

**New York State Department of Civil Service
Request for Proposals #PFL-2017-1
Paid Family Leave Program**

Below are the Department's answers to questions regarding the NY Paid Family Leave RFP.

Note: If the Offeror's questions included their name, the name has been replaced with "Offeror."

Questions and Answers as of May 17, 2018

Question	Section	Question and Answer
Q1	Section I.B	It is our understanding that approximately 400 agencies will be offered the Paid Family Leave Program in a phased approach and participation will be dependent on status of agreements with the employee unions that represent said agencies. Will participation require unions to wait until a new contract is ratified or will this offering be included through amendments of existing union contracts?
A1	Section I.B	The 400 agencies indicated in the RFP refer to 400 agency payroll codes and do not reflect the actual number of State agencies. Union groups may elect to extend Paid Family Leave (PFL) benefits to their members through the regular schedule of contract negotiations, or through an amendment to their current ratified contract. It will be upon each union to determine which method will be used to extend this program to their population.
Q2	Section I.B	Will union participation be achieved through new collective bargaining agreements or amendments to existing agreements?
A2	Section I.B	Union groups may elect to extend NY Paid Family Leave benefits to their members through the regular schedule of contract negotiations, or through an amendment to their current ratified contract. It will be upon each union to determine which method will be used to extend NY Paid Family Leave to their population.
Q3	Section I.B	Can you provide a listing of the 400 NYS agencies whose employees will be part of this PFL program?
A3	Section I.B	Participation in NY Paid Family Leave will be determined individually by each union. Each NYS agency's employee population may include members of several different unions. A listing of potential unions participating in NY Paid Family Leave through this procurement can be found at the following website: https://www.goer.ny.gov/Labor_Relations/Contracts/index.cfm
Q4	Section I.B	Will participation in this PFL program be mandatory for all 400 agencies, or will each agency have the option to participate, or not?
A4	Section I.B	Participation in NY Paid Family Leave will be determined by each union, not by individual NYS agencies.
Q5	Section I.B	The RFP states: <i>Employees do not have to exhaust sick and/or vacation leave before using PFL.</i> We interpret this to mean that the PFL administrator will not have to coordinate with or offset for sick or vacation leave time. And, that all benefits will be paid to the Employee (i.e. No reimbursement to the state agency/employer for 'like' paid leave benefits they have paid to their employee for child bonding, care for sick relative, or military exigency). Can you please confirm.

A5	Section I.B	NYS will not seek reimbursement under NY Paid Family Leave for qualifying leave taken by an employee through sick leave or vacation accruals. A vendor will not have to coordinate employee sick leave or vacation leave when administering NY Paid Family Leave.
Q6	Section I.B	The RFP states: <i>While the Department shall hold the contract and administer certain elements of program operations, other agencies have administrative responsibilities pertaining to this Program.</i> Can you provide at least a high-level summary of what program operations the Department will administer vs. the 400 agencies?
A6	Section I.B	Human Resources Officers for each NYS agency will be responsible for completing the applicable sections of the PFL claim form, providing PFL waivers to employees who are eligible for a waiver, overseeing an employee’s removal from the payroll, and posting the requisite notices pertaining to PFL. The Department will oversee the vendor’s administration of the Program and act as liaison between the vendor and NYS agencies. Vendors will be in contact with Human Resource Officers regarding questions on specific PFL claim submissions.
Q7	Section II.A.7.c	Will the Department of Civil Service consider alternate proposals, specifically those suggesting different funding arrangements or program specifications?
A7	Section II.A.7.c	<p>The benefit offered will be the minimum statutory PFL benefit as provided by amendments to Article 9 of the Workers’ Compensation Law. Technical proposals submitted in response to this RFP should only address the minimum statutory benefit. NY Paid Family Leave will be funded by the standard premium set annually by DFS. There is no cost proposal submission for this RFP.</p> <p>Please refer to Section II.A.7(c), entitled “Material Deviations,” and be advised that this procurement does not allow for submission of extraneous terms.</p>
Q8	Section IV.B.1-6	What administrative functions fall to EBD, what administrative functions will be the responsibility of the vendor?
A8	Section IV.B.1-6	The Department will be responsible for the procurement and contracting of services for NY Paid Family Leave, and will also be responsible for vendor oversight of the administration of the Program with respect to the final contract. Additionally, the Department will act as the liaison between the vendor and other State agencies as needed. The vendor’s responsibility will include, but shall not be limited to, adjudicating claims in compliance with the appropriate Workers’ Compensation Board regulations and at the sole discretion of the State, representing the State at proceedings, including but not limited to, arbitration proceedings as set forth in section 221 of Workers’ Compensation Law, fulfilling all New York State Department of Financial Services requirements relative to PFL, maintaining a call center to address claimant inquiries, and assisting in the development of PFL communications.
Q9	Section IV.B.3	Can you confirm that employees with a regular schedule of less than 20 hours per week and less than 175 days or employees who work more than 20 hours, but will not work 26 consecutive weeks worked will have a PFL waiver.

