Paid Family Leave for Bonding
Agenda

1. Why We Need Paid Family Leave
2. Benefits
3. Eligibility and Contributions
4. Taking Paid Family for Bonding
5. Top Questions About Paid Family Leave for Bonding
6. 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.

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
Governor Cuomo worked to develop the nation’s strongest and most comprehensive Paid Family Leave policy.

April 2016 the bill was signed into law.
Provides **Paid Time Off** and **Job Protection** so you can:

- Bond with a new child
- Care for a sick family member
- Assist loved ones when a family member is deployed abroad

**Helpline:** (844) 337-6303  
**Website:** [www.ny.gov/PaidFamilyLeave](http://www.ny.gov/PaidFamilyLeave)

*February 15, 2018*
Paid Family Leave
for Bonding
Why Paid Leave for Bonding is so Important

- New mothers have fewer postpartum depression symptoms, higher breastfeeding rates, and breastfeed longer
- Parents are less stressed and have stronger parent-child bonding
- Infants have fewer infections and are generally healthier

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
NY Paid Family Leave for Bonding

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

- Birth
- Adoption
- Foster Care

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Website: www.ny.gov/PaidFamilyLeave
Time Off 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

<table>
<thead>
<tr>
<th>Year</th>
<th>Weeks</th>
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<tbody>
<tr>
<td>2018</td>
<td>8</td>
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<tr>
<td>2019</td>
<td>10</td>
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<tr>
<td>2020</td>
<td>10</td>
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<tr>
<td>2021</td>
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</table>

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
Benefits phased in starting January 1, 2018 at 50% of an employee’s average weekly wage and will reach 67% by 2021.

- **2018**: 50%
- **2019**: 55%
- **2020**: 60%
- **2021**: 67%

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

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
Your Rights and Protections

Employees have paid time off and:

- **Job Protection**
- **Health insurance** continued while on leave
  - Employees continue paying their share, if any
- **Protection from discrimination and retaliation** for requesting or taking Paid Family Leave

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
Employee Contributions

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
How Much Do You Pay?

- 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.

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
A weekly deduction calculator is available: ny.gov/PFLcalculator
### Examples for 2018 Paid Family Leave Coverage

<table>
<thead>
<tr>
<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>$500 ($26,000 annually)</td>
<td>$0.63/week ($32.76 annually)</td>
<td>8 weeks</td>
<td>$250</td>
<td>$2000</td>
</tr>
<tr>
<td>$1305.92 ($67,907 annually)</td>
<td>$1.65/week ($85.56 annually)</td>
<td>8 weeks</td>
<td>$652.96</td>
<td>$5223.68</td>
</tr>
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Helpline: (844) 337-6303   Website: [www.ny.gov/PaidFamilyLeave](http://www.ny.gov/PaidFamilyLeave)
Employee Eligibility
Who is Eligible?

- Most employees who work for private employers
- If you are a public employee, your employer may opt in
- Public employees represented by a union may be covered if Paid Family Leave is collectively bargained
Who is Eligible?

For bonding leave within the first 12 months:

- Both parents (any gender) are eligible
- Birth parents, adoptive parents, foster parents

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
You are eligible if you regularly work:

- 20 or more hours per week
- For 26 consecutive weeks
- Less than 20 hours per week
- For 175 days which do not need to be consecutive

You are eligible regardless of your citizenship and/or immigration status

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
Employees who do not work the minimum time may file waivers

- Available at ny.gov/PaidFamilyLeave
- Employees who file a waiver will be ineligible for benefits and exempt from making contributions

Can You Waive Coverage?

Helpline: (844) 337-6303    Website: www.ny.gov/PaidFamilyLeave
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.
When Can You Take Paid Family Leave?

