

NY State Paid Family Leave

Effective January 1, 2018

Q&A for Employees & Supervisors

Effective January 1, 2018, the New York State Paid Family Leave Law ("PFL") will go into effect. The new law affects all employees with a primary work location anywhere within the State of New York (regardless of where you live).

Q. What is PFL?

- A. New York's Paid Family Leave program provides wage replacement to employees to help them bond with a child, care for a close relative with a serious health condition, or help relieve family pressures when someone is called to active military service. Employees are also guaranteed to be able to return to their job and continue their health insurance.

Q. How much will PFL Cost?

- A. New York's Paid Family Leave is entirely employee-funded. That is, the benefit is paid for by employees. You pay for PFL through a small payroll deduction equal to 0.126% of your gross weekly wage. In 2018, these deductions are capped at 0.126% of the New York State Average Weekly Wage (the maximum 2018 deduction is \$1.65 per week).

Q. Are deductions taken pre-tax or post-tax?

- A. Deductions will be taken on a post-tax basis; you will see this deduction on your first paycheck in January 2018. Deductions will also be reported on your annual W2.

Q. What can PFL be used for?

- A. PFL can be used for the following:
- Bond with a newly born, adopted or fostered child;
 - Care for a family member (see chart below) with a serious health condition; or
 - Assist loved ones when a family member is deployed abroad on active military service.

Q. PFL sounds a lot like FMLA, are they the same thing?

- A. PFL is very much like FMLA. In fact, PFL was designed to run concurrently with FMLA; it's meant to provide income replacement during an FMLA leave. But, there are some differences so the two types of leaves won't always run concurrently: Some of the major differences are as follows:
- FMLA can be used for yourself or a family member with a serious health condition, while PFL can only be used for a family member (but not yourself)
 - FMLA and PFL have different definitions of "family member"
 - FMLA and PFL have different eligibility criteria (discussed later in this document)

Q. What are some examples of when the benefits would and would not run concurrently?

A. Assuming that you've already met the eligibility criteria for both benefits, the chart below shows some examples of when a serious health condition would be covered by PFL, FMLA or both.

PFL/FMLA COVERED FAMILY MEMBERS		
NYS PFL	Federal FMLA	Concurrent/Not Concurrent
	Employee	Not concurrent
Spouse	Spouse	Concurrent
Domestic Partner		Not concurrent
Parent (includes step and foster)	Parent (includes step and foster)	Concurrent
Parent-in-law		Not concurrent
In Loco Parentis	In Loco Parentis	Concurrent
Children (includes step and foster)	Children (includes step and foster)	Concurrent
Grandparents		Not concurrent
Grandchildren		Not concurrent

Q. Do I have to decide what type of leave to apply for?

A. No, when you call to request a family leave of any type, your eligibility for both benefits will be reviewed.

Q. When do I become eligible for PFL?

A. Full time employees become eligible for PFL after 6 consecutive months of employment. In most cases you will become eligible for PFL benefits before you become eligible for FMLA. The chart below shows the difference between PFL and FMLA eligibility.

	NYS PFL	Federal FMLA
Minimum work period	26 consecutive weeks in covered employment (175 days in a 52 week period for part time employees. Days do not need to be consecutive)	1 year of service
Minimum number of hours worked for eligibility	None	1,250 hours in the past 12 months

Q. What if I qualify for PFL but don't qualify for FMLA yet, is my job still protected?

A. Yes, PFL you have the same job protections under PFL as you have under FMLA.

Q. Do I have to participate in the Paid Family Leave program?

A. Yes, Paid Family Leave is not optional for most employees. The exception is if you are in a job that will not allow you to attain the 26 continuous weeks or 175 days needed to qualify for Paid Family Leave (for example a seasonal worker).

Q. Will I be able to use Paid Family Leave if I work part-time?

A. Yes. If you work less than 20 hours a week, you will become eligible after 175 days of work. If you work 20 or more hours a week, you will become eligible after 26 consecutive weeks of work.

