



New York Paid Family Leave: A Guide for **Employers and HR Professionals**



**Paid Family
Leave**

Agenda

1. Paid Family Leave Overview
2. What's New for 2020
3. Employer Responsibilities
4. Frequently Asked Questions
5. Resources

Helpline: (844) 337-6303

Website: PaidFamilyLeave.ny.gov



**Paid Family
Leave**

NY Leads the Nation

In April 2016, Governor Cuomo signed the nation's **strongest** and **most comprehensive** Paid Family Leave policy into law



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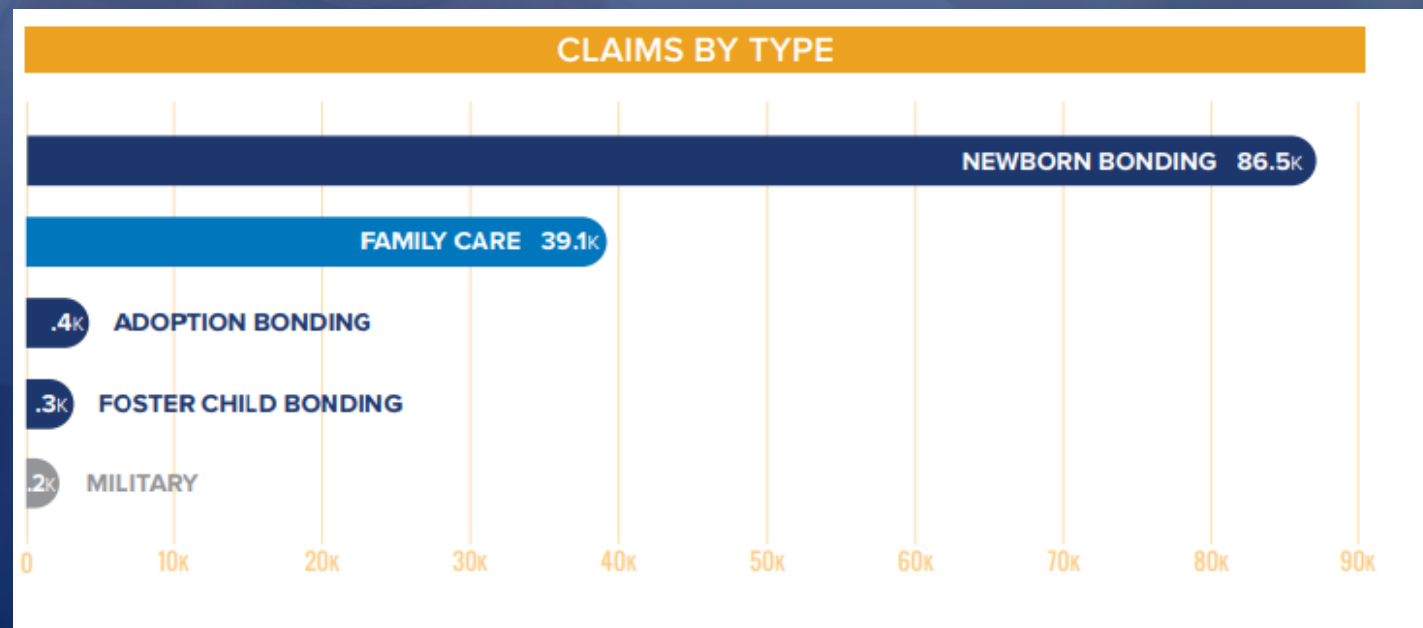
Website: PaidFamilyLeave.ny.gov



Making a Difference for New York

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



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Paid Family Leave

Paid Family Leave Basics

- Paid Family Leave is **insurance fully funded by employees**
- It provides **paid time off** and **job protection** for employees to:



Bond with a 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

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Employee Rights and Protections

Employees have paid time off and:

- **Job protection**
- **Continued health insurance** 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

A soft-focus photograph of a woman with blonde hair kissing a baby's forehead. The image is overlaid with a semi-transparent blue gradient. The title text is centered in white.

Uses of Paid Family Leave

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**Paid Family
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Bonding with a Child

- Provides time 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

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.**

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

Assisting During a Military Deployment

For assistance when a spouse, child, domestic partner 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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A woman with blonde hair is shown in profile, kissing a baby's forehead. The image is faded and serves as a background for the text.

