Agenda

1. Paid Family Leave Overview
2. Uses of Paid Family Leave
3. Benefits
4. Employee Contributions
5. Eligibility
6. How to Take Paid Family Leave
7. Resources
8. Questions

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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NY Leads the Nation

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

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In the first year, over 128,000 New Yorkers took Paid Family Leave!

- **86,500+** bonding claims
- **39,000+** family care claims
- **150+** military claims

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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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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
Uses of Paid Family Leave

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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.

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Caring for a Family Member with a Serious Health Condition

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

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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

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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
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 & Contributions

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Website: PaidFamilyLeave.ny.gov
Time Off and Wage Benefits

Time off benefits are at 10 weeks for 2020 and will reach 12 weeks by 2021

<table>
<thead>
<tr>
<th>YEAR</th>
<th>WEEKS OF LEAVE</th>
<th>BENEFITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>10 weeks</td>
<td>55% of employee’s AWW,* up to 55% of SAWW**</td>
</tr>
<tr>
<td>2020</td>
<td>10 weeks</td>
<td>60% of employee’s AWW,* up to 60% of SAWW</td>
</tr>
<tr>
<td>2021</td>
<td>12 weeks</td>
<td>67% of employee’s AWW,* up to 67% of SAWW</td>
</tr>
</tbody>
</table>

* The Department of Financial Services will review the marketplace every year before benefits are increased

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Wage Benefit Calculator

A wage benefit calculator is available: Paidfamilyleave.ny.gov/PFLbenefitscalculator2020
How Much Do You Pay?

The 2020 payroll contribution is **0.270%** of your gross wages each pay period

- Contributions are capped at an **annual maximum of $196.72**
- 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-calculator2020
Updates for 2020

- **Wage benefit increase:** Benefit increases from 55% to 60% of the employee’s average weekly wage, up to 60% of the NYS Average Weekly Wage.
  - Maximum weekly benefit increasing from $746.41 to **$840.70**

- **Employee contribution rate:** Starting January 1, 2020, employers may deduct at the new rate of 0.270% of an employee’s gross wages each pay period.

- **More covered employees:** PFL extended to Farm laborers.

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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

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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

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

Helpline: (844) 337-6303
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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?

<table>
<thead>
<tr>
<th>Benefits</th>
<th>PFL</th>
<th>FMLA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Coverage</td>
<td>Almost all private employers</td>
<td>Public and private employers</td>
</tr>
<tr>
<td></td>
<td>Public employers may opt in</td>
<td>50 or more employees in a 75-mile radius</td>
</tr>
<tr>
<td></td>
<td>One or more employees in employment on each of at least 30 days in any calendar year</td>
<td></td>
</tr>
<tr>
<td>Eligibility</td>
<td>After 26 consecutive weeks of employment if regularly working 20 or more hours per week</td>
<td>12 months of employment</td>
</tr>
<tr>
<td></td>
<td>After 175 days worked if regularly working less than 20 hours per week</td>
<td>1,250 hours of work in the 12-month period preceding leave</td>
</tr>
<tr>
<td>Reason for Leave</td>
<td>Employees cannot use for own serious health condition</td>
<td>Employee can use for own serious health condition</td>
</tr>
<tr>
<td></td>
<td>Can be used to care for a child of any age</td>
<td>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”</td>
</tr>
<tr>
<td>Length of Leave</td>
<td>Only in full-day increments</td>
<td>Hourly basis</td>
</tr>
<tr>
<td>Paid Time Off</td>
<td>Employers cannot require employees use paid time off while on PFL</td>
<td>Employer can compel an employee to use paid time off while on FMLA</td>
</tr>
</tbody>
</table>
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.
Taking
Paid Family Leave
How Employees Request Leave

- Insurers must pay or deny the request within 18 days of a completed request

Step 1
- Inform your employer

Step 2
- Complete the request forms

Step 3
- Send forms to the insurance carrier

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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

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov
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 2020
Helpline:  
(844) 337-6303

Website:  
PaidFamilyLeave.ny.gov

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