

**Family Medical Leave Act (FMLA), Paid Family Leave (PFL) and Paid Parental Leave (PPL) Q&A
for CSEA Bargaining Unit Employees**

- 1) Who is covered by FMLA? All employees that work at least 1,250 hours in the preceding 52 weeks.
- 2) Who is covered by PFL*? CSEA employees who work at least 20 hours a week for 52 weeks, or less than 20 hours a week if they work at least 175 individual days during the previous 52 week period. (*NOTE: This benefit is effective July 1, 2018.)
- 3) Who is covered by Parental Leave? Permanent full-time CSEA employees who are eligible for PFL will also be eligible for Parental Leave upon the birth or adoption of a child after having served at least one year in any full-time position.
- 4) Do I have to use FMLA? Yes, in the event a covered employee or eligible family member suffers a serious health condition, the employee will be required to utilize FMLA.
- 5) Do I have to use PFL? No, if you use sick time or other benefit time to care for a family member, a covered employee does not need to use PFL. Yes, if you are utilizing the Paid Parental Leave benefit offered by the County.
- 6) Does FMLA and PFL cover the same family members? No, see chart:

	Covered By	
	FMLA	PFL
Self	X	
Spouse	X	X
Child(ren)	X	X
Birth or adoption of child	X	X
Parents	X	X
Grandparents		X
Grandchildren		X
Step-Parent		X
Parent In-Law		X
Domestic Partner		X

- 7) When can I use PFL? If you need to care for a covered family member who has a serious health condition (as defined under FMLA), bonding with a new born or adopted child, or certain conditions arising from a family members military service.
- 8) Can my Supervisor deny my FMLA or PFL time? No, these are leavesre protected by law. As long as an employee supplies required documentation substantiating the leave, the County cannot deny the leave if you otherwise meet the requirements.
- 9) How much is the PFL benefit? The following benefits are established by NYS law:

	2018	2019	2020	2021
Length of Leave*	8 weeks	10 weeks	10 weeks	12 weeks
Benefit**	50%	55%	60%	67%

*Amount available within a rolling 52 week period

**The benefit amount is a % of weekly wages capped at the NYS average

For example, in 2018 an employee earning \$1,000 (\$200/day) a week that uses PFL will receive a benefit of \$100 a day or \$500 for a continuous week.

- 10) How much does this benefit cost employees? The County is fully funding this benefit in 2018, but employees may need to contribute a small amount in future years if New York State raises the premium rate. The County agreed to pay \$85.00 of the premium for 2018, and the maximum premium is \$85.56 in 2018. No one will be obligated to pay this in 2018, but if the premium increases, the Employee would be responsible for increases above \$85.00.
- 11) Can I use benefit time with FMLA? Yes, if employees are on FMLA they will be required to use available benefit time unless they are also on PFL or an authorized unpaid leave of absence.
- 12) Can I use benefit time with PFL? PFL may only be supplemented with Parental Leave when applicable. For all other occasions, benefit time will not be allowed to supplement the PFL payment.
- 13) How do I apply for PFL and/or Parental Leave? Applications are on the County intranet and can be obtained from your timekeeper or the Department of Human Resources.
- 14) What happens once I submit my PFL application to the carrier? The carrier shall provide confirmation of receipt of a complete application within three business days. The carrier shall provide a list of all required missing information within 5 days of receipt of the application. Once the carrier has a complete request, they must pay or deny the claim within 18 days. While waiting for a determination on a claim, an employee may not use benefit time.
- 15) Will I accrue benefit time? No, if you are on PFL only or PFL with Parental Leave, you will not accrue benefit time.
- 16) Do I get retirement credit? Employees who are on PFL only or PFL with Parental Leave will not receive retirement credit.
- 17) What about my health insurance coverage? While on an approved FMLA or PFL Leave, employees maintain continuation of benefits, but must still make their standard premium contribution.
- 18) Do I have to use FMLA or PFL continuously or can they be used on an intermittent basis? Both benefits may be used on an intermittent basis. For PFL, there are certain considerations that could affect carrier approval.
- 19) On 7/1/2018, will I be able to use PFL if I've had a baby within the past year? PFL is available to employees who wish to bond with their newly born, adopted or placed child within 1 year of the child's birth. As long as an employee has worked sufficient hours to qualify, they have a year from the date of birth, adoption or placement to bond with their child under PFL. For example, if an employee gave birth on August 1st, 2017, they could use PFL from July 1, 2018 through July 31, 2018 since the benefit is only available up to a year after birth.
- 20) On 7/1/2018, can an employee also use Parental Leave? Maybe. Parental Leave is a benefit which supplements PFL, but it must be used within 12 weeks of the birth, adoption or placement of a child. Example #1: Employee gives birth on August 1, 2017. Employee would be eligible for PFL from July 1, 2018-July 31, 2018 (See #19), but Employee is NOT eligible for Parental Leave because it expired 12 weeks after August 1, 2017. Example #2: If an Employee gives birth to a child May 1, 2018, she may begin using PFL on July 1, 2018 and Parental Leave must run concurrent with it for 4 weeks. After 4 weeks, Parental Leave expires, but the Employee may continue on PFL at a reduced salary for 4 more weeks.
- 21) Can I use Parental Leave without PFL? No, the benefits are designed to be used concurrently. If an employee has exhausted PFL or is otherwise not eligible for PFL, they are also not eligible for Parental Leave.
- 22) When do I have to give notice I'm taking PFL? Notice should be given at least 30 days in advance of a foreseeable leave or as soon as possible for an emergency situation. *For the initial implementation of the policy, Human Resources/Risk Management will accept notices for conditions occurring on or before July 1, 2018 until 8/1/2018.*

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- 23) My doctor wants to charge me to have these medical forms completed, can I refuse to submit them? No, Federal Law mandates it's the employee's responsibility to complete necessary FMLA forms including any necessary fees. For PFL, failure to complete the paperwork may result in a denial of the claim by the carrier.
- 24) How is Human Resources/Risk Management going to determine a serious health condition for PFL? HR/Risk Management is not involved in the decision making. CSEA's PFL benefit is a NYS Policy and will be administered by an insurance carrier according to the rules of the program.