



## MEMORANDUM TO ALL COUNTY EMPLOYEES

November 30, 2017

**NYS Paid Family Leave (PFL):** Governor Cuomo signed a bill creating a Paid Family Leave (PFL) program which goes into effect January 1, 2018, and the program will be overseen by the NYS Workers' Compensation Board. This leave program is optional for all Public Employers, and the regulations require that a Public Employer that chooses not to provide this leave must notify employees of this decision prior to December 1, 2017.

**This communication serves as the official notice that Tompkins County will not be offering Paid Family Leave (PFL).**

The County currently provides generous paid leave benefits, including disability leave; vacation, personal, and holiday leave; and compensatory time.

The following is a brief synopsis of the benefits provided under FMLA, NYS Paid Leave, and Short Term Disability Leave. Hopefully the information provided will answer any questions you may have regarding this decision.

### Family and Medical Leave Act (FMLA)

- Federally mandated/labor law both public and private sector employers are required to comply.
- No cost to employee.
- Provides certain job protections to eligible employees who are absent on a qualifying leave for their own serious health condition; to care for qualifying family members with serious health conditions; to care for a newborn or child placed by adoption; and for certain absences arising out of military duty.
- Federal law does not require that this leave be a paid leave. Tompkins County does allow for employees to remain in paid status by requiring the use of "fringe benefits" and short term disability leave (as appropriate), while absent on an FMLA approved leave. Additionally, an employee is only responsible for their portion of any health insurance plan premiums, while on an FMLA approved leave.

### NYS Paid Family Leave (PFL)

- NYS Regulation/Labor law required for private sector employers – optional for public sector employers.
- Program effective date of 1/1/18, funded through employee payroll deductions- all eligible employees are required to participate.
- Graduated increase in number of benefit days, and employee contribution each year through 2021.
- This benefit does not cover absences related to an employee's own serious health condition; it only provides a benefit for employees on a qualifying leave to care for a seriously ill family member.
- FMLA and PFL run concurrently, therefore, PFL does not provide for additional leave time after the exhaustion of an employee's FMLA entitlement.

### Short Term Disability Leave (STD)

- NYS requires most private sector employers to provide Short Term Disability Insurance (leave), however, there is no similar requirement for public sector employers.
- Tompkins County offers this benefit with no employee contribution. This benefit is negotiated for through the collective bargaining process.
- Benefit allows an employee to be paid while absent for their own illness/injury.
- Absences that qualify under FMLA and the County's STD plan run concurrently.
- Employees use fringe benefits to remain in paid status during the STD waiting period, if applicable.

There are many factors involved in the decision to remain with our current benefit structure, and not offer PFL, including, but not limited to:

- ✓ The County complies with the Family and Medical Leave Act (FMLA) which provides the most comprehensive benefits for largest number of qualifying circumstances, including an employee's own serious health condition; care of a qualifying family member with a serious health condition; care for a newborn, or child placed by adoption; and certain absences arising out of military duty.
- ✓ NYS Paid Family Leave (PFL) does not cover an employee absence related to their own serious health condition, whereby our disability leave benefit and FMLA leave both do.
- ✓ PFL runs concurrently with FMLA leave, so there is not a "loss" of a benefit in our decision to not offer it.
- ✓ The County's disability leave benefit is provided at no cost to the employee; FMLA leave is provided at no cost to the employee; however, the regulations pertaining to the PFL benefit require all eligible employees to make bi-weekly payroll contributions to fund the benefit plan.

**QUESTION:** Does this change my current leave benefits in any way?

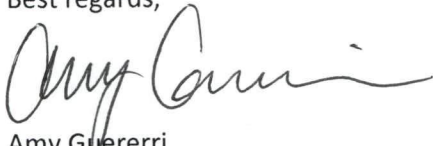
*(This is a common question that has arisen in relation to the NYS Paid Family Leave program).*

**ANSWER:** The answer to that is "no." The leave benefits offered to Tompkins County employees will remain in place.

Please note – most leave benefits are part of the collective negotiation process, and presently no collective bargaining obligation exists to provide the recently legislated PFL leave program. This new PFL program, as with any other benefit, will continue to be reviewed for consideration in the future.

Please feel free to contact myself or Human Resources with any questions regarding this important announcement.

Best regards,



Amy Guerri

Commissioner of Human Resources, Tompkins County