

Syracuse University
Office of Human Resources

Paid Family Leave: Information for Managers and Supervisors

December 1, 2017



Paid Family Leave

Agenda

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Hello and welcome to this overview of the new Paid Family Leave benefit for Syracuse University staff that will be available starting January 1, 2018. This overview is intended for managers and supervisors to familiarize you with the benefits that will be available, and your role in ensuring that employees are able to take a paid leave of absence as allowed under the program.

Syracuse University is proud to offer a comprehensive suite of family-friendly benefit programs, including generous paid time off. When personal events occur that require an employee to take a brief leave of absence for a qualifying reason, Paid Family Leave can provide job-protected, partially-paid leave of up to 8 weeks off in 2018 with the ability to continue health benefits. This video will review more details about the program, including who is eligible to take a Paid Family Leave, the types of events for which a Paid Family Leave may be taken, and how to request a leave.

If you have additional questions at the conclusion of this video, please contact your Senior HR Business Partner or the HR Service Center for assistance.

Overview of Paid Family Leave

What is Paid Family Leave?

Effective Jan. 1, 2018, eligible employees will be able to take paid time off to:

- ✓ **Bond** with infant newborn or newly placed adopted or foster child
- ✓ **Care** for a family member with a serious health condition
- ✓ **Handle** matters when a family member is called to active military service (aka, “military exigency”)

Beginning January 1, 2018, Syracuse University will provide paid family leave benefits to staff in recognition of New York State Paid Family Leave. New York is joining California, New Jersey, and Rhode Island as the only other states in the U.S. that require this benefit.

Paid Family Leave may be taken when an employee needs to take time away from work for the following reasons:

- Bond with a new child, whether the child is a new biological child of the employee, or an adopted child or foster child;
- Provide care and support to a close family member with a serious health condition; and
- Handle personal, financial or legal matters that arise when a close family member is called to active duty in the U.S. Armed Forces. This is also referred to as a military exigency.

This presentation will include more details about when employees become eligible to take a leave, which family events qualify for leave, and what types of documentation are required to support the need to take a paid family leave absence.

Overview of Paid Family Leave

Overlap with Family and Medical Leave Act (FMLA)

- FMLA provides unpaid, job-protected leave for the same events as PFL, except:
 - Different employee eligibility criteria
 - Different family members who can be cared for
 - Different durations (prior to 2021)
- Some events will qualify for both PFL and FMLA
 - FMLA will run concurrently with PFL
 - Employee on PFL is not required to use vacation or other paid time off before, or in addition to, PFL benefits

You may be wondering, “Doesn’t this benefit already exist as FMLA?” While Paid Family Leave may sound similar to the federal Family and Medical Leave Act, there are some key differences:

- First, leave taken under FMLA is unpaid. Employees are required to use all of their available paid time off during an FMLA leave, per University policy.
- Secondly, FMLA has different eligibility criteria than PFL, which we will cover in a few minutes. Now, a leave may qualify for Paid Family Leave benefits or FMLA protection or both.
- Paid Family Leave is available for more family members who need care for a serious health condition. However, FMLA also can be taken for your own serious health condition, while Paid Family Leave may only be used to care for family members.
- Finally, Paid Family Leave will have a different duration until the maximum benefit is phased in effective 2021. FMLA leaves may be taken for up to 12 weeks, but Paid Family Leave is available up to a maximum of 8 weeks in 2018.

When an employee requests a PFL, the Leave Administrator will determine whether the leave also qualifies for FMLA. If so, the employee’s FMLA leave will be reduced concurrently with PFL. But due to the different maximum durations, an employee may have the right to remain on unpaid FMLA leave after PFL is exhausted. When a leave qualifies for PFL, the employer is not allowed to require an employee to use other accrued paid time off

prior to, or as a supplement to, Paid Family Leave benefits.

Benefits Available during Paid Family Leave



Benefits during PFL

Pay Replacement

- 50% of the employee's average weekly wage
- Based on the 8 weeks immediately preceding the leave
- Up to a maximum of 50% of the statewide average weekly wage (AWW)
- No supplement with other accrued paid time

Continuous or Intermittent Leave

- Up to 8 weeks (40 days) in a 52-week period
- Prorated for employees who work < 5 days per week
- If intermittent, must be taken in full day increments

Continued Health Benefits during PFL

- Employee may continue health benefit coverage during leave by making required payment

What benefits are available to employees taking Paid Family Leave? In 2018, the PFL benefit amount will be 50% of the employee's average weekly wage. The employee's average weekly wage will be the average of the pay earned in the eight (8) full weeks prior to the start of the leave. The maximum weekly PFL benefit will be 50% of the New York statewide average weekly wage. Employees may not use their accrued vacation or personal time to supplement the 50% benefit so that they can receive 100% of their pay during a Paid Family Leave.

