

New York's Paid Family Leave

Effective January 1, 2018, Paid Family Leave (PFL) becomes a mandatory benefit for most New York employers. **PFL** provides employees with paid benefits and job protection for three qualifying events.

CARE for a family member with a serious health condition

A leave taken to care for a family member (spouse, domestic partner, child, parent, grandparent, grandchild, and in-laws) with a serious health condition such as an illness, injury, impairment, or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential health care facility; or continuing treatment or continuing supervision by a health care provider.

BOND—Maternity and Paternity Leave

A leave taken as a time to bond with a child on or after January 1, 2018. Employees may seek these benefits during the first twelve months after the child's birth or during the first twelve months after the placement of the child for adoption or foster care with employee, including children born or placed in 2017.

ASSIST family experiencing Active Duty Deployment

"Active Duty Orders" are required for the initial leave request to assist when a covered active duty or a call to active duty status is issued for a spouse, domestic partner, child or parent.

Eligibility—Employees eligible for Paid Family Leave (PFL) must meet a qualification period:

- Employees working 20 or more hours per week, must have been employed at least 26 consecutive weeks at their current employer
- Employees working less than 20 hours a week, must have completed at least 175 work days at their current employer

NOTE: If an employee changes employers, time worked at the previous employer does not count. In other words, employees with the new employer, start over with a new qualification period. Time out on NYS Disability (DBL) does not count toward your qualification period.

What is the Paid Family Leave (PFL) Benefit?

Effective Date	January 1, 2018
Benefit Amount	50% of an Employee's Average Weekly Wage
Maximum Benefit Amount	50% of NY State Average Weekly Wage up to \$653
Duration of Benefits	Up to 8 Weeks

Increases to Benefit Amount and Duration will be implemented over the next 4 years.

Statewide Average Weekly Wage for 2018 is \$1,305.92.

Maximum Benefit indexed annually by March 31.

Leaves taken in weekly increments are paid the full benefit.

Leaves taken in daily increments are based on the average number of days worked per week during the last 8 weeks before the leave and capped at 60 days.

Who pays for the Paid Family Leave (PFL) coverage and how does it work?

The cost of PFL is 100% employee paid at .126% of weekly pay to a maximum of \$1.65 per week. Employers may start taking payroll deductions:

- For current employees, any time after July 1, 2017, although the benefit does not go into effective until January 1, 2018
- For new hires, deductions begin on the first paycheck after the date of hire

Sample Annual Salary	Estimated Weekly Pay	Estimated Weekly Cost	Estimated Weekly Benefit Amount
\$20,000	\$384.62	\$0.48	\$192.31
\$30,000	\$576.92	\$0.73	\$288.46
\$40,000	\$769.23	\$0.97	\$384.62
\$50,000	\$961.54	\$1.21	\$480.77
\$68,000	\$1,307.69	\$1.65	\$653.00

- The qualifying benefit amount when an employee's leave begins, applies to the duration of the leave of that qualifying event, even if a new calendar year with increased benefits falls within the period of the leave
- Since benefits paid are taxable income, employees may have the option to have taxes withheld on the PFL claim form
- Contributions to cover the cost of PFL are deducted from the employee's paycheck on an after-tax basis

Do I have to participate in Paid Family Leave (PFL)?

- Yes, PFL is not optional for most employees. The exception is if you are in a job that does not allow you to attain the 26 continuous weeks or 175 days needed to qualify, for example a seasonal worker. A PFL Waiver form will be required.

When do I notify my employer of my PFL leave?

- For foreseeable events (such as birth or scheduled treatments/therapy), employees should provide their employer with a **30-day notice** of intent before using Paid Family Leave benefits. Employees unable to provide this notice due to the sudden nature of the qualifying event, are still entitled to the leave but must notify their employer as soon as reasonably feasible.
- If employees take intermittent leaves, their employer may require the employee provide notice before each day of leave – even if it is a regular schedule.

Is there a waiting period before I receive PFL benefits?

- NYS PFL has no "waiting period" whereas NYS Disability (DBL) has a 7 day "waiting" period before benefits begin.

How will I receive PFL benefits?

- Payments are sent directly from the employer's DBL/PFL insurance carrier.

Can I take NYS Disability (DBL), Family Medical Leave Act (FMLA), Paid Family Leave (PFL) at the same time?

- If an employer has 50 or more employees, FMLA benefits must be provided—meaning an employee's PFL benefits can be coordinated and used concurrently with FMLA benefits.
- Employees cannot take DBL and PFL benefits at the same time; but may use these benefits in sequence. If an employee qualifies for both DBL and PFL, the combined duration cannot exceed 26 weeks in a consecutive 52-week period, regardless if using those benefits for the same or different qualifying events.

How do I coordinate PFL with vacation, sick, or PTO time?

- While on PFL, an employer cannot require an employee to use accumulated paid time off (vacation, sick, PTO) before allowing Paid Family Leave. Employees may elect to supplement PFL with paid time off benefits (if applicable).

What happens to my job and health insurance while on PFL?

- PFL provides employees with job protection. Employees returning from PFL, are entitled to return to the same or a comparable position.
- Employers must continue an employee's current health insurance coverage while on PFL. Employees are required to pay their contribution to maintain coverage, at the same cost as when the employee was actively at work.

What are examples of a "serious health condition?"

- Chronic conditions - asthma, diabetes, epilepsy
- Kidney disease – dialysis
- Cancer treatment – chemotherapy, radiation
- Physical or mental conditions – Alzheimer's
- Long-term illness/impairment – severe stroke

The serious health conditions listed above are examples and should not be considered as a complete list.



Additional Resources are available at
www.ny.gov/programs/new-york-paid-family-leave
PFL Helpline 844-337-6303 (8:30 am–4:30 pm)

This material is only for informational purposes and should not be construed as legal advice or legal opinion on Paid Family Leave. The New York State Regulation Guide on PFL is the governing document for this program.

Additional clarification and FAQ's may be released by the State as this new law is implemented.