Effective January 1, 2018 New York State has a Paid Family Leave (NYS PFL) benefit. New York’s Paid Family Leave program provides job-protected time away from work with partial pay for eligible employees for qualifying reasons. Employees are also guaranteed to be able to return to their job and continue benefits, including health insurance. Your employer may not retaliate or discriminate against you because you have taken Paid Family Leave.

We have prepared a New York State Paid Family Leave Fact Sheet with at-a-glance information about the new program. We have also prepared this more detailed summary to help you understand the specifics of this benefit.

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Who is eligible?
All RIT employees, including adjunct employees and student employees are eligible for the benefit, provided they meet certain criteria as defined by New York State:

- Employees scheduled to work 20 or more hours per week are eligible once they have worked for RIT for 26 consecutive weeks
- Employees scheduled to work less than 20 hours per week are eligible once they have worked for RIT for 175 days

Service prior to January 1, 2018 counts toward these service requirements.

Please be advised that RIT will voluntarily provide New York State Paid Family Leave benefits coverage to RIT employees in the State of New York engaged in a professional or teaching capacity for whom coverage is not otherwise required by law. Eligibility for these benefits will be subject to all other applicable regulations, policies and/or plan documents. Any future guidance about these benefits will be provided by RIT Human Resources.

Who pays for this benefit?
New York State allows employers to deduct the cost of this benefit directly from employee paychecks. RIT has made the decision not to take deductions from employees’ pay in 2018, and will, instead, pay the insurance premiums to Prudential on behalf of employees. This position will be evaluated annually and RIT reserves the right to introduce this payroll deduction in the future.
The premium amount that RIT pays on your behalf will be reported as taxable income to you. You will see this in the earnings section your paystub as imputed income and applicable taxes will be withheld.

What are the qualifying reasons for NYS PFL?
There are several reasons for NYS PFL, as described below. Please note that NYS PFL cannot be used for your own disability or military event.

Bonding Time for a New Parent
NYS PFL begins after birth and is 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.

Caring for a Close Relative with a Serious Health Condition.
The employee must be in close and continuing proximity to the recipient of care. A close relative includes:
- Spouse/Domestic Partner
- Child (includes foster, step, legal ward, domestic partner’s)
- Parent/Parent-in-Law/Step-Parent
- 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.

Active Duty Deployment
Paid Family Leave is available for families eligible for time off under the military provisions in the federal Family and Medical Leave Act (FMLA) 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.

Do I need supporting documentation for a NYS PFL claim?
Yes, you will be required to present documentation based on the reason for the leave as described below.

For Birth
The birth mother will need the following documentation:
- Birth Certificate, or
- Documentation of pregnancy or birth from a health care provider (includes mother’s name and due/birth dates)

A second parent will need the following documentation:
- Birth certificate, or if not available, a voluntary acknowledgment of paternity or court order of filiation; or
- A copy of documentation of pregnancy or birth from a health care provider (includes mother’s name and due/birth dates) and a second document verifying the parent’s relationship with the birth mother or child. An example would be a marriage certificate or evidence of a domestic partnership.

For Foster Care:
- Letter of placement issued by county or city department of social services or local voluntary agency
- If second parent is not named in documentation, a copy of that document plus a second document verifying relationship to the parent named in the foster care placement.
For Adoption:
- Legal evidence of adoption process
- If second parent is not named in legal documents, the second parent must provide a copy of the legal evidence of adoption process and a second document verifying the relationship to the parent named in the document.

For Serious Medical Condition:
- Certification from the Care Recipient's Health Care Provider

For the Military:
- US Department of Labor Military Family Leave Certification (Federal Military Leave Form)
- Copy of Military Duty Papers
- Other documentation supporting the reason for the leave (copy of meeting notice, ceremony details, rest and recuperation orders, etc.)

How much NYS PFL is available and how can it be used?
In 2018, NYS PFL will provide up to eight weeks of job-protected partial paid leave in a rolling 52-week period. The time can be used intermittently or in blocks of time and must be taken in full-day increments. Please note, people who work for multiple employers may take NYS PFL from both employers, but they must do so with both employers at the same time.