Paid Family Leave can be taken all at once or on an intermittent basis. The maximum number of days of PFL in 2018 will be 40, but employees who work less than five days a week would be limited to the number of days in their normal work week for up to 8 weeks. If leave is taken on an intermittent basis, it must be taken a full day at a time.

While an employee is on Paid Family Leave, they may continue their medical, dental and vision coverage by paying the amount normally deducted from their pay. Depending on the length of the leave, the employee may receive a monthly bill, or may be able to make up the payments upon their return to work.

Benefits during PFL

Benefit amounts and durations will phase in over the next 4 years:

Year	Benefit	Weekly Maximum*
2018	<u>50%</u> of pay up to <u>8</u> weeks	\$658
2019	<u>55%</u> of pay up to <u>10</u> weeks	\$718
2020	<u>60%</u> of pay up to <u>10</u> weeks	\$783
2021	<u>67%</u> of pay up to <u>12</u> weeks	\$875

*based on the 2016 statewide AWW of \$1,305

The PFL benefit amount is scheduled to increase over each of the next four years, starting at 50% in 2018 and increasing to 67% of pay in 2021. In addition, the maximum number of weeks of leave will increase from 8 weeks to 12 weeks over that period. The maximum weekly benefit will be calculated by applying that year's benefit percentage to the New York State average weekly wage. The current statewide average wage is \$1,305.92 per week, or about \$67,908 per year. That makes the PFL maximum weekly benefit about \$658 in 2018. To illustrate the potential benefits in future years, the weekly maximum shown in this chart is based on the *current* statewide average weekly wage of \$1,305, but these figures will be updated annually by New York State.

Employee Eligibility



Automatic Coverage

- No enrollment is necessary - no action is needed
- Covered employees will automatically be eligible to apply for Paid Family Leave benefits
 - Staff, student employees, and graduate assistants are covered
- Faculty will not participate in Paid Family Leave - the NY regulation does not apply to those working in a teaching capacity
 - Faculty will continue to have their current paid parental leave and administrative leave benefits

Employees do not need to take any action to enroll in the Paid Family Leave benefit plan. All employees who are covered by this law will automatically have the benefits available to them if they have a qualifying reason to take a leave. All staff, including student employees and graduate assistants, are covered automatically upon reaching eligibility. Faculty members, including part-time instructors, will not participate in Paid Family Leave because the state regulation does not apply to those working in a teaching capacity at an educational institution. Eligible faculty members continue to have access to the current paid parental leave and administrative leave policies described in the Faculty Manual.

Eligibility to Receive PFL Benefits

When does an employee become eligible to take a PFL?

Employees who normally work 20+ hours per week: must work 26 weeks

Employees who are regularly scheduled to work 20+ hours per week become eligible after working 26 consecutive work weeks

Normal breaks between semesters are skipped when counting the 26 weeks, as long as employment was not terminated during that time

Employees who normally work < 20 hours per week: must work 175 days

Employees who are regularly scheduled to work < 20 hours per week become eligible after working 175 days

The only criteria to determine whether an employee is eligible for PFL benefits is whether they have worked at SU long enough to qualify. The length of time an employee must work depends on their regular work schedule.

Employees who are regularly scheduled to work 20 or more hours per week will become eligible to take a paid family leave after they work 26 consecutive work weeks for the University. Scheduled time off, such as vacation or personal days, and scheduled breaks including semester breaks, do not count against an employee when determining whether they have worked the required 26 weeks, as long as they remain an active employee in our HR system during the break. If employment is terminated and the employee is later rehired, that will start a new waiting period of 26 weeks to become eligible for Paid Family Leave.

Employees who are regularly scheduled to work less than 20 hours per week will become eligible to claim PFL benefits after they have worked on 175 days.

Employee Contributions



Paycheck Deductions

PFL is intended to be an employee-funded benefit

- Deductions will begin Jan. 1, 2018 for all regular and temporary staff working in NY
 - Deductions will not be collected from student employees, GAs, or faculty
- Deductions must be taken on an after-tax basis
- The amount of the deduction is set by NYS
 - For 2018, rate will be **0.126%** of employee's weekly pay
 - Maximum weekly deduction is \$1.65/week (\$85.80/year)
For example:
Employee works 37.5 hours at \$20/hour
Weekly pay = \$750 x 0.126% = \$0.95 PFL deduction per paycheck

New York State specified that the Paid Family Leave Program is employee-funded, and that employers should collect an employee contribution through payroll deduction. All staff, including temporary employees, working in NY will see a deduction from pay beginning January 1, 2018. The University will not collect this contribution from student employees or graduate assistants, even after they have worked enough to become eligible. Faculty do not need to contribute since they are exempt from this benefit. Payroll deductions will be taken on an after-tax basis.

