

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL
POLICY BULLETIN 2023-03

Section 21.12

August 2023

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

The purpose of this Policy Bulletin is to set forth guidelines for administration of the Paid Parental Leave (PPL) benefit for PEF employees.

Paid Parental Leave for PEF-represented employees is **available retroactively to April 2, 2023**. Agencies **must** allow retroactive use of this benefit and reconstruct an employee's time and payroll records, as appropriate. Employees who do not wish to go back retroactively are entitled to go out on any remaining PPL that is available to them. For example, an employee had a qualifying event on March 15, 2023, and was on Child Care Leave using their own leave accruals until June 14, 2023. The employee has the option to either be placed on PPL retroactively (from April 2, 2023 – June 14, 2023) and have their accruals restored or to go on PPL prospectively and return on October 15, 2023 (i.e., seven months from qualifying event).

PPL is available to any gestational, non-gestational, adoptive, or foster parent who meets certain eligibility criteria for PEF-represented executive branch employees. All other child care leave benefits, including sick leave accruals, family sick leave benefits, use of other accruals (e.g., VRWS, vacation, personal and holiday leave) and/or leave without pay during the mandatory seven-month child care leave period and Family Medical Leave Act (FMLA) benefits remain unchanged and available for use when applicable. Agencies may still allow leave without pay beyond seven months on a discretionary basis. Discretionary leaves which extend beyond two years must still be approved by the Civil Service Commission.

Eligibility

All PEF employees who work full-time or who work at least 50% part-time are eligible for this benefit. Such employees are eligible upon completion of six cumulative months of State service, in which there was no break of more than a year (except Commission Reinstatements). The work percentage for hourly employees will determine the compensation under the benefit and will be determined by a six-month look back before the date the leave commences. Agencies should use the six-month period prior to any sick leave at half-pay or leave without pay benefits related to the qualifying event to calculate the paid leave entitlement available. Employees who have separated from State service are not entitled to Paid Parental Leave, retroactively or otherwise. Paid Parental Leave may not be used to extend employment beyond the point it would otherwise end by operation of law, rule, or regulation.

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. An employee may

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request to be retroactively placed on PPL beginning April 2, 2023. An employee's ability to use Paid Parental Leave ends seven-months from the date 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). Usage of accruals cannot run concurrently with Paid Parental Leave and may be taken at an appropriate time (either before or after) 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.

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.

Time spent while on Paid Parental Leave does not count towards the satisfactory completion of any required probationary period, beyond the total number of absences that can be considered as time served per Rule 4.5(g). Please refer to [State Personnel Management Manual Section 2000](#) for further information regarding the administration of probation.

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

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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:

Gestational Parent (birth)

Employee went on leave one month prior to birth of child, recognized period of disability. Employee has exhausted all accruals and plans on being out for 4 of the 7 months afforded for Child Care Leave. Employee has two weeks of Sick Leave at Half Pay and two weeks of Leave Donations. Employee is not eligible for leave under the Family Medical Leave Act (FMLA)

1. Employee uses two weeks of Leave Donations
2. Employee is placed on Sick Leave at Half Pay for two weeks
3. Employee is then placed on Paid Parental Leave (PPL) for 12 weeks

Non-gestational Parent (non-birth)

Employee opts to charge out 7 weeks of accrued Vacation and one week of Sick Leave charged to Family Sick Leave. The employee plans on being out for 5 of the 7 months afforded for Child Care Leave. Employee is eligible for leave under the Family Medical Leave Act (FMLA), which runs concurrent with accruals usage and other leave types:

1. Employee is designated under FMLA
2. Employee charges 1 week of accrued Sick Leave to Family Sick Leave
3. Employee charges 7 weeks of accrued Vacation.
4. Employee is then placed on Paid Parental Leave (PPL) for 12 weeks

Adoptive Parent

Employee has 8 weeks of accrued Vacation and 1 week of Personal Leave. The employee plans on being out for 6 months and 1 week of the 7 months afford for Child Care Leave. Employee is not allowed to use accrued Sick Leave. Employee is eligible for leave under the Family Medical Leave Act (FMLA), which runs concurrent with accruals usage and other leave types:

1. Employee is designated FMLA.
2. Employee charges 8 weeks of accrued Vacation
3. Employee continues to be covered under FMLA and is placed on FMLA Leave without Pay for 4 weeks. (Employee will only be responsible for employee share of health insurance while on FMLA)
4. Employee charges 1 week of Personal Leave
5. Employee is then placed on Paid Parental Leave (PPL) for 12 weeks

Foster Care Parent

Employee has 8 weeks of accrued Vacation, 4 weeks of VRWS Credits. The employee plans on being out for 12 weeks under the Family Medical Leave Act (FMLA) and 12 weeks Paid Parental Leave (PPL) for a total of 6 months. Employee is not allowed to use accrued Sick Leave. Employee is eligible for leave under the Family Medical Leave Act (FMLA), which runs concurrent with accruals usage and other leave types. Employee is only allowed a total leave of up to 24 weeks (12 weeks of FMLA and 12 weeks of PPL – Foster Care Parents do not receive 7 months for Child Care Leave):

1. Employee is designated FMLA.
2. Employee charges 8 weeks of accrued Vacation
3. Employee charges 4 weeks of VRWS Credits
4. Employee is then placed on Paid Parental Leave (PPL) for 12 weeks

**It should be noted that these are examples of use of PPL. There may be other scenarios related to PPL that aren't included here. Agencies may contact the Attendance and Leave Unit for additional guidance.