

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

Family Relationship			
Relationship	New York State Attendance Rules Family Sick Leave (FSL)	Federal Family and Medical Leave Act (FMLA)	New York State 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 Parent-in-Law)

* Security Units have a broader definition of Family, including the employee's spouse, child, parent, grandparent, brother, sister, parent-in-law, brother-in-law, sister-in-law, grandchild or other relative living in the employee's household.

Impact on Salary and Benefits			
Leave Status	New York State Attendance Rules Family Sick Leave (FSL)	Federal Family and Medical Leave Act (FMLA)	New York State Paid Family Leave (PFL)
Leave at Full Pay	<p>Employee may charge available accrued leave credits. Sick Leave is used first (up to 15 days of Sick Leave may be used for illness of family member). Employee is entitled to use other accruals upon exhaustion of Sick Leave for personal disability.**</p> <p>Use of credits other than Sick Leave for illness in family is discretionary with Appointing Authority.</p>	<p>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 at the employee's option.</p>	<p>Employee may choose to use of 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.</p>
Leave at Partial Pay	<p>Sick Leave at Half-Pay M/C IPP Benefits (STD 50% / LTD 60%). Both are only available for personal disability of the employee.</p>	<p>Sick Leave at Half-Pay M/C IPP Benefits (STD 50% / LTD 60%). Both are only available for personal disability of the employee.</p>	<p>Employee who chooses not to charge Leave Accruals or Sick Leave at Half-Pay will receive 8 weeks in 2018 and up to 12 weeks of partial pay when fully implemented in 2021 (50% - 67% State Average Weekly Wage) in accordance with WCL section 204, upon the first full day of absence.</p>

** 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.

Eligibility			
	New York State Attendance Rules Family Sick Leave (FSL)	Federal Family and Medical Leave Act (FMLA)	New York State Paid Family Leave (PFL)
Full or Partial Day Absences	Employee option of full or partial days.	Employee option of full or partial days.	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