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

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
Insurers must pay or deny the request within 18 days of receipt.
Step 1: Inform Your Employer

● Let your employer know at least 30 days before your leave will start, if it’s foreseeable

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Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
Step 2: Complete the Required PFL Request Forms

Bonding leave package includes two forms

- Request for Paid Family Leave, form PFL-1
- Bonding Certification, form PFL-2

You can get request forms from:

- Your employer
- Your employer’s insurance carrier
- ny.gov/PaidFamilyLeaveApply
Completing the Request for Paid Family Leave (Form PFL-1, Part A)

### Request For Paid Family Leave

<table>
<thead>
<tr>
<th>PART A - EMPLOYEE INFORMATION</th>
<th>Request For Paid Family Leave (Form PFL-1)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Employer's legal name (and state if out of state)</td>
<td>16. Employer's website/URL</td>
</tr>
<tr>
<td>2. Other names and/or the type of entity (if applicable)</td>
<td>2. Employer's website/URL</td>
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<tr>
<td>3. Employer's mailing address</td>
<td>3. Employer's mailing address</td>
</tr>
<tr>
<td>4. Employer's Social Security Number</td>
<td>4. Employer's Social Security Number</td>
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<tr>
<td>5. Employer's date of birth (MM/DD/YYYY)</td>
<td>5. Employer's date of birth (MM/DD/YYYY)</td>
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<tr>
<td>6. Employer's primary telephone number</td>
<td>6. Employer's primary telephone number</td>
</tr>
<tr>
<td>7. Employer's preferred email address</td>
<td>7. Employer's preferred email address</td>
</tr>
<tr>
<td>8. Employer's gender (Male/Female/Other)</td>
<td>8. Employer's gender (Male/Female/Other)</td>
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<tr>
<td>9. Employer's preferred language (English, Spanish, Other)</td>
<td>9. Employer's preferred language (English, Spanish, Other)</td>
</tr>
</tbody>
</table>

### Optional (For research purposes)

- Employee's race
- Employee's ethnicity
- Employee's preferred language

### More Information

- Helpline: (844) 337-6303
- Website: www.ny.gov/PaidFamilyLeave

February 15, 2018
Completing the Request for Paid Family Leave (Form PFL-1, Part A)

<table>
<thead>
<tr>
<th>PART A - EMPLOYEE INFORMATION (to be completed by the employee) - continued from prior page</th>
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<tbody>
<tr>
<td>13. Will PFL be for a continuous period of time and/or periodic?</td>
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<td>14. If providing less than 30 day’s advance notice to the employer, please explain:</td>
</tr>
</tbody>
</table>
# Completing the Request for Paid Family Leave

(Form PFL-1, Part A)

<table>
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<tr>
<th>Employment Information (to be completed by the employee)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15. Business name</td>
</tr>
<tr>
<td>16. Employee's date of hire (MM/DD/YYYY)</td>
</tr>
<tr>
<td>17. Employee's work location</td>
</tr>
<tr>
<td>Street address</td>
</tr>
<tr>
<td>City, State</td>
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<tr>
<td>18. Employee's average gross <strong>weekly</strong> wage (This data will be requested of both employee and employer)</td>
</tr>
<tr>
<td>19. Employer's telephone number for contact regarding this request</td>
</tr>
<tr>
<td>20a. Does employee have more than one employer?</td>
</tr>
<tr>
<td>20b. If yes, is employee taking PFL from the other employer?</td>
</tr>
<tr>
<td>21. Is employee currently receiving Workers' Compensation Lost Wage Benefits?</td>
</tr>
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</table>

**Disclosure statement:** Information regarding PFL benefits received by the employee, such as payments received and types of leave, will be provided to the employer.
Completing the Request for Paid Family Leave
(Form PFL-1, Part A)

Declaration and signature
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

I am hereby making a request for paid family leave benefits under the NYS Workers’ Compensation Law. My signature affirms that the information I am providing is true and accurate to the best of my knowledge and belief.

Employee’s signature
Date signed (MM/DD/YYYY)

[ ] I am submitting this form in advance (see instructions about pre-submitting). I understand the insurance carrier will contact me to advise how to submit the required missing information.

