

New York State Paid Family Leave provides job-protected, paid time off so you can:



BOND

with a newly born, adopted, or fostered child



CARE

for a family member with a serious health condition



ASSIST

loved ones when a family member is deployed abroad on active military service

Your gender, gender identity or sexual orientation has no impact on your eligibility for Paid Family Leave, nor does the gender, gender identity or sexual orientation of family members who need your care or assistance.

Who is covered under Paid Family Leave?

Most employees who work for private employers in New York State are covered under Paid Family Leave. If you are a public employee, your employer may opt in to provide the benefit. If you are a union-represented public employee, you could be covered under Paid Family Leave if your union and public employer have agreed to include it in their collective bargaining agreement.

How can Paid Family Leave help you and your family?

- **Bonding with a child:** You can take time to bond with your newly born, adopted, or fostered child within the first 12 months of birth or placement.
- **Caring for a family member:** You can take time to care for your spouse, domestic partner, child/stepchild, parent/stepparent, parent-in-law, grandparent, or grandchild with a serious health condition.
- **Assisting a service member:** You can take time to assist your spouse, domestic partner, child/stepchild, parent/stepparent or parent-in-law when they are deployed abroad on active military service.

Who is eligible for Paid Family Leave?

If you are covered under Paid Family Leave, you are eligible to take it for a qualifying event once you have met the minimum requirements:

- **Full-time employees:** If you work a regular schedule of 20 or more hours per week, you are eligible after 26 consecutive weeks of employment with your employer.
- **Part-time employees:** If you work a regular schedule of less than 20 hours per week, you are eligible after working for your employer for 175 days, which do not need to be consecutive.

Citizenship and/or immigration status is not a factor in your eligibility. Some part-time or seasonal employees may qualify for a waiver to opt out of coverage. Visit paidfamilyleave.ny.gov/protections to learn more.

What are your rights and protections under Paid Family Leave?

- You have **job protection**, so you are entitled to return to the same job (or a comparable one) when you return from Paid Family Leave.
- Your **health insurance** continues while on leave on the same terms as if you had continued working. If you contribute to the cost of your health insurance, you must continue to pay your portion of the cost while on leave.
- Your employer is **prohibited from discriminating or retaliating** against you for requesting or taking Paid Family Leave.



How is Paid Family Leave funded?

Paid Family Leave is funded through employee payroll contributions that are set each year to match the cost of coverage. The rate of employee contributions is reviewed annually, and is subject to change by the New York State Department of Financial Services. Visit [PaidFamilyLeave.ny.gov/cost](https://www.paidfamilyleave.ny.gov/cost) for the current contribution rate and annual maximum contribution.

What are the benefits?

Paid Family Leave provides time off and wage replacement benefits that phase in completely in 2021. Eligible employees can take time off and receive a percentage of their average weekly wage (AWW), capped at the same percentage of the New York State Average Weekly Wage (SAWW). The SAWW is updated annually. Your AWW is the average of your pay for the last eight weeks in which you worked and received wages prior to starting leave.

BENEFITS INCREASE THROUGH 2021		
Year	Weeks of Leave	Benefits
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

What is your eligibility for each qualifying event?

BONDING WITH A NEWBORN, ADOPTED, OR FOSTERED CHILD

- Expectant mothers cannot take Paid Family Leave for their own pregnancy. They can take Paid Family Leave after the baby is born.
- New parents may take Paid Family Leave during the first 12 months following the birth, adoption, or foster placement of a child.
- Parents who work for different employers can take Paid Family Leave at the same time to bond with the same child. Parents who work for the same employer and want to take Paid Family Leave at the same time to bond with the same child may do so unless their employer objects. In that case, they can take leave separately over the first 12 months following the child's birth, adoption or foster placement.