The amount of the deduction for 2018 will be at the rate of 0.126% of the employee's weekly pay, up to the statewide average weekly wage. That means in 2018 the maximum deduction from pay will be \$1.65 per week, or \$85.80 per year.

Employee Waivers



Waiver of PFL Benefits

An employee who is not expected to meet eligibility requirements may sign a **waiver**.

Employees who waive will not have payroll deductions for PFL because they are not eligible to claim PFL benefits.

Who may waive? Only those:

- Regularly scheduled for 20+ hours per week, but will not work 26 consecutive weeks, or
- Regularly scheduled for < 20 hours per week, but will not work 175 days in a 52-consecutive week period

An employee who is not expected to meet the eligibility requirements must be offered the opportunity to sign a waiver. Employers cannot automatically waive an employee's right to PFL, even if we know the employee will never be eligible for benefits. The waiver must be signed voluntarily by the employee.

Employees who sign waivers will not have paycheck deductions taken for PFL contributions. By waiving, the employee acknowledges that they will not work 26 consecutive weeks, or will not work 175 days within the next 52 weeks, and therefore will not become eligible to claim PFL benefits.

Please note: according to the New York State regulations, employees may not waive their right to PFL benefits for any reason other than not being expected to work the required length of time to become eligible. Employees may not decline to participate in the Paid Family Leave program because they don't plan to ever use the benefit, or because they don't want the coverage.

Waiver of PFL Benefits

A waiver will be **revoked** when:

1. The employee's work schedule changes so that they would work the required 26 weeks or 175 days; OR
2. An employee may choose to revoke a waiver at any time.

When a waiver is revoked, paycheck deductions will begin.

It is possible for a waiver to be revoked after it is signed. An employee who has signed a waiver because they do not expect to work long enough to become eligible may have a change to their schedule. If the employee actually does work long enough to become eligible, SU must automatically revoke the waiver. If that happens, the employee will be notified and paycheck deductions will be taken from the employee.

An employee who has signed a waiver may choose to revoke it at any time.

Waiver of PFL Benefits

- Waivers will be distributed as part of the job offer process for new staff
- Student employees do not need to submit waivers
- Employees will be encouraged to return their signed waivers as soon as possible:
 - Paycheck deductions will be taken until waiver is returned
 - Refunds will not be made if waivers are submitted late

HR's Talent Management team will provide the waiver form as part of the job offer process when someone is hired who is not expected to work for 26 weeks or 175 days to reach eligibility for PFL. Student employees will not need to complete waivers because deductions are not being taken from student employees.

Employees should return their signed waivers as soon as possible to avoid having deductions from pay, but a waiver can be submitted at any time. Payroll deductions will be taken until the waiver is returned to HR, and refunds will not be made if waivers are submitted after paycheck deductions have begun.

HR will be distributing waivers to current employees who qualify for a waiver in December. HR will also monitor employees who have waived to determine if they have met the work requirements, and will revoke their waivers, if applicable.

Requesting Paid Family Leave



Requesting PFL Benefits

- Employee must give **30 days** advance notice
 - If the need for leave is not foreseeable, the employee must give notice *as soon as practical*
 - Notice can be given by informing the supervisor; it is not necessary to file the actual claim paperwork
 - If 30 days notice is not given, the leave can be delayed to start after 30 days
- When both spouses work for SU and request leave for the same family member, we can require them to take leave at different times

An employee who wants to request a Paid Family Leave is required to provide 30 days advance notice when the need for a leave is something that can be anticipated, such as when the employee is pregnant, or when a family member has scheduled surgery. If the event requiring a leave is not foreseeable, then the employee must give notice as soon as practical under the circumstances.

The employee does not necessarily have to complete the forms to request a leave in order to provide notice. They can simply mention that they need to take time off for a qualifying reason – even if they don't mention the PFL benefit. It is your obligation to ask questions to determine whether they are requesting PFL and make them aware that their leave may qualify for benefits.

When a leave is requested less than 30 days in advance, we may require that the leave be delayed to start 30 days after notice was given.

If both spouses work for SU and both request PFL for the same event, such as to care for a newborn child, we can require that they take leave at different times, even if the spouses work in different departments.

