



# New York Paid Family Leave: A Guide for **Public Employers**



**Paid Family  
Leave**

# Why Do We Need Paid Family Leave?

Paid Family Leave is an **insurance benefit** that provides **job-protected, paid leave** for employees. Employers can easily provide PFL for their employees, at **no direct cost to them**.

## Why is Paid Family Leave so important?

- Employees struggle to maintain their jobs while caring for family in a specific time of need
- Pressures can impact job performance and the workplace
- Paid leave increases likelihood employees return to work, resulting in higher retention and lower costs for employers

# Agenda

1. Paid Family Leave overview
2. Paid Family Leave and other benefits
3. Employer responsibilities
4. Opting in as a Public Employer
5. How it is working
6. Resources
7. Q&A

Helpline: (844) 337-6303

Website: [PaidFamilyLeave.ny.gov](https://PaidFamilyLeave.ny.gov)



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A woman with blonde hair is shown in profile, kissing a baby's forehead. The baby is lying down, and the woman's hands are visible, gently holding the baby. The background is a soft, out-of-focus blue.

# Paid Family Leave Overview

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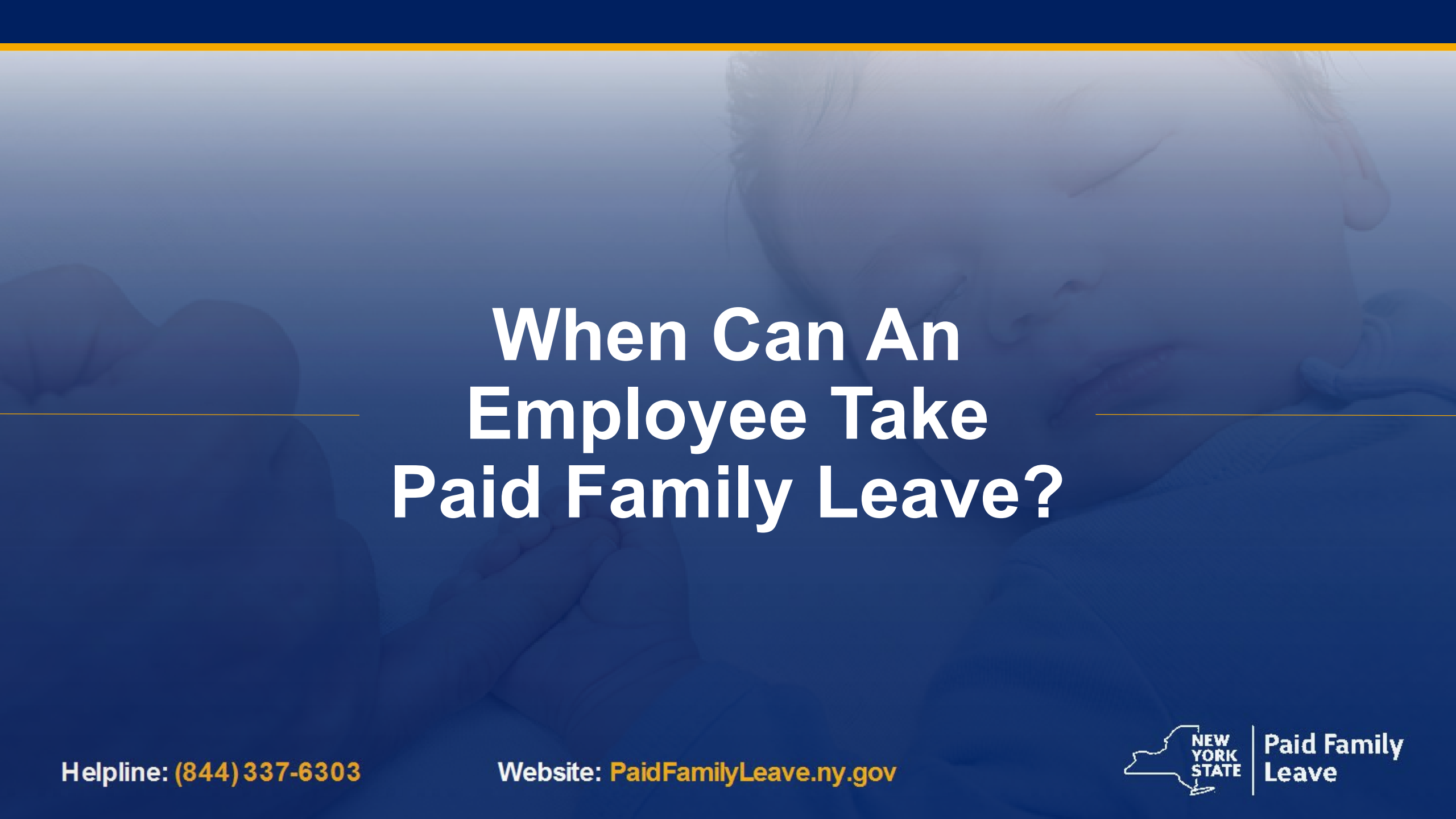


