

Barnard College New York State Paid Family Leave Policy

Effective Date: August 20, 2018

Executive Summary

Under the New York State Paid Family Leave Benefits Law (“NYPFL”), effective January 1, 2018, Barnard College provides partially paid job-protected leave to eligible employees to bond with a new child, care for a loved one with a serious health condition or to help relieve family pressures when someone is called to active military service abroad. The Paid Family Leave benefit is financed through a minimal employee payroll deduction under a calculation set forth under New York State law.

Reason for the Policy

Barnard College is committed to providing eligible employees with leave under the New York State Paid Family Leave Benefits Law.

Who is Responsible for This Policy

The Office of Human Resources is responsible for the maintenance of this policy and for responding to questions regarding this policy. The college reserves the right to amend this policy at any time. For questions on this policy, please contact Human Resources at (212) 854-2551 or hr@barnard.edu. Student employees should direct questions to Student Employment Services at (212) 853-0770 or beyondbarnard@barnard.edu

Who is Governed by This Policy

All eligible administrative staff, eligible staff represented by Local 2110 (Technical, Office and Professional Staff), TWU Local 264 and 32BJ, and eligible student employees are governed by this policy.

Under the NYPFL, an employee must meet the following criteria to be eligible:

- Employees who regularly work more than 20 hours per week are eligible to participate after working 26 consecutive weeks.
- Employees who regularly work less than 20 hours per week are eligible to participate after the 175th day of work.

Employees’ use of vacation, personal or sick time counts as workweeks or days of work to calculate eligibility for NYPFL. Employees’ use of short term disability leave under Article 9 of the Worker’s Compensation Law does not count as workweeks or days of work to calculate eligibility for NYPFL.

Exclusions

The New York Paid Family Leave law excludes Members of the Faculty and others teaching with part-time or full time teaching appointments from the definition of employees who are eligible for the NYPFL benefit. This benefit also does not apply to individuals who work for the College outside of New York State and does not apply to maritime employees.

Policy Statement

In accordance with the NYPFL, Barnard College provides partial wage replacement and job protected leave. The NYPFL is paid and administered through Cigna, which serves as both the College's third party administrator and disability insurance provider.

NYPFL Payroll Deduction

The NYPFL benefit is funded entirely through minimal deductions from employee's paychecks. The weekly contribution rate is 0.126% of an employee's weekly wage, capped at the New York state average weekly wage. In 2018, the New York state average weekly wage is \$1,305.92, and the maximum deduction for 2018 is \$1.65 per week per employee. This deduction will begin in the first payroll cycle in January 2018, or upon hire.

Waiver

An employee has the option to waive the NYPFL benefit, and be exempted from the payroll deduction if:

(1) the employee regularly works 20 hours or more per week but will not work 26 consecutive weeks; or (2) the employee regularly works 20 hours or less per week but will not work 175 days in a 52 consecutive week period.

The waiver form is available here: <https://www.ny.gov/new-york-state-paid-family-leave/paid-family-leave-forms-employees-employers-and-insurance-carriers#employee-paid-family-leave-opt-out-and-waiver-of-benefits>. Employees should return completed forms to the Office of Human Resources for staff and to Student Employment Services for student employees.

If an employee waives NYPFL coverage and the employee's regular schedule changes so that the employee will no longer meet the waiver criteria (either the employee works 26 consecutive weeks or 175 days in a consecutive 52-week period), then the employee's waiver will be automatically revoked. When such a waiver is revoked, the College will notify the employee and the College may begin taking NYPFL payroll deductions from the employee, including any retroactive amounts from January 1, 2018 or the employee's date of hire.

In the event an eligible employee and his/her eligible spouse both work for Barnard College and request NYPFL, both spouses may each take up to the maximum PFL benefit length in any given 52-week period

Reasons for Leave

NYPFL is available to eligible employees for the following reasons:

- (1) to participate in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member as defined in the Paid Family Leave regulations; or
- (2) to bond with the employee's child during the first twelve months after the child's birth, or the first twelve months after the placement of the child for adoption or foster care with the employee; or
- (3) because of any qualifying exigency as interpreted under the Family Medical Leave Act, arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

Leave Amounts

The benefits will be phased in over a period of four years in accordance with NYPFL as follows:

<u>Date</u>	<u>Maximum Benefit within 52- week Period</u>	<u>Paid Family Leave Benefit</u>
January 1, 2018	8 weeks	50% of the employee's average weekly salary or 50% of the state average weekly wage ¹ , whichever is less
January 1, 2019	10 weeks	55% of the employee's average weekly salary or 55% of the state average weekly wage, whichever is less
January 1, 2020	10 weeks	60% of the employee's average weekly salary or 60% of the state average weekly wage, whichever is less
January 1, 2021	12 weeks	67% of the employee's average weekly salary or 67% of the state average weekly wage, whichever is less

Eligible employees may take up to the maximum leave duration allowed under NYPFL in any given 52 consecutive week period. The 52-week clock starts on the first day the eligible employee takes NYPFL.

