

Frequently Asked Questions

1. What is Paid Family Leave (PFL)?

Paid Family Leave (PFL) is an employee- funded insurance policy that provides eligible employees job-protected, paid time off for the following qualifying events:

- Bond with a newly born, adopted or fostered child.
- Care for a family member with a serious health condition including preparation and recovery from surgery related to organ or tissue donation.
- Assist loved ones when a spouse, domestic partner, child or parent is deployed abroad on active military service.

2. Am I eligible for PFL?

To be eligible to apply for PFL, an employee must satisfy the following:

- Full-time employees: Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.
- Part-time employees: Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive.
- Be a member of a Participating Union: Please see <https://ess.nychhc.org/uploads/List-of-Represented-Unions-CBUs.pdf> for a list of participating CBU's

3. How do I apply for PFL?

To obtain the required forms contact AbSolve at 1-800-401-2691.

4. Where should I submit my PFL forms and claims?

Submit your PFL forms claims to AbSolve by:

- Mail: P.O. Box 1328 Mt. Laurel, NJ 08054 or;
- Email: nypfl@absencesolved.com or;
- Phone: 1-800-401-2691 or Fax: 800.728.7028

5. When should I file my PFL claim?

Claims should be made within 30 days of your first day of leave.

6. When do I have to notify my employer?

You must notify your supervisor/employer at least 30 days prior to your intended leave date. If 30 days of advance notice is not possible, notify your supervisor/ employer of your upcoming absence as soon as possible. Your department needs this notification to properly secure staffing and identify back up training in your absence.

7. Who completes the Employer Section (Part B) of the PFL application?

Our processes do not require you to send your application to your employer for completion. Once all sections required to be filled out by the employee are completed, the application should be sent to AbSolve. Once received, AbSolve will reach out to HRSS

Leave Administration, who will complete the Employer Section (Part B) on your behalf.

8. Who should I call to inquire about the status of my PFL claim?

You should contact AbSolve at 1-800-401-2691 with any questions pertaining to your NY PFL claim.

9. What is the difference between FMLA and PFL?

FMLA is a Federal Law that entitles eligible employees to take a total of 12 workweeks of unpaid, job-protected leave in a 12-month period for specified family and medical reasons (including the employee's own serious health conditions) with continued health insurance coverage. FMLA also provides certain military family leave entitlements.

PFL is a New York State Law. It is an employee-funded insurance policy that provides job-protected, paid time-off for bonding with a newly born, adopted or fostered child, to care for a family member with a serious health condition and extends to employees whose family member is deployed abroad on active military service.

Below are some of the key differences between FMLA and PFL:

- FMLA is unpaid versus PFL which is employee funded and pays the employee up to 67% of the employee's average weekly pay.
- FMLA may be taken continuously or on a reduced schedule basis (intermittent), PFL must be taken full day increments and not in partial days.
- PFL has a broader definition of "Family members" than FMLA.
- PFL cannot be taken for an employee's own serious health condition versus FMLA which allows employees to take time off to care for oneself.

10. How is PFL applied to FMLA?

When taken for the same qualifying event, PFL runs concurrently (at the same time; simultaneously) with FMLA. Your 12-week FMLA leave should typically not be extended to include an additional 12 weeks of PFL.

Birth parent employees may delay the start of their PFL related to bonding for the following reasons:

- To use accrued paid sick leave to recover from childbirth and delivery; or
- A pregnancy-related disability, that occurs during the applicable period of incapacity due to childbirth and delivery as indicated in a medical certification for employee's own disability.

To determine how concurrency affects your PFL benefit contact hrssleavespfl@nychhc.org.

11. May I take off 12 weeks of FMLA and 12 additional weeks of PFL?

No. When taken for the same qualifying event, PFL runs concurrently (at the same time; simultaneously) with FMLA.

12. How is PFL applied to Child Care Leave?

Leave taken under the System's Child Care Leave policy (OP 20-21) shall run concurrently with PFL. Regardless of duration, Child Care Leave must be used as one continuous absence and should not result in a benefit lasting longer than the maximum time allowed. For example, the maximum benefit for Child Care Leave is either 48 or 36

months. Adding PFL will not extend the benefit to 48 or 36 months + 12 weeks (of PFL). If an employee returns to work at the end of PFL, the ability to apply for additional Child Care Leave will be forfeited.

13. Can I take PFL Intermittently?

PFL can be taken on an intermittent basis. The start date of an intermittent leave must be the first PFL day taken, and the leave cannot be approved without time being used. When a claim is approved you may contact AbSolve to inform them of days needed as the leave period progresses or you may give them a list of anticipated dates. Changes to this list of dates provided must be communicated with AbSolve.

If a leave is requested but time is not used within 30 days, the claim may be denied. PFL days requested more than 30 days in the past will be denied. An approved claim cannot sit unused for more than 90 days. If 90 days pass without additional days used the claim will be closed and a new claim (new application) will need to be submitted.

14. Can a PFL claim be filed for partial days, similar to Intermittent FMLA absences?

No. PFL can only be taken in full day increments. If you request a partial PFL day, the leave will be denied.

15. What is Paid Leave (PFL) for Covid-19?

Provides eligible employees job-protected, paid time off for the following qualifying events related to COVID-19:

- If you are under a mandatory or precautionary order of quarantine or isolation issued by the State, New York State Department of Health, local Board of Health, or other authorized government entity
- If your minor dependent child is are under a mandatory or precautionary order of quarantine or isolation issued by the State, New York State Department of Health, local Board of Health, or other authorized government entity
 - This benefit is not available to you if you are able to work through remote access (this is based on employers' discretion) or other means.
- To care for a family member with COVID-19, which may qualify as a serious health condition.
 - This must be certified by a treating physician and the condition must meet the definition of a serious health condition under PFL guidelines.

16. What forms are submitted to request Paid Leave for Covid-19?

To obtain the required forms for leaves related to Covid-19 contact AbSolve at 1-800-401-2691. Forms can also be found on the PFL State site (<https://paidfamilyleave.ny.gov/>) on the forms page.

17. What should I do if I want to end my leave early?

Contact AbSolve to discuss any changes to your leave dates. If you are ending your leave early, contact your department and HRSS Leaves Administration to notify them of your updated return date. Failure to notify HRSS Leaves Administration timely may result in delays in pay.

18. What happens if my employer also pays me for dates I received PFL benefits?

This would be considered an overpayment, you cannot receive payment from your employer and PFL benefits for the same dates. If you receive an overpayment it is your

responsibility to contact Payroll immediately to set up a reimbursement schedule. To avoid overpayment, inform your employer of scheduled and anticipated PFL dates as soon as possible.

19. Will taxes be withheld from my PFL benefits?

Taxes will not automatically be withheld from benefits, but employees can request voluntary tax withholding by submitting a W-4S tax form. PFL benefits are considered taxable income, employees will receive a 1099 form to be filed in the corresponding tax year.

20. Am I able to set up direct deposit?

Yes. Contact AbSolve to make your request for direct deposit.

21. Can my current payroll deductions (e.g.-pension contributions, payroll garnishments, insurance premium payments, etc.) be maintained through AbSolve?

No. These deductions are maintained in conjunction with your employment record. Employees will have to address the maintenance of each item separately over the course of their PFL leave.