

# ROCHESTER INSTITUTE OF TECHNOLOGY

## New York State Paid Family Leave Frequently Asked Questions (FAQs)

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**Q1: Who is eligible for New York State Paid Family Leave (NYS PFL) (added 1/10/2018)**

A1: 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. Service prior to January 1, 2018 counts toward these service requirements.

- 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

RIT voluntarily provides 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.

Employees outside New York State are typically not eligible for NYS PFL. However, an employee with an out-of-state address may be eligible for coverage, depending on a number of factors; there would be a case-by-case determination. Generally, an employee **will** be covered if their work is performed

- entirely within NYS; or
- both in and out of NYS, but the work performed out of the state is:
  - incidental to the employee's service in state; or
  - temporary or transitional in nature; or
  - consists of isolated transactions.

**Q2: How much does NYS PFL pay? (updated 2/8/2022)**

A2: For leaves that begin in 2022, your benefit is paid at 67% of your average weekly wage up to \$1,068.36, which is 67% 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.
- An employee whose annualized pay is over \$82,918 will receive the maximum weekly benefit, \$1,068.36.

For leaves that begin in 2021, your benefit is paid at 67% of your average weekly wage up to \$971.61, which is 67% 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.

An employee whose annualized pay is over \$75,408 will receive the maximum weekly benefit, \$971.6

**Q3: How is the benefit paid? (updated 10/22/2020)**

A3: Prudential is the insurance company and the administrator for this benefit and makes NYS PFL payments directly to the eligible employee. The NYS PFL payment is taxable income so Prudential will issue a Form W-2 each January to anyone who received NYS PFL payments in the prior calendar year for the employee's tax reporting.

**Q4: Who pays for this benefit? (updated 10/22/2020)**

A4: 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**, 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. This is the case whether you use the benefit or not, and whether you are eligible to use the benefit or not.

**Q5: What is imputed income?** *(updated 4/12/2021)*

A5: Imputed income applies when the value of a benefit that an employer provides to an employee must be considered as income for the purposes of calculating tax withholding. The imputed income shows in the earnings section of your payslip but it is not being paid to you; it is being added to your taxable income so the appropriate taxes can be withheld. Please note that the imputed income is not part of your pay for any benefits purposes (e.g., there are no Retirement Savings Plans contributions for this amount).

For NYS PFL, you will see the imputed income labeled “*NYS PFL Inc.*” This amount is the premium that would have been deducted from your pay if RIT was not paying the premium to the insurance company on your behalf.

The other common imputed income item that might have already been on your payslip is called “*GTL Imp Inc.*” The value of your basic and supplemental term life insurance in excess of \$50,000 is taxable to you. If you elect supplemental life insurance, the total imputed income is reduced by the amount of your after-tax supplemental life insurance contribution amount; therefore, if someone has supplemental life insurance, there may not be any imputed income. Since the rate is based on age, the older you are, the higher the GTL amount is.

**Q6: I have not met the service requirement for NYS PFL? Do I still have imputed income?** *(added 1/10/2018)*

A6: Yes, the premium payment is required once hired, even before the employee is eligible for the benefit.

**Q7: I do not have any eligible family members that would allow me to use the NYS PFL benefit. Do I still have imputed income?** *(added 1/10/2018)*

A7: Yes, the premium payment is still required.

**Q8: I just gave birth to twins. Am I able to use the allowed weeks of NYS PFL for each child?** *(updated 10/22/2020)*

A8: No, NYS PFL leave is not per person or per event. For example, if you use the maximum amount of NYS PFL early in the calendar year to care for your parent who has a serious health condition, you would not be eligible to use NYS PFL later in the year to bond with your newborn child.

**Q9: Can I use NYS PFL to care for my sibling?** *(added 3/1/2018)*

A9: No, New York State has not defined sibling as an eligible family member.

**Q10: Is there an age limit for a child to qualify as a close family member with a serious health condition?** *(added 3/1/2018)*

A10: No, unlike the Federal Family Medical Leave Act (FMLA), the child does not need to be a minor in order for you to use NYS PFL.

**Q11: I plan to take NYS PFL to bond with my newborn child. Can I work when the baby is sleeping?** *(added 3/1/2018)*

A11: No, you cannot perform any work while on NYS PFL.

**Q12: I am paid on a Federal grant. Am I still eligible for NYS PFL since the grant cannot pay for time not worked?** *(added 3/1/2018)*

A12: Yes, Prudential would pay the NYS PFL and you can supplement with any eligible time off, which is allowed compensation under the grant.

