Substitution of Paid Leave during FMLA for your own serious health condition

Once approved, your period of FMLA leave may be paid or unpaid depending on the circumstances, as outlined below:

1. Your request for FMLA leave is approved by the Benefits Office.
2. Do you have any accrued sick time available?
   - YES: Your accrued sick time is paid to you for the period you are deemed unable to work.
   - NO: Are you eligible for Supplemental Sick Pay/ NY State Disability Benefits?
     - YES: If eligible, you may receive Supplemental Sick Pay and/or New York State Disability Benefits, in accordance with the requirements set forth in such plans. Supplemental sick pay is paid at the rate of two-thirds of your salary, up to a prescribed weekly limit. You may request to top up your pay with accrued vacation time to receive 100% of your salary.
     - NO: You may request to use your accrued available vacation time for pay purposes while on FMLA leave.
3. Exhausted Sick Time?
   - YES: If you run out of sick time while on FMLA leave, you may receive Supplemental Sick Pay and/or New York State Disability Benefits, in accordance with the requirements set forth in such plans. Supplemental sick pay is paid at the rate of two-thirds of your salary, up to a prescribed weekly limit. You may request to top up your pay with accrued vacation time to receive 100% of your salary.
4. Exhausted/No Vacation Time Available?
   - YES: If you run out of vacation time while on FMLA leave, the balance of your approved FMLA leave will be without pay.

Note:
- Requests to use accrued vacation time during FMLA, must be made in writing to the Benefits Office.
- In substituting sick time and/or vacation time for the purpose of receiving pay during FMLA, the sick time/vacation time will run concurrently with the FMLA leave entitlement (e.g. total of 12 weeks).
- For any further information, contact the Benefits Office on (718) 430-2547 or email benefits@einstein.yu.edu.
- This information is provided as a general guide only and shall not supersede Einstein’s FMLA Policy.