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## NEW YORK STATE PAID FAMILY LEAVE

John Jermain Memorial Library fully complies with the New York Paid Family Leave Act; any changes or updates to mandated benefits will be due the employee even if the language of this policy has not yet been updated to reflect the change. As per NYS legislation, in 2021, eligible employees can take up to 12 weeks of Paid Family Leave, and will receive 67% of their average weekly salary up to a cap of \$971.61. The benefit is calculated as per the rate in effect on the first day of the leave.

NYS Paid Family Leave (PFL) provides job-protected, paid time off for the birth of a son or daughter or placement of a son or daughter with the employee for adoption or foster care; to bond with a newly born, adopted or fostered child; care for a spouse, son, daughter or parent with a serious health condition that makes the employee unable to perform the essential functions of his or her job including incapacity due to pregnancy and for parental medical care; or for any qualifying exigency arising out of the fact that a spouse, son, daughter or parent is a military member or covered active duty, or call to covered active duty status.

NYS Paid Family Leave (PFL) works in concert with NYS mandated Sick Leave Policies, short-term disability and Workers' Compensation. Employees cannot utilize PFL for their own illnesses. (Employers in New York are subject to additional the FMLA benefits, only if they have at least 50 employees for at least 20 weeks in the current or previous year. As of the most recent review of this policy, JJML is exempt as it does not meet the minimum threshold of 50 employees.)

You may not take more than 26 combined weeks of short-term disability and Paid Family Leave in a 52-week (rolling) period. If you are unable to work and qualify for Workers' Compensation Benefits, you may not use Paid Family Leave benefits at the same time as you are receiving Workers' Compensation benefits.

While the law provides for intermittent leave, when more than three months pass between days of PFL, your next period of leave is considered a new incident, and a new request, with new paperwork, must be submitted.

As per provisions in the legislation, JJML employees may not supplement PFL concurrently with accrued time in order to receive full pay during their absence. While on PFL, employees will not continue to accrue sick or vacation time.

Although the State provides an option for funding Paid Family Leave through employee payroll contributions that are set each year to match the cost of coverage, John Jermain has opted to pay this premium on behalf of the employee.

## **ELIGIBILITY**

All eligible employees are entitled to participate in Paid Family Leave, regardless of citizenship and/or immigration status.

**Full-time employees:** Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.

**Part-time employees:** Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive.

These totals are to include any paid-time off. Time spent on paid vacation, sick or personal days is counted toward an employee's eligibility determination.

## **QUALIFYING EVENTS**

**New Child:** You can take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child. Expectant mothers cannot take Paid Family Leave for their own pregnancy. Paid Family Leave for the birth of a child begins after the birth, and may be taken at any time during the first 12 months of the child's birth, adoption, or foster placement, provided that you remain an eligible covered employee. It is not available for prenatal conditions.

**Serious Illness:** You can take Paid Family leave to care for a close relative with a serious health condition. These relatives can live outside of New York State and even outside the country. You cannot take Paid Family Leave for your own health condition. 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 healthcare provider.

**Military Active Service Deployment:** You can take Paid Family Leave to assist with family situations arising when your spouse, domestic partner, child, or parent is deployed abroad on active military service or has been notified of an impending military deployment abroad. You cannot use Paid Family Leave for your own qualifying military event.

For the purposes of this policy, a close relative is defined as: Spouse, Domestic Partner, Child, Stepchild, Foster Child, or Adopted Child; Parent and Stepparent; Parent-in-law; Daughter- or Son-in-Law, Grandparent, Grandchild, or Sibling.

### **EMPLOYEE RIGHTS AND PROTECTIONS**

You have job protection, ensuring you can return to the same job (or a comparable one) when you return from Paid Family Leave.

You can keep your health insurance while on leave. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on leave.

Your employer is prohibited from discriminating or retaliating against you for requesting or taking Paid Family Leave.

You do not have to take all of your sick and/or vacation time before using Paid Family Leave, although you may choose to use accrued time before beginning Paid Family Leave.

### **TAKING PAID FAMILY LEAVE PROCEDURES**

1. Notify your employer. When you want to take Paid Family Leave, you must notify your employer at least 30 days before your leave will start if it's foreseeable. Otherwise, notify your employer as soon as possible.
2. Obtain required forms. Contact your employer, or visit [PaidFamilyLeave.ny.gov](http://PaidFamilyLeave.ny.gov) to obtain the required forms.

3. Complete and attach: The Request For Paid Family Leave (Form PFL-1) has sections that need to be completed by you and by your employer. Fill out your section, make a copy and give the form to your employer to fill out Part B. Your employer is required to return Form PFL-1 to you within three business days. If there is a delay, you do not have to wait to proceed. Send the Form PFL-1 that you have filled out, along with the rest of your request package, directly to your employer's PFL insurance carrier.

4. Obtain and attach supporting documentation. The specific documentation or additional forms required for each type of leave are described on the request for Paid Family Leave and at [PaidFamilyLeave.ny.gov/Apply](http://PaidFamilyLeave.ny.gov/Apply).

5. Submit your request forms and supporting documentation. You must submit your completed request package to your employer's insurance carrier within 30 days after the start of your leave to avoid losing benefits. In most cases, the insurance carrier must pay or deny benefits within 18 calendar days of receiving your completed request or your first day of leave, whichever is later.

#### **DISCRIMINATION COMPLAINTS**

Employees are protected from discrimination and retaliation for requesting or taking Paid Family Leave. If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave, send your employer's designated Paid Family Leave contact a formal request for job reinstatement using the Formal Request For Reinstatement Regarding Paid Family Leave (Form PFL-DC-119), which can be found in the forms section of [PaidFamilyLeave.ny.gov](http://PaidFamilyLeave.ny.gov). File the completed form with your employer and send a copy to: Paid Family Leave, P. O. Box 9030, Endicott, NY 13761-9030.

If your employer fails to comply with the request for reinstatement within 30 days, you may file a Paid Family Leave discrimination complaint with the Workers' Compensation Board using Paid Family Leave Discrimination Complaint (Form PFL-DC-120), which is also available on the Paid Family Leave website. Once your complaint is received, the Board will assemble your case and schedule a preliminary hearing in front of a Workers' Compensation Law Judge.

ADOPTED BY THE BOARD OF TRUSTEES: NOVEMBER 2019  
REVIEWED ANNUALLY FOR COMPLIANCE, LAST APPROVED: MARCH 2021