

New York State Paid Family Leave

Policy Statement

In accordance with the New York State Paid Family Leave Program (PFL), Columbia University provides eligible employees with job-protected, paid leave to bond with a new child, care for a loved one with a serious health condition or to help relieve family pressures when someone is called to active military service. The PFL Program is funded solely through payroll deductions. The PFL payroll contribution rate is established annually by The New York State Department of Financial Services. For more information on the payroll deductions, visit the [New York State Paid Family Leave](#) website.

Who Is Governed By This Policy

Full-time and Part-time Officers of Research (excluding Postdoctoral Research Fellows, Postdoctoral Clinical Fellows, and Postdoctoral Residency Fellows), Officers of the Libraries, Officers of Administration, Student Officers, Support Staff (including Federal Work Study and Casual Employees)

To be eligible for New York State Paid Family Leave, employees must either:

- Regularly work 20 or more hours per week for at least 26 consecutive weeks; or,
- Work less than 20 hours per week and have worked at least 175 days (the number of hours worked during the 175 days in a 52-week period is not relevant)

Payroll deductions for eligible employees will begin either January 1, 2018 or the employee's date of hire, whichever is later.

Exclusions and Special Situations

PFL does not apply to Officers of Instruction, Postdoctoral Research Fellows, Postdoctoral Clinical Fellows, and Postdoctoral Residency Fellows. This program also does not apply to individuals who work for the University outside of New York State and does not apply to maritime employees.

Payroll deductions are not optional unless the employee meets one of the following criteria:

- (i) Employee works 20 or more hours per week, but will not work 26 or more consecutive weeks
- (ii) Employee works less than 20 hours per week and will not work 175 or more days in a 52-week period (average of more than three (3) days per week)

If an employee meets the above criteria, s/he may complete a waiver, which will exempt him/her from the payroll deduction, as long as the criteria above are met. Employees will be notified by the University if there is any change in their regular work schedule that will result in their exceeding the criteria for exemption – either working more than 26 consecutive weeks or more than 175 days in a 52 week period. Notification will be provided within eight (8) weeks that the

waiver has been revoked. Payroll will begin to make payroll deductions, including any retroactive amount due from January 1, 2018 or the date of hire, whichever is later, for an employee whose waiver has been revoked.

Policy Text

In accordance with the New York State PFL Program, Columbia University provides eligible employees with job-protected paid family leave.

Purpose for Leave

- a) to participate in providing care, including physical or psychological care, for the employee’s family member (child, spouse, domestic partner, parent, grandchild, grandparent, or parent of a spouse or domestic partner) with a serious health condition¹; or
- b) to bond with the employee’s child during the first twelve months after the child’s birth, adoption or foster care placement; or
- c) for qualifying exigencies, as interpreted by the [Family and Medical Leave Act \(FMLA\)](#), arising out of the fact that the employee’s spouse, domestic partner, child, or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

Timing and Paid Benefit

Effective Date	Maximum Leave Duration	Monetary Benefit
January 1, 2018	Eight (8) weeks	50% of the employee’s average weekly wage or 50% of the state average weekly wage, whichever is less
January 1, 2019	Ten (10) weeks	55% of the employee’s average weekly wage or 55% of the state average weekly wage, whichever is less
January 1, 2020	Ten (10) weeks	60% of the employee’s average weekly wage or 60% of the state average weekly wage, whichever is less
January 1, 2021	Twelve (12) weeks	67% of the employee’s average weekly wage or 67% of the state average weekly wage, whichever is less

Use of Leave

Eligible employees may take up to the maximum leave duration in any given 52 consecutive week period. The maximum benefit is 8 weeks during the first year (2018), 10 weeks during the second and third years (2019 and 2020), and 12 weeks in the fourth (2021) and subsequent years. The 52-week clock starts on the first day the employee takes PFL.

¹ A serious health condition is defined at the end of this document.

In the event an eligible employee and his/her spouse both work for Columbia University and request PFL, both spouses may each take up to the maximum PFL benefit length in any given 52-week period.

PFL can be taken intermittently, in full-day increments. Eligible employees must make reasonable efforts to schedule intermittent leave so as not to unduly disrupt the University's operations.

Eligible employees may choose to use accrued but unused vacation/personal/[NYC Earned Sick Time](#) to receive full salary in lieu of receiving the paid family leave benefit. Accrued but unused vacation/personal/NYC Earned Sick Time must be used in full-day increments and will be deducted from the employee's absence balances. For any period of the leave covered by vacation/personal/NYC Earned Sick Time, the PFL payment will be remitted directly to the University. An employee cannot earn more than 100% of his/her salary. Using accrued time will not extend the maximum duration of the leave.

PFL benefits and New York State Disability Benefits (NYSDBL) may not be used concurrently. An employee who is eligible for both NYSDBL and PFL during the same period of 52 consecutive weeks may not receive more than 26 total weeks of NYSDBL and PFL benefits during that period of time.

