



JOINT INDUSTRY BOARD OF THE ELECTRICAL INDUSTRY

158-11 HARRY VAN ARSDALE JR. AVENUE • FLUSHING, N.Y. 11365
TEL: (718) 591-2000 • FAX: (718) 380-7741 • www.jibe.org

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Date: October 20, 2017

Dear Employer,

This communication is in reference to the newly passed law, the **New York Paid Family Leave Act**. **The New York Paid Family Leave Act will be effective January 1, 2018**. This new law presents some important changes for you and your employees.

What is the New York Paid Family Leave Act?

New York Paid Family Leave (PFL) is job-protected, paid time away from work for specific reasons as mandated by New York State. That means eligible employees may take NY PFL:

- to take care of a seriously ill family member (spouse, domestic partner, child, parent, parent-in-law, grandparent, grandchild);
- to bond with a newborn biological, adopted, or foster child;
- to attend to covered family issues related to a qualifying military deployment.

The PFL does not provide paid benefits or a leave of absence for the employee's own serious health conditions.

Who Is Eligible?

Active employees for whom you contribute to the Electrical Employers Self Insurance Safety Plan (EESISP) for disability will be covered for this benefit once they satisfy the eligibility requirements.

Initial eligibility is attained by having worked on a full-time basis for a Contributing Employer to this Plan, the Union, the Joint Industry Board, or any other Contributing Employer that has signed a participation agreement, and occurs upon the date immediately following the participant's completion of 26 consecutive weeks of full-time work, during which time contributions were received on his or her behalf, unless the service and contribution requirement is waived by the Trustees. Thereafter, a Participant must have been employed on a full-time basis during which time contributions were made to this Plan for at least 26 consecutive weeks immediately prior to incurring a reimbursable expense, or, if unemployed during all or any portion of such period, the Participant must have been registered as available for employment with the Joint Industry Board Employment Department or with the Union's designated referral service.

What Is The Benefit?

The New York PFL benefit for 2018 is set as follows:

- effective 1/1/2018, 50% of the average weekly wage but not to exceed 50% of the New York State average weekly wage, which is currently \$1,305.92, for a maximum of 8 weeks. Therefore, the maximum weekly benefit payable for 2018 is \$652.96.

However, the benefit is set to increase each year for the following three years, as follows:

- 2019 55% of average weekly wage for a maximum of 10 weeks
- 2020 60% of average weekly wage for a maximum of 10 weeks
- 2021 67% of average weekly wage for a maximum of 12 weeks

Who Pays For The Program?

Employees will pay for the new coverage through payroll deduction. The initial rate is \$.66 per week, which is subject to change and you must deduct such amount from the employee's paycheck each week beginning with the week ending **11/22/2017**. This benefit has been negotiated as part of the CBA with Local 3 and as a result the weekly deduction is allowed in lieu of a percentage of payroll.

How Does An Employee Apply For This Benefit And Who Makes The Payment?

In order to apply for this benefit an employee must complete the applicable form, which you can furnish to the employee, and must include required documentation to support the leave. The employer must complete the application and then send the form to EESISIP for processing and payment. The Workers' Compensation Board has not finalized the forms that need to be completed.

What Is The Required Documentation To Support Filing A Claim?

An employee will need to file a Request for Paid Family Leave form and documentation in support of the Paid Family Leave request. The required documentation will be indicated on the form that must be completed.

What Are The Employer's Responsibilities?

- **Employers must provide written guidance to employees concerning all of the employees' rights and obligations under PFL, including how to file a claim. The Workers' Compensation Board (WCB) has not yet approved the final claim forms. When it does, you will be able to download them along with instructions from the following website @ <http://www.jibe.org/eesisp.asp>**
- **Employers are responsible for deducting contributions from the employee's paycheck to cover the cost of PFL.**
- **Employers MUST provide PFL coverage for eligible employees and may be subject to penalties for noncompliance.**
- **Every covered employer must display/post a notice regarding PFL in a format prescribed by the WCB. It must be displayed where all employees/applicants can clearly see it.**
- **Covered employers must reinstate employees to their position or to a comparable position and maintain the employees' existing health benefits while on paid family leave.**

What Else Do I Need To Know?

- PFL can be taken intermittently in full day increments or full weeks.
- An employee cannot collect DBL or workers' compensation benefits and PFL at the same time.
- PFL maximum period is 8 weeks for 2018.
- DBL and PFL benefits combined cannot exceed 26 weeks in a 52 week consecutive calendar period.
- PFL is available after the birth of a child. It is not available for prenatal conditions.
- PFL may not be used for an employee's own serious health condition or qualifying military event.
- **Job reinstatement to former or comparable job is guaranteed.**
- Employer MUST complete and return the applicable form to the employee within 3 business days.
- There is no waiting period.
- Once EESISIP receives a completed valid request for PFL with the necessary certification, it has 18 days to pay or deny a PFL claim.

As we get more information from New York State regarding the PFL we will communicate with you as to any changes. If you want more information about the PFL please go to

<https://www.ny.gov/new-york-state-paid-family-leave/new-york-state-paid-family-leave-employers>.

Please see the attachment as to how to report the weekly deduction on the contribution report to the JIB depending on whether you file manually or electronically. Weekly deductions must start as of week ending 11/22/2017.

If you have any questions regarding the administration of the PFL, please call EESISIP at (718) 591-2800.

If you have questions about how to report the weekly contribution, please call the JIB at (718) 591-2000, ext. 1306.

Sincerely,

Joint Industry Board of the Electrical Industry



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INSTRUCTIONS FOR SUBMITTING PAID FAMILY LEAVE SALARY

DEDUCTIONS: Current Rate is \$.66 per week.

Electronic Submission: Use the position/field/column that has been designated “Paid Family Leave Amount”. Please report this amount in positions 88-90. The field has previously been designated NYS Disability. The amount will be billed on a separate line on the invoice “Paid Family Leave Deduction”. **The Joint Industry Board will calculate the amount due and include the amount on the invoice.**

Spreadsheet Submission: Use the field and column (U) that has been designated NYS Disab: in the detailed lines of the spreadsheet. The amount will be billed on a separate line on the invoice “Paid Family Leave Deduction”. **The Joint Industry Board will calculate the amount due and include the amount on the invoice.**

Manual Submission using the “Contractor Weekly Remittance of Authorized Payroll Deduction”: Use new column designated “PFL” for Paid Family Leave and **make separate check payable to ‘EESISP Paid Family Leave’.**

Please contact the Joint Industry Board at 718-591-2000, ext. 1308 if you wish to change to a form of electronic reporting.

Sincerely,

Joint Industry Board