



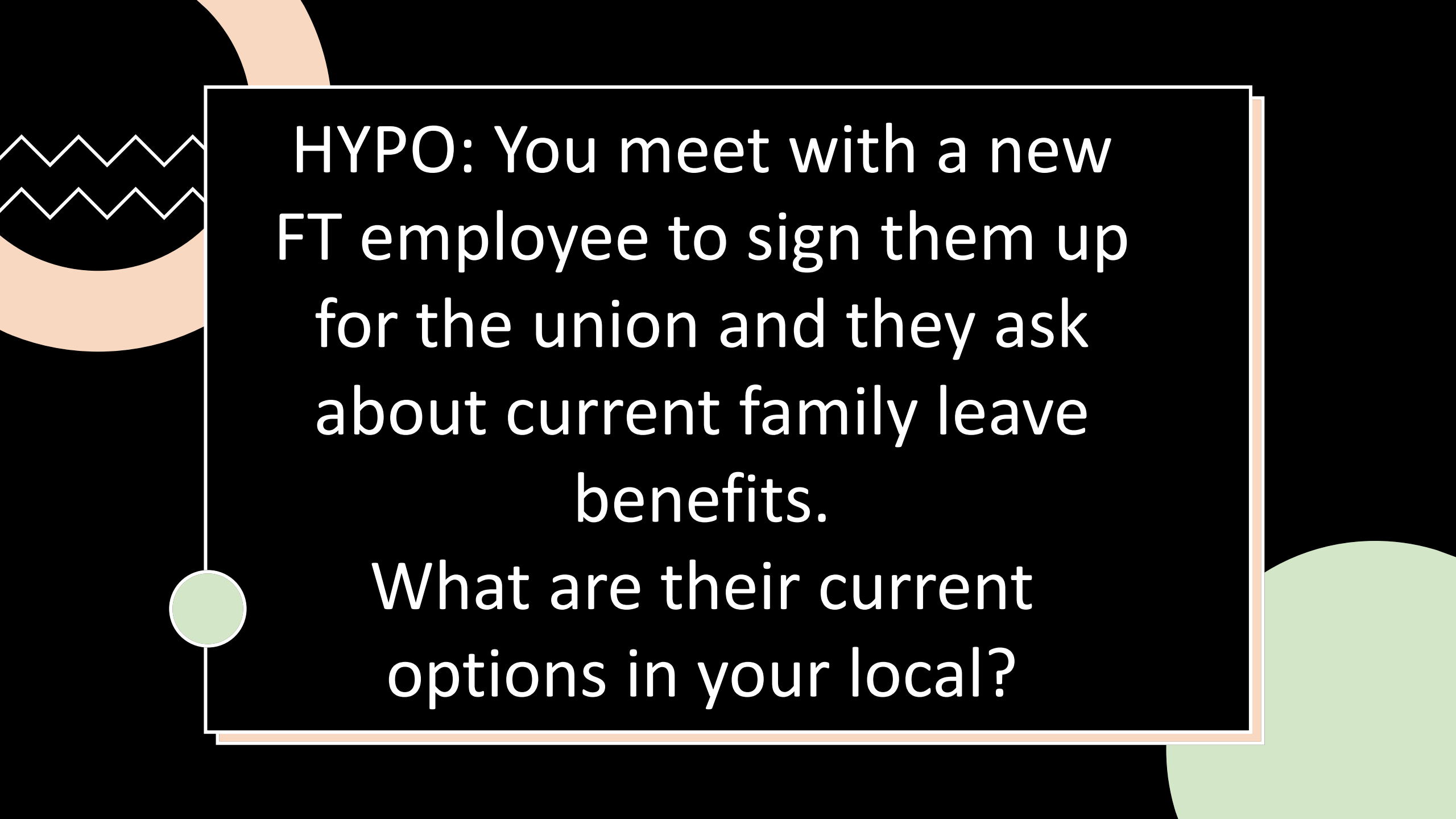
PAID FAMILY LEAVE

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HYPOTHESIS: You meet with a new FT employee to sign them up for the union and they ask about current family leave benefits.

What are their current options in your local?



**Why do we need
Paid Family Leave?**

New York's Paid Family Leave Law

NYS PFL Law implements a system of paid family leave benefits for eligible employees of covered employers.

Benefits:

- Cash benefit
- Job protection
- Health insurance



Effective Date	Maximum weeks of Paid Leave	Amount of Benefits
1/1/21 and beyond	<u>12 weeks</u> in any 52-week period	67% of an employee's average weekly wage but not to exceed 67% of the New York State Average Weekly Wage

New York's Paid Family Leave

Benefits Examples

Worker's Average Weekly Wage

Weekly PFL Benefit*

\$600

\$402

\$1,000

\$670

\$2,000

\$1,131.08*

2023 New York Paid Family Leave

For 2023, the State Average Weekly Wage is **\$1688.19**, which means the **maximum weekly benefit is \$1,131.08**.

How are the benefits funded?



- Employee-funded
- Employer may collect through payroll deduction

Sample Employee Contributions

Weekly wage	Weekly deduction (.455%)	Annual wage (approximate)	Annual cost
\$519	\$2.36	\$27,000	\$122.72
\$1,000	\$4.55	\$52,000	\$236.60
\$1688.19	\$7.681	\$87,800	\$399.43*
\$2000	\$9.10*	\$104,000	\$399.43*

Job-protection



- Employee must be returned to the same job, or a comparable one, after returning from PFL.
- A comparable job is one with comparable employment benefits, pay and other terms and conditions of employment.