PFL-1 (11-17)
Page 2 of 4

If you need assistance, please call (844) 337-6303
www.ny.gov/PaidFamilyLeave
Employer to Complete the Request for Paid Family Leave (Form PFL-1, Part B)

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
Bonding Certification (Form PFL-2)
Step 3: Provide Supporting Documentation

- You must provide proof of your relationship to the child with a supporting document
  - Birth certificate
  - Certification of pregnancy or birth
  - Acknowledgement of paternity
  - Certificate of marriage or civil union
  - Evidence of domestic partnership
  - Letter of foster care placement
  - Court document finalizing adoption

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
Step 3: Provide Supporting Documentation

<table>
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<tr>
<th>If you are a(n)…</th>
<th>Bonding Form/Certification needed:</th>
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<tbody>
<tr>
<td>Birth mother submitting before the birth of your child</td>
<td>• Health Care Provider certification of pregnancy</td>
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</table>
| Birth mother submitting after the birth of your child | • Child’s birth certificate or  
• Health Care Provider certification of birth                                                           |
| Individual who is not the birth mother      | • Child’s birth certificate; or  
• Voluntary Acknowledgment of Paternity (Form LDSS-4418); or  
• Court Order of Filiation; or  
• Documentation from health care provider of pregnancy or birth  
  **AND** a second document verifying relationship with the birth mother or child (marriage certificate, civil union, or domestic partner documents) |
| Foster parent                               | • A foster care placement letter                                                                  |
| Adoptive parent                             | • Court documents of adoption                                                                    |
Step 4: Send Forms to Insurance Carrier

- Send all forms and documentation to your employer’s insurance carrier.
- The insurance carrier must pay or deny your request within 18 calendar days of receiving your request.

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</table>
Handling Disputes

- If your request is denied, you may request a review
- Arbitration under a neutral arbitrator will resolve disputes
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: www.ny.gov/PaidFamilyLeave
How are Paid Family Leave and the Federal Family and Medical Leave Act (FMLA) Similar?

The federal Family Medical Leave Act is a United States labor law that provides job-protected unpaid leave for employees for qualified medical and family reasons.
How are Paid Family Leave and FMLA Similar?

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

- Leave for:
  - bonding with a child
  - caring for sick family members
  - assisting family when a service member is deployed abroad

- Job protection

- Continued health insurance during leave

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

<table>
<thead>
<tr>
<th>Benefits</th>
<th>PFL</th>
<th>FMLA</th>
</tr>
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</table>
| Coverage | • All private employers  
          • Public employers may opt in  
          • **One or more employees** in any calendar year | • Public and private employers  
          • **50 or more employees** in a 75-mile radius |
| Eligibility | • After **26** consecutive weeks of employment if regularly working **20** or more hours per week  
               • After **175** days worked if regularly working less than **20** hours per week | • **12** months of employment  
          • **1,250** hours of work in the **12**-month period preceding leave |
| Reason for Leave | • Employees **cannot** use for own serious health condition  
                        • Can be used to care for a child of any age | • 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 | • Only in full-day increments | • Hourly basis |
| Paid Time Off | • Employers cannot require employees use paid time off while on PFL | • Employer can compel an employee to use paid time off while on FMLA |
Can You Take Both Paid Family Leave and Short-Term Disability?

Employees cannot collect disability and Paid Family Leave benefits at the same time

- A birth mother may be eligible to take short-term disability and then Paid Family Leave (or vice versa)
- Total disability and Paid Family Leave cannot exceed 26 weeks in a 52 week period

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
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.

Helpline: (844) 337-6303  Website: www.ny.gov/PaidFamilyLeave
What If You’ve Taken Leave for a Child in 2017?

• You are still eligible if you gave birth to, adopted or fostered 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
Visit [ny.gov/PaidFamilyLeave](http://ny.gov/PaidFamilyLeave) to access:

- Detailed information on Paid Family Leave
- Weekly payroll deduction calculator
- Paid Family Leave Fact Sheets and FAQs for new parents
- Paid Family Leave request forms

Helpline: (844) 337-6303  Website: [www.ny.gov/PaidFamilyLeave](http://www.ny.gov/PaidFamilyLeave)
Learn More

Helpline:
(844) 337-6303
8:30 a.m. – 4:30 p.m., Monday-Friday

Website:
ny.gov/PaidFamilyLeave

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

GET UPDATES