PROOF OF PARENTAL RELATIONSHIP		
Childbirth	Adoption	Foster Care
<p>If one of the parents is the birth mother, she will need a birth certificate or documentation from a health care provider establishing maternity. The other parent must submit documentation establishing their legal role as the child's parent, and demonstrating their relationship to the birth mother.</p> <p>Acceptable forms of documentation include:</p> <ul style="list-style-type: none"> Legal role as child's parent — birth certificate, Court Order of Filiation, or Voluntary Acknowledgment of Paternity naming that parent. Relationship to birth mother — marriage certificate, or evidence of a civil union or domestic partnership. If none of these documents are available, a parent may submit other documentary evidence of their parental relationship to the child, to be evaluated on a case-by-case basis. 	<p>In adoptions, a court document finalizing adoption must be provided, or a document showing that the adoption process is underway if leave is pre-adoption (e.g., a signed statement from an attorney, adoption agency, or adoption-related social service provider). If the second parent is not named in the adoption document, a second document must be filed verifying the relationship to the parent named in the adoption document.</p>	<p>For foster care, a letter of placement issued by a county or city department of social services or a local volunteer agency is required. If a second parent is not named in the documentation, a copy of the letter, plus a second document verifying the relationship to the parent named in the foster care placement letter is needed.</p>



What is your eligibility for each qualifying event? (cont'd)

FAMILY CARE

You can request Paid Family Leave to care for the following family members with a serious health condition:

- Spouse
- Domestic Partner
- Child/Stepchild
- Parent/Stepparent
- Parent-in-law
- Grandparent
- Grandchild

NOTE: Your family member may live in or outside New York, or outside the country; however, you must be in close and continuing proximity to the family member you are caring for while you are on leave.

MILITARY DEPLOYMENT

Paid Family Leave can be taken to assist when one of these family members is on active military deployment abroad:

- Spouse
- Domestic Partner
- Child
- Parent

Who qualifies as a domestic partner?

A domestic partner is defined broadly under the Paid Family Leave law. It can include people who are not related by blood and are dependent on one another for support. For example, you may be able to prove you are in a domestic partnership by showing that you and your partner own property together or have children in common. A legal relationship is not necessary.

How do you apply?

Requesting Paid Family Leave is easy. Start by planning your leave:

- Leave can be taken either all at once or intermittently, but must be taken in full-day increments.
- You must notify your employer at least 30 days before the start of leave if foreseeable; otherwise, you must notify your employer as soon as possible.

Once you're ready to apply, follow these three steps:

- 1. COLLECT YOUR FORMS AND DOCUMENTATION:** You can get Paid Family Leave forms from your employer, your employer's insurance carrier or directly from PaidFamilyLeave.ny.gov/forms. Your form packet will include the *Request for Paid Family Leave (Form PFL-1)*, along with any additional forms needed for the type of leave you want to take. The form instructions will detail what, if any, supporting documentation you will need to submit as part of your Paid Family Leave request.
- 2. COMPLETE & ATTACH:** Complete the forms for the specific type of leave you are planning to take. Note that *Form PFL-1* has parts that need to be completed by you and by your employer. Fill out your section, make a copy and give the form to your employer to fill out *Part B*. Your employer is required to return *Form PFL-1* to you within three business days. If there is a delay, you do not have to wait to proceed. Send the *Form PFL-1* that you have filled out, along with the rest of your request package, directly to the insurance carrier.
- 3. SUBMIT WITHIN 30 DAYS:** You must submit your completed request package to your employer's insurance carrier within 30 days after the start of your leave to avoid losing benefits.
 - To find out who your employer's Paid Family Leave insurance carrier is, you can:
 - Look for the Paid Family Leave poster in your workplace.
 - Ask your employer.
 - Look it up using the employer coverage search application on wcb.ny.gov.
 - If you cannot find your employer's insurance carrier, call the Paid Family Leave Helpline for assistance at **(844) 337-6303**. The Helpline is available Monday through Friday, 8:30 a.m. to 4:30 p.m.

In most cases, the insurance carrier must pay or deny benefits within 18 days of receiving your completed request or your first day of leave, whichever is later. Your request cannot be considered incomplete solely because your employer did not fill out *Part B* of *Form PFL-1* within three business days.

It is YOUR responsibility to submit the forms to your employer's insurance carrier. It is NOT your employer's responsibility.

For more information, visit PaidFamilyLeave.ny.gov or call **(844) 337-6303**.



**Paid Family
Leave**