Please note that the maximum combined New York State Disability and NYS PFL is 26 weeks within a 52 week period.
- Example: John takes 8 weeks of NYS PFL to care for his sick father, June 1 – July 26. On October 1, he becomes disabled. His short-term disability benefits will run out on February 4, after 18 weeks, since he will have reached the 26 week NYS maximum combined benefit.

How much does NYS PFL pay?
Your benefit is paid at 50% of your average weekly wage up to $652.96, which is 50% of the New York State Average Weekly Wage (NYAWW).
- Your average weekly wage is the average of your gross weekly wage for the last 8 weeks preceding the NYS PFL start date. The average weekly wage includes all pay, including overtime.
- An employee whose annualized pay is over $67,907 will receive the maximum weekly benefit, $652.96.

How is the benefit paid?
Prudential insures this benefit and administers and pays claims directly to the eligible employee. **It can take up to 18 days from the date the claim is submitted to receive the approval from Prudential. Any pay supplement as described below will not be paid until Prudential approves the NYS PFL claim.**
- Since the exempt faculty and staff payroll (paid on a semi-monthly basis) runs before the end of the pay period, it is possible that an exempt employee may be overpaid in a pay period in which they request NYS PFL.

Information about the payment from Prudential is as follows:
- You can receive a check or elect to have direct deposit to your bank.
- You can elect to have taxes withheld.
- Since this payment is not considered wages, there will be no employee contributions or RIT matching contribution to the RIT Retirement Savings Plan for NYS PFL payments.
• Benefits deductions are not taken out of NYS PFL payments. If you receive supplemental pay as described below, there will be deductions for your various RIT benefits. If the supplemental pay is too small to take the benefits deductions, or if you do not receive supplemental pay, you will have “catch up” deductions taken from future pay until all missed deductions are caught up.

• For income tax purposes, you will receive a 1099-MISC form from Prudential by January 31 after the calendar year in which you received NYS PFL payments.

Can I supplement the NYS PFL pay?  
Yes, NYS PFL may be supplemented if the employee is eligible and has available time, as described below. The employee should contact the RIT benefits specialist to make a request to supplement the NYS PFL benefit. RIT will pay the supplemental amount with the next available payroll run after Prudential has approved the NYS PFL payment.

<table>
<thead>
<tr>
<th>Types of Supplement</th>
<th>Which Employees Qualify</th>
<th>Rules</th>
</tr>
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<tbody>
<tr>
<td>Vacation</td>
<td>Nonexempt &amp; exempt regular staff and 12 month faculty</td>
<td>Employees are allowed to supplement with annual fiscal year vacation, based on dollar value (if pay over NYS average weekly wage); no manager approval required; employee makes request to benefits specialist, who will coordinate with supervisor and payroll; in cases where absence crosses fiscal years, employees cannot use new fiscal year vacation until they have returned to work from NYS PFL. If employee returns to work, the accrual is from July 1 forward; if they don't return to work, there is no vacation owed for the new fiscal year.</td>
</tr>
<tr>
<td>Sick/Personal Time</td>
<td>Nonexempt staff; co-op students have 2 sick days per fall semester, 2 per spring semester &amp; 1 per summer</td>
<td>Employee may use up to five consecutive sick/personal days (if remaining). A co-op student may use their sick days to supplement NYS PFL benefits. Employee and co-op student makes request to the benefits specialist, who will coordinate with the supervisor and payroll.</td>
</tr>
<tr>
<td>Salary Continuation</td>
<td>Exempt regular staff &amp; faculty</td>
<td>Regular exempt staff and faculty are allowed to supplement with up to 12 salary continuation days per fiscal year to care for a sick family member, not to exceed 5 consecutive days; these days are used 1:1. The employee makes request to the benefits specialist, who will coordinate with the supervisor and payroll.</td>
</tr>
<tr>
<td>Grandfathered Sick Leave</td>
<td>Nonexempt &amp; exempt regular staff and faculty who had sick leave remaining as of 6/30/2005 (and have not used it all)</td>
<td>Employees are allowed to use up to full amount banked; used 1:1. Nonexempt employees are required to use current year sick leave first. The employee makes request to the benefits specialist, who will coordinate with the supervisor and payroll.</td>
</tr>
</tbody>
</table>
How do I apply for New York State Paid Family Leave?
Inform your supervisor about your upcoming plans for absence. For foreseeable absences you should notify your supervisor 30 days in advance. For unforeseeable absences, you notify your supervisor as soon as you are able to do so.

