

NEW YORK PAID FAMILY LEAVE BENEFITS

New York's Paid Family Leave (PFL) program provides job protected leave and wage replacement to eligible Hobart and William Smith Colleges' employees when qualifying conditions require a leave of absence.

ELIGIBILITY

HWS staff who regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day PFL is taken; or regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day PFL is taken.

QUALIFYING LEAVE

1. **Serious Health Condition** - to participate in providing care, including physical or psychological care, for a staff member's spouse, child, parent, grandchild, grandparent, or domestic partner with a serious health condition;
2. **Bonding** - to bond with a new child during the first 12 months after the child's birth, adoption or foster care placement with the staff member, their spouse, or their domestic partner; or
3. **Qualifying Exigency** - due to a qualifying exigency for the staff member's spouse, domestic partner, child, or parent who is on active military duty or has been notified of an impending call to active duty.

LENGTH OF LEAVE AND BENEFITS

Date	Maximum Weeks of Leave	Maximum Benefit*
January 1, 2018	8	50%
January 1, 2019	10	55%
January 1, 2020	10	60%
January 1, 2021	12	67%

*The percent of the staff member's average weekly wage or the percent of the state average weekly wage, whichever is less.

Staff who take PFL in weekly increments are eligible for the maximum number of weeks of leave, as indicated in the above chart, using a 52-week rolling look back period.

Staff who take PFL in daily increments (intermittent leave) are eligible for paid leave based on the average number of days worked per week during the 8 weeks prior to the leave.

INTERMITTENT USE

Eligible staff may take leave under the PFL on an intermittent basis, in full day increments. Employees may not take partial-day leave under PFL.

When intermittent PFL is used, the staff member must provide notice to Human Resources, at least 2 work days in advance, or as soon as is practicable before each day of intermittent leave.

MULTIPLE EMPLOYEES REQUESTING LEAVE

Multiple staff members are not allowed to use the same period of PFL to care for the same qualifying family member. Further, staff cannot use the same period of PFL to care for a family member who is also being cared for by an HWS faculty member on an approved faculty leave of absence.

PROCEDURE FOR REQUESTING A LEAVE

Employees must obtain the PFL Claim Packet for the qualifying event associated with the leave from the Assistant Director of Human Resources and complete the Request for Paid Family Leave Form (PFL-1). Employees must submit the completed PFL-1 to the Assistant Director of Human Resources who will complete the employer section and return to the employee within 3 business days. It is the employees' responsibility to have the remaining forms completed and submit with supporting documentation directly to the insurance carrier.

EMPLOYER NOTICE TO EMPLOYEES FOLLOWING POTENTIAL PFL QUALIFYING LEAVE

Hobart and William Smith Colleges will notify employees who are absent from work for more than seven consecutive days because of a PFL-qualifying event of the employees' rights under the PFL.

CONTINUATION OF BENEFITS DURING LEAVE

Employees are entitled to continue group health benefits under the same terms and conditions as if they were on the job during PFL. Employees are required to pay their portion of the premium the 1st of the month. Coverage will cease if an employee's premium payment is more than 30 days late. If the health care premium is overdue, Hobart and William Smith Colleges will notify the employee in writing that coverage will be dropped on a specified

date unless payment has been received.

If group health plan benefits lapse because an employee has not made the required premium payments, then upon the employee's return from PFL, the employee will be restored to benefits coverage elected prior to the leave.

An employee's use of PFL leave will not result in the loss of any employment benefits that accrued prior to the start of an employee's PFL leave (unless such accrued benefits, such as paid time off, were used during PFL leave). The employee, however, will not accrue any additional benefits or seniority during any period of PFL leave that is not paid through use of accrued leave benefits, except in the case of intermittent leave, or unless otherwise required by law.

CONCURRENCE WITH OTHER LEAVE TYPES

Employees may choose to supplement PFL with applicable PTO to receive full salary. Employees should refer to applicable paid time off policies found on the Human Resources website.

If an employee takes PFL leave for an event that also qualifies as leave under the Family Medical Leave Act (FMLA), the employee's PFL leave will run concurrently with available FMLA leave. Employees cannot use PFL and New York State disability benefits at the same time, but can use them consecutively, up to a maximum of 26 weeks of disability and PFL benefits combined in a rolling 52-week period.

COST

Paid Family Leave coverage will be funded by either HWS or by the employee. The weekly contribution rate for 2018 is 0.126% of the employee's weekly wage capped at NYS average weekly wage of \$1,305.92 (\$67,908 annually). Hobart and William Smith Colleges will fund the coverage for eligible employees who earn less than \$67,908 annually. Employees who earn more than \$67,908 will be deducted \$1.65 per week for the PFL benefit. The amount of the weekly contribution rate and salary threshold is subject to change dependent on New York State regulation updates.

WAIVER OPTION

Staff members who do not expect to become eligible for PFL benefits, because they fall into one of the following categories, have the option of filing a waiver for PFL benefits:

- The staff member's regular employment schedule is 20 hours or more per week, however the employee will not work 26 consecutive weeks; or
- The staff member's regular employment schedule is less than 20 hours per week and the employee will not work 175 days in a 52-consecutive-week period.

Staff who are eligible to waive PFL benefits and wish to do so must complete and submit a waiver form to the Office of Human Resources. Staff who submit a waiver form will not make any contributions for PFL benefits and will not be eligible to receive PFL benefits. If the schedule of an individual who has waived PFL benefits changes such that it is anticipated that they will become eligible to receive PFL benefits, the waiver will be revoked, and the individual must start making contributions on a going forward basis and must pay retroactive contributions to their date of hire. The employer can cancel the waiver at any time. Please see Human Resources for the applicable Waiver application and instructions.

PERIODIC STATUS REPORTS AND RETURN FROM LEAVE

Hobart and William Smith Colleges may require employee staff member on PFL leave to report periodically on their status and intent to return to work.

If the staff member can return to work at or before the end of the applicable PFL leave period, they will be entitled to return to the same position held when leave began, or to an equivalent position with equivalent pay and other terms and conditions of employment.

ADDITIONAL INFORMATION

The policies and guidelines stated in this policy shall be subject to such other terms and conditions as are provided in the Family and Medical Leave Act of 1993, the New York State Paid Family Leave Benefits Law, their respective implementing regulations, and any other applicable federal, state, and local leave laws, and the applicable PFL insurance certificate. Hobart and William Smith Colleges reserves the right to amend/modify this policy in the event future guidance is released.

Hobart and William Smith Colleges will not discriminate against any employee who exercises any rights under PFL or makes a complaint related to PFL. Employees who have questions regarding this policy should contact the Office of Human Resources.