

SUNY PAID FAMILY LEAVE

 University at Buffalo
Division of Finance and Administration



Agenda

- Overview and Background
- Eligibility and Waiver Process
- Roles and Responsibilities
- PFL Claims Process
- Attendance, Leave and other Benefit Impacts
- Next Steps for SUNY
- Question and Answer session



Background

- On April 4, 2016, Governor Andrew Cuomo signed legislation to enact the nation's most comprehensive Paid Family Leave (PFL) policy.
- Benefits to be provided through employee-paid insurance policies – funded through nominal payroll deduction.
- For most employers, paid family leave is considered a rider to their Disability Benefits Law (DBL) coverage

Public Employer Options

- While public employers are not required to offer PFL, they are allowed the option to provide.
- If a public employer offered DBL coverage prior to January 1, 2018, they had to decide by December 1, 2017 if they would offer PFL or not.
- For public employers that did not provide DBL coverage prior to January 1, 2108, they are able to opt to offer PFL at any time.

Paid Family Leave for SUNY Employees

- As of January 1, 2019, paid family leave will become available for all unclassified Management/Confidential (SUNY MC13) and UUP-represented employees.
- Other union-represented employees may receive PFL at a later time if it is collectively bargained.
- Classified group employees (MC06) are eligible for paid family leave under a different PFL contract.

What is Paid Family Leave?

Paid Family Leave provides paid time off and job protection for:



Bonding with a child



Caring for sick family members



Assisting family when a service member is deployed abroad

Benefit Payment and Time off Benefit

Effective Date	Max length of PFL	Covered % of Employee's weekly income	Maximum benefit (% of NY average weekly wage)
1/1/2019	10 weeks	55%	55%
1/1/2020	10 weeks	60%	60%
1/1/2021	12 weeks	67%	67%

- For 2019 benefits, the NY State Average Weekly Wage is \$1,357.11 so the maximum weekly benefit someone may receive is \$746.41
 - The state will announce a new average weekly wage on 7/1, and that new wage amount will be used effective 1/1 of the following year.
 - Benefits do not automatically change when a new state average weekly wage is announced.

Part-time versus Full-time employees

- All employees that meet eligibility will qualify for leave, whether they work part-time or full-time.
- “Day of Paid Family Leave” is defined as however many hours an individual regularly works in a day
- Duration of available leave will be based on the average days of work at the time someone first files for leave.
 - An employee working 5 days per week will receive up to 10 weeks or 50 days of leave
 - An employee working only 3 days per week will receive up to 10 weeks or 30 days of leave as their regular week is only 3 days.
- Payment amount is determined based on the last 8 weeks of pay in which an employee was working – if the employee is on a reduced schedule prior to PFL, payment and duration is based on that reduced schedule.

Qualifying Situations: Bonding

- Provides for either parent the ability to bond with a child within the first 12 months of: birth, adoption or foster care
- For foster and adoption – employees can take leave before the actual placement of the child if absence from work is required as part of the process.
- For new birth – employees can only take leave after the birth, not for prenatal conditions.

Qualifying Situations: Care of Close Relative

- Can be taken to care for someone with a serious health condition.
- Serious health condition is an illness, injury, impairment or physical or mental condition which requires:
 - Inpatient care in a hospital, hospice or residential care facility;
 - Or continuing treatment or supervision by a health care provider
- Close Relative includes: Spouse, domestic partner, child, grandparent, grandchild, or parent (including step- parent, parent-in-law, foster or adoptive parent)

Qualifying Situations: Military Exigency

- Can take leave to attend to family matters if a family member is on active duty, called to active duty or has been notified of impending call to active duty.
- Aligns with FMLA regulations.
- Can be taken if a spouse, domestic partner, child or parent is called. Not for one's own call to active duty.

Using Paid Family Leave

- Employees cannot work any part of a day in which they also use PFL
- Leave may be taken consecutively or intermittently
 - When intermittent leave is taken, an employee must take at least a full day off.
- Employees must take leave within 52 weeks of the qualifying event, but this will apply to events which took place in 2018.
 - Ex. Employee gave birth August 20, 2018 – she may apply to take PFL bonding leave in 2019 as long as she completes using this leave prior to August 20, 2019.
- Benefits are taxable even though employees pay the premium
- Claims for PFL need to be filed within 30 days of first day of leave taken

Notice to Employers

- When the need for leave is foreseeable, employees should provide at least **30 days notice** before taking leave
- For unplanned leave, employees must provide **as much notice as practicable**
- Follow normal time-off call-in procedures