- Employees who fail to contact their supervisor will be considered to be on unauthorized leave. If the unauthorized leave continues for three working days, there may be disciplinary action.

You must contact Prudential 30 days in advance for foreseeable absences or as soon as possible for unforeseen absences.

- The earliest that you can submit a claim will be January 1, 2018. Due to the transition to this new benefit, there will be no negative impact if the notification period is less than 30 days before the start of a foreseeable NYS PFL absence.

Contact Prudential at their toll-free phone number (1-877-908-4778/V) to report your absence. Once you have started your claim, you can check on your claim by logging in to their secure website at www.prudential.com/mybenefits and click on the “Register Here” button. You can follow the instructions to set up your user ID and password. We recommend you first report your leave by telephone; updates to your claim may be easily reported by telephone or through Prudential's secure website. You will be asked to provide the following information.

- Employer Name
- RIT Control Number – 50757
- Employee Number
- Reason for your Absence
- First day absent
- Work Schedule
- Applicable documentation for the event (refer to the section of this document called “Do I need supporting documentation for a claim?”)

Once you have supplied the required information Prudential, they will contact RIT benefits to determine eligibility and pay information. The employee should contact the RIT benefits specialist to make a request to supplement the NYS PFL benefit. RIT will pay the supplemental amount with the next available payroll run after Prudential has approved the NYS PFL payment.

How does the NYS PFL benefit work with New York State Disability, RIT New Parent Leave, and Federal Family Medical Leave (FMLA) for an expectant mother?
If you are expecting a baby, please read the separate Fact Sheet: When You Are Expecting a Baby, which will help you understand how the various benefits work together.

**Short Term Disability** (STD) – Short-term disability is paid leave for your own health condition; NYS PFL is paid leave related to your eligible family members. There isn’t any overlap in these benefits.

**RIT’s New Parent Leave** – You are eligible to use RIT’s New Parent Leave to supplement the amount of the benefit paid under NYS PFL. RIT’s New Parent Leave cannot be taken separately, unless you are not eligible for NYS PFL because you do not meet the requirement of working in New York State.
Federal Family and Medical Leave – In certain situation FMLA will run concurrently with NYS PFL. These situations are:

- Care of the employee’s newborn child, within the first 12 months following birth.
- Placement of a child with the employee for adoption or foster care, within the first 12 months following the placement.
- Care of the employee’s spouse, child or parent who has a serious health condition.
- Any qualifying exigency arising out of the fact that a spouse, son, daughter or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the National Guard, Reserves or from military retirement status in support of a contingency operation and for members of the regular Armed Forces deployed to a foreign country. Please find additional information regarding this under RIT’s FMLA policy.
- If the benefits are running concurrently you will be using both NYS PFL and FMLA time for the same period of absence.

Do supervisors and managers have any responsibility?
Yes, it is important that supervisors and managers understand the possible situations in which NYS PFL apply. If an employee notifies their supervisor or manager that they will be out for a reason that is covered by NYS PFL, the supervisor/manager is to inform the employee that an absence may qualify for NYS PFL and suggest they contact Prudential.

What if I do not work in New York State?
New York State Paid Family Leave is not available to those who work outside of New York State. If you live and work in another state that has its own paid family leave benefit, contact Prudential to understand how the benefit may fit your situation.

An employee with an out of state home address may be eligible for coverage, depending on several factors. Generally, an employee will be covered if their
- work is performed entirely within New York State; or
- work is performed both in and out of New York State but the work performed out the state is
  o incidental to the employee’s service in state, or
  o temporarily or transitional in nature, or
  o consists of isolated transactions.

Who do I contact with questions?
Contact Patricia Britt in RIT Benefits at (585) 475-2429 and pjbpsn@rit.edu.