Contact the Leave Administrator when you need to provide information regarding

insufficient notice of a claim, or when both spouses are requesting leave at the same time to care for the same family member.

Requesting PFL Benefits

- Request forms are located on hr.syr.edu/forms
- Submit to leaveadmin@syr.edu
- Leave Administrator will email acknowledgement of receipt to employee and supervisor within 3 days
 - Decision to approve/deny must be made within 18 days
- Requests may be submitted in advance
 - Claim will be pended until the event occurs and all required documentation is submitted

Requests for Paid Family Leave will be administered by the HR Service Center, and the request forms will be posted on the HR Forms web site.

The employee and the supervisor will receive an email acknowledging the leave request within 3 days, with the claim determination to follow. From the date a complete claim request is received, we have 18 days to approve or deny a claim.

Employees may request a leave in advance of the event, such as before a baby's birth, but the claim will be pended until the event actually occurs and the required documentation is submitted.

Requesting PFL Benefits

Required Documentation

Bonding

- Confirmation of birth, adoption or foster care
- Confirmation of parental status (if not named on above)

Care of a Family Member

- Family member's release of personal health information (PHI)
- Health care provider certification

Military Exigency

- Military orders
- Supporting documentation of need for leave

Depending on the type of leave that is being requested, there will be different pieces of required documentation that must also be submitted to support the request for a leave.

New parents requesting bonding leave will be required to provide the child's birth certificate or court papers proving an adoption or placement for foster care. If those documents do not name the second parent, additional verification will be required to show that the employee requesting leave has a parental relationship with the child.

When leave is requested to care for a seriously ill family member, that family member must sign a release to access their personal health information, and the treating provider must certify that the family member has a serious health condition that requires care at a level that would require the employee to take a leave of absence from work.

Requests for a leave connected with military service must include a copy of the orders for active duty service, as well as information about why a leave is necessary as a result

Requesting PFL Benefits

Approval or Denial of Benefits

Limited Reasons for denying a claim

- Denials are only allowed when the employee is not eligible for PFL or the family member is not covered for that type of leave
- Not able to deny based on the department's work load or staffing limitations

When a leave is approved

- PFL benefits are *taxable income* and will be reported on a 1099 Form
- Payment will be made by check

New York's regulations restrict the reasons that a leave may be denied. The only reasons a leave may be denied are when the employee is not eligible to take a leave, or has already taken the maximum allowed leave for the year, or when the employee is requesting leave for a family member or event that does not qualify for leave. A leave may not be denied because the department would have difficulty covering the work load of the absent employee.

Paid family leave benefits are taxable to the employee, and employees who take leave will receive both a W-2 and a 1099 for the year of their leave. Paid Family Leave benefits are reportable on the employee's state and federal income tax return as non-wage income.

Employees will receive payments by check. Direct deposit is not available at this time.

Bonding Leave



Bonding Leave

Available for birth, adoption or foster child within 12 months of the birth or placement

- Employees with a qualifying birth/placement event in 2017 may apply to take leave in 2018

For birth mothers

- Disability and PFL benefits cannot both be paid for the same day
- PFL will start after the period of disability ends
- PFL cannot be taken before the birth
- Disability and PFL combined cannot exceed 26 weeks in a rolling 52-week period

For adoptive parents

- Leave may be taken *before* the actual placement for meetings or travel
- The source of the adopted child is not a factor in determining eligibility for leave

Let's take a look at more details around the reasons that a Paid Family Leave may be requested and how this leave may integrate with other types of approved leave offered by the University.

Leave to bond with a new child is available to new parents through birth, adoption, or foster care as long as the leave will be completed within 12 months of the child's birth or placement. That means that new parents who welcomed a child in 2017 may be eligible to take a leave in 2018 and receive PFL benefits, even if they previously exhausted their paid or unpaid leave in 2017. Since the leave must be completed within 12 months of the event, that might result in fewer than the maximum weeks of leave being available, depending on how early in 2017 that event occurred. For example, an employee who gave birth on January 15, 2017 could take leave only from January 1st through 14th of 2018, but would not be able to take a full 8 weeks of leave for the 2017 event.

Birth mothers will first receive disability benefits, and then will be able to take PFL to bond with their child. Paid Family Leave is not available before the child is born, and the combined maximum of disability and PFL benefits cannot exceed 26 weeks in a 52-week period.

In the case of an adoption or foster care placement, Paid Family Leave may be taken before the adoption or foster care is finalized. For example, the employee may be required to appear in court, or travel to another country as part of the adoption process. The employee should include documentation with their PFL request to support that the leave is necessary for that reason. It does not matter whether the child is being adopted through an agency or directly when determining whether the leave is eligible for PFL benefits.