Continued health insurance



Just like FMLA, the employer is obligated to maintain an employee's health insurance while on PFL on the same terms as if you continued to work.



Eligible Employees:

Employees of a covered employer who satisfy the minimum time-worked requirements:

- **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.



Covered Employers

- Most private employers are covered but certain categories of workers are excluded.
- One category of private sector workers excluded from statutory entitlement to PFL benefits are persons engaged in a professional or teaching capacity for a not-for-profit.

**When can an eligible
employee use Paid Family
Leave?**



Bonding with a child

- Birth
- Adoption
- Foster Care



Family Care

Caring for certain family members with a serious health condition, including family members outside of New York State

Family members covered include:

- Spouse/domestic partner
- Child/stepchild & anyone for whom you have legal custody
- Parent/stepparent
- Parent-in-law
- Grandparent
- Grandchild
- Siblings (eff. 1/1/23)

What is a serious 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 health care provider.

Military Family Support Leave

PFL provides time to assist with family situations arising when certain family members are on **active service in a foreign country** or has been notified of an impending call or order of active service to a foreign country.

Covered family members here includes:

- Spouse/domestic partner,
- Child, or
- Parent

PFL is also available for the same reasons you can take military-related leave under the FMLA, which may include:

- Short-notice military deployment;
- Military events, which may include official ceremonies or informational briefings related to the active duty;
- Military member's rest, recuperation or counseling;
- Post-deployment activities, which may include arrival ceremonies and reintegration events;
- Making financial/legal arrangements; or
- Making childcare arrangements for the military member's child.

**PFL cannot
be used
when the
employee:**

1. Is receiving total disability benefits pursuant to a claim for Workers' Compensation, volunteer firefighters or volunteer ambulance workers' benefits
2. Is not employed or is on suspension or administrative leave
3. Is collecting sick pay or paid time off from the employer; or
4. Has worked at least part of the day during the same working hours as those for which PFL benefits are claimed.

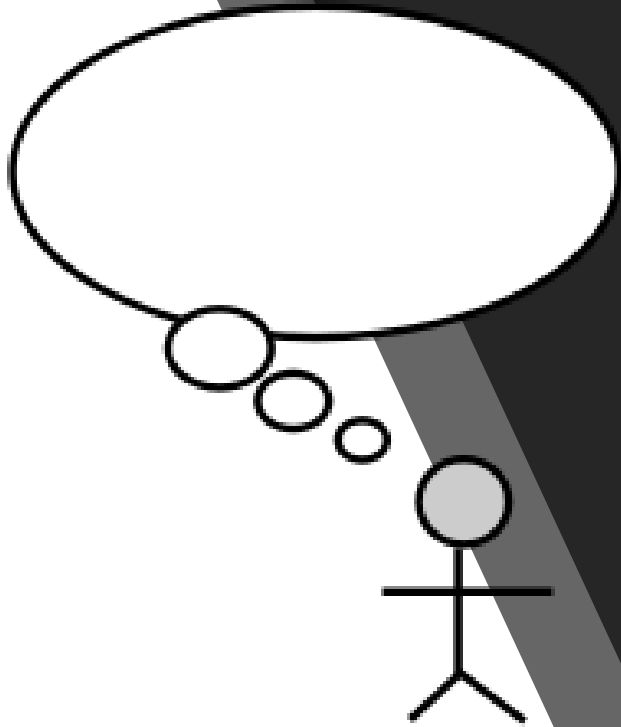
No Discrimination or Retaliation

- Your employer is prohibited from discriminating or retaliating against you for requesting or taking Paid Family Leave.
- If you request or take Paid Family Leave, discrimination or retaliation can include your employer:
 - not returning you to your same or a comparable job,
 - terminating your employment,
 - reducing your pay or benefits, or
 - disciplining you in any way.

PFL and FMLA

- If an event qualifies for leave under both FMLA and PFL, & the employer is covered under both laws, the employer may require employees to run the benefits concurrently.
- For the two types of leaves to run together, the employer must notify the employee that the leave qualifies for both FMLA and Paid Family Leave, and that it will be designated as such.
- Both require completion of a notice to the employer and a medical certification.

Thoughts for collective bargaining



- Public employee unions can propose PFL benefits
- Can propose option to run PFL and FMLA consecutively v. concurrently
- Can propose funding PFL through Welfare Fund
- Can seek to expand PFL benefits including:
 - Additional time
 - Greater compensation
 - Decrease employee contribution (or full employer-funding)

Non- negotiable aspects of PFL

- Cannot allow employees who are eligible under the statute to waive coverage because they don't intend to use it
- Cannot agree to fewer weeks or less compensation than the statute requires

Hypothetical

Taylor notifies HR that they are pregnant. Four weeks before the due date, Taylor's doctor advises that they need to be put on bed rest until they deliver. Taylor provides a note to HR and indicates they need time off from work.

HR follows practice and appropriate procedures to notify Taylor that the Employer is designating the period of required leave as FMLA leave.

Taylor is worried because they had planned to use their 12 weeks of FMLA leave after the baby was born.

How much FMLA leave is Taylor entitled to following delivery?

How would PFL benefit Taylor?

Hypothetical

As the longest serving employee in the District, Joe has accrued months of sick leave.

If he takes FMLA leave to care for his son who is going through chemotherapy, may he substitute his accrued sick leave for unpaid FMLA leave?

How would PFL benefit Joe?



Questions???