Eligible employees may take NYPFL on a weekly basis or intermittently, but only in full-day increments.

If an employee is using NYPFL intermittently, the employee must provide notice as soon as is practical before each day of intermittent leave and follow the College procedures for intermittent leave.

¹ The New York State Average Weekly Wage for 2018 is \$1,305.92.

If an employee takes NYPFL in daily increments, the employee's maximum period of paid family leave is calculated based on the average number of days worked (for example, in 2018, an employee who works 5 days per week will be eligible to take up to 40 days of paid family leave, while an employee who works 3 days per week will be eligible to take up to 24 days of paid family leave).

Use of Sick/Vacation/Floating Holidays

Eligible employees may choose to use unused vacation/sick/holiday to receive full salary in lieu of receiving the paid family leave benefit. Employees may only use unused vacation/sick/holiday in full-day increments and such time will be deducted from the employee's absence balances. If an employee uses unused vacation/sick/holiday, the PFL payment will be remitted directly to the College. An employee's use of unused vacation/sick/holiday time will not extend the maximum duration of the NYPFL leave.

NYPFL Leave and the Family and Medical Leave Act (FMLA)

FMLA leave and NYPFL will run concurrently if an employee's reason for leave qualifies for both types of leave. If an employee qualifies for both leaves, but the employee declines to apply for NYPFL benefits, any leave taken by the employee for such reason will be counted towards the employee's available NYPFL benefit.

An eligible employee may take intermittent FMLA leave in partial day increments, but may not take NYPFL leave in partial day increments under the law. As a result, the College may deduct one day of NYPFL from the employee's available NYPFL allotment when those intermittent FMLA hours added together will equal the total number of hours in one of the employee's regular work days.

Combination with New York State Statutory Disability Benefits

Employees may not use NYPFL benefits and New York State Disability Benefits (NYSDBL) concurrently.

Employees who are eligible for New York State statutory disability benefits may receive only a combined amount of 26 weeks of NYSDBL and NYPFL benefits in a 52-consecutive calendar week period.

Procedure for Requesting NYPFL

If the qualifying event is foreseeable, an eligible employee must provide 30 days advance notice to their supervisor and their Human Resource Generalist before the date the leave is to begin. When 30 days' notice is not practical, the employee must provide notice as soon as possible.

Once the employee has given notice of a qualifying event to the College, the employee is required to contact Cigna, the College's third party administrator for NYPFL and complete the required forms. If the employee's reason for leave also qualifies under FMLA, the employee is required to also complete the required FMLA forms through Cigna, the College's third party administrator for FMLA.

Job Protection

When an eligible employee returns to work after approved NYPFL, the employee will be restored to the position held by the employee when the leave commenced, or to a comparable position with comparable benefits, pay, and other terms and conditions of employment. The taking of leave covered by PFL will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced. If an employee does not return to work after NYPFL is exhausted, the job protection of NYPFL ceases, however other job protections such as FMLA may apply if the employee is eligible.

Continuation of Health Benefits

During an approved NYPFL, the College will maintain an employee's health insurance coverage 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 NYPFL leave. While on NYPFL, if the employee is receiving a paycheck from the College, the College will continue to take benefits deductions out of each paycheck according to their regular pay schedule. If the premiums are raised or lowered during NYPFL, the employee is required to pay the new premium rates.

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

The College's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the College will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

Protection from Discrimination and Retaliation

The College will not discriminate and/or retaliate against any employee for inquiring about, applying for, or using PFL benefits.

Applicable Acts, Regulations, and Laws

New York Paid Family Leave Benefits Law:

<https://www.nysenate.gov/legislation/laws/WKC/A9>

New York Paid Family Leave Regulations: <http://www.wcb.ny.gov/PFL/pfl-regs.jsp>

New York Paid Family Leave Website: <https://www.ny.gov/programs/new-york-state-paid-family-leave>

Cross Reference to Related Policies

<https://barnard.edu/hr/employee-guide/policies/family-and-medical-leave>