



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

Some part-time employees may be covered for Paid Family Leave benefits, while others may qualify to waive coverage.

## 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.

## 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:

- **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.
- **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.

Citizenship and/or immigration status is not a factor in your eligibility.

## 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://paidfamilyleave.ny.gov/cost) for the current contribution rate and annual maximum contribution.

## 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.

## 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 Paid Family 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



## Can you opt out?

Paid Family Leave is not optional for eligible employees. Coverage can only be waived if:

- You regularly work fewer than 20 hours per week and you will not work 175 days in a 52-week period, or
- You regularly work 20 hours or more per week, but you won't be in employment with that employer for 26 consecutive weeks.

Employers must offer a waiver to employees who qualify (available at [PaidFamilyLeave.ny.gov/pfl-waiver-form](https://www.paidfamilyleave.ny.gov/pfl-waiver-form)).

If you waive coverage, you will not make contributions and will not be eligible for Paid Family Leave benefits.

## What if you have multiple jobs?

- If you work for more than one employer, you may be eligible to take Paid Family Leave from one or more of your employers, as long as you meet the eligibility requirements. Your eligibility for Paid Family Leave is separate for each employment situation.
- If you are paying into Paid Family Leave for more than one employer, you are entitled to take leave from each, once eligible.
- You can take Paid Family Leave from both employers at the same time for the same qualifying event, but you are not required to do so.
- If you take Paid Family Leave from only one of your covered employers, you may not take leave for the same qualifying event from another covered employer at a later date.
- If you take leave from only one employer, you cannot work for your other employer(s) during the regular hours of the job you're taking leave from. For example, you take leave from your day job and have an evening job. You cannot work additional hours for your evening job during the same hours that you normally work for your day job.
- Your average weekly wage, which affects your weekly benefit, is calculated individually for each employer based solely on wages with that employer; wages from other employments are not included.
- You may receive up to the maximum weekly benefit with each employer.
- Depending on your hours, you may be eligible to opt out with one employer and not another. In this case, you can only take Paid Family Leave from the employer(s) for whom you meet the eligibility requirements.

## 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](https://www.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](https://www.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](https://www.paidfamilyleave.ny.gov) or call (844) 337-6303.**