Coordination with FMLA

- If an employee takes PFL for a qualifying event which is also covered under the FMLA, these leaves should run concurrently.
- The employee must be notified their event qualifies for both PFL and FMLA and will be designated as such.
- There are situations in which an employee may use PFL or FMLA and the leave may not qualify under both programs:
 - Family Relationship is not covered under both programs
 - Eligible for PFL and not FMLA
 - Taking time off for their own condition
 - Working part of a day

PFL and Leave Accruals

PFL is an insurance benefit, not a paid leave accrual such as:

- Vacation
- Personal Leave
- Sick Leave
- Holiday Leave
- Compensatory Time

PFL is available if an employee:

- Has accruals and does not wish to use them

OR

- Does not have accruals

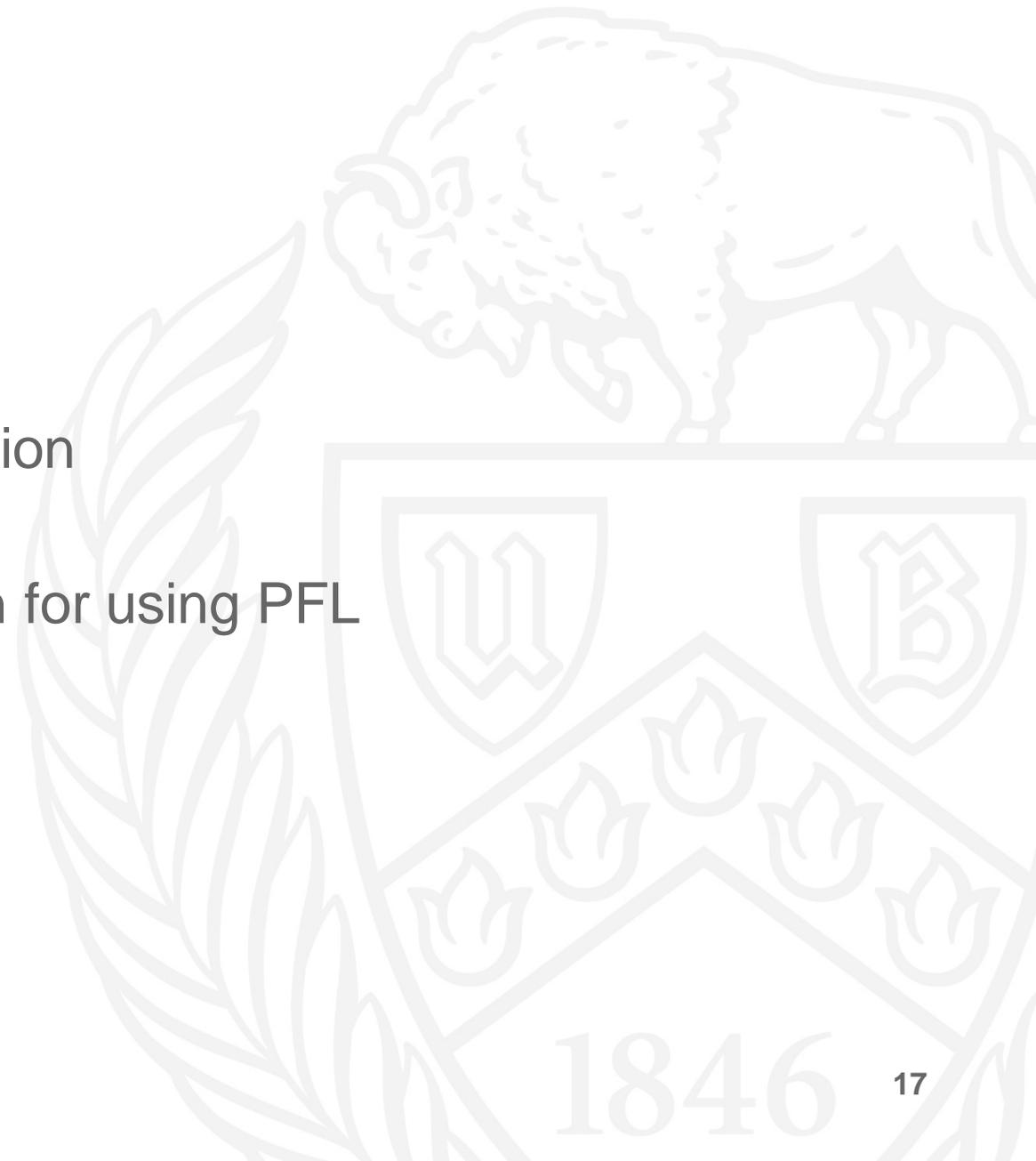
PFL and Leave Accruals cont.