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# Paid Family Leave Basics

- **BOND** with a newly born, adopted or fostered child
- **CARE** for a family member with a serious health condition
- **ASSIST** loved ones when a spouse, domestic partner, child or parent is deployed abroad on active military service

BENEFITS INCREASE THROUGH 2021		
YEAR	WEEKS OF LEAVE	BENEFITS
2019	10 weeks	55% of employee's AWW,* up to 55% of SAWW**
2020	10 weeks	60% of employee's AWW, up to 60% of SAWW
2021	12 weeks	67% of employee's AWW, up to 67% of SAWW



# When Can An Employee Take Paid Family Leave?

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# Bonding with a Child

- Provides for both parents to bond with a child **within the first 12 months** of:

**Birth**

**Adoption**

**Foster  
Care**

# Caring for a Family Member with a Serious Health Condition

A serious health condition is defined as an **illness, injury, impairment, or physical or mental health condition** requiring either:

- **inpatient care**; or
- **continuing treatment or supervision** by a health care provider



# Caring for a Family Member with a Serious Health Condition

Qualifying family members include:

- spouse
- domestic partner
- child
- stepchild
- parent
- parent-in-law
- stepparent
- grandparent
- grandchild

**These family members can live outside of New York State and even outside the U.S.**

# Assisting During a Military Deployment

For assistance when a spouse, domestic partner, child or parent is deployed abroad on active military service

Events may include:

- Short notice military deployment
- Military events; related activities
- Service member's rest and recuperation
- Counseling
- Post-deployment activities
- Making financial/legal arrangements
- Child care arrangements for military member's child

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# Employee Rights and Protections

Employees have a right to paid time off and:

- **Job protection** – an employee must be returned to the same or comparable position after taking PFL.
- **Health insurance** continued while on leave on the same terms as if the employee had continued to work
  - Employees continue paying their share, if any
- **Protection from discrimination and retaliation** for requesting or taking Paid Family Leave

# How Much Do Employees Pay?

- The current payroll contribution is **0.153%** of an employee's gross wages each pay period, capped at an **annual maximum of \$107.97**
- For 2020, the payroll contribution is **0.270%** of an employee's gross wages each pay period, capped at an **annual maximum of \$196.72**.
- If an employee earns less than the New York State Average Weekly Wage, their annual contribution will be less than the cap

# How Do Employees Request Leave?

**NOTIFY EMPLOYER:** At least 30 days before start of leave, if foreseeable or as soon as possible





# Employee Eligibility

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# Who is Eligible?

Employees who work for covered employers are eligible if they:

- Regularly work 20 or more hours per week
  - After 26 consecutive weeks of employment with the same employer
- Regularly work fewer than 20 hours per week
  - For 175 days with the same employer

**Citizenship and/or immigration status is not a factor in eligibility**

# Can Employees Waive Coverage?

Employees qualify for a waiver if they:

- Regularly work 20 or more hours per week but won't be in employment with that employer for 26 consecutive weeks or
- Regularly work fewer than 20 hours and won't work 175 days in a 52-week period

Employers **must** provide a waiver to those who qualify

Waivers are available at [ny.gov/PaidFamilyLeave](https://ny.gov/PaidFamilyLeave)