Benefits & Contributions

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Time off and Wage Benefits

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

* Benefits will be capped at the designated percentage of the New York State Average Weekly Wage

*The Department of Financial Services will review the marketplace every year before benefits are increased

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Employee Contributions

- 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

Updates for 2020

- **Wage benefit increase:** Benefit increases from 55% to **60%** of the employee's average weekly wage, up to 60% of the NYS Average Weekly Wage
 - Maximum weekly benefit increasing from \$746.41 to **\$840.70**
- **Employee contribution rate:** Starting January 1, 2020, employers may deduct at the new rate of **0.270%** of an employee's gross wages each pay period
- **More covered employees:** PFL extended to Farm laborers

A soft-focus photograph of a woman with blonde hair kissing a baby's forehead. The image is overlaid with a semi-transparent blue gradient. The title 'Employee Eligibility' is centered in white text, flanked by thin horizontal lines.

Employee Eligibility

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Who is Covered?

- Most employees who work for private employers
- Public employers may opt in
- Public employees represented by a union may be covered if Paid Family Leave is collectively bargained

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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
 - For **26** consecutive weeks of employment with the same employer
- **Less 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 can only waive coverage 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 per week and won't work 175 days in a 52-week period

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

A template waiver form is available at PaidFamilyLeave.ny.gov

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

Can Waivers Be Revoked?

- If an employee's schedule changes such that they no longer qualify for a waiver, their waiver will be automatically revoked within 8 weeks of the schedule change
- Employee will begin making Paid Family Leave contributions along with any retroactive amounts due



How Employees Request Paid Family Leave

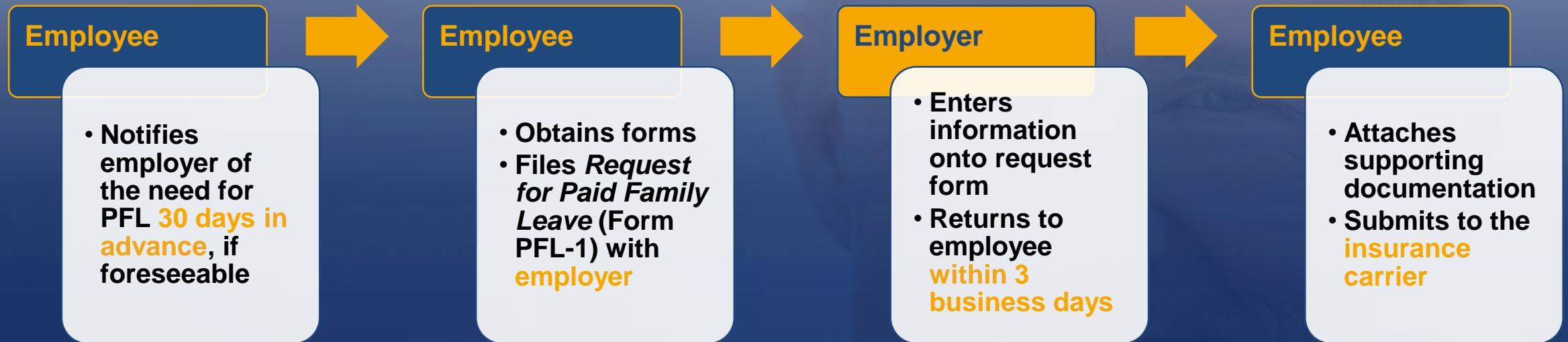
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How Employees Request Leave

