency, change in circumstances, or lack of advance knowledge, employees are expected to adhere to the Agency's normal and customary call-in procedure, which requires employees to notify their Supervisor/Manager no later than their scheduled starting time of their inability to report for work as scheduled.

If the leave is taken on an intermittent basis, the employee must provide notice to the Agency as soon as they are aware of the need for leave before each day of leave, unless their supervisor/manager is aware the employee will be absent for a specified number of consecutive days.

Whenever possible, the employee is expected to schedule PFL time in a manner that minimizes disruptions to the department and operations of the Agency.

### ***Applying for Leave Benefits:***

In addition to notifying Human Resources of the need for leave, in order to receive income replacement benefits while on PFL, the employee must submit a claim using the Request for Paid Family Leave form (PFL-1) to the Agency's PFL carrier, as well as the appropriate certification form (PFL-2, PFL-3, PFL-4, and/or PFL-5) and supporting documentation. The claim forms provide details regarding the documentation that will be required to support the request for PFL benefits. Claim forms are available from Human Resources.

Prior to submitting the Request for Paid Family Leave form to the carrier, the employee must provide the form to Human Resources for completion of the employer section. The Agency will submit the completed form to the carrier. An employee will not receive benefit payments until the

claim is fully submitted and approved. The carrier will pay or deny the claim within 18 days of the submission. A copy of the full policy and claim forms can be obtained in the Human Resources office.

If an employee is seeking payment for a previously taken time off (e.g., an absence due to an unforeseeable emergency), the claim must be filed with the PFL carrier 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.

The Agency's PFL carrier will 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 leave. The determination is not made by CEO.