

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
ATTENDANCE AND LEAVE MANUAL
POLICY BULLETIN 2024-05

Section 21.12

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TO: Manual Recipients
FROM: Jessica Rowe, Deputy Director for Merit System Operations
SUBJECT: Paid Family Leave (PFL)

The purpose of this Policy Bulletin is to provide a full listing of family members for which an eligible employee (M/C and RRSU only) can take PFL.

As of 2023, eligible employees can take PFL to care for siblings with a serious health condition. This includes biological siblings, adopted siblings, stepsiblings and half-siblings. These family members can live outside of New York State, and even outside of the country.

Full listing of family members:

- spouse
- domestic partner (including same and different gender couples; legal registration not required)
- child/stepchild and anyone for whom you have legal custody
- parent/stepparent
- parent-in-law
- grandparent
- grandchild
- sibling

Attached is an updated Comparison of Provisions: NYS Attendance Rules, Federal Family Medical Leave Act (FMLA), and NYS Paid Family Leave (PFL).

If you have any questions, please contact the Attendance and Leave Unit of the Department of Civil Service at (518) 457-2295.

Comparison of Provisions: NYS Attendance Rules, Federal Family Medical Leave Act, and NYS Paid Family Leave

Relationship	NYS Attendance Rules Family Sick Leave (FSL)	Federal Family and Medical Leave Act (FMLA)	NYS Paid Family Leave (PFL)
Spouse	Yes	Yes	Yes
Spousal Equivalent	Only if residing with employee	No, regardless of residence	Yes, Domestic Partner as defined in Workers' Compensation Law (WCL) Section 4
Child Under 18 or Impaired	Yes	Yes	Yes
Child Over 18, not Impaired	Yes	No	Yes
Foster Child or Child <i>in Loco Parentis</i>	Only if residing with employee	Yes, regardless of residence	Yes, regardless of residence
Parents	Yes	Yes	Yes
Parent-in-Law	Yes	No	Yes
Foster Parent or Parent <i>in Loco Parentis</i>	Only if residing with employee	Yes, regardless of residence	Yes
Other Relatives or Relatives-in-Law	Yes, any relative or relative-in-law regardless of residence or any persons with whom an employee has been making his/her home.	No	Yes (Grandparent, Grandchild and Sibling)

Leave Status	NYS Attendance Rules Family Sick Leave (FSL)	Federal Family and Medical Leave Act (FMLA)	NYS Paid Family Leave (PFL)
Leave at Full Pay	RRSU employees are entitled to 30 days and M/C employees are entitled to 25 days of Family Sick Leave per calendar year.* Use of credits other than Sick Leave for illness in family is discretionary with Appointing Authority. Family Sick Leave can also be used for Bereavement.	FMLA does not require an employer to authorize use of paid leave where it would not otherwise be authorized. As a matter of State policy, when use of leave credits would be allowed under the Attendance Rules, employee may elect to use appropriate leave credits during a period of FMLA leave or may choose not to use credits.	Employee may choose to use Family Sick Leave, Vacation, or Personal Leave for all or part of absence. Time charged to leave accruals does not count against an employee's annual entitlement of PFL.
Leave at Partial Pay	Employee option, charge to Family Sick Leave.	Employee option, charge to appropriate accruals or leave without pay.	Employee who chooses not to charge Leave Accruals will receive up to 12 weeks of partial pay (capped at 67% of the State Average Weekly Wage) in accordance with WCL section 204, upon the first full day of absence.
Full or Partial Day Absences	Employee option of full or partial days, charge to Family Sick Leave.	Employee option, charge to appropriate accruals or leave without pay.	Full day absences only.
Service Requirements	Immediate Coverage for Annual Salaried Employees.	One Cumulative Year of State Service and 1250 work hours during the 52 consecutive weeks immediately preceding the date FMLA leave begins.	Employees working 20 hours or more per week become eligible for PFL upon completion of twenty-six consecutive weeks of State service. Employees who work less than 20 hours per week become eligible for PFL upon completion of one hundred seventy-five days of State service.

*Sick Leave credits for absences necessitated by illness in the employee's family are generally restricted to absences occasioned by the need for the services of the employee.