

New York Paid Family Leave Policy

Effective January 1, 2018, eligible employees are entitled to paid family leave (“PFL”) under the New York Paid Family Leave Benefits Law.

Eligibility for PFL

- Full-time employees in New York State (those scheduled to work 20 or more hours per week) are eligible for PFL after working 26 consecutive weeks.
- Part-time employees in New York State (those scheduled to work fewer than 20 hours per week) are eligible after working 175 days in a 52-consecutive-week period.
- Employees pay for PFL through a state-mandated deduction from wages.

Qualifying Circumstances for PFL

PFL may be taken:

1. For the birth, adoption or placement by foster care of a child;
2. To provide care for an employee’s spouse, domestic partner, child, grandchild, parent, parent-in-law, stepparent, grandparent, legal guardian, or other person who stood *in loco parentis* to the employee when the employee was a child, who has a serious health condition; or
3. Because of a qualifying exigency 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.

PFL may not be taken for an employee’s own illness. Leave for the birth, adoption or foster placement of a child must be taken within 52 weeks of the qualifying event.

Amount of PFL and Use

Eligible employees are entitled up to eight weeks of leave in 2018, 10 weeks in 2019 and 2020, and 12 weeks in 2021 and thereafter. PFL must be taken in full-day increments. The 52-week period is measured retroactively with respect to each day for which PFL benefits are claimed. An employee who is eligible for both PFL and short-term disability benefits may not receive more than 26 weeks of disability and PFL in any 52-consecutive-week period.

Advance Notice by Employees

It is the employee's responsibility to request and apply for PFL benefits. When leave is foreseeable, the employee must give at least 30 days' advance notice of leave. When leave is not foreseeable, the employee must give notice as soon as practicable.

When an employee provides notice of a need for leave for a covered reason, the employee will be given a Request for Paid Family Leave form which the employee must then complete and submit to the PFL insurance carrier. The insurance carrier is responsible for reviewing and approving or denying PFL applications.

Use of Paid Time Off During PFL

An employee may choose to use all or part of any unused vacation or personal time in lieu of receiving PFL benefits and in that case, the Company will request reimbursement from any PFL benefits the employee would otherwise have received.

If Applicable, FMLA Leave Must Be Taken Concurrently

All PFL that also qualifies as leave under the Family and Medical Leave Act ("FMLA") runs concurrently with FMLA leave. In such cases, the employee must use accrued paid time off as required under the Company's FMLA policy.

If an employee refuses to apply for PFL for any leave that is also covered under the FMLA, such leave will be counted against the employee's PFL benefit. If an employee uses intermittent FMLA leave for portions of any workday and such leave is for a covered PFL reason, the leave hours will be tracked and subtracted from the employee's usual workday.

Benefits While on PFL

The health insurance of an employee who takes PFL will be continued on the same terms as when the employee was working.

Return to Work

Employees who take PFL have the right to be reinstated to their previous position or a similar position upon the conclusion of his or her PFL.

Discrimination and Retaliation

Employees will not be discriminated or retaliated against for using PFL.

Waiver of PFL Benefits

A full-time employee whose regular work schedule is less than 26 weeks, or a part-time employee whose regular work schedule is less than 175 days in a 52-consecutive –week period, may file a written waiver to be exempted from PFL benefits and the obligation to make the wage deductions. However, if the employee's schedule changes to the eligibility threshold, the waiver is automatically deemed revoked within eight (8) weeks of such change, and the employee will be required to begin making premium contributions and to pay any retroactive premiums from date of hire.