

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL
POLICY BULLETIN 2023-01

Section 21.12

February 2023

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TO: Manual Recipients
FROM: Jessica Rowe, Director of Staffing Services
SUBJECT: Paid Parental Leave for M/C Employees

On January 10, 2023, Governor Hochul announced that New York State will provide 12 weeks of Paid Parental Leave for unrepresented executive branch state employees to bond with a newly born, adopted, or fostered child. The purpose of this Policy Bulletin is to set forth guidelines for the administration of this new Paid Parental Leave (PPL) benefit.

Effective February 14, 2023, Paid Parental Leave will become available to any gestational, non-gestational, adoptive, or foster parent who meets certain eligibility criteria for unrepresented executive branch employees. All other child care leave benefits, including sick leave accruals, family sick leave benefits, Family Medical Leave Act (FMLA), Income Protection Plan (IPP), and Paid Family Leave (PFL), remain unchanged and available for use when applicable.

Eligibility

All unrepresented executive branch employees who work full-time or who work at least 50% part-time are eligible for this benefit. Such employees are eligible beginning on their first day of service. Employees are **not** required to have Attendance Rules coverage to be granted this benefit.

Use of Paid Parental Leave

Employees may take leave **with pay** for up to 12 weeks for each qualifying event, defined as the birth of a child or placement of a child for adoption or foster care. Paid Parental Leave is available for use once every 12-month period. A qualifying event begins the 12-month period. Paid Parental Leave may begin on the date of birth, the day of adoption or foster care placement or anytime thereafter within seven months. An employee's ability to use Paid Parental Leave ends seven months from the date of the qualifying event. If a qualifying event occurred within seven months before the effective date of this bulletin, an employee may use Paid Parental Leave, however the employee's use of Paid Parental Leave must end within seven months of the qualifying event.

Paid Parental Leave may be used in combination with all other paid and unpaid childcare leave benefits (see attached chart for examples of application and order of Paid Parental Leave benefits). Paid Family Leave, Income Protection Plan, and usage of accruals cannot run concurrently with Paid Parental Leave and may be taken at the appropriate time in addition to Paid Parental Leave.

If both parents are employed by a New York State Agency, both parents may use Paid Parental Leave, even if they work for the same appointing authority.

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Paid Parental Leave cannot be used intermittently and must be taken in a block of time. Employees do not have to take the full 12 weeks, but once they return from Paid Parental Leave, they can no longer use this leave.

Status of Employees on Paid Parental Leave

For attendance and leave purposes, employees are deemed to be in **leave without pay** status while using Paid Parental Leave. They do not earn biweekly leave accruals or observe holidays, nor do they receive personal leave or vacation bonus days if their anniversary dates fall while they are using Paid Parental Leave. In such cases, the personal leave anniversary date changes to the date of return to work or placement on sick leave at half-pay, and the employee receives personal leave on the adjusted anniversary date. The vacation anniversary date is adjusted if the period of continuous absence on Paid Parental Leave and any other kind of childcare leave, except where the employee charges accruals on such leave, exceeds six continuous months. If such period is less than six months, the employee retains the same vacation anniversary date and is credited with vacation bonus days upon return to work.

Voluntary Reduction in Work Schedule (VRWS) agreements must be suspended on the first day of the payroll period in which an employee begins their Paid Parental Leave.

Time on Paid Parental Leave does not count as service for earning additional eligibility for sick leave at half-pay.

While using Paid Parental Leave, employees continue to be covered by their existing insurance benefits. Employees continue to have health insurance premiums, retirement contributions, and other payroll deductions withheld from their paycheck.

Employees using Paid Parental Leave continue to receive retirement service credit for days in while on leave as it is considered full pay status for this purpose.

Paid Parental Leave may not be used to extend employment beyond the point it would otherwise end by operation of law, rule, or regulation.

Any questions about these provisions should be referred to the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

EXAMPLES OF PAID PARENTAL LEAVE IN CONJUNCTION WITH ACCRUAL USAGE AND OTHER LEAVE TYPES:

M/C Gestational Parent (birth)

Employee has 3 weeks of sick leave and two weeks of accrued vacation leave. The employee plans on being out the entire 7 months afforded for Child Care Leave:

1. Employee is designated FMLA if eligible to run concurrent with accrual usage and other leave types.
2. Sick Leave accruals are used first during period of disability (employee exhausts sick leave credits and satisfies waiting period for IPP).
3. The employee is placed on IPP for 1 week.
4. Employee is then placed on Paid Parental Leave for 12 weeks.
5. Employee then goes on Paid Family Leave for the remainder of leave – 12 weeks.
6. Employee chooses not to utilize their vacation accruals and has accruals upon return to use if needed. Under IPP only sick leave has to be exhausted.

M/C Non-gestational Parent (non-birth)

Employee opts not to charge any accruals. The employee plans on being out for 4 of the 7 months afforded for Child Care Leave:

1. Employee is designated FMLA if eligible to run concurrent with accrual usage and other leave types.
2. Employee is then placed on Paid Parental Leave for 12 weeks.
3. Employee then goes on Paid Family Leave for the remainder of leave – 4 weeks.