**Q13: I am a 9-month faculty member. How does NYS PFL work if I need the time in the summer when I am not scheduled to work?** *(added 3/1/2018)*

A13: NYS PFL is provided only during times when you are scheduled to work. Therefore, you would not use NYS PFL in the summer.

**Q14: What happens if I have my baby near the end of the calendar year? How is my NYS PFL benefit determined?** *(updated 2/8/2022)*

A14: Your benefit is based on the first day you use NYS PFL. For example, if your NYS PFL begins in 2021, you will get the 2021 benefit not the 2022 benefit. If your NYS PFL does not begin until 2022, you will receive the 2022 PFL benefit.

**Q15. Is NYS PFL based on the calendar year or rolling calendar?** *(updated 2/8/2022)*

A: Paid Family Leave is based on a rolling 52-week period. The monetary benefit for which you are eligible is based on the benefit amount in the year you begin your leave.

**Q16. Does the 26 consecutive weeks worked requirement restart every year? Does the eligibility roll over?** *(added 1/30/2020)*

A16: Once employees meet the eligibility requirements, they remain eligible for that employer until employment is terminated.

**Q17: Can I take NYS PFL for bonding during pregnancy?** *(added 1/30/2020)*

A17: No. NYS PFL for bonding only begins after birth. It is not available for prenatal periods.

**Q18: How does NYS PFL work with the Federal Family Medical Leave Act (FMLA) and Short Term Disability (STD)?** *(updated 2/8/2022)*

A18: NYS PFL works with FMLA and STD as follows.

FMLA: If you have an event that qualifies for leave under both FMLA and NYS PFL, your leave will run concurrently. For example:

- If you are approved to take 12 weeks of leave to care for a family member with a serious health condition, this time would be classified as both NYS PFL and FMLA for the entire 12-week duration.
- If you have a qualifying event for FMLA and a different qualifying event for Paid Family Leave (for example, caring for your own medical condition using time with FMLA and bonding with a new child using NYS PFL), you may take these leaves at different times.

STD: You cannot take STD and NYS PFL at the same time. However, if you qualify for STD (for example, after giving birth), you may take STD and then NYS PFL. You cannot take more than 26 weeks of combined STD and NYS PFL in a 52-week period.

For more information on how these benefits work together for bonding, please refer to the [Employee Birth Parent Fact Sheet](#) and [Employee Non Birth Parent Fact Sheet](#).

**Q19: How does NYS PFL work with RIT's holiday schedule?** *(added 1/30/2020)*

A19: If an employee is on a continuous NYS PFL leave during a University designated holiday or early release closure date, the pay will be considered NYS PFL pay and not holiday pay/early release closure pay. The unused holiday time and early release closure time is not available in the future. Employees using NYS PFL on an intermittent basis are eligible for holiday/early release closure pay, unless they report those days as NYS PFL days through Prudential.

**Q20: What if I have difficulty obtaining the required certification/supporting documentation for submitting my NYS PFL request?** *(added 1/30/2020)*

A20: Employees have 30 days from the beginning of their leave to submit their completed request. If an employee cannot get documentation to support a leave request within this timeframe, Prudential can deny the request. Employees may reapply once they have received the supporting documentation for submitting their completed Paid Family Leave request.

If Prudential denies a request for NYS PFL:

- An employee can appeal Prudential's denial by requesting a review by neutral arbitration.
- If the employee started their leave already, the employee is not considered to be on NYS PFL, and it will be up to the manager to determine how to treat the time off. Managers are prohibited from discriminating or retaliating against employees for requesting or taking NYS PFL.
- Contact [fmla@rit.edu](mailto:fmla@rit.edu) or 585-475-2424/V for assistance if your leave is denied.

**Q21: My spouse and I both work at RIT and we just adopted a baby. Can we both take NYS PFL at the same time for bonding?** *(added 1/30/2020)*

A21: No. Two employees cannot be on NYS PFL on the same day for the same reason.

**Q22: I am a regular full-time staff employee and I also teach an adjunct course here at RIT in the evening. I need the NYS PFL during the day to care for my ill mother, but my sister cares for her in the evening. Can I be on NYS PFL during the day and still teach the adjunct course in the evening?** *(added 1/30/2020)*

A22: No. You are not eligible for NYS PFL on any day that you perform services for RIT.