

Paid Family Leave provides a structure to help employees care for their families. Paid leave has been shown to increase workplace morale and employee retention. Public employers may opt into Paid Family Leave; it is not mandatory in the public sector.

New York State Paid Family Leave provides job-protected, paid time off to employees who need time away from work to:



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

What steps do public employers need to take to voluntarily opt in to Paid Family Leave?

Public employers can opt in non-represented employees at any time. Coverage for represented employees is subject to collective bargaining. To opt in, follow these steps:

- 1. Make a decision through your governing body.** The form of the decision should be as you determine it is necessary based on your guiding statute and regulations.
- 2. Obtain coverage.** Public employers can choose to obtain Paid Family Leave (PFL) coverage through an insurance carrier, or by becoming self-insured. Public employers that offer disability benefits through an insurance policy may not self-insure for Paid Family Leave.
 - For a list of insurance carriers offering disability benefits and Paid Family Leave policies, search “PFL Insurance” on the Department of Financial Services website dfs.ny.gov.
 - For information on becoming self-insured, visit: wcb.ny.gov/content/main/forms/SIEmpForms/selfins_forms.jsp.
- 3. File an opt-in notice with the Workers’ Compensation Board.**
 - Complete one of the following *Employer’s Application for Voluntary Coverage* forms and submit it to the Workers’ Compensation Board Plans Acceptance Unit via email at PAU@wcb.ny.gov.
 - If you plan to take employee payroll deductions to pay for the cost of coverage, complete *Form PFL-136*, available at paidfamilyleave.ny.gov/pfl-136-form.
 - If you plan to pay for the cost of coverage for your employees, complete *Form PFL-135*, available at paidfamilyleave.ny.gov/pfl-135-form.
- 4. Provide 90 days’ notice to non-represented employees.** Prior to taking payroll contributions, an employer must provide 90 days’ notice to non-represented employees. (Notice is not required to represented employees) You can access an updated *Employee Notice of Paid Family Leave Payroll Deduction* template at PaidFamilyLeave.ny.gov/forms.
- 5. Collect payroll deductions** to pay for the PFL Insurance premium. This is required if you completed *Form PFL-136*. The current deduction rate is available at PaidFamilyLeave.ny.gov/cost.

Once you voluntarily opt in to Paid Family Leave, coverage must be maintained for at least one year and may only be canceled after providing 12 months’ notice to all affected unrepresented employees and to the Workers’ Compensation Board. Opting out of coverage for represented employees may be done pursuant to collective bargaining.



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. The employee's AWW is the average of the employee's pay for the last eight weeks in which the employee 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

Who is eligible for Paid Family Leave?

Covered employees are eligible to take Paid Family Leave for a qualifying event once they have met the minimum requirements:

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

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

What is the employer's role in the request process?

Employees are responsible for submitting Paid Family Leave requests to your insurance carrier; it is not your responsibility as the employer. Your role is simple:

- Employees notify you:** Employees must notify you (as their employer) at least 30 days before the start of leave if it's foreseeable; otherwise, they must notify you as soon as possible.
- Provide request forms:** You should have Paid Family Leave request forms available to give employees upon request. They can also get these forms from your insurance carrier or directly from [PaidFamilyLeave.ny.gov/forms](https://www.paidfamilyleave.ny.gov/forms).
- Complete the employer's portion of request forms:** The *Request for Paid Family Leave (Form PFL-1)* includes an "Employer Information" section (*Part B*) to be completed by the employer. When employees give you this form, you have three business days to complete *Part B* and return the form to them. If there is a delay, employees do not have to wait to proceed. They can send the *Form PFL-1* that they have filled out, along with the rest of their request package, directly to the insurance carrier. Their request cannot be considered incomplete solely because you did not fill out *Part B* of *Form PFL-1* within three business days.

Employees must submit their completed request package to the insurance carrier within 30 days after the start of their leave to avoid losing benefits. In most cases, the insurance carrier must pay or deny benefits within 18 days of receiving a completed request or the employee's first day of leave, whichever is later.

For more information, visit [PaidFamilyLeave.ny.gov](https://www.paidfamilyleave.ny.gov) or call (844) 337-6303.



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