

## **New York Paid Family Leave effective January 1, 2018**

The Cooper Union for the Advancement of Science and Art has established the following leave policy for those who are protected by state laws governing mandated leave. For purposes of this policy language, the name "The Cooper Union for the Advancement of Science and Art " and the term "Employer" are used interchangeably.

Nothing described in this policy is intended to confer paid leave entitlement to any The Cooper Union for the Advancement of Science and Art employee other than individuals directly protected by the New York law, and who satisfy all the conditions required to qualify for leave. Please contact The Cooper Union for the Advancement of Science and Art Human Resources Department should you have further questions.

### **Background**

New York's Paid Family Leave ("NYPFL") program provides wage replacement to employees to help them bond with a child, care for a close relative with a serious health condition or help relieve family pressures when someone is called to active military service.

Qualified employees are generally able to return to their job (reinstatement) and continue their health insurance if health benefits have been made available. Employees who contribute to the cost of their health insurance must continue to pay their portion of the premium cost while on Paid Family Leave as if the employee was actively working.

The Cooper Union for the Advancement of Science and Art's HR team will separately communicate details explaining the specific payment obligations required to keep health coverage benefits in place during the approved leave period.

### **Eligibility**

Employees with a regular schedule of 20 or more hours per week are eligible for NYPFL after 26 weeks of continuous employment.

Employees with a regular schedule of less than 20 hours per week are eligible for NYPFL after 175 days of active employment.

Employees do not have to take all of their sick leave and/or vacation before using paid family leave. An employer may permit employees to use sick or vacation leave so that they may continue to receive full pay, but may not require employees to use available sick or vacation leave prior to or concurrent with taking NYPFL. **Employees taking Paid Family Leave must use it concurrently with any internal policies already in place.**

An employee's own illness is *not* covered by the Paid Family Leave Law; rather, the employee must use Short-Term Disability, Family Medical Leave under FMLA (if eligible), and/or earned/available sick or PTO time. If an employee needs to combine the Paid Family Leave to care for a close relative, and Short-Term Disability to care for themselves, the employee will only have a total of 26 weeks of paid leave available to them in one calendar year under both of these

benefits.

### **Documentation & Definitions**

Beginning on January 1, 2018, employees who provide Proper Documentation may be eligible for up to eight (8) weeks of Paid Family Leave.

"Proper Documentation" for each of the qualifying events is defined as follows:

#### **For Childbirth:**

**For the birth mother:** Birth Certificate or physician's note declaring mother's name and due date of child.

**For the secondary parent:** Birth Certificate naming them as a parent, or a Voluntary Acknowledgement of Paternity or a Court order of Filiation naming them as 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.

#### **For Foster Care:**

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.

#### **For Adoption:**

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.

#### **Serious Health Condition for Close Family Member:**

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.

#### **Active Military Duty Deployment:**

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.

### **How This Works:**

#### **Maternity and New Parent Leave**

Paid Family Leave only begins after birth, and it not available for prenatal conditions. A parent may take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child.

**Paid Family Leave may also be used to care for a close relative with a serious condition. A close relative includes:**

- Spouse
- Domestic partner
- Child
- Parent
- Parent-in-law
- Grandparent
- Grandchild

**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.

For example, you need one or more full days to care for your mom when she undergoes chemotherapy; or your dad is having surgery followed by extensive recuperation; or your child is undergoing intense psychotherapy and is unable to attend school for a period of time. You can take NYPFL in these types of instances.

#### **Active Duty Deployment**

NYPFL is available for families eligible for time off under the military provisions in the federal Family Medical Leave Act when a spouse, child, domestic partner or parent of the employee is on active duty or has been notified of an impending call or order of active duty.

NYPFL cannot be used for one's own disability or qualifying military event. It may only be taken to care for your:

- Spouse
- Domestic partner
- Child
- Parent

Starting January 1, 2018, NYPFL will be phased-in over four years according to the following schedule:

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

Employees may take the maximum benefit length in any given 52-week period. The maximum benefit is eight weeks during the first year, 10 weeks during the second and third years, and 12 weeks the fourth and subsequent years. The 52-week clock starts on the first day the employee takes Paid Family Leave.

#### **How to Apply**

- Employee notifies employer 30 days prior to leave, when practical.
- Employee fills out a claim form according to employer instructions. Claim forms are available from the Human Resources Department.
- Employee obtains supporting documentation for leave (birth certificate, military deployment certification, etc.)
- Employee submits claim form and supporting documentation to the Human Resources Department. Our Insurance carrier must pay or deny claim within 18 days of receipt of the completed claim.

#### **Possible restrictions affecting PFL use**

- Employees should be aware that under certain circumstances, NYPFL may be limited, or unavailable, including:
- If the employee is receiving total disability payments as part of a claim for workers' compensation;
- If the employee is not employed, or is on administrative leave from employment;
- If the employee is already collecting employer-provided sick pay, or paid time off;
- If the employee works at least part of that day with pay; or
- If married employees each seek to simultaneously use the same time for the same family member when both spouses are employed by The Cooper Union.

In addition, if an employee experiences a leave-entitling event that qualifies for protections under both NYPFL and FMLA, then both the NYPFL and the FMLA will run concurrently so as to reduce the overall period of available leave to the maximum extent permitted under applicable law.