A9	Section IV.B.3	The administration of the PFL waivers will be the responsibility of each NYS agency’s Human Resources Officer. Waivers will be provided to employees who regularly work less than 20 hours per week but will not work 175 days in a year, and employees who regularly work 20 or more hours per week but will not be in employment for 26 consecutive weeks.
Q10	Section IV.B.3	Do you anticipate that the Department will aggregate all enrollment data and transmit a consolidated enrollment file to the selected PFL administrator in aggregate, or should bidders be prepared that the some of the 400 agencies will send enrollment data to the PFL administrator individually?
A10	Section IV.B.3	The State will aggregate all enrollment data and transmit a consolidated enrollment file to the selected PFL vendor. We do not expect agencies to individually send enrollment data to the selected vendor. Please see Exhibits II A-B for file layout parameters.
Q11	Section IV.B.4.a.(d)	We understand that you require services to be performed onshore within the U.S. Would it be acceptable to you if only “back-office” administrative work, such as data entry and scanning of claim documents, are performed offshore? This means that neither NYS employees, nor NYS agency HR staff, would have any direct interaction with offshore employees.
A11	Section IV.B.4.a.(d)	All program services related to NY Paid Family Leave must be performed within the U.S. Additionally, all of New York State’s data received by the vendor under this contract cannot leave the U.S.
Q12	General	Will this program be fully insured, or can vendors submit proposals for TPA (third party administrator) services?
A12	General	NY Paid Family Leave must be a fully insured benefit.
Q13	General	Do you anticipate that any of the major public sector unions in NYS will have any role with PFL administration? For example, is it possible that CSEA may also seek to contract with a firm to provide PFL claims administration for their members?
A13	General	We do not anticipate the unions will have a role in PFL administration. It is possible that the State and unions mutually agree to let unions procure and administer their own PFL program.
Q14	General	Will the state allow direct marketing of other products to enrollees?
A14	General	This procurement, and award of contract, should not be seen by vendors as an opportunity to solicit NYS employees regarding other products. Vendors will only be able to contact NYS employees as it pertains to the administration of NY Paid Family Leave as outlined in this RFP.
Q15	General	Will the state consider additional coverages or services for an administrative fee?
A15	General	No, the benefit offered will be the statutory PFL benefit as provided, by amendments, to Article 9 of the Workers’ Compensation Law. Technical proposals submitted in response to this RFP should only address this statutory benefit. NY Paid Family Leave will be funded by the standard premium set annually by DFS. There is no cost proposal submission for this RFP. Please refer to Section II.A.7(c), entitled “Material Deviations,” and be advised that, this procurement does not allow for submission of extraneous terms.

Q16	General	Will you consider allowing the PFL administrator to offer and enroll additional Voluntary Benefits to offset PFL expenses and costs? Will you allow Offerors to include a Voluntary Benefits proposal with their proposal for PFL administration?
A16	General	No, the benefit offered will be the statutory PFL benefit as provided, by amendments, to Article 9 of the Workers' Compensation Law. Technical proposals submitted in response to this RFP should only address the minimum statutory benefit. NY Paid Family Leave will be funded by the standard premium set annually by DFS. There is no cost proposal submission for this RFP. Please refer to Section II.A.7(c), entitled "Material Deviations," and be advised that, this procurement does not allow for submission of extraneous terms.
Q17	General	Are the employees of these 400 agencies also eligible for Short-Term Disability (STD) benefits? If so, is it feasible that an individual agency would have the ability to opt out of the NYS PFL program and have their STD administrator handle PFL insured or self-insured administration for their employees?
A17	General	With the exception of District Council 37, which represents approximately 400 employees, the State does not offer Short-Term Disability benefits to unionized employees. While certain unions may offer such benefits to its members on a voluntary basis, the State is not a party to those contracts. If a union has a ratified agreement with the State to offer PFL benefits, participation will be mandatory for all employees in that union. The only exception is employees that do not meet the eligibility criteria outlined in Workers' Compensation Law.
Q18	General	Will the vendor be required to coordinate FMLA coverage?
A18	General	No, the administration of FMLA will be the responsibility of each NYS agency's Human Resources Officer.
Q19	General	Can you please provide information about the Family Medical Leave (FML) policies for the largest agencies whose employees will be part of this PFL program, and provide further detail on if and how you expect the PFL administrator to coordinate with FMLA claims.
A19	General	The administration of FMLA will be the responsibility of each NYS agency's Human Resources Officer. The vendor will not be administering FMLA specific claims under this RFP.
Q20	General	Who will be responsible for the PFL participation waiver for employees who qualify for one?
A20	General	The administration of PFL waivers will be the responsibility of each NYS agency's Human Resources Officer.
Q21	General	Will other State of NY groups be included? As an example, will the Management/Confidential employees be rolled into this PFL program?
A21	General	The State currently provides PFL benefits to Management/Confidential employees under a separate contract. This RFP is seeking the administration of PFL benefits for State employees whose union has reached a ratified agreement with the State to offer the benefit.

Q22	General	Can DCS share any YTD experience for the M/C program?
A22	General	We are unable to provide this data. Paid Family Leave vendors are required to submit utilization data to the Department of Financial Services on a quarterly basis.
Q23	General	Can you provide your projected incidence rate for 2019, and the full term of the contract through (12/31/2023)?
A23	General	This information is not available at this time.