

Frequently Asked Questions for Supervisors and Managers Paid Family Leave

Syracuse University is preparing to implement the New York Paid Family Leave requirements that were signed by Gov. Andrew Cuomo and take effect January 1, 2018. Under this new law, **all staff, graduate assistant and student employees** will be eligible to take paid, job-protected leave of absence to bond with a new child, care for a family member with a serious health condition, or handle an exigency created when a family member is called to active military service.

For general information about Paid Family Leave benefits, please review hr.syr.edu/familyleave, including the FAQ for employees. The supplemental information below is intended to support supervisors and managers when an employee requests a Paid Family Leave.

Eligibility for Paid Family Leave Benefits

Q. Who is eligible to take Paid Family Leave?

- A. Syracuse University staff employees, student employees, and graduate assistants working in New York are eligible if they meet the following requirements:
- After 26 consecutive weeks of employment, when their regular work schedule is 20 or more hours per week;
 - After working 175 days, when their regular work schedule is less than 20 hours per week.

The use of scheduled vacation time or other approved time away from work including personal days, sick time, and semester breaks when the employee is not working do not prevent these requirements from being met as long as their employment status remained active during that time. Active status would include short work break, but if the employment status is terminated and the employee is subsequently rehired, the evaluation would look only at time worked since the most recent date of hire/rehire.

Employees working a part-time schedule do not need to work 175 days in any certain period of time to become eligible to use Paid Family Leave benefits. For example, a student employee who works two days per week during the semesters (approximately 35 shifts), and is not terminated over semester breaks, would become eligible for Paid Family Leave benefits around their fifth semester of working for the University. However, the criterion to determine whether someone qualifies to waive Paid Family Leave benefits is whether they will work 175 days within a 52-week period (see below).

Employees working in California, New Jersey, or Rhode Island will receive benefits according to their state's paid leave laws. Employees in all other states or who work internationally are not eligible for these benefits.

Q. What about part-time and temporary employees who are not otherwise eligible for benefits?

- A. Part-time, temporary and casual employees will be eligible for Paid Family Leave benefits if they meet the time worked requirements above.

Q. Are faculty able to receive Paid Family Leave benefits?

- A. New York's legislation establishing Paid Family Leave does not apply to those working in a teaching capacity. Tenured and tenure-track faculty currently are eligible for research and [administrative leaves of absence](#) and will continue to have the University's current paid [parental leave benefits](#). Full-time, non-tenure-track

faculty may request unpaid research and/or administrative leave through their departments, as appropriate. Part-time faculty (union and non-union) may also request an unpaid leave of absence through their departments.

Q. Who determines whether the employee has worked the required period of time to qualify for a Paid Family Leave?

- A. The Leave Administrator(s) in the HR Service Center will review all claims to determine whether the requested leave is eligible for PFL benefits, including reviewing payroll records to confirm that the employee has worked the required period.

Waiver of Paid Family Leave Benefits

Q. Can short-term temporary employees who will not meet the work requirements waive out of this benefit?

- A. Some employees are able to waive participation in Paid Family Leave, but waiver is only allowed if the employee elects and: (a) The employee regularly works 20 hours or more per week, but will not work 26 consecutive weeks (6 months) for the University; or (b) The employee regularly works less than 20 hours per week, but will not work 175 days in 52 consecutive weeks (a year) for the University.

If an employee signs a waiver, Paid Family Leave deductions will not be taken from their pay. If their schedule changes such that they would be expected to work 26 consecutive weeks or 175 days, the waiver will be automatically revoked and payroll deductions will begin. An employee who signed a waiver may revoke it at any time.

Note: the regulations do not allow an employee to waive for any other reason, such as someone who does not have eligible family members for whom they could use the benefit, or someone who doesn't want the coverage.

Q. Will employees be automatically waived if they aren't expected to work enough weeks/days to be eligible?

- A. No, employees must voluntarily complete a waiver in writing. At the time an offer of employment is made, the Talent Management team will provide a waiver to new hires who may be eligible to waive based on their anticipated work schedule. For current employees, Human Resources will offer an opportunity to waive Paid Family Leave benefits in December to those who are not expected to qualify.

Paid Family Leave and FMLA

Q. I thought the Family and Medical Leave Act (FMLA) already provided this type of benefit?

- A. [FMLA](#) provides *unpaid*, job-protected leave for up to 12 weeks to employees who have completed 1,250 hours of service in a rolling 52-week period. Under the FMLA policy, employees must use all accrued time off such as vacation or personal time, or sick time if the leave is for their own serious health condition, or the time off will be unpaid.

Beginning January 1, 2018, when an event qualifies for both Paid Family Leave and FMLA, the employee will receive Paid Family Leave benefits and their FMLA leave will run concurrently. Some leaves may be eligible for either Paid Family Leave or FMLA and not both, in which case the applicable policy will apply.