Q. How much time and how much money will I receive in PFL benefits?

A. In 2018 the maximum duration of a PFL claim is 8 weeks and the benefit is equal to 50% of your average weekly wage up to capped percentage of the NY State Average weekly wage. For example, in 2018, an employee who makes \$1,000 a week would receive a benefit of \$500 a week (50% of \$1,000). Another employee who makes \$2,000 a week would receive a benefit of \$652.96, because this employee is capped at one-half of New York State's Average Weekly Wage (\$1,305.92. Half of that amount is \$652.96.)

Q. Will the benefit ever increase?

A. The PFL benefit will increase over the next several years in accordance with the following schedule:

Year	Weeks Available	Max % of Employee Average Weekly Wage	Cap % of State Average Weekly Wage
2018	8	50%	50%
2019	10	55%	55%
2020	10	60%	60%
2021	12	67%	67%

Q. How often are PFL benefits available?

A. Leave can be taken either all at once or in full-day increments. You may take up to the maximum time-off benefit in any given 52-week period. The 52-week clock starts on the first day you take Paid Family Leave.

Q. How will I receive PFL payments?

A. National Grid has selected The Hartford Insurance Company to insure PFL benefits. All PFL payments will be made by the Hartford on a weekly basis. Keep in mind however, that PFL payments will begin only after The Hartford has received all required documentation and approved your claim.

Q. Are benefit payments taxable?

A. Yes, PFL benefits are taxable non-wage income and will be reported annually on a 1099-MISC by The Hartford.

Q. Will taxes be withheld from the PFL payment?

A. Taxes will not automatically be withheld from your PFL payment. However, if you choose, you may elect to have taxes withheld. You will make this election directly with The Hartford during the claim process.

Q. PFL doesn't pay my full salary; can I use my vacation time, PTO, or floating holidays instead?

A. Yes, you may choose to use your National Grid paid time off benefits such as vacation, floating holidays, PTO, etc., instead of receiving the reduced pay through PFL. The use of vacation during a PFL does not increase the duration of your PFL.

Q. If I use vacation time during my PFL, how does this affect my eligibility for future benefits under PFL?

A. It is important to remember that if you elect to receive vacation pay instead of PFL pay, your period of PFL leave is not extended. This is treated the same as if you use vacation time during your FMLA leave.

Q. Can you explain how that works, I'm still confused?

A. It can be confusing. Think of it this way, PFL is a two-step process. If it is determined that you are eligible for a PFL leave, the first step is to determine the amount of time you are eligible to take (the 2018 maximum is 8 weeks). The second step is to determine how you will receive pay during that leave.

- Will you receive the partial pay that is dictated by the NY State formula? Or,
- Will you choose to utilize the paid time off benefits (such as vacation pay) that National Grid already provides?

You cannot collect both a PFL benefit and pay from National Grid for the same day.

Q. Can I use sick pay during my PFL?

A. Keep in mind that sick pay is for your own illness/injury and PFL is for the serious health condition of a family member, so generally the answer is no, you cannot use sick pay during a PFL.

Q. I'm a management employee and am eligible for a paid bonding leave under the Management Parental Bonding Leave Policy, how does that coordinate with PFL?

A. The Parental Bonding Leave for Management Employees exceeds the NYS PFL guidelines. Since your National Grid benefit exceeds the benefits of PFL, your paid bonding leave will run concurrent with PFL and you will receive your full pay under the Parental Bonding Benefit. You will not receive PFL payments from the Hartford. This does not extend the duration of your PFL.

Q. PFL allows for intermittent bonding leave, but the Management Parental Bonding Leave does not. How will the two benefits coordinate if I take intermittent bonding?

A. The Management Parent Bonding Leave is currently under review. Look for additional information later this month.

Q. How do I apply for PFL?

A. Regardless of whether you are applying for PFL, FMLA, or reporting your own illness, you will contact Sedgwick. Sedgwick is our absence management vendor. Sedgwick will assess your claim for FMLA and sick pay eligibility. If you work in NY State, they will report your absence to The Hartford who will assess your claim for NY PFL.