Care of a Family Member with a Serious Health Condition



Care of a Family Member

Available to care for:

Spouse

Domestic Partner

Grandchild

Child

Parent or Parent-in-law

Grandparent

The relative's health care provider must provide documentation:

- Certification that the patient's condition requires the employee to take leave
- Date the condition started and its probable duration
- The family member must approve the release of their personal health information

“Care” may include 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.

Employees may request Paid Family Leave to care for their spouse or domestic partner, their child, their parent or parent-in-law, their grandchild, or their grandparent. Note that leave is not permitted to care for a sibling, aunt, uncle, or cousin.

Requesting leave to care for a family member with a serious health condition will also require supporting documentation. In this case, the health care provider who is treating the family member will be asked to describe the family member's health condition, and to certify that the patient requires care to the extent that the employee would need a leave from work to provide. The provider has to include the starting date and the expected time frame that care will be needed. In order for the treating physician to provide this information, the family member also has to sign an authorization that their personal health information can be released.

The type of care that the employee provides can vary, but could include activities such as providing transportation for the family member to health care provider visits, helping with meals or other personal care, or providing emotional support and visitation.

Care of a Family Member

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.

Examples:

- Chronic serious health condition that requires periodic treatment (e.g., asthma, diabetes, epilepsy)
- Long term incapacity (e.g., Alzheimer's, stroke, or terminal stages of disease)
- Surgery after an accident or injury
- Conditions that require medical treatment to prevent them from worsening (e.g., chemotherapy or radiation for cancer, physical therapy for severe arthritis, or dialysis for kidney disease)

The term “serious health condition” is defined in the regulations as a condition that requires the family member to be hospitalized, or to receive ongoing treatment by a health care provider.

Several examples of qualifying health conditions are listed here, such as a family member who has an ongoing chronic disease that requires periodic care that the employee can assist with. Care may be required when a family member has a long term illness for which there is no cure. Or the family member may need short term care following surgery, or may need ongoing support to prevent a condition from worsening.

Care of a Family Member

The following are **not** considered serious health conditions or continuing treatment for which a leave may be approved:

- Routine exams
- Treatment that can be initiated without a visit to a health care provider (OTC medications, bed rest, drinking fluids, etc.)
- Cosmetic treatments, unless inpatient hospital care is required or complications develop
- Mental illness or allergies may qualify

The regulations also describe several examples that are not considered serious health conditions, or do not require ongoing treatment from a health care provider.

Leave will not be granted for routine medical care or treatment for minor illnesses such as colds, upset stomach or other conditions that can be treated with over-the-counter medications. Cosmetic treatments, including cosmetic surgery, would not qualify unless complications develop or the patient had to be hospitalized. And some conditions, such as mental illness or allergies, may be eligible but will require case-by-case review.

Military Exigency



Military Exigency

Eligible family members for whom a leave may be taken:

**Spouse
Child**

**Domestic Partner
Parent**

- **Active Duty Orders** – employee must provide a copy of the military member’s active duty orders or other documentation issued by the military which includes the dates of active military service
- Employee must submit a **signed statement of facts** describing the exigency for which leave is requested.
- **Supporting documents** must be submitted such as a document confirming appointment with a school official or counselor, or a copy of a bill for services for handling legal or financial affairs.

The final type of leave is for a military exigency, which refers to family matters that arise when an employee’s spouse, domestic partner, child or parent is called to active military service. Some examples would be when that family member’s absence creates a need to make new child care arrangements, or the employee needs time during the work day to meet with lawyers or others to make financial or legal arrangements to prepare for the family member’s long-term absence.

The documentation that will be required to support an employee’s request for Paid Family Leave would include not only a copy of the family member’s active duty orders, but also a written explanation of why the leave is needed, and documentation of the situation for which they need to be absent from work. For example, the employee may need to provide a document confirming they had an appointment with a child’s school, or an invoice for legal services.

Questions?



Questions?

- Refer to Frequently Asked Questions on hr.syr.edu/familyleave
- Contact the Leave Administrator in the HR Service Center
315.443.4042
leaveadmin@syr.edu
- Review the New York State resources at ny.gov/paidfamilyleave

Thank you for watching this recording about Paid Family Leave at Syracuse University: Information for Managers and Supervisors. Additional resources, including a Frequently Asked Questions document, can be found on the Human Resources website at hr.syr.edu/familyleave. Please call the HR Service Center if you have a specific question that hasn't been addressed at 315.443.4042 or email leaveadmin@syr.edu. You may also find it helpful to review the general information on the New York State website at ny.gov/paidfamilyleave.