

ROCHESTER INSTITUTE OF TECHNOLOGY

New York State Paid Family Leave Summary

New York's Paid Family Leave (NYS PFL) 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. Employers may not retaliate or discriminate against an employee because they have taken Paid Family Leave.

We have prepared a fact sheet with at-a-glance information about the NYS PFL benefit. If your first day of NYS PFL leave began in 2021, please refer to the [New York State Paid Family Leave Fact Sheet-2021](#). 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

Please be advised that 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 is 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 2022**, 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.

Caring for a Close Relative Who Is an Organ Donor.

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

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 to a foreign country.

Deployment to a foreign country means deployment to areas outside of the United States, the District of Columbia, or any Territory or possession of the United States. It also includes deployment to international waters.

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 Organ Donation:

- 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 time is available and how can it be used?

For leaves that begin in 2022, NYS PFL will provide up to 12 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 any NYS PFL time taken will count toward the New York State Short-Term Disability maximum of 26 weeks within a 52 week period.

- Example: John takes 12 weeks of NYS PFL to care for his sick father, June 1 – August 23. On October 1, he becomes disabled. His short-term disability benefits will run out on January 6, after 14 weeks, since he will have reached the 26 week NYS maximum combined benefit.

If an employee is on a continuous 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 and who would have been at work on the designated holiday or early release time day, are eligible for holiday/early release closure pay, unless they report those days as NYS PFL through Prudential.

If an employee uses NYS PFL intermittently such that three months or more elapse between requested dates, Prudential may consider the next requested date to be a new claim. If this occurs, your benefit will be reassessed, and you may need to recertify your need for leave with Prudential.

How much does NYS PFL pay in 2022?

For leaves that begin in 2022, your 2022 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. The average weekly wage includes all pay, including overtime.
- An employee whose annualized pay is over \$82,917.64 will receive the maximum weekly benefit, \$1,068.36.

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.***

- It is possible that employees may be overpaid in a pay period in which they request NYS PFL if the dates requested fall during or after payroll processing. Repayment of any overpayment will be required.

Information about the payment from Prudential is as follows:

- You can receive a check or elect to have direct deposit to your bank.
- The payments are taxable. 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 Prudential's 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 W-2 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 amount of the supplement will be the amount necessary to bring the total pay (NYS PFL plus the supplement) to the employee’s regular base pay.

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.

Types of Supplement	Which Employees Qualify	Rules
Vacation	Nonexempt & exempt regular staff and 12-month faculty	Employees are allowed to supplement with annual fiscal year vacation, based on the 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 the absence crosses fiscal years, employees cannot use the 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.
Sick/Personal Leave	Nonexempt staff and co-op students	Nonexempt employees may supplement with available Sick/Personal Leave. A co-op student may use their available sick time hours to supplement NYS PFL benefits. Employee and co-op student makes request to the benefits specialist, who will coordinate with the supervisor and payroll. In cases where the absence crosses fiscal years, employees cannot use the new fiscal year Sick/Personal Leave time until they have returned to work from NYS PFL. If employee returns to work, the Sick Leave time becomes available; if they don't return to work, there is no Sick/Personal Leave time owed for the new fiscal year. A similar rule applies for the sick time for co-op students.
Sick Leave	Exempt regular staff & faculty	Regular exempt staff and faculty are allowed to supplement with their available Sick Leave. The employee makes request to the benefits specialist, who will coordinate with the supervisor and payroll.

Grandfathered Sick Leave	Nonexempt & exempt regular staff and faculty who had sick leave remaining as of 6/30/2005 (and have not used it all)	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.
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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 and Prudential 30 days in advance. For unforeseeable absences, you notify your supervisor and Prudential 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.

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 (your Oracle Employee Number (up to 6 digits long); for nonexempt employees it is the Kronos badge 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 to 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 [Employee Birth Parent Fact Sheet](#) 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 to 100%. 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. See the section below titled "What if I do not work in New York State?" for further information.

Federal Family and Medical Leave – In certain situations 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.

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 NYS PFL 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 of the state is incidental to the employee's service in state, or
- temporarily or transitional in nature, or
- consists of isolated transactions.

Who do I contact with questions?

Email fmla@rit.edu or call 585-475-2424.