



Year	Weeks Available	Max % of Employee Salary	Cap % of State Average Weekly Wage
1/1/2018	8	50%	50%
1/1/2019	10	55%	55%
2020	10	60%	

[https://www.yu.edu/sites/default/files/legacy/uploadedFiles/Offices\\_and\\_Services/HR/Working\\_at\\_YU/policies/NYCEarnedSickTimeActPolicy.pdf](https://www.yu.edu/sites/default/files/legacy/uploadedFiles/Offices_and_Services/HR/Working_at_YU/policies/NYCEarnedSickTimeActPolicy.pdf)

PFL runs concurrently with FMLA. If approved FMLA is taken that is eligible for NY PFL but

Employees must submit the following certification and/or documentation to support Requests for NY PFL for the following reasons:

2. When a PFL claim is denied without prejudice because it is incomplete, the employee must refile within 30 days of the first day of leave. If the employee does not refile the completed request for PFL together with the necessary certifications or proof of claim documentation within 30 days of the first day of leave, the insurance carrier may deny the claim.
3. Once the insurance carrier receives the completed request for PFL together with the necessary certifications or proof of claim documentation, the insurance carrier must pay or deny the claim within 18 days.

### ***Incomplete Request/Certification***

The insurance carrier may deny a claim for PFL without prejudice within 18 days if the claim is incomplete; or the certification or proof of claim documentation is insufficient. The insurance carrier will notify the employee of each piece of required missing information. Once the insurance carrier receives the completed request for PFL together with the necessary certifications or proof of claim documentation, the insurance carrier must pay or deny the claim within 18 days.

### ***Advance Request for PFL for Foreseeable Qualifying Events***

Employees may file a Request for NY PFL in advance of a foreseeable qualifying event (Advance Request). If such an Advance Request is filed, the following procedures will apply:

1. Within five business days of receipt of an Advance Request, the insurance carrier will provide the employee with:
  - a. Notice that the claim is pending
  - b. A list of the required missing information
  - c. Instructions for how to submit the missing information; and
  - d. Contact information
2. Once [the insurance carrier] receives a completed Request, the insurance carrier will provide the employee a confirmation of receipt of the completed claim within three business days.
3. If a completed request for PFL is received more than 18 days before the occurrence of a qualifying event, [the insurance carrier] will send payment to the employee within five days following the qualifying event.

### ***Denial of NY PFL Benefits***

The insurance carrier may deny a Request for NY PFL for, among others, the following reasons:

1. The employee has not been employed for a sufficient length of time to be eligible for benefits.
2. The family member that the employee is seeking leave to care for is not a covered family member.
3. The amount of leave requested exceeds the statutory maximum benefit period for family leave or disability benefits under the NY PFL.
4. The amount of family leave requested exceeds the statutory maximum or the family leave needed as stated in the medical certification of the employee or the qualifying event was foreseeable and the employee failed to provide the employer with sufficient notice. In such a case, the insurer may issue a partial denial of any excess leave or a partial denial for 3a partial d the employee or

### ***Health insurance***

The NY PFL law requires employers to continue existing health insurance benefits while an employee is on NY PFL according to the same conditions prescribed by the FMLA. Employees must pay their portion of the health insurance premium and employers may terminate coverage if an employee fails to do so.

### ***Job protection/No retaliation or discrimination***

Upon returning from NY PFL, an employee is entitled to reinstatement to his/her prior job position or to a comparable position with comparable pay, benefits, and other terms and conditions of employment. In addition, an employee may not be disciplined or retaliated against for requesting NY PFL or for absences that are covered under the NY PFL law.

### **Disputes**

Any disputes relating to NY PFL are required to be arbitrated in accordance with procedures and contact information for the WCB can be found at:

<http://www.wcb.ny.gov/content/main/Contact.jsp>. Requests for arbitration must be submitted to the WCB within 26 weeks of the denial of the request for NY PFL.

### **Summary Only**

This is intended only to be a summary of the requirements of the NY PFL. Additional requirements and benefits relating to NY PFL may be set forth in the NY PFL law. If there is a conflict between this document and the NY PFL law, the terms of the NY PFL law will govern.