An employee taking family leave in weekly increments will be eligible for the maximum number of weeks of leave in any 52 consecutive week period. If an employee takes PFL in daily increments, the employee's maximum period of paid family leave is calculated based on the average number of days worked (for example, in 2018, an employee who works 5 days per week will be eligible to take up to 40 days of paid family leave, while an employee who works 3 days per week will be eligible to take up to 24 days of paid family leave).

Leave Concurrent with the [Family and Medical Leave Act \(FMLA\)](#)

FMLA leave and PFL will run concurrently for any employee who is eligible for both types of leave. Employees will be provided with required notices regarding applicable leave benefits for each leave of absence.

If an employee uses eligible paid time off to receive full salary or wages during a covered family leave, the State payment will be remitted directly to the University. The University also tracks hours taken for intermittent FMLA leave, including when employees are paid, work at least part of the day, and thus are not eligible for PFL benefits under the law. When the total hours taken for paid intermittent FMLA leave reaches the number of hours in an employee's usual work day, the University will also deduct one day of PFL benefits from the employee's annual available PFL benefit.

If a period of family leave is determined to be covered by the FMLA and PFL, and if the employee declines to apply for payment under the PFL Program (for example, if the employee decides to use vacation or other eligible paid time off instead of applying for PFL benefits), the University and PFL administrator will still deduct the leave from the employee's annual available PFL benefit.

In addition to FMLA, other University policies and federal/state/local laws, if applicable, will run concurrently with PFL.

If employees have any questions regarding this policy, they should contact the CUHR Leave Management Office:

CUHR Leave Management

615 West 131st Street, MC 8703

Studebaker 4th Floor

New York, NY 10027

Telephone: (212) 851-0698

Email: leavemanagement@columbia.edu

Employee Responsibilities & Documentation

If the qualifying event is foreseeable, an eligible employee must provide 30 days' advance notice to their Departmental HR contact and the University's PFL administrator before the date the leave is to begin. When 30 days' notice is not practical, the employee must provide notice as soon as possible and generally must comply with the school/department's normal notification procedures. Failure by the employee to provide 30 days' advance notice of a foreseeable event may result in partial denial of the employee's benefits for a period of up to 30 days from the date notice is provided.

For intermittent family leave, the University requires the employee to provide notice as soon as is practical before each day of intermittent leave.

Eligible employees must provide the University and the University's PFL administrator the anticipated timing and duration of the leave, and any additional documentation required by FMLA, if applicable. Employees must specifically identify the type of family leave requested, provide medical certifications and periodic recertification and other supporting documentation or certifications supporting the need for leave. The employee will work directly with the University's PFL administrator to provide information on the leave request and supporting documentation and certifications.

All officers of research and of the libraries must also submit a leave request through their usual procedures (i.e., through their chair or director, dean/executive vice president, and Provost.)

Job Benefits and Protection

Any eligible employee who exercises his or her right to PFL will, upon the expiration of that leave, be entitled to be restored to the position held by the employee when the leave commenced, or to a comparable position with comparable benefits, pay, and other terms and conditions of employment. The taking of leave covered by PFL will not result in the loss of any employment benefit accrued prior to the date on which the leave commenced.

During any PFL taken pursuant to this policy, the University will maintain coverage under any existing group health insurance benefits plan if the employee is eligible for and has elected

coverage, as if the employee had continued to work. While on leave, if the employee is receiving a paycheck from the University, s/he will continue to have benefits deductions taken out of each paycheck according to their regular pay schedule. If the employee is not receiving a paycheck from the University, the employee will receive a monthly bill from Employee Benefit Plan Administrators, Inc. (EBPA). Questions can be directed to the Columbia Benefits Service Center by emailing hrbenefits@columbia.edu or calling 212-851-7000.

The University's obligation to maintain health insurance coverage ceases if an employee's premium payment is more than 30 days late. If an employee's payment is more than 15 days late, the University will send a letter notifying the employee that coverage will be dropped on a specified date unless the co-payment is received before that date.

Definition of a Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves: (a) inpatient care in a hospital, hospice or residential health care facility; or (b) continuing treatment or continuing supervision by a health care provider. Subject to certain conditions, the continuing treatment or continuing supervision requirement may be met by a period of incapacity of more than three (3) consecutive full days during which a family member is unable to work, attend school, perform regular daily activities or is otherwise incapacitated due to illness, injury, impairment or physical or mental conditions, and any subsequent treatment or period of incapacity relating to the same condition, that also involves: (a) treatment two or more times by a health care provider; or (b) treatment on at least one occasion by a health care provider, which results in a regimen of continuing treatment under the supervision of the health care provider. The continuing treatment or continuing supervision requirement also may be met by any period during which a family member is unable to work, attend school, perform regular daily activities, or is otherwise incapacitated due to a chronic serious health condition or an illness, injury, impairment, or physical or mental condition for which treatment may not be effective. A chronic serious health condition is one which: (a) requires periodic visits for treatment by a health care provider; (b) continues over an extended period of time (including recurring episodes of a single underlying condition); and (c) may cause episodic rather than a continuing period of incapacity. Examples of such episodic incapacity include but are not limited to asthma, diabetes, and epilepsy. Other conditions may meet the definition of continuing treatment.