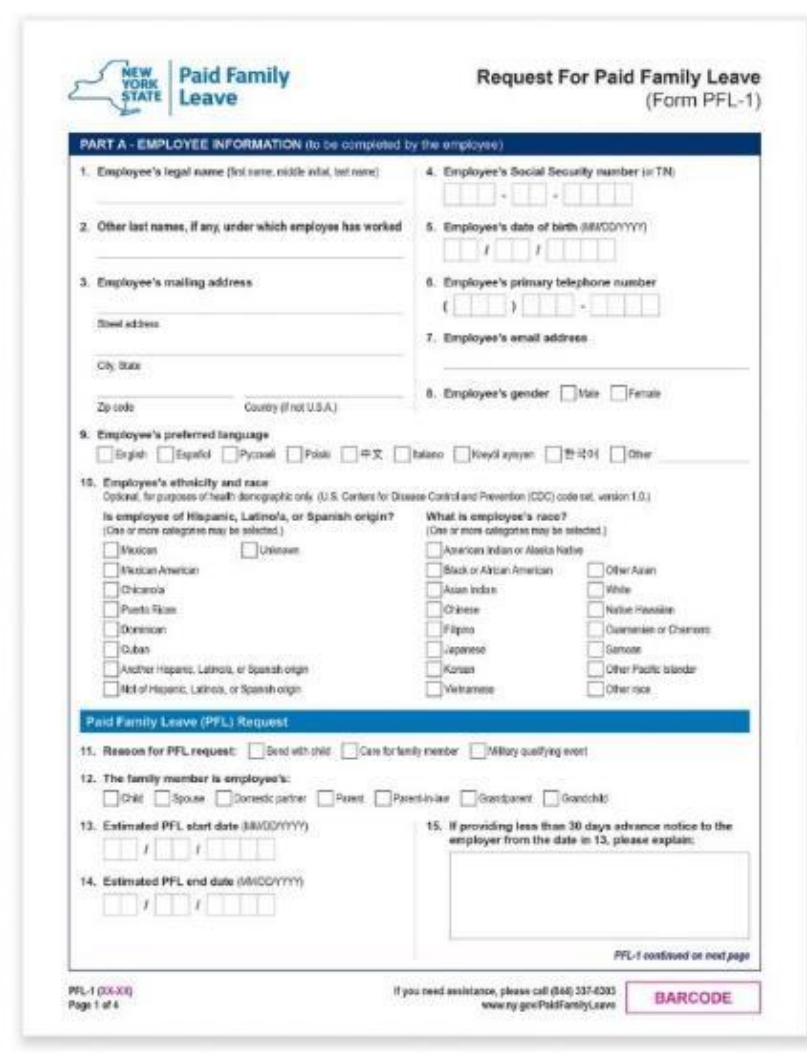


- In most cases, the insurance carrier must pay or deny benefits within **18 days** of receiving the completed request package, or the employee's first day of leave, whichever is later

Getting Request Forms

Employees can get Paid Family Leave request forms from:

- Employer
- Employer's insurance carrier
- [PaidFamilyLeave.ny.gov/forms](https://www.PaidFamilyLeave.ny.gov/forms)



The image shows the 'Request For Paid Family Leave (Form PFL-1)' from the New York State Department of Labor. The form is titled 'Request For Paid Family Leave (Form PFL-1)' and includes the New York State logo and 'Paid Family Leave' text. It is divided into two main sections: 'PART A - EMPLOYEE INFORMATION (to be completed by the employee)' and 'Paid Family Leave (PFL) Request'.
PART A - EMPLOYEE INFORMATION (to be completed by the employee)
1. Employee's legal name (not sure, middle initial, last name)
2. Other last names, if any, under which employee has worked
3. Employee's mailing address (Street address, City, State, Zip code, Country if not U.S.A.)
4. Employee's Social Security number (in TN)
5. Employee's date of birth (MM/DD/YYYY)
6. Employee's primary telephone number
7. Employee's email address
8. Employee's gender (Male/Female)
9. Employee's preferred language (English, Spanish, Pycsaki, Polski, 中文, Italiano, Kreyol ayisyen, 한국어, Other)
10. Employee's ethnicity and race (Optional, for purposes of health demographic only, U.S. Centers for Disease Control and Prevention (CDC) code set, version 1.0.)
Is employee of Hispanic, Latino/a, or Spanish origin? (One or more categories may be selected.)
What is employee's race? (One or more categories may be selected.)
Paid Family Leave (PFL) Request
11. Reason for PFL request (Send with child, Care for family member, Military qualifying event)
12. The family member is employee's (Child, Spouse, Domestic partner, Parent, Parent-in-law, Grandparent, Grandchild)
13. Estimated PFL start date (MM/DD/YYYY)
14. Estimated PFL end date (MM/DD/YYYY)
15. If providing less than 30 days advance notice to the employer from the date in 13, please explain.
At the bottom, it says 'PFL-1 continued on next page', 'PFL-1 (03-20) Page 1 of 4', 'If you need assistance, please call (844) 337-6303 www.ny.gov/PaidFamilyLeave', and a 'BARCODE' area.

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Handling Disputes

- If the employee's claim is denied, or they have another claim-related dispute, they may request arbitration
- Arbitration for Paid Family Leave is handled by NAM (National Arbitration and Mediation) www.nyspfla.com

Protection from Discrimination

If the employer:

- does not reinstate the employee to the same or comparable position,
- terminates the employee,
- reduces the employee's pay and/or benefits, or
- disciplines the employee in any way for requesting or taking Paid Family Leave,

the employee can file a discrimination claim with the Workers' Compensation Board

A woman with blonde hair 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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Employer Responsibilities

Complying with the law:

- Ensure you have coverage
- Inform your employees about PFL
- Collect employee payroll contributions
- Offer waivers to employees who qualify for one
- Post a PFL Notice of Compliance

When you receive a claim:

- Complete the employer section of the *Request for Paid Family Leave (Form PFL-1)* and return to the employee within **3 business days**
- Discuss any specific leave tracking or other processes with your Paid Family Leave insurer

Frequently Asked Questions

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**Paid Family
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How are Paid Family Leave and FMLA Similar?

