Agenda

1. Why We Need Paid Family Leave
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3. Benefits
4. Employee Contributions
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6. How to Take Paid Family Leave
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Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
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

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

Provides paid time off and job protection so you can:

- Bond with a new 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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Uses of Paid Family Leave
Bonding with a Child

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

- Birth
- Adoption
- Foster Care

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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.
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

Examples of conditions that may qualify as serious health conditions:

- your mother is receiving chemotherapy and needs emotional support
- your father is recuperating from surgery
- your child is undergoing treatment for addiction

New in 2019! Support for tissue and organ donors

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Caring for a Family Member with a Serious Health Condition

Examples of health conditions not considered serious under Paid Family Leave:

- common cold/flu
- routine dental, orthodontia
- cosmetic treatment

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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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Benefits
Time Off Benefits

Time off benefits are at 10 weeks as of January 1, 2019 and will reach 12 weeks by 2021.

2019: 10 WEEKS
2020: 10 WEEKS
2021: 12 WEEKS

* The Department of Financial Services will review the marketplace every year before benefits are increased.
As of January 1, 2019, wage benefits are 55% of an employee’s average weekly wage and will reach 67% by 2021.

* Benefits will be capped at the same percentage of the New York State Average Weekly Wage
A wage benefit calculator is available: Paidfamilyleave.ny.gov/PFLbenefitscalculator2019
Your Rights and Protections

Employees have paid time off and:

■ **Job Protection**

■ **Continued health insurance** while on leave, on the same terms as if you had continued to work
  ■ Employees continue paying their share, if any

■ **Protection from discrimination and retaliation** for requesting or taking Paid Family Leave
Paid Family Leave & Other Leave Policies
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 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?

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<th>PFL</th>
<th>FMLA</th>
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<td><strong>Benefits</strong></td>
<td>Paid</td>
<td>Unpaid</td>
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| **Coverage**     | • Almost all private employers  
                    • Public employers may opt in  
                    • **One or more employees in employment** on each of at least 30 days 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 "indefinite 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 |

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What about Paid Family Leave and Other Types of Leave?

- **Short-term disability:** You cannot collect statutory disability and Paid Family Leave benefits during the same period of time.

- **Workers’ Compensation:** You 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.
Employee Contributions
How Much Do You Pay?

The 2019 payroll contribution is 0.153% of your gross wages each pay period

- Contributions are capped at an annual maximum of $107.97
- If you earn less than the New York State Average Weekly Wage, your annual contribution will be less than the cap

Helpline: (844) 337-6303  Website: PaidFamilyLeave.ny.gov
A weekly deduction calculator is available: Paidfamilyleave.ny.gov/paid-family-leave-calculator2019
Employee Eligibility
Who is Covered?

- Most employees who work for private employers
- If you work for a public employer, your employer 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
  - 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 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 your 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 form to all employees who qualify for one.

Employees who properly file a waiver will be **ineligible** for benefits and **exempt** from making contributions.
Taking
Paid Family Leave

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When Can You Take Paid Family Leave?

- Paid Family Leave is now in its second year
- Maximum benefit available once every 52 weeks

January 2018

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How to Request Leave

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

OBTAIN
- Obtain forms from the employer, employer’s carrier, or on the website

COMPLETE & ATTACH
- Complete the form package specific to the type of leave
- Attach supporting documentation to forms

SUBMIT
- Submit to the employer’s insurance carrier within 30 days of starting leave to avoid losing benefits

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Getting Request Forms

You can get Paid Family Leave request forms from:

- Your employer
- Your employer’s insurance carrier
- PaidFamilyLeave.ny.gov/forms
Handling Disputes

- 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 comparable position,
■ terminates you,
■ reduces your pay and/or benefits, or
■ disciplines you in any way for requesting or taking Paid Family Leave,

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

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Paid Family Leave is Here

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Learn More

Visit PaidFamilyLeave.ny.gov to access:

- Detailed information on Paid Family Leave
- Paid Family Leave request forms and fact sheets
- Weekly benefit and payroll deduction calculators
- Paid Family Leave updates for 2019

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Learn More

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GET UPDATES
Questions?