- Employees who file a waiver will be **ineligible** for benefits and **exempt** from making contributions





# Paid Family Leave & Other Leave Benefits

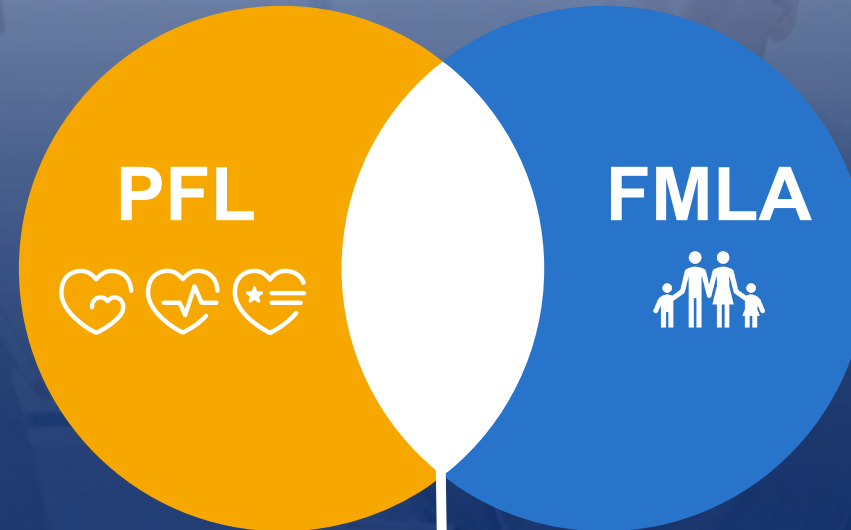
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# Paid Family Leave vs FMLA



- Leave for bonding, family care, and military leave assistance
- Job protection
- Continued health insurance

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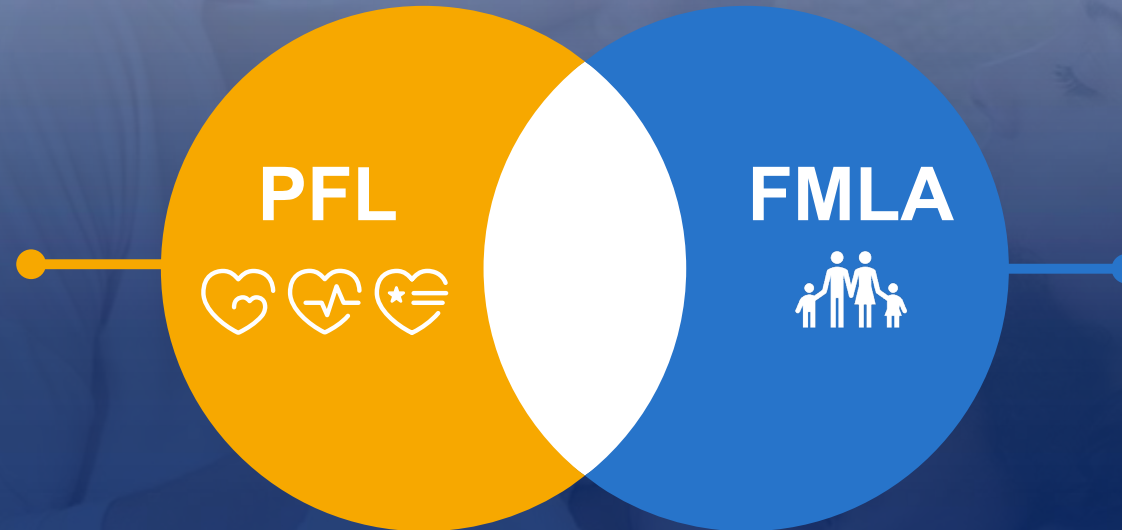


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# Paid Family Leave vs FMLA

## Benefits & Coverage

- Paid
- Almost all private employers with one or more employees
- Public employers may opt in



## Benefits & Coverage

- Unpaid
- Public and private employers with 50 or more employees in a 75-mile radius

