

## 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 provided for under the law.

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 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

#### III.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.

PFL may be taken on a continuous (single block of time) or intermittent (sporadically as needed) basis for the following reasons:

- To provide care for a spouse or domestic partner, sibling, 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, domestic partner, child, or parent of the employee is on active duty or has been notified of an impending call to active duty to a foreign country in the U.S. armed forces (including the National Guard and Reserves)

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

Provided the Employee is PFL eligible, Albert Einstein College of Medicine reserves the right to designate qualifying absences as PFL leave even if the Employee does not request or want the absence(s) to be designated as such.

When leave qualifies as family leave under both the New York States Paid Family Leave Benefits Law (PFL), and the Family Medical and Leave Act (FMLA) leave entitlements under both laws may not be stacked. Employees may not receive more than the maximum family leave available under either PFL or FMLA, as applicable.

Please refer to Einstein's FMLA Policy for more information.

### **III.B. Time Off and Wage Replacement Under PFL**

Employees who meet the eligibility requirements as defined in Section III (A) are entitled to take up to 12 weeks of Paid Family Leave (PFL) in a 12-month rolling period measured backward from the date the employee seeks to use leave. PFL Wage Replacement provides 67% of the employee's average weekly wage up to a maximum amount as designated by NYS at the time the leave begins.

### **III.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:

- *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 and will not be financed through employee payroll deductions at this time. For those Union Represented Employees not covered under their union's 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.

### **III.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.

### **III.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.

### **III.F. Continuation of Health Insurance Coverage**

If an employee is enrolled in a health plan sponsored by Albert Einstein College of Medicine, health benefits continue during PFL leave. The employee must continue to make any normal contributions to the cost of the insurance premiums, usually through payroll deductions.

An employee receiving Wage Replacement while on PFL leave must arrange with the Benefits Office to pay their normal contributions to maintain insurance coverage. If benefit premiums are not received benefits will be terminated.

Union-represented employees should contact their Benefit Fund Office so that they can comply with the requirements of their benefit fund during FMLA leave.

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

Employees do not accrue sick, vacation or personal (if eligible) hours while in receipt of Wage Replacement benefits. However, if during an approved PFL leave an employee elects to use their accrued time (vacation, sick (if applicable) or personal days (if eligible) in lieu of receiving PFL wage replacement benefits, then the benefits that operate on an accrual basis, will continue to accrue.

### **III.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 hours or accrued sick hours under New York City's Earned Safe and Sick Time Act (ESSTA) in lieu of receipt of PFL Wage Replacement benefits. Employees are not permitted to supplement Wage Replacement benefits with accrued vacation hours.

Any accrued vacation hours or accrued sick hours paid under New York City's Earned Safe and 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.

### **III.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. Exceptions to this provision may apply if business circumstances have changed (e.g., if the employee’s position is no longer available due to a job elimination).

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; after placement of a child for adoption or foster care , care for a family member with a serious health condition; or to help relieve family pressures when a spouse, domestic partner, child or parent is called to active military service (including the National Guard or Reserves) in a foreign country.

**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 from our carrier or union benefit fund for part or all the leave.

**Serious Health Condition** - A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either inpatient care or continuing treatment by a health care provider.

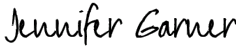
V. Effective Date

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 Senior Associate Dean for Operations and Finance 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)

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Responsible Executive	Date