A guide for bonding
Agenda

2. Eligibility, Benefits and Contributions
3. Taking Paid Family Leave for Bonding
4. Top Questions About Paid Family Leave for Bonding
5. Paid Family Leave and COVID-19
6. Resources
7. Questions
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.
In April 2016, New York State enacted the nation’s strongest and most comprehensive Paid Family Leave policy into law.

- Paid Family Leave is employee-funded insurance that helps workers be there for their family when they’re most needed.

- Workers no longer have to choose between caring for their loved ones and their jobs.
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
Paid Family Leave & COVID-19

Care for yourself or your minor dependent child when under an order of quarantine or isolation due to COVID-19.
Your rights and protections

Paid time off and:

- **Job protection.**
- **Continued health insurance** while on leave, on the same terms as if you had continued to work.
- **Protection from discrimination and retaliation** for requesting or taking Paid Family Leave.
Paid Family Leave for bonding
Why Paid Family Leave for bonding is important

- New mothers have fewer postpartum depression symptoms, higher breastfeeding rates, and breastfeed longer.
- Parents are less stressed and have stronger parent-child bonding.
- Infants have fewer infections and are generally healthier.
Paid Family Leave for bonding

Paid Family Leave provides time for both parents to bond with a child within the first 12 months of:

- Birth
- Adoption
- Foster Care
Benefits & contributions
Time off and wage benefits

Eligible employees may take up to 12 weeks of PFL.

<table>
<thead>
<tr>
<th>Year</th>
<th>Weeks of Leave</th>
<th>Benefits</th>
</tr>
</thead>
<tbody>
<tr>
<td>2022</td>
<td>12 Weeks</td>
<td>67% of employee’s AWW, Up to 67% of SAWW</td>
</tr>
</tbody>
</table>
Wage benefit calculator

A wage benefit calculator is available:

PaidFamilyLeave.ny.gov/PFLbenefitscalculator2022
How much do you pay?

- In 2022, the payroll contribution is 0.511% of your gross wages each pay period, capped at an annual maximum of $423.71.

- If you earn less than the New York State Average Weekly Wage, your annual contribution will be less than the cap.
Weekly deduction calculator

A weekly deduction calculator is available:

PaidFamilyLeave.ny.gov/paid-family-leave-calculator2022
Summarizing the updates for 2022

- **Maximum weekly benefit increase**: Benefit increased from $971.61 to $1,068.38.

- **Employee contribution rate**: As of January 1, 2022, employers may deduct at the rate of 0.511% of an employee’s gross wages each pay period, capped at an annual maximum of $423.71.

- Full details at: [PaidFamilyLeave.ny.gov/2022](https://PaidFamilyLeave.ny.gov/2022)
Employee eligibility
Who is covered?

- Most employees who work for private employers.
- If you work for a public employer, your employer may opt in.
- If you’re a public employee represented by a union, you may be covered