

## NYS Paid Family Leave FAQs

**These FAQs are for general, informational purposes only and may not be relied upon as setting forth rights or obligations. All rights and obligations are subject to NY Paid Family Leave Law.**

### **What is Paid Family Leave (PFL)?**

In general, [New York's Paid Family Leave](#) program provides partial wage replacement to non-faculty employees to help them bond with a child, care for a close relative with a serious health condition, or help relieve family pressures when someone is called to active military service. Leave for faculty, who are excluded from PFL coverage by the governing NY state law and who therefore are not subject to any resulting payroll deduction, is governed by other University policies.

### **Who pays for the Paid Family Leave?**

New York's Paid Family Leave program is designed to be entirely employee-funded. That is, the benefit is paid for by (non-faculty) employees. Hofstra University will collect the cost of Paid Family Leave through payroll deductions. The maximum employee contribution in **2024** shall be capped at 0.373% of the New York State Average Weekly Wage currently set at \$1,718.15. Thus, the maximum weekly employee contribution is \$6.41 which is a maximum of \$333.25 per employee on an annual basis.

### **Can PFL be waived?**

In limited circumstances it can be waived. Paid Family Leave is a mandatory benefit for employees. You may opt out of paying PFL payroll contributions if you do not expect to work long enough to qualify for PFL. As more fully set forth in the law, the only employees who can file a waiver for contributions are those that expect to work less than 26 weeks (i.e. – six months) in a 52-week period (if working 20 or more hours per week) or 175 days in a 52-week period (if working less than 20 hours per week).

### **What happens if I waive PFL and then later become eligible for it?**

If your schedule changes and you are expected to qualify for PFL, the waiver is automatically revoked and you are responsible for paying any required PFL contributions from the first day of employment.

### **I am collecting Disability Benefits. Will I be able to use Paid Family Leave?**

Paid Family Leave is not available for your own health condition. If you are not working and are collecting Disability benefits, you may not use Paid Family Leave.

### **I am collecting workers' compensation. Will I be able to use Paid Family Leave?**

Paid Family Leave is not available for your own health condition including injuries or illnesses that arise out of the course of your employment. If you are not working and are collecting workers' compensation, you may not use Paid Family Leave.

### **I am pregnant. Will I be able to receive Paid Family Leave during my pregnancy?**

No. PFL may be available after the birth of your child; see first question above.

### **I am on leave recovering from pregnancy and receiving Disability Benefits – can I also receive PFL benefits?**

PFL is not available for your own health condition including pregnancy disability. However, you may be able to get PFL benefits after your pregnancy disability leave to bond with your new child. If you are eligible for both Disability benefits and PFL benefits during the same period of 52 consecutive calendar

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weeks, you will not receive more than 26 total weeks (not including the 7 day waiting period) of combined Disability and PFL benefits during that period of time.

### **How long do I have to take PFL to bond with a new child?**

You can receive PFL benefits while bonding with a newborn baby during the first year of the child's life. If you are taking leave to bond with an adopted or foster child, you are eligible for PFL benefits within the first year of the child's placement with you.

### **Will I be able to use Paid Family Leave to take care of an eligible relative living outside New York?**

Yes. As long as you are caring for an eligible family member and provide the medical certification. For purposes of providing care, this means you will be present at the same location as the family member during the majority of the employment period from which leave has been taken. Travel necessitated for the purpose of securing medication or to arrange care for the family member, or other such deviations determined to be reasonably related to providing care, shall satisfy this definition. Providing care may include necessary physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services.

### **I am not a US citizen. Will I still be eligible for Paid Family Leave?**

Your citizenship status has no impact on your Paid Family Leave eligibility.

### **Will I be able to use Paid Family Leave if I work part-time?**

Yes. As more fully set forth in the law, if you work less than 20 hours a week you will become eligible after 175 days of work. If you work 20 or more hours a week you will become eligible after 26 consecutive weeks of work.

### **Can I take Paid Family Leave and use my accrued leave time together so that I receive my full salary?**

Hofstra University allows you to use vacation and personal time in lieu of receiving Paid Family Leave benefits so that you receive your full salary for all or part of the leave. To the extent you elect to use accrued, unused University vacation/leave time, the University is entitled to receive and recoup any New York State PFL payments to which you would have been entitled.

### **Will my spouse and I be able to use Paid Family Leave at the same time?**

If you and your spouse work for Hofstra University, Paid Family Leave will not be granted to both of you at the same time to care for the same family leave recipient, or to bond with a child.

### **Which family members are covered under Paid Family Leave?**

As more fully set forth in the law, you may receive PFL benefits while caring for a seriously ill parent, parent-in-law, child, sibling, spouse, domestic partner, grandparent, or grandchild OR if your spouse, domestic partner, child or parent is on active or has been notified of an impending call or order of active duty.

### **Is my job protected while on PFL?**

Your job is protected while on PFL provided the required claim and certification forms are submitted timely. The University may hire a temporary replacement during your leave.

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### Can PFL be taken in addition to FMLA leave?

PFL and FMLA will run concurrently where applicable.

### What are the benefits under PFL?

PFL provides eligible employees with up to **12 weeks of job protected, paid time off**.

For example, effective January 1, 2024, an employee who makes \$1,000 a week would receive a benefit of \$670 a week (67% of \$1,000). Another employee who makes \$2,000 a week would receive a benefit of \$1,151.16, because this employee is capped at 67% of [New York State's Average Weekly Wage \(NYSAWW\)](#) — which will be \$1,718.15. Sixty-seven percent of that amount is the \$1,151.16.

The Average Weekly Wage (AWW) is set every year after a comprehensive analysis by the New York State Department of Labor.

*\*\*New York State Paid Family Leave website*

### How Do I Apply for PFL?

**Step 1:** You must provide the Office of Human Resources and your supervisor with at least 30 days advance notice before the planned leave if the qualifying event is foreseeable. If a 30-day advance notice is not possible, notice must be given the same day or next business day of learning about the need to take leave.

**Step 2:** The Office of Human Resources will provide you with the forms that need to be completed within 3 business days.

**Step 3:** You must complete and return Part A of the *Request For Paid Family Leave (Form PFL-1)* along with supporting documentation (i.e. live birth certificate for bonding) to the Office of Human Resources within 30 days of the qualifying event.

**Step 4:** The Office of Human Resources will complete the employer section of the PFL-1 form within 3 days of receipt and will return a copy to the employee and the Carrier. Additional forms are required depending on the type of leave being requested. You are responsible for the completion of these forms and submission to the Carrier within 30 days of the qualifying PFL event.

**Step 5:** The Carrier will determine the status of the application. PFL benefits will be issued or denied by the carrier.

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For further information on applying for PFL, please contact the [Office of Human Resources](#).

For information on NYS Paid Family leave, please visit their [website](#) for further information.