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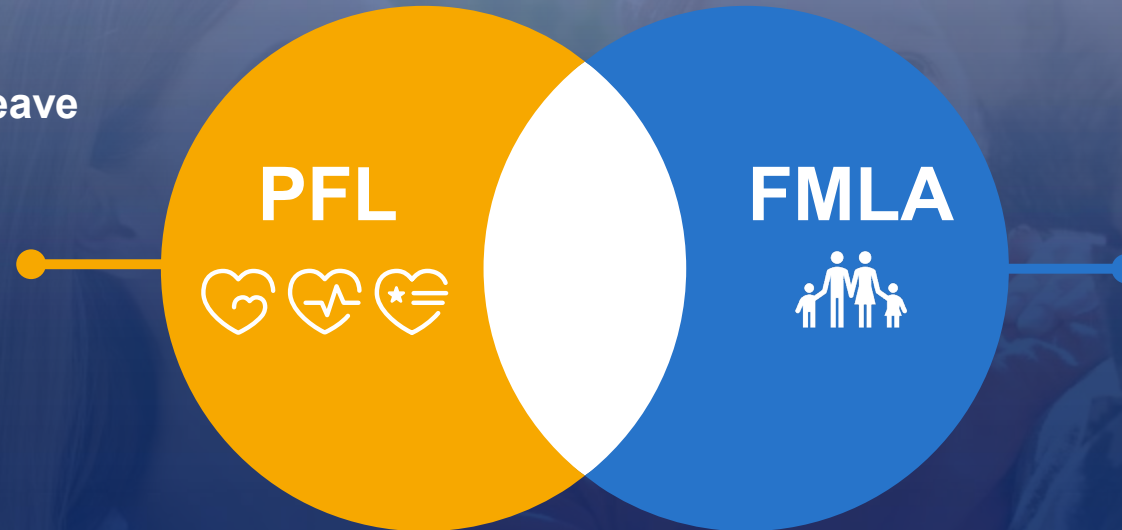


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# Paid Family Leave vs FMLA

## Eligibility & Reasons for Leave

- 26 consecutive weeks of employment/regularly 20 or more hours per week for a covered employer
- 175 days worked/regularly less than 20 hours per week for a covered employer
- Employees cannot use for own serious health condition
- Can be used to care for a broader list of family members including a child of any age



## Eligibility & Reasons for Leave

- 12 months of employment
- 1,250 hours of work in the 12-month period preceding leave
- Employee can use for own serious health condition
- Can only be used to care for a child if the child is under 18 years old, or “incapable of self-care because of a mental or physical disability”

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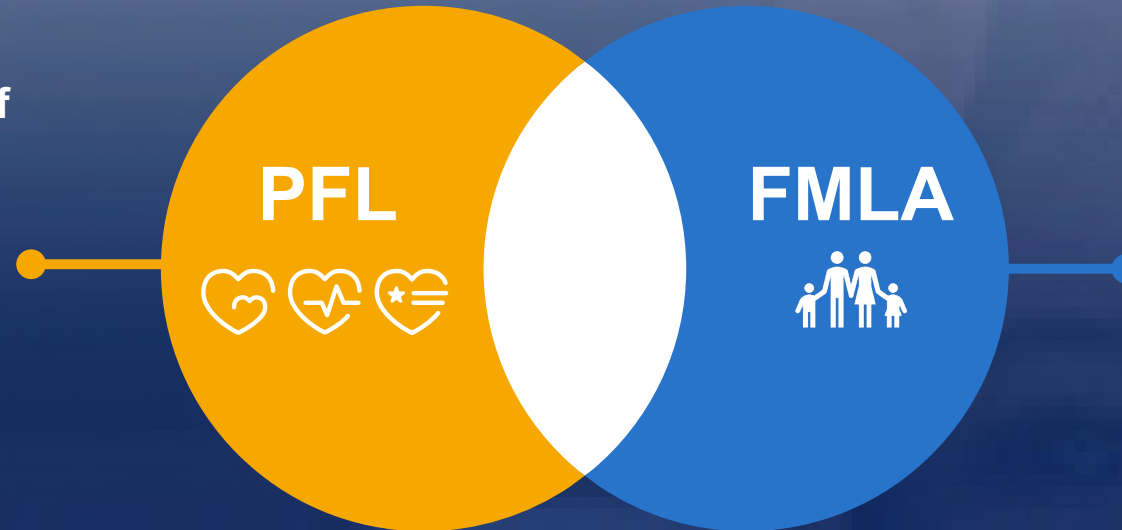


