



Paid Family Leave Policy

I. Purpose

In accordance with the New York State Paid Family Leave Benefits Law, commencing January 1, 2018, eligible employees will be provided with job-protected paid family leave as set forth below.

Einstein takes its obligations very seriously and will not interfere, restrain or deny the exercise of any rights provided by New York State Paid Family Leave Benefits Law or this policy. Einstein will not terminate or discriminate against any individual for opposing any practice, or because of involvement in any proceeding related to PFL. If an employee believes that their PFL rights have been violated in any way, he or she should immediately report the matter to [Human Resources](#).

II. Scope

This policy applies to all staff (non-union and union) and postdoctoral research fellows of Albert Einstein College of Medicine employees working in New York State. This policy does not apply to faculty, pre-doctoral students, students who work under Federal Work Study programs, or individuals on qualified scholarships.

III. Policy

A. Eligibility

Employees who work 20 hours or more per week for 26 consecutive weeks are eligible for PFL. Employees who work less than 20 hours per week are eligible for PFL after completing 175 days of employment in a preceding 52-week period.

PFL may be taken for the following reasons, and in some circumstances, may be taken intermittently:

- To provide care for a spouse or domestic partner, child, parent, grandchild, grandparent or parent of a spouse because of the family member's serious health condition;
- To bond with their child during the first 12 months after the child's birth, or during the first 12 months after placement of the child for adoption or foster care; or
- To attend to obligations arising because the spouse, child, or parent of the employee is on active duty or has been notified of an impending call to active duty in the U.S. armed forces.

Paid Family Leave cannot be taken for the employee's own disability or health condition.

B. Time Off and Wage Replacement Under PFL

Paid Family Leave is designed to phase in over four years, starting January 1, 2018 with the following amounts of time off and wage replacement available:

Effective Date	PFL Leave Available	PFL Wage Replacement (*whichever is less)
Jan 1, 2018 – Dec 31, 2018	8 weeks	50% of Employee’s Average Weekly Wage <i>OR*</i> 50% of State Average Weekly Wage
Jan 1, 2019 – Dec 31, 2019	10 weeks	55% of Employee’s Average Weekly Wage <i>OR*</i> 55% of State Average Weekly Wage
Jan 1, 2020 – Dec 31, 2020	10 weeks	60% of Employee’s Average Weekly Wage <i>OR*</i> 60% of State Average Weekly Wage
Jan 1, 2021	12 weeks	67% of Employee’s Average Weekly Wage <i>OR*</i> 67% of State Average Weekly Wage

C. Employee Contributions & Funding PFL

For **Staff and Postdoctoral Research Fellows**, Paid Family Leave will be financed through employee payroll deductions as set forth below:

- *Beginning January 1, 2018, employee contributions for paid family leave benefits will be 0.126% of their weekly wage up to a maximum annual contribution of \$85.56.*
- *The contribution rate and maximum annual employee contribution will be adjusted by New York State periodically. The amount of any deduction taken for PFL contributions will be reflected on an employee’s paystub.*
- *Employee payroll deductions are administered by Einstein’s Payroll Office.*

For **Union Represented Employees**, Paid Family Leave will be financed through the respective union’s benefit fund plan beginning January 1, 2018, and will not be financed through employee payroll deductions at this time. For those Union Represented Employees not covered under their unions benefit fund plan (as set forth by the plan’s description), PFL coverage will be administered by Einstein’s thirty party provider and financed through employee payroll deductions.

D. Employee Notice & Certification Requirements

Employees must provide at least 30 days’ advance notice to Einstein where the need for leave is foreseeable. If leave is not foreseeable, employees must provide notice as soon as practicable. The notice

should include the timing and duration of the leave and identify the type of family leave needed. Failure to provide timely notice may result in a partial denial or delay in an employee's receipt of PFL.

Einstein will provide employees with PFL application forms to complete and submit to Einstein's carrier or the union benefit fund plan, as appropriate. As part of the PFL application process, employees are also required to provide documentation supporting the need for leave, such as approved certification forms and proof of eligibility for PFL (i.e. birth certificate for bonding leave, adoption or foster care paperwork, medical certification, certification of qualifying exigency for family member's military service, etc.).

Employees who fraudulently obtain PFL from Einstein are not protected by the PFL's job restoration or maintenance of health benefits provisions and may be subject to disciplinary action, up to and including termination of employment.

E. PFL Leave When Both Spouses Work for Einstein

Where both spouses work for Einstein, Einstein is not required to provide PFL to both employees at the same time to care for the same family leave recipient, or to bond with a child.

F. Continuation of Health Insurance Coverage

Einstein will continue making contributions to employee group health benefits during Paid Family Leave on the same terms as if employees had continued to actively work. This means that if employees want their health insurance coverage to continue during their leave, they must also continue to make the same premium payments that they are now required to make for themselves or their dependents. Failure to make timely payments may result in termination of health insurance coverage.

G. Accrued Benefits (e.g. vacation, personal days)

Employees do not accrue sick, vacation or personal days while in receipt of Wage Replacement benefits.

H. PFL, Paid Time Off & Other Leaves of Absence

When leave qualifies as family leave under both PFL and the Family and Medical Leave Act ("FMLA"), leave entitlements under both laws will run concurrently, and may not be stacked. Employees may not receive more than the maximum family leave available under either the PFL or the FMLA, as applicable.

Employees may choose to use, but are not required to use, their accrued vacation or paid sick time (under New York City's Earned Sick Time Act) in lieu of receipt of PFL Wage Replacement benefits.

Employees are not permitted to supplement Wage Replacement benefits with accrued paid leave.

Any vacation, paid sick time (under New York City's Earned Sick Time Act) or Caregiver Leave under Einstein's policy taken for reasons qualifying for PFL will run concurrently with an employee's PFL leave entitlement.

I. Return to Work

Under most circumstances, employees who return to work as scheduled at the end of PFL will be reinstated to the same position they held at the time of the leave or to a comparable position with comparable benefits, pay and other terms and conditions of employment.

Nothing in this policy should be interpreted or construed as providing PFL leave or benefits in excess of that provided by the New York Paid Family Leave Benefits Law.

IV. Definitions

Paid Family Leave (PFL) – New York’s Paid Family Leave Benefit’s Law provides time off from work and wage replacement to employees to help them bond with a newborn child; care for a family member with a serious health condition; or, help relieve family pressures when a family member is called to active military service.

Faculty – Teaching/Academic exempt employees of Albert Einstein College of Medicine.

Staff – Exempt and non-exempt at-will employees of Albert Einstein College of Medicine.

Union Represented Employees – Employees who are subject to the collective bargaining agreements between Albert Einstein College of Medicine and the 1199SEIU or the New York State Nurses Association.

Wage Replacement - Employees on PFL may be eligible to receive wage replacement pay directly through the state-sponsored Paid Family Leave Benefits program, third party provider or union benefit fund for part or all of the leave.

V. Effective Date

Effective as of: 24 January 2018.

VI. Policy Management and Responsibilities

Einstein’s Human Resources department is the Responsible Office under this Policy. Einstein’s Associate Dean for Finance and Administration is the Responsible Executive, and Einstein’s Vice President for Human Resources and Diversity is the Responsible Officer for the management of this policy.

VII. Approved (or Revised)



Responsible Executive
Jed M. Shivers
Associate Dean for Finance and Administration



Date