1. Why We Need Paid Family Leave
2. Paid Family Leave for Adoption
3. Benefits
4. Employee Contributions and Eligibility
5. Taking Paid Family Leave for a Newly Adopted Child
6. Updates for 2019
7. Top Questions About Paid Family Leave
8. Resources
Why Do We Need Paid Family Leave?
Why Do We Need Paid Family Leave?

1. Employees struggle to choose between maintaining a job and caring for loved ones
2. Employees face the stress of weeks of lost wages
3. Employees fear losing their jobs
In April 2016, Governor Cuomo signed the nation’s strongest and most comprehensive Paid Family Leave policy into law.
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

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
Paid Family Leave for Adoption
Bonding With a Child

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

Adoption

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
How Can Paid Family Leave Help You and Your Newly Adopted Child?

Paid Family Leave provides you with time needed to build a connection with your newly adopted child by:

- Helping them adapt to their new environment
- Learning about their past, likes and dislikes
- Providing support and assistance during their transition

You may be able to take PFL for a *pending adoption* if an absence from work is required for the adoption to proceed.
Benefits
Time off benefits phased in starting January 1, 2018 at 8 weeks and will reach 12 weeks by 2021.

* The Department of Financial Services will review the marketplace every year before benefits are increased.
Benefits phased in starting January 1, 2018 at 50% of an employee’s average weekly wage and will reach 67% by 2021.

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

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
A wage benefit calculator is available: ny.gov/PFLbenefitscalculator
Employees have paid time off and:

- **Job protection**
- **Health insurance** continued while on leave on the same terms as if the employee had continued to work
  - Employees continue paying your share, if any
- **Protection from discrimination and retaliation** for requesting or taking Paid Family Leave
Employee Contributions

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov
You pay for these benefits through a small weekly payroll deduction.

The 2018 payroll contribution is 0.126% of your weekly wage.
- Contributions are capped at an annual maximum of $85.56.
- If you earn less than the NYS Average Weekly Wage, your annual contribution will be less than the cap.

Example: If you earn $27,000 this year ($519 a week), you will pay about 65 cents per week for Paid Family Leave.

Contribution rate will change for 2019.
Weekly Deduction Calculator

A weekly deduction calculator is available: ny.gov/PFLcalculator

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
Employee Eligibility
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
Who is Eligible?

You are eligible if you 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 your eligibility.
Can You Waive Coverage?

You can only waive coverage if you:

- 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 if you qualify for one.

Waivers are available at PaidFamilyLeave.ny.gov

- If you file a waiver, you will be ineligible for benefits and exempt from making contributions.
Can You Revoke a Waiver?

- The waiver will be automatically revoked if your schedule changes or you may voluntarily revoke it at any time.
- You will begin making Paid Family Leave contributions along with any retroactive amounts due.
Taking Paid Family Leave to Bond With a Newly Adopted Child
When Can You Take Paid Family Leave?

- As of January 1, 2018
- Maximum benefit available once every 52 weeks

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
How Do You Apply?

- You must notify your employer at least 30 days before your leave will start, if it’s foreseeable.
You can get PFL forms from your employer, your employer’s insurance carrier or directly from PaidFamilyLeave.ny.gov/forms

The form package for bonding includes the following forms:

- Request for Paid Family Leave (Form PFL-1)
- Bonding Certification (Form PFL-2)
Step 2: Complete and Attach
Step 2: Complete and Attach

You must provide proof of your relationship to the child with one of the following supporting documents:

- A copy of court documents finalizing the adoption
- Documentation in furtherance of adoption
- A court order finalizing the adoption

If you are not the parent named in the documents, you must also provide proof verifying your relationship to the parent named in the court documents

- Marriage certificate
- Civil union document
- Domestic partner document
If you need to take PFL before an adoption is finalized in order for the adoption to proceed, you must provide documentation to show the adoption process is underway.

This can be:

- A signed statement from an attorney
- A signed statement from an adoption agency

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
Step 3: Submit to Insurance Carrier

- Send all forms and documentation to the employer’s insurance carrier.
- The insurance carrier must pay or deny benefits within 18 calendar days of receiving the completed request.
If your claim is denied, or you have another claim-related dispute, you may request arbitration.

Arbitration for Paid Family Leave is handled by NAM (National Arbitration and Mediation) www.nyspfla.com
Protection From Discrimination

If your employer:

- does not reinstate you to the same or similar position,
- terminates you,
- reduces your pay and/or benefits, or
- disciplines you for requesting or taking Paid Family Leave,

you can file a discrimination claim with the Workers’ Compensation Board.

