

New York State Paid Family Leave Policy Last Updated: September 2018

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:

1. To bond with a new child (biological, adopted, or foster) 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 defined in the PFL statute, 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 (FMLA), 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 (FML). Employees may take leave in continuous or intermittent full-day increments. Employees may not designate partial days as leave under PFL.

PFL is also subject to certain restrictions: (a) PFL is not available for the employee's own health condition or qualifying military event; (b) employees may not receive PFL and disability benefits at the same time; and (c) Juilliard is not required to provide the same PFL to two or more employees at the same time to care for the same family member.

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

Eligibility

Eligibility for PFL is governed by 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 under PFL. 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 Juilliard with at least 30 days advance notice, prior to the requested leave date for a foreseeable qualifying event. Foreseeable qualifying events include, for example, an expected birth, adoption or foster care; planned medical treatment for a serious health condition of a family member; planned medical treatment for a serious injury or illness of a covered service member; or other known military exigency. The notice must include the anticipated timing and duration of the requested leave, as well as the type of family leave requested. Where such advance notice is not possible, the employee must provide notice as soon as practicable and comply with normal call-in procedures. When an employee becomes aware of a qualifying event less than 30 days in advance of the event, the employee should 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.

To apply, please contact Human Resources to request the forms that need to be completed within 3 business days of providing notice of the 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 employee contributions while on PFL. If the premiums are raised or lowered during PFL, the

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employee is required to pay the new contribution rates. In some instances, Juilliard may recover premiums it paid to maintain health coverage for an employee who fails to return to work from PFL.

Juilliard'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. Juilliard will provide written notice to the employee at least 15 days before the coverage is to cease. Unless payment is received by the due date specified in the letter (which must be at least 15 days after the date of the letter), the employee's coverage will end on the specified 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 their return to work.

Return to Work

Employees returning from PFL 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. Juilliard may hire a temporary replacement during an employee's leave period.

Right to Waive PFL

Employees whose regular employment schedule is (a) 20 hours or more per week but not for 26 consecutive weeks; or (b) less than 20 hours per week but not for 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 PFL through payroll deductions and will not be eligible to take PFL. If the employee's schedule changes and s/he qualifies for PFL (e.g., the employee works 20 hours or more a week for more than 26 consecutive weeks), the waiver is automatically revoked, and the employee is responsible for paying any required PFL contributions from the first day of employment. Waiver forms are available in Human Resources.

For more information on PFL, please contact Human Resources or go to <https://paidfamilyleave.ny.gov/>. All rights and obligations are subject to the New York State Paid Family Leave Law.