

New York State Paid Family Leave (PFL) Policy

Hofstra University is committed to providing eligible employees with leave afforded under New York's Paid Family Leave Law. Effective January 1, 2018, [New York State Paid Family Leave \(PFL\)](#) provides eligible administrative, staff and student employees with partially paid, job-protected leave in certain qualifying circumstances. Paid Family Leave is entirely employee-funded through a small employee payroll deduction as set by the Paid Family Leave Law.

PFL is available under the following qualifying circumstances as further set forth in the PFL:

1. To bond with a new child (biological, adopted, or foster child) within the first 12 months after birth, adoption or placement
2. To provide physical or psychological care to a family member with a serious health condition. A serious health condition, as further set forth in the PFL, 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. Continuing treatment means a period of more than three consecutive, full days during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to illness, injury, impairment, or physical or mental conditions, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (a) treatment two or more times by a health care provider; or (b) treatment on at least one occasion by a health care provider, which results in a regimen of continuing treatment under the supervision of the health care provider.
3. To address a qualifying exigency when the employee's child, spouse, parent, or domestic partner is called to covered active military service in the United States armed forces. A qualifying exigency is interpreted consistent with the federal Family Medical Leave Act (e.g. attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, and attending post-deployment re-integration briefings.)

Where applicable, PFL will run concurrently with Family Medical Leave (FMLA). Employees may take leave in continuous or intermittent full-day increments. Employees may not designate partial days as leave under PFL.

PFL is not available for the employee's own health condition or qualifying military event, employees may not receive PFL and disability benefits at the same time, and the University is not required to provide the same PFL to two or more employees at the same time to care for the same family member.

Employees are not required to exhaust accrued, unused University vacation/leave time when taking PFL, unless the PFL leave runs concurrent with FMLA. Employees may, however, elect to charge all or part of his/her family leave time to unused, accrued University vacation/leave time and receive his or her full salary. In such an event, the University is entitled to receive and recoup any New York State PFL payments to which the employee would have been entitled. Employees will not accrue University vacation/leave time while out on Paid Family Leave.

Eligibility

Eligibility is governed by the state law. In general, administrative, staff and student employees who work more than 20 hours per week and have been employed for a minimum of 26 consecutive weeks, are eligible for PFL benefits. State law excludes faculty as covered employees. Employees who work less than 20 hours per week become eligible for PFL benefits after 175 days of work. Use of vacation, personal or sick time counts as workweeks or days of work. Periods of temporary disability taken under Article 9 of the Worker's Compensation Law do not count as workweeks or days of work.

Employee Responsibilities

To apply for PFL, an employee must provide the University with at least 30 days advance notice from the requested leave date. Foreseeable qualifying events include, for example, an expected birth, placement for adoption or foster care; planned medical treatment for a serious health condition of a family member; the planned medical treatment for a serious injury or illness of a covered service member; or other known military exigency. Where such notice is not

possible, the employee must provide notice as soon as practicable and must comply with normal call-in procedures. When an employee becomes aware of a qualifying event less than 30 days in advance, it should be practicable for the employee to provide notice of the need for leave either the same day or the next business day. When an employee takes intermittent PFL (which may not be taken in partial day increments) the employee must provide notice as soon as practicable before each day of intermittent leave.

An employee shall provide notice sufficient to make the University aware of the qualifying event and the anticipated timing and duration of the requested leave. The employee shall identify the type of family leave when providing notice to the University.

To apply, please contact the [Office of Human Resources](#) who will provide you with the forms that need to be completed within 3 business days of your providing notice of request for PFL.

Protection of Health Insurance Benefits

While on PFL, an employee's health insurance coverage will be maintained in the same manner as during the employee's active employment status. Employees are responsible for paying their share of health insurance premiums while on leave. If the premiums are raised or lowered during PFL, the employee is required to pay the new premium rates. In some instances, the University may recover premiums it paid to maintain health coverage for an employee who fails to return to work from PFL.

The University's obligation to maintain health insurance coverage ceases under PFL if an employee's premium payment during the period of leave is more than 30 days late. The University will provide written notice to the employee at least 15 days before the coverage is to cease, that coverage will end on a specified date at least 15 days after the date of the letter unless payment has been received by that date.

If the employee chooses not to retain health plan coverage during PFL, they may have their health coverage reinstated to the same plan and level of coverage as prior to taking PFL upon return from PFL.

Return to Work

Employees returning from PFL leave will be reinstated to the employees' position of employment held when the applicable leave commenced, or to a comparable position with comparable employment benefits, pay and other terms and conditions of employment. The University may hire a temporary replacement during the employees' leave period.

Right to Waive PFL

Employees whose regular employment schedule is (a) 20 hours or more per week but they will not work 26 consecutive weeks; or (b) less than 20 hours per week and they will not work 175 days in a 52 consecutive week period have the option to waive family leave benefits. In order to waive these benefits, and avoid the corresponding payroll deductions, eligible employees must complete a [waiver of benefits form](#). This waiver is optional. Employees who complete a waiver will not contribute to Paid Family Leave through payroll deductions and will not be eligible to take Paid Family Leave. If the employee's schedule changes and they qualify for Paid Family Leave, (e.g. they work 20 hours or more a week and work over 26 consecutive weeks) the waiver is automatically revoked and the employee is responsible for paying any required Paid Family Leave contributions from the first day of employment. Waiver forms are available in the Office of Human Resources.

For more information on PFL, please contact the [Office of Human Resources](#) or go to the [New York State Paid Family Leave website](#). All rights and obligations are subject to New York State Paid Family Leave Law.