Paid Family Leave Costs

Q. Do Paid Family Leave benefit payments get charged to the fringe budget or my department?

- A. Paid Family Leave benefits for staff will be charged to the department's normal payroll budget, in the same way that other paid time off (vacation, sick, etc.) are handled. Paid Family Leave is a State requirement, not part of a benefit plan. Paid Family Leave benefits for student employees, graduate assistants and those whose wages are funded by sponsored accounts will be charged to the fringe benefits budget. If you have questions about how Paid Family Leave will affect your budget, contact the Office of Budget and Planning at bplan@syr.edu.

Q. Will employee contributions be credited back to the department?

- A. No. The employee contributions will be factored into the University's fringe rate, but cannot be returned to departments based on specific employee contributions or usage of the benefit. **Note:** employee contributions will cover only a portion of the benefits expected to be paid out by the University.

Employee Rights During Paid Family Leave

Q. Does the University have to hold the employee's position while he or she is on Paid Family Leave?

- A. Yes, employees must be restored to the same or equivalent position upon return to work. If an employee feels they have experienced discrimination or retaliation due to their Paid Family Leave, they may file a complaint with the State of New York. If the position would have changed or ended independently of the request for Paid Family Leave, the employee does not need to be restored to their original position. For example, if the shift changed or has been eliminated, the employee does not have a right to return to the former shift. If a position was established for a limited duration, such as a graduate assistantship that was awarded for a certain period of time, there is no obligation to hold or create a position beyond its' original end date.

Q. Can Paid Family Leave be taken on an intermittent basis?

- A. Yes. The employee may request PFL on either a continuous or intermittent basis to meet their family's needs. The Request for Leave must include the anticipated schedule of leave (e.g., every Tuesday and Thursday for therapy treatments).

Leave to Bond with a New Child

Q. Can a Paid Family Leave be taken in advance of a child's birth, adoption or placement?

- A. Leave may be taken before the actual placement or adoption of a child if an absence from work is required to have meetings with attorneys or doctors, appear in court, travel to other country, or other relevant purposes in order for the adoption or placement to proceed. Whether the child is being adopted through a licensed agency or otherwise is not a factor in determining eligibility for leave.

Paid Family Leave may not be taken in advance by birth parents. A birth mother will use available disability benefits to cover absence related to pregnancy and following childbirth. Once the period of medical disability has ended, she can begin a Paid Family Leave to bonding with the child.

Q. How soon after the birth of a child must Paid Family Leave be taken?

- A. New parents must complete their Paid Family Leave within 12 months of the date of birth, adoption or foster care placement of a child. That means that employees who welcomed a new child in 2017 may be eligible to take a PFL in 2018, even if they previously took a leave protected by FMLA in 2017.

Leave to Care for a Family Member with a Serious Health Condition

Q. What is a “serious health condition” and for which family members can a Paid Family Leave be taken?

A. Paid Family Leave can be taken to care for a spouse, domestic partner, child, parent, parent-in-law, grandparent, or grandchild who has a serious health condition. A serious health condition is an illness, injury, or other physical or mental impairment or 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 of conditions that could be eligible for leave include:

- taking the family member to chemotherapy or radiation treatments
- helping the family member with meals, hygiene or transportation following surgery
- in-home care following a severe stroke or the terminal stages of a disease.

Conditions such as the common cold, flu, upset stomach, or headaches that require treatment by over-the-counter medications, bed rest, or other activities that can be initiated without a visit to a health care provider, are not sufficient to qualify for leave.

Q. How will the Leave Administrator verify that the family member has a serious health condition?

A. The family member’s treating physician must certify that the patient needs care that would require the employee to take a leave of absence from work, including the expected dates that such care will be necessary. The provider must supply their contact information and state license number, which the Leave Administrator will verify when reviewing the claim.

Leave for a Family Member Called to Active Military Duty

Q. When may Paid Family Leave be taken for a family member’s call to active military service?

A. When a spouse, domestic partner, child or parent is on active military duty or has been notified of an impending call or order to active duty in the U.S. Armed Forces, an employee may request Paid Family Leave under the same provisions as FMLA to arrange financial, legal or other personal matters arising from the family member’s active duty service.

Requesting Paid Family Leave

Q. How do employees file a claim for Paid Family Leave benefits?

A. Employees needing a leave should complete the claim forms found on hr.syr.edu/forms, and submit the required documentation to support the need for leave to leaveadmin@syr.edu. When the need for a leave is foreseeable, 30 days advance notice is required. If the need for a leave is not foreseeable, notice must be given to the supervisor or the Leave Administrator as soon as practical. If the event was foreseeable, such as an expected birth, a planned medical treatment, or a known military exigency, and the employee failed to request leave at least 30 days in advance, the University can delay the start date of the leave for up to 30 days after notice is provided.

If an employee describes a need for time off but does not expressly assert his or her rights to Paid Family Leave, the supervisor or manager should ask questions to determine whether a Paid Family Leave is being requested, and direct the employee to where the forms to request a leave can be found.

Additional Information

Q. Where can I learn more?

- A. You can review fact sheets and additional FAQs at ny.gov/paidfamilyleave. You will find claim forms and instructions at hr.syr.edu/forms. If you have questions, contact the Leave Administrator in the HR Service Center at 315.443.4042 or leaveadmin@syr.edu or contact your [Senior HR Business Partner](#).