

New York State Paid Family Leave (PFL)

January 22, 2018

Dear Colleagues:

As a follow-up to the communication sent to you in December 2017, New York Paid Family Leave Law (“PFL”) became effective January 1, 2018. PFL is entirely funded by employees and payroll deductions began on January 1, 2018, for those employees paid on a semi-monthly basis and on January 6, 2018, for those employees paid on a bi-weekly basis. Employees covered under the 1199 collective bargaining agreement and those employees eligible for benefits through the New York State Nurses Association (NYSNA) are exempt from payroll deductions at this time.

New York State recently issued a clarification of the withholding method for employee contributions which now requires that we withhold on all salary and not limit the contribution per pay period. This means that we will deduct .0126% of your wages per pay period for PFL contributions with no limit on deductions per pay period. The annual maximum premium of \$85.56 will still apply which means that depending on how much you earn, your contributions may reach the annual maximum before the end of the year. This new method for calculating employee deductions will be put into place on February 1, 2018, for employees paid on a semi-monthly basis and on February 2, 2018, for employees paid on a bi-weekly basis.

A Review of New York State Paid Family Leave Eligibility and Benefits

As a reminder, PFL became effective on January 1, 2018 and provides job-protected and monetary support to eligible employees while on leave for a qualifying reason. Where applicable, PFL will run concurrently with leave under the Family Medical Leave Act (“FMLA”).

Eligible employees regularly scheduled to work 20 hours or more per week who have worked 26 consecutive weeks measured from the first day of employment at Einstein are eligible for PFL. In addition eligible employees who are regularly scheduled to work less than 20 hours per week and have worked 175 work days measured from your first day of employment here at Einstein are also eligible for PFL.

Certain employees may have the option to file a waiver with New York State exempting them from payroll contributions if they (1) are regularly scheduled to work 20 hours or more per week but you will not work 26 consecutive weeks or (2) are regularly scheduled to work less than 20 hours week and will not work 175 days. Employees who want to file a waiver should contact the Benefits Office at 718-430-2547.

Paid Family Leave may be taken to:

- bond with a new child including adopted and foster children within the first 12 months following birth or placement;
- care for a seriously ill family member including a spouse, domestic partner, child, parent, parent-in-law, grandchild or grandparent;
- support families dealing with military deployments.

Paid Family Leave may not be taken for an employee’s own serious health condition.

In 2018, eligible employees can take up to eight (8) weeks of PFL and receive wage replacement payments of 50% of their average weekly wage, or 50% of the State Average Weekly Wage, whichever is less, should they choose to receive their wage replacement payments through Einstein's disability insurance carrier or union benefit fund plan, where applicable. The maximum state weekly benefit for 2018 is \$653 per week. PFL leave duration and wage replacement payments will gradually increase each year through 2021.

Employees can use but are not required to use, accrued paid leave, (sick leave available under New York Earned Sick Time Act (ESTA) or vacation) during your PFL leave in lieu of receiving the PFL wage replacement payments.

When using Paid Family Leave:

- Employees **must** provide 30 days' notice to their supervisor and the Benefits Office before applying for PFL wage replacement payments ***when they have advance notice of the need for family leave***. If the 30-day advance notice is not practicable (due to lack of knowledge, change in circumstances or a medical emergency) they must provide notice as soon as practicable.
- Employees may return to the same or comparable position without loss of sick, vacation or personal days they would have otherwise accrued while receiving pay directly from Einstein. If wage replacement payments are received directly from the disability carrier, the employee will not accrue sick, vacation or personal days.
- Einstein will continue to make contributions to employee group benefits during Paid Family Leave on the same terms as if an employee had continued to actively work.

For additional information, please review the PFL Frequently Asked Questions and Einstein's Paid Family Leave Policy which are posted on our intranet, [InsideEinstein](#).

For any additional questions regarding Einstein's Paid Family Leave Policy, please contact [Einstein's Benefits Office or Employee Relations](#).