- PFL and leave accruals cannot be used on the same day
- Unlike FMLA, a day of absence charged to appropriate leave accruals does not count against the PFL benefit.

PFL Job Protection

Employees are Guaranteed:

- Reinstatement to previous or similar position
- Continuation of health insurance
- Freedom from discrimination or retaliation for using PFL



Employee Responsibility

- Download PFL claim form for appropriate leave type
- Notify campus of intent to use PFL leave and provide Part B of PFL 1 form to be completed and returned
- Once all PFL forms are completed, send claim packet to The Standard for approval
- When taking intermittent leave, will need to call their campus and The Standard each time leave is taken
- Notify their campus and The Standard of ANY change in leave dates, whether leave is continuous or intermittent

Campus Benefits Office

- Complete Part B of the PFL-1 Form for The Standard
- Determine employee's eligibility for PFL
- Contact department to request ePTF transactions
- Refer employees to the contract consultant, Flexbene with PFL process questions
- Refer employees to The Standard with specific claim questions
- Notify The Standard if an employee is receiving PFL and still working or has returned to work

Claims Process

- To begin the claims process, employees must complete the appropriate PFL claims forms:
 - SUNY Benefits website:
<https://www.suny.edu/benefits/attendance/pfl/>
- Employee may apply for PFL benefits using either forms created by The Standard or New York State
- If employees have questions about the claim filing process:
 - Email: PFL@flexbene.com
 - Phone: 888-PFL-SUNY (888-735-7869)

Timing of Claims Submission

- When foreseeable, employees can submit claims 30 calendar days in advance of anticipated absence
 - They need to notify the campus of upcoming leave 30 days or more in advance but may wait until closer to leave to submit claim
 - If they submit early, they will be asked to call The Standard and confirm leave beginning.
 - Employees must confirm their leave beginning with campuses also
- Benefits cannot be provided until all required information is provided
- Employees have up to 30 calendar days after the leave begins to file a claim.

After a Claim is Submitted

- If only a piece of the claim is submitted (not fully complete), The Standard will send a letter to the employee which:
 - States the claim is pending
 - Identifies what information is missing
 - Instructs the employees how to submit missing information
- Once all information is supplied, The Standard has 18 calendar days to pay or deny the claim in writing
- If the claim is denied, the employee will receive instructions on how to submit an appeal.
 - If there is a dispute regarding eligibility, they will appeal this with SUNY University Benefits



Intermittent Leave Claim Management

- Employees will always need to follow usual and customary notice procedures with their campus
- When an employee is intermittently using days, in order to avoid overpayments of claims, The Standard will require the employee to call The Standard to confirm each day of absence
- This is true even when an employee provides the future dates they plan to use

Claim Overpayments

- Employees need to notify their campus and The Standard of the leave start and stop in a timely manner
- If a claim is overpaid, The Standard will send a letter to claimant notifying them of the overpayment
 - If more benefits are payable under PFL, we may arrange with the claimant to withhold benefits until repaid
 - If no more benefits are payable, the employee will need to repay the overpayment

PFL Attendance and Leave Administration

- Impact of being on PFL – employees are deemed in leave without pay status.
- No service credit for periods of PFL but does count toward 10 year vesting for health insurance in retirement
- No credit for holidays or floating holidays which fall during period of leave and don't earn accruals. However, employees on intermittent PFL will earn accruals only so long as they are in full pay status for each month, or major fraction thereof.

PFL Attendance and Leave Administration

- When you elect to use PFL, it will run concurrently with Family and Medical Leave Act (FMLA) when appropriate
 - › PFL is available in full day increments only
 - › When using FMLA in less than full day increments, employee is not eligible for PFL
 - › FMLA counts against annual PFL only if employee wishes to use PFL benefit
 - › Statuses are: Charging accruals, FMLA (charging accruals), FMLA (no charge to accruals) and PFL (may or may not be FMLA)

PFL Attendance and Leave Administration

- VRWS agreements suspended after 28 consecutive calendar days
- Employees not permitted to use PFL during any period they are on leave for any other reason

Example – concurrent PFL and FMLA

- An employee requests 10 weeks off in February 2019 to care for their spouse with a serious health condition
- Eligible for PFL and FMLA
- Chooses to use 10 weeks of their PFL benefit, which will run concurrently with their FMLA entitlement.
- Return to work at the end of the absence

Questions?



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