Both Paid Family Leave and the federal Family and Medical Leave Act provide:

- **Leave** for:
 - bonding with a child
 - caring for a family member with a serious health condition
 - assisting when a family member is called to active military service abroad
- **Job protection**
- **Continued health insurance** during leave on the same terms as if the employee had continued to work

How do Paid Family Leave and FMLA Differ?

	PFL	FMLA
Benefits	Paid	Unpaid
Coverage	<ul style="list-style-type: none"> • Almost all private employers • Public employers may opt in • One or more employees in employment on each of at least 30 days in a calendar year 	<ul style="list-style-type: none"> • Public and private employers • 50 or more employees in a 75-mile radius
Eligibility	<ul style="list-style-type: none"> • After 26 consecutive weeks of employment with that employer if regularly working 20 or more hours per week • After 175 days worked for the same employer if regularly working less than 20 hours per week 	<ul style="list-style-type: none"> • 12 months of employment • 1,250 hours of work in the 12-month period preceding leave
Reason for Leave	<ul style="list-style-type: none"> • Employees cannot use for own serious health condition • Can be used to care for a child of any age 	<ul style="list-style-type: none"> • 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”
Length of Leave	<ul style="list-style-type: none"> • Only in full-day increments 	<ul style="list-style-type: none"> • Hourly basis
Paid Time Off	<ul style="list-style-type: none"> • Employers cannot require employees use paid time off while on PFL 	<ul style="list-style-type: none"> • Employer can compel an employee to use paid time off while on FMLA

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Paid Family Leave

What about Paid Family Leave and Other Types of Leave?

- **Short-term disability:** Employees cannot collect statutory 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

Top 5 Questions From Employees

- How do I apply?
- Where do I send my completed application?
- Am I eligible?
- When will I get paid?
- What are the time off and wage benefits?

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Employer Resources

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**Paid Family
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Employer Resources

Visit PaidFamilyLeave.ny.gov to access:

- Detailed information on Paid Family Leave
- Paid Family Leave request and waiver forms
- Paid Family Leave fact sheets
- Weekly benefit and payroll deduction calculators
- Resource guide for small businesses

Updates for 2020 Page

PaidFamilyLeave.ny.gov/2020

- FAQs
- New Employee Statement of Rights
- Updated Model Language for Written Materials
- 2020 Deduction Calculator
- Employee Deduction Notification (template)

The screenshot shows the website page for 'New York Paid Family Leave Updates for 2020'. The page features a navigation menu on the left with sections: Overview, Frequently Asked Questions, and Employer Resources. The main content area includes an 'Overview' section with the following text:

For the third year of New York State's landmark Paid Family Leave benefit, there are exciting updates to share! In 2020, as we continue our four-year phase in, Paid Family Leave benefits have been significantly enhanced to further improve the lives of working New Yorkers and their families.

More covered employees.
Governor Cuomo recently signed legislation to expand access to Paid Family Leave to workers who provide farm labor in New York. As of January 1, 2020, eligible farm laborers will be covered for Paid Family Leave. For more information about expanded protections for farm laborers, please see our Toolkit for Farm Employers, Owners and Operators.

In 2020, farm laborers and other eligible employees will have access to **10 weeks of job protected, paid time off** to bond with a new child, care for a family member with a serious health condition, or assist loved ones when a family member is deployed abroad on active military service.

The number of weeks employees can take will continue to rise through 2021, at which time employees will be able to take up to 12 weeks of job-protected, paid time off to be there for family when they are most needed.

More financial security.
The Paid Family Leave wage replacement benefit is increasing. In 2020, employees taking Paid Family Leave will receive **60% of their average weekly wage**, up to a cap of 60% of the current Statewide Average Weekly Wage of \$14,017. The **maximum weekly benefit for 2020 is \$840.70**.

Paid Family Leave Benefits Examples for 2020	
Worker's Average Weekly Wage	Weekly PFL Benefit (2020)*
\$600	\$360
\$1,000	\$600
\$2,000	\$840.70

*The weekly PFL benefit is capped at 60% of the New York State average weekly wage, which is \$840.70.

[CALCULATE YOUR 2020 BENEFITS](#)

Benefits Increase Through 2021		
Year	Weeks of Leave	Benefit
2020	10 weeks	60% of employee's AWW, up to 60% of SAAWW
2021	12 weeks	67% of employee's AWW, up to 67% of SAAWW

Same strong protections.

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Additional Employer Resources

Helpline:
(844) 337-6303

Website:
PaidFamilyLeave.ny.gov

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

GET UPDATES

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**Paid Family
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Advocate for Business

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Advocate for Business
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Helpline: **(844) 337-6303**

Website: **PaidFamilyLeave.ny.gov**



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Questions?

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