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# Paid Family Leave vs FMLA

## Length of Leave & Time Off

- 10 weeks paid time off
- Only in full-day increments
- Employers cannot require employees use paid time off while on PFL



## Length of Leave & Time Off

- 12 weeks unpaid time off
- Hourly basis
- Employer can compel an employee to use paid time off while on FMLA

# What about Paid Family Leave and Other Types of Leave?

- **Short-term disability:** Employees cannot collect disability and Paid Family Leave benefits during the same period of time
- **Workers' Compensation:** Employees cannot collect Paid Family Leave benefits while collecting Workers' Compensation for a total disability
  - Employees on a reduced earnings schedule may be eligible for benefits

A woman is shown in profile, kissing a baby's forehead. The image is faded and serves as a background for the text.

# Employer Responsibilities

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# What is an Employer Responsible For?

Employers are responsible for:

1. Securing PFL coverage for their employees and paying for the premium with funds collected from employee payroll deductions
2. Providing information about Paid Family Leave to their employees
3. Providing wage information to the carrier when an employee requests Paid Family Leave





# Opting In

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# Considerations for Public Employers

The process for a **public employer** to opt in to Paid Family Leave is easy. Before you opt in, consider:

1. Which employees will you provide coverage for and when will your coverage begin?
2. How will Paid Family Leave interact with your existing benefits?
3. How will you obtain coverage?

# Which Employees Will You Cover?

- Non-represented employees
  - Can begin coverage and payroll deductions as soon as the employer provides notice at least 90 days prior
- Represented (Union) Employees
  - Must agree to Paid Family Leave coverage through collective bargaining
  - Labor union may negotiate with a public employer for Paid Family Leave benefits at least as favorable as those mandated by statute

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# What Aspects Can Unions Negotiate?

Issues	Can this be negotiated in a collective bargaining agreement?
Eligibility acquired through union membership or some other measure rather than employment with a single employer	Yes
Employees who are eligible under the statute may waive coverage if the employee will not use the benefit	No
Coverage agreed to through the collective bargaining process provides fewer weeks or less weekly/daily benefits than the statute	No
Coverage agreed to through the collective bargaining process provides more weeks or greater weekly/daily benefits than the statute	Yes
Collective Bargaining Agreement may provide that employees do not have to pay a weekly contribution	Yes
Collective Bargaining Agreement may require that employees pay more than maximum weekly contribution	Only if approved by the Workers' Compensation Board

# How Will Paid Family Leave Interact with Your Existing Benefits?

Public Employers should also consider the following:

- Do you have existing leave benefits?
- How will Paid Family Leave interact with accruals, if applicable?
- Will you provide service (retirement) credit while an employee is on Paid Family Leave?

# Obtaining Paid Family Leave Coverage

Public employers can obtain Paid Family Leave insurance coverage by:

- Including Paid Family Leave benefits through a rider on an existing disability benefits policy
- Purchasing a stand-alone Paid Family Leave insurance policy
- Self-insuring for Paid Family Leave
  - Only for employers who self-insure for Disability Benefits or opt in only for PFL

# Notify the Workers' Compensation Board

Once you have obtained coverage, you must notify the Workers' Compensation Board of your decision to opt into Paid Family Leave.

In order to notify the Board, you must submit one of the following forms to the Plans Acceptance Unit ([pau@wcb.ny.gov](mailto:pau@wcb.ny.gov)):

- Employer's Application for Voluntary Coverage (No Employee Contribution) – Form PFL-135
- Employer's Application for Voluntary Coverage (Employee Contribution Required) – Form PFL-136

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# How is it Working So Far?

