

## Key Differences of Federal Family Medical Leave, NYS Paid Family Leave & Short Term Disability

Key Differences between Federal FMLA, NYS PFL & Short Term Disability	Federal Family Medical Leave Act Administered through your employer	NYS Paid Family Leave Act* Covered by the Fund and administered through MetLife	Short Term Disability Covered by The Fund and administered through MetLife
Work Requirements (at Same Employer)	<ul style="list-style-type: none"> <li>• 12 months</li> <li>• 1,250 hours in 12 months from date of leave</li> </ul>	<ul style="list-style-type: none"> <li>• Full-time: 6 consecutive months</li> <li>• Part-time: 175 days</li> </ul>	<ul style="list-style-type: none"> <li>• You must be employed for four weeks to apply for this benefit</li> </ul>
Coverage for Employee's Own Serious Health Condition	Covered (including maternity)	Not covered (There is an exception for leaving work prior to birth in instances of adoption. For more information refer to " <i>Bonding with a child &amp; maternity claim scenarios</i> " on the back of this chart.)	Covered (coverage begins on the eighth day of disability/illness or the first day of accidental injury disability)
Intermittent Leave	One hour increments allowed	Must be taken in full-day increments	Covered (under certain circumstances)
For whom can you care for during this leave?	Yourself, your spouse, your parents, and your children	Your spouse, parents, children, grandparents, grandchildren, siblings, parents-in-law and domestic partners**	Only the employee
Use of Paid Time Off	Employer may require employee to use PTO for paid leave vs. unpaid leave. Refer to your Collective Bargaining Agreement and/or employer policy	Employer cannot require you to use PTO. Refer to your Collective Bargaining Agreement and/or employer policy	Disability is not payable if employer is paying full sick pay
Medical Coverage Health Insurance	While on leave coverage is protected for up to 12 weeks	While on leave coverage is protected	Coverage is not protected while on leave
Pay/Job Protections	Unpaid/protected	Paid/protected	Paid/unprotected under New York State law. May be protected under your contract
Injured Military Service Member Caregiver Leave	Covered military member designated caregiver provision [The following family members, in addition to FMLA relationships listed above, include next of kin: (in this order) designated relative, relative with legal custody, siblings, grandparents, aunts/ uncles, and first cousins. ]	Caregiver leave cannot be used for one's own disability or qualifying military event (Spouse, sibling, domestic partner, child, grandchild, parent, parent-in-law, grandparent.)	Not applicable
Military Deployment	Qualifying exigency leave for overseas deployment (Spouse, parent, and child.)	Qualifying exigency leave for overseas deployment (Spouse, domestic partner, child, sibling, grandchild, parent, parent-in-law, grandparent.)	Not applicable
How do I apply for this benefit?	FMLA is administered through your employer. Contact your employer for more information.	<b>Contact MetLife at (800) 504-7877</b> M-F 8 a.m. to 11 p.m. Identify yourself as a NYSNA Benefits Fund participant	<b>Contact the Benefits Fund</b> M-F 8:30 a.m. to 4:30 p.m. <b>(877) RN BENEFITS [762-3633]</b>

\*New York State's Paid Family Leave Act came into effect on January 1, 2018. Please refer to your NYSNA Benefits Fund Summary Plan Description posted at [www.rnbenefits.org](http://www.rnbenefits.org) for more detailed information.

\*\*New York State's definition of domestic partnership is that of a couple in the same, regular, and permanent residence for at least six months, neither person is married to someone other than the domestic partner, neither person is in a domestic partnership with another person and are jointly financially responsible for "basic living expenses." This may include showing documented proof of financial interdependence as a necessary criterion for domestic partnership eligibility in New York State.

**The information contained herein should not be viewed as a substitute for the most recent Summary Plan Description and any relevant Summary of Material Modifications. In case of discrepancies or contradictions, the language and terms of the Fund SPD and SMMs shall prevail.**

# Important Information Regarding Paid Family Leave from the NYSNA Benefits Fund

The NYSNA Benefits Fund is pleased to offer our participants New York State Paid Family Leave benefits at no cost to you.

In order to help you understand the differences between NYS Paid Family Leave, Federal Family Medical Leave, and Short-Term Disability, please refer to the chart on the reverse side of this page.

Here's a quick overview:

**The Fund administers:**

*Short-Term Disability*

**On behalf of the Benefits Fund, MetLife administers:**

*NYS Paid Family Leave*

**Your employer administers:**

*Federal Family Medical Leave* - Paid time off and sick time are also administered through your employer and vary from hospital to hospital.

Please refer to your employer's human resources department, your NYSNA representative, or [www.dol.gov/whd/fmla](http://www.dol.gov/whd/fmla) for specific questions regarding Family Medical Leave.

For more information regarding Paid Family Leave and short-term disability benefits, please refer to our *Summary Plan Description* available at [www.rnbenefits.org](http://www.rnbenefits.org) or call a participant representative at (877) RN BENEFITS [762-3633]

## *New York State Paid Family Leave Bonding with a child & maternity claim scenarios*

First, check your NYSNA contract and/or employer policies.

**Q: Can I take NYS Paid Family Leave during pregnancy?**

- No. Paid Family Leave for bonding begins after birth. It is not available for prenatal conditions.
- Regarding Disability: Short term disability benefits may be available during pregnancy. Contact the Fund Office for information.
- Regarding Maternity Leave/Paternity Leave: Check with your employer on how NYS Paid Family Leave and federal FMLA works with your employer's leave policies and any applicable provisions in your NYSNA Collective Bargaining Agreement.

**Q: When can I take bonding leave to bond with a new child?**

- You can take bonding leave any time during the first 12 months after the birth, adoption, or foster placement of a child.
- NYS PFL can be taken intermittently within the first 12 months for bonding with a child.

**Q: Who is eligible for bonding leave?**

- New parents are eligible to take NYS PFL during the first 12 months following the birth, adoption, or fostering of a child.

**Q: Can I take NYS Paid Family Leave for adoption before you have custody of the child?**

- Yes, you may take leave before the actual adoption of the child if an absence from work is required for the adoption to proceed.

**Q: Can I file both a disability and NYS PFL claim at the same time?**

Yes, but you cannot receive paid disability and NYS PFL benefits simultaneously. You can switch from disability to NYS PFL any time after the birth of your child or at the end of your disability.