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov
Updates for 2019
Paid Family Leave Benefits Updates for 2019

Eligible employees will be able to take:

- Up to 10 weeks of Paid Family Leave
- At 55% of their pay
The 2019 payroll contribution is 0.153% of an employee’s gross wages each pay period

- Contributions are capped at an annual maximum of $107.97
- If an employee earns less than the New York State Average Weekly Wage, their annual contribution will be less than the cap
## 2018 and 2019 Paid Family Leave Cost and Benefit Examples

<table>
<thead>
<tr>
<th></th>
<th>Weekly Salary</th>
<th>Weekly PFL contribution</th>
<th>Maximum PFL Time Off</th>
<th>Weekly Pay on PFL</th>
<th>Maximum Paid Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>$1,000 ($52,000 annually)</td>
<td>$1.26/week ($65.52 annually)</td>
<td>8 weeks</td>
<td>$500</td>
<td>$4,000</td>
</tr>
<tr>
<td>2019</td>
<td>$1,000 ($52,000 annually)</td>
<td>$1.53/week ($79.56 annually)</td>
<td>10 weeks</td>
<td>$550</td>
<td>$5,500</td>
</tr>
</tbody>
</table>

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
Paid Family Leave Frequently Asked Questions
The federal Family and Medical Leave Act is a federal labor law that provides job-protected unpaid leave for employees for qualified medical and family reasons.
Both Paid Family Leave and the Family and Medical Leave Act provide:

- Leave for:
  - bonding with a child
  - caring for a family member with a serious health condition
  - assisting when family members are 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

Helpline: (844) 337-6303  Website: PaidFamilyLeave.ny.gov
How Do Paid Family Leave and FMLA Differ?

<table>
<thead>
<tr>
<th>Benefits</th>
<th>PFL</th>
<th>FMLA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coverage</td>
<td>Paid</td>
<td>Unpaid</td>
</tr>
<tr>
<td>• All private employers</td>
<td>• Public and private employers</td>
<td></td>
</tr>
<tr>
<td>• Public employers may opt in</td>
<td>• 50 or more employees in a 75-mile radius</td>
<td></td>
</tr>
<tr>
<td>• One or more employees in any calendar year</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eligibility</td>
<td>• After 26 consecutive weeks of employment if regularly working 20 or more hours per week</td>
<td>• 12 months of employment</td>
</tr>
<tr>
<td>• After 175 days worked if regularly working less than 20 hours per week</td>
<td>• 1,250 hours of work in the 12-month period preceding leave</td>
<td></td>
</tr>
<tr>
<td>Reason for Leave</td>
<td>• Employees cannot use for own serious health condition</td>
<td>• Employee can use for own serious health condition</td>
</tr>
<tr>
<td>• Can be used to care for a child of any age</td>
<td>• Can only be used to care for a child if the child is under 18 years old, or &quot;incapable of self-care because of a mental or physical disability&quot;</td>
<td></td>
</tr>
<tr>
<td>Length of Leave</td>
<td>• Only in full-day increments</td>
<td>• Hourly basis</td>
</tr>
<tr>
<td>Paid Time Off</td>
<td>• Employers cannot require employees use paid time off while on PFL</td>
<td>• Employer can compel an employee to use paid time off while on FMLA</td>
</tr>
</tbody>
</table>

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
How Does Paid Family Leave Work With Other Maternity/Paternity Leave Policies?

- Employers are free to supplement Paid Family Leave with additional benefits
- Employers can require Paid Family Leave to run concurrently with their own maternity/paternity leave policies
- Check with your employer about how the benefits interact
What If You’ve Taken Leave for a Child In 2017?

- You are still eligible if you adopted a child in 2017 - as long as you’re still within the first 12 months
  - Even if you’ve already taken FMLA, short-term disability and/or other leave through your employer’s maternity/paternity policy
  - Leave must be completed within one year of the adoption
What If the Child Being Adopted is Not an Infant?

- There is no age limit on taking Paid Family Leave to bond with an adopted child.
- Bonding leave must be completed within the first year after the child’s adoption.
Paid Family Leave is Here

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov
Learn More

Visit PaidFamilyLeave.ny.gov to access:

- Detailed information on Paid Family Leave
- Weekly benefit and payroll deduction calculators
- Paid Family Leave fact sheets and FAQs for new parents
- Paid Family Leave request forms
- Paid Family Leave updates for 2019
Helpline:
(844) 337-6303
8:30 a.m. – 4:30 p.m., Monday-Friday

Website:
PaidFamilyLeave.ny.gov

Get Email Updates:
Select “Get Updates” on the bottom of PFL website
Building bonds as a forever family takes time. Paid Family Leave may be able to help.

#AdoptionAwarenessMonth
#PaidFamilyLeave

Learn more at PaidFamilyLeave.ny.gov
Questions?