

NEW YORK STATE PAID FAMILY LEAVE POLICY

Starting January 1, 2018, employees working in New York may be entitled to a paid leave of absence under the New York Paid Family Leave (“PFL”) law when they need time off to care for a family member, bond with a child or for certain qualifying exigencies. PFL provides eligible employees with a right to paid leave, continuation of health insurance benefits and job restoration for certain family reasons.

Paid Family Leave Benefit

NYS Paid Family Leave 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
 - 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 activity 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

Benefits During Leave

The weekly monetary benefit will start at 50% of the employee’s average weekly wage capped at 50% of the state average weekly wage.

The benefits will rise over a four year period until reaching 12 weeks at 67% of pay in 2021.

Year	Weeks Available	Maximum % of Salary	Cap % of State Weekly Wages
1/1/2018	8	50%	50%
1/1/2019	10	55%	55%
1/1/2020	10	60%	60%
1/1/2021	12	67%	67%

Eligibility

To be eligible, an employee must:

(A) Regularly work 20 or more hours per week for at least 26 consecutive weeks;

OR

(B) If working less than 20 hours per week, work at least 175 days prior to leave.

Duration of Leave

PFL provides eligible employees up to up to eight (8) weeks (increases to ten (10) weeks on or after January 1, 2019 and up to twelve (12) weeks on or after January 1, 2021) paid leave within any 52 consecutive week period. The 52 consecutive week period is determined retroactively with respect to each day for which PFL benefits are currently being claimed.

Employees may request to use available paid time off during PFL to supplement the payments from insurance carrier.

An employee who is eligible for both statutory short-term disability benefits and PFL during the same period of 52 consecutive calendar weeks may not receive more than 26 total weeks of disability and PFL benefits during that period of time. Statutory short-term disability benefits and PFL benefits may not be used concurrently.

Intermittent Leave and Reduced Leave Schedules

PFL leave may be taken for a period of consecutive days or week or intermittency.

Leave can be taken intermittently in increments of one full day or on a reduced leave schedule, except that an employee may only take intermittent or reduced leave to care for a family member with a serious health condition where it is shown to be medically necessary. Employees must provide notice as soon as is practicable before each day or intermittent leave. PFL may not be taken in partial days, such as working for half day and taking a half day leave.

Policy

Health benefits will be maintained during PFL under the same conditions as if the employee continued to work. Contributions towards the cost of health benefits will be deducted from salary continued through accrued paid time off. Once continued wages cease, employees are responsible to submit their portion of the premium payments until they return to work.

Failure to make payments within 30 days of the due date may result in cancellation of group health insurance retroactively back to the last day that coverage was paid through.

To the extent allowed under the law, YMCA reserves the right to recover health insurance premiums from employees who fail to return to work at the end of the PFL-qualifying leave.

Employees will not accrue additional paid time off or receive holiday pay once accrued paid time off has been exhausted.

Employees are required to contact YMCA on the first business day of each month regarding their status and intention to return to work.

When returning to work from PFL, an employee may be able to return to the job held before the leave or will be offered an equivalent job.

Failure to return to work within three days of the end of the leave will be considered a voluntary termination.

Coordination of PFL with FMLA and Other Leave Policies

YMCA will run PFL concurrently with FMLA, Paid Time Off or other Leave Policies whenever permissible under the law.

Funding of Paid Family Leave

PFL benefits are paid directly from the insurance carrier. New payroll deductions will fund the benefits that are paid to eligible employees from this program. A contribution rate will be determined each year and will be distributed by September 1 for the following year.

Beginning January 1, 2018, the rate will be 0.126% capped at the average weekly wages of \$1,305.92. For 2018, the maximum amount that could be deducted per biweekly payroll is \$3.30.

An employee has the option to file a waiver of PFL and therefore not be subject to deductions when his or her regular employment is: (i) 20 or more hours per week but the employee will not work 26 consecutive weeks; or (ii) less than 20 hours per week and the employee will not work 175 days in a 52 consecutive week period.

Procedures

When the leave is foreseeable the employee is required to give at least 30 days advanced notice.

When 30 day notice is not possible, the employee is required to give notice as soon as practicable.

Employees should be prepared to provide proper documentation to substantiate the need for a military family leave.

Employees should be prepared to provide medical certification from a health care provider that they or a family member have a serious health condition.

Employees are required to explain the reasons for the leave so that the PFL eligibility determination can be made.

Employees are required to follow normal procedures for reporting an unplanned absence except that they may call Human Resources directly to explain sensitive medical and/or personal family situations. If determined to be eligible, the employee is further required to specifically identify when a subsequent absence is PFL related. This is a summary of an employee's rights under New York Paid Family Leave. Please ask Human Resources to determine your eligibility for PFL leave and to get information about your specific situation.