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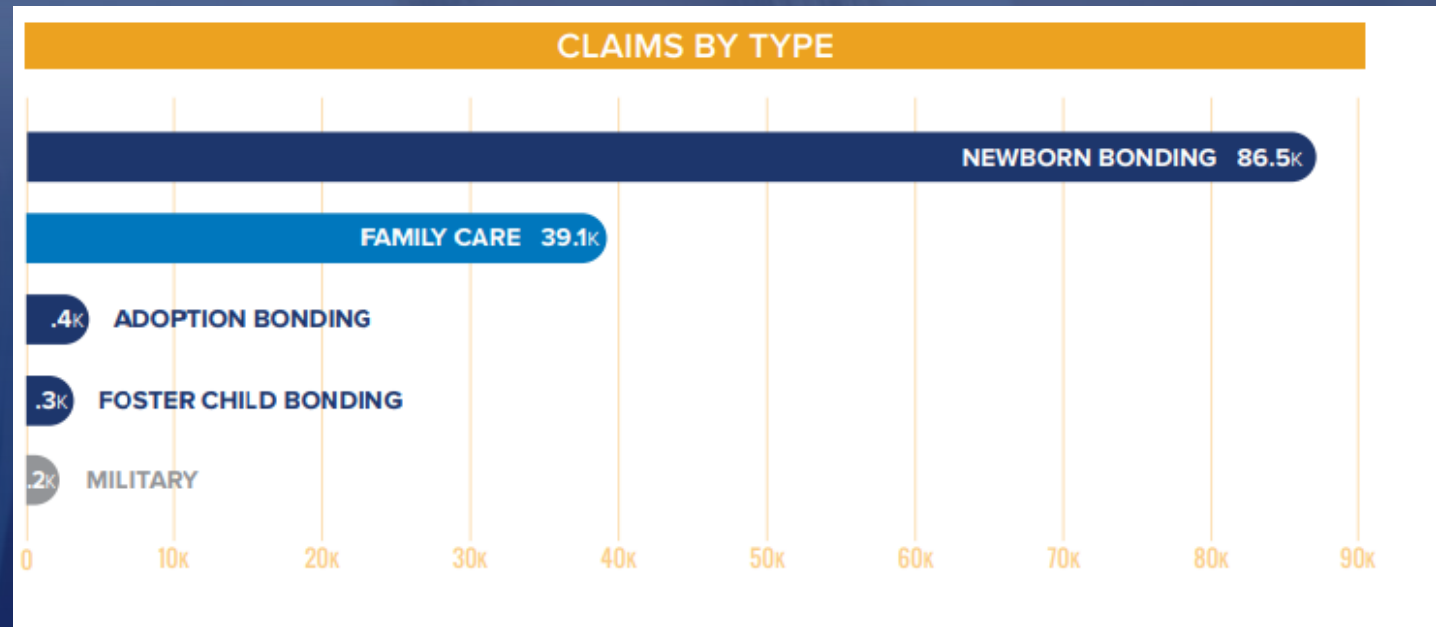


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# In the first year, over **128,000** New Yorkers took Paid Family Leave!

- **86,500+** bonding claims
- **39,000+** family care claims
- **150+** military claims



# Real People, Real Stories

“NY Paid Family Leave has not only alleviated my financial fears and hardships, but has allowed me to give my daughter the full care she deserves when she needs me the most. I cannot say thank you enough for this life-changing program.”

- *Brian W., Williamstown, NY*

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# Resources

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# Employer Resources

Visit [PaidFamilyLeave.ny.gov](https://PaidFamilyLeave.ny.gov) to access:

- Public employers page
- Paid Family Leave forms
- Weekly benefit and payroll deduction calculators
- Recorded employee webinar and fact sheets
- Paid Family Leave updates for 2020



# Additional Employer Resources

Helpline:  
**(844) 337-6303**

Website:  
**[PaidFamilyLeave.ny.gov](https://PaidFamilyLeave.ny.gov)**

Get Email Updates:  
**Select “Get Updates” on the bottom of PFL website**

GET UPDATES

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# Advocate for Business

**Neil Gilberg**  
**Advocate for Business**  
**(518) 486-3331**  
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Helpline: **(844) 337-6303**

Website: **[PaidFamilyLeave.ny.gov](https://www.PaidFamilyLeave.ny.gov)**



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# Questions?

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