

MARIA

COLLEGE

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Section Number:	50	Section Title:	Human Resources
Policy Number:	50.50	Policy Name:	Paid Family Leave
Approval Authority:	Board of Trustees	Approval Date:	__/__/__
Responsible Executive:	VP of Finance and Administration	Approval Date:	12/05/2017
Responsible Office:	Human Resources	Approval Date:	11/18/2017

1. General Statement on Maria College Policy

Maria College formally adopts, issues, implements, and updates policies, and maintains them in its web-based policy library. Individuals responsible for developing, implementing, and maintaining (including revising and/or nullifying) policies must adhere to the Maria College policy on Formulation, Issuance and Maintenance of Maria College Policies. Faculty, staff and students are required to follow policies that apply to their respective roles.

2. Purpose

The purpose of this policy is to inform Maria College employees of:

- New York State's Paid Family Leave (PFL) Program, and who it applies to,
- types of absence for which PLF may be used,
- employee benefits provided through the PFL Program,
- how PFL will be funded, and
how and when this leave should be requested.

3. Scope

This policy applies to all Maria College employees (hereafter referred to as "covered employees") except executive officers, faculty, and persons engaged in a professional capacity.

4. Resources

- [Statement of Rights for Paid Family Leave](#)
- [Employee Opt-Out of Paid Family Leave Form \(NYS PFL Waiver Form\)](#)
- [Request for PFL - Bond with Newborn Form](#)
- [Request for PFL - Family Member Care Form](#)
- [Request for PFL - Military Duty Form](#)

5. Definitions

- Officer:** Any employee of Maria College titled as such (eg., "Chief Academic Officer").
- Person engaged in a professional capacity:**
 - (1) a person whose primary duty consists of the performance of work:
 - (i) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship and from training in the performance of routine mental, manual or physical processes; or

- (ii) original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination or talent of the employee; and
 - (2) whose work is not subject to routine supervision and which requires the consistent exercise of discretion and judgment in its performance; and
 - (3) whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical or physical work) and is of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and
 - (4) who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in paragraphs (1) through (3) of this subdivision.
- c. **New York State Average Weekly Wage (SAWW):** the average weekly wage paid in New York State during the previous calendar year as reported by the Commissioner of Labor to the Superintendent of Financial Services on March 31 of each year.

6. Policy

In accordance with New York State's PFL Program, Maria College provides its employees job-protected, paid leave 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.

Under this program, eligible employees may use PFL:

1. When paid leave is necessary to provide care, including physical or psychological care, to their family members due to a family member's serious health condition;
2. To bond with their newborn children during the first year of the child's life, or, in the case of adoption or foster care placement, for the first year after the placement of a child with the employee; and
3. For any qualifying reason as provided for under the federal Family and Medical Leave Act (FMLA) arising from the employees' spouse, domestic partner, child, or parent being on active military duty, or, alternatively, being notified of an impending call or order to active military service.

Covered employees are required to participate in the program and are strongly encouraged to review their Statement of Rights. Covered employees with a regular schedule of 20 or more hours per week are eligible for PFL after 26 weeks of employment. Covered employees with a regular schedule of less than 20 hours per week are eligible for PFL after 175 days worked. In limited circumstances, employees whose regular work schedules are temporary or seasonal—or who otherwise will not be able to meet eligibility requirements for paid family leave program benefits—may opt out of the PFL Program by completing and submitting a "Employee Opt-Out of Paid Family Leave Benefits" waiver form provided by the College, and in turn be relieved of the obligation to make PFL contributions via payroll deductions.

PFL coverage is included under the College's disability policy, and the premium is fully funded by covered employees through payroll deductions. The College will collect the cost of PFL through payroll deductions. The maximum employee contribution is 0.126% of an employee's weekly wage, up to the annualized New York State Average Weekly Wage (SAWW). The SAWW is determined annually by New York State; for 2017 it is \$1,305.92.

Covered employees may take the maximum benefit length in any given 52-week period. The maximum benefit is eight weeks during 2018, 10 weeks during the 2019 and 2020, and 12 weeks in 2021 and subsequent years. The 52-week period starts on the first day the employee takes PFL. For any 52-week calendar period, the length of maximum available leave benefits and amount of weekly benefits to the employee will be as follows:

- January 1, 2018: 8 weeks paid at 50% of the employee's average weekly wage or 50% of the SAWW, whichever is less;
- January 1, 2019: 10 weeks paid at 55% of the employee's average weekly wage or 55% of the SAWW, whichever is less;
- January 1, 2020: 10 weeks paid at 60% of the employee's average weekly wage or 60% of the SAWW, whichever is less; and
- January 1, 2021: 12 weeks paid at 67% of the employee's average weekly wage or 67% of the SAWW, whichever is less.

Full time employees who are eligible for PFL may, but are not required to, use their accrued unused vacation and/or personal time paid leave before using paid family leave. They also may use this accrued unused paid leave while using paid family leave, to receive full pay for the portion of the used paid family leave time that the accrued unused paid leave time allows.

Employees should notify Human Resources and their direct supervisor as soon as possible in advance of their intention to use PFL by completing the appropriate form under the "Resources" section (items (b) through (d)) above, and when practical, should provide this notice up to 30 days in advance.