Q. Why can't Sedgwick process the PFL claim or answer questions about PFL?

A. Sedgwick is an absence management coordinator. Sedgwick manages your absence as it relates to our FMLA and National Grid policies. PFL is an insurance benefit. The Hartford is an insurance company and will determine your eligibility to receive PFL insurance payments.

Q. If we have two different vendors processing FMLA and PFL, does that mean I will need to complete duplicate paperwork?

A. Unfortunately, yes, in some cases you will. Sedgwick and The Hartford will share as much information as possible. However, many of the laws that have been enacted specifically to protect your privacy (for example HIPAA), also make it more difficult, and in some cases impossible, for the two carriers to legally share information. It is very likely that you will receive duplicate requests for the same information. You must respond to all requests.

Q. What if my PFL and/or FMLA claim is denied.

A. PFL and FMLA will not be denied if you are eligible for benefits and are absent for a qualified reason. In the unlikely event that your claim is denied, you will receive instructions on how to appeal your claim.

Q. What if my PFL claim is approved and my FMLA claim is denied?

A. Because the eligibility criteria and the covered events differ between the two statutes, it will not be unusual for one benefit to be approved and the other denied. As long as at least one of the claims is approved, your absence is protected by law.

Q. I have a family situation and will need to take a leave as of January 1

A. Beginning on December 11, 2017, you will be able to apply for PFL by contacting Sedgwick through the normal absence process by calling 1-888-483-2123 (option 1 for active employees and then option 2 to report a new or existing FML claim).

Q. Does PFL coordinate with NY State Disability Insurance (NYDBL)?

A. Yes, it does. When you combine NYDBL and PFL, your PFL leave may not exceed 26 weeks within a 52 week period. That means that if you are off work for an extended period of time for your own illness/injury at the beginning of the year, it could affect your eligibility for PFL later in the year.

Q. Are there going to be any changes to the NY State Disability (NYDBL) process?

A. The NYDBL process will become more formal. In the future you will receive formal approval/denial notices for NYDBL and you may receive information requests, from The Hartford. Remember, you must respond to requests you receive from both The Hartford and Sedgwick.

Q. How will I code my time while I'm on a PFL?

A. Keep in mind that PFL is paid—but not by National Grid (see exceptions below). Management employees should use the code 2180 (Leave no pay). Union employees will have different time codes depending upon the union affiliation and local time keeping practices. Keep in mind that PFL is simply a family leave similar to FMLA. Union employees should use whatever code they use today for an approved but unpaid FMLA leave. There are some exceptions:

- If you choose to use vacation during your PFL, you would code your time as vacation.
- If you are a Management employee taking a Paid Bonding Leave, you will code your time as paid bonding.

Q. How does PFL coordinate with our Sickness in Family Benefit or with NYC Earned Sick time.

A. Most people will use their Sickness in Family Benefits or NYC Earned Sick time before applying for PFL.

Q. What about employees who are on Pay for Time Worked?

A. This works no differently than when an employee on Pay for Time Worked is absent on an approved FMLA claim. If the employee is on an approved FMLA or PFL claim, time should be coded with whatever “no pay” code you normally use.

Q. As the supervisor, do I still report the employee absence to Sedgwick, if the employee is utilizing PFL?

A. Remember PFL cannot be used for the employee's own illness. You do not need to report the PFL absence to Sedgwick. The employee is responsible for applying for and reporting PFL usage, including intermittent PFL usage.

Q. Does PFL eligibility replace an employee's responsibility to “call in” his/her absence to their department supervisor?

A. No. PFL does not in any way change the employee's responsibility to report his/her absence in accordance with established departmental procedures or in accordance with the collective bargaining agreement.

Q. Can an employee be disciplined for using NY PFL?

A. No. Under the PFL law, employees cannot be disciplined or be subject to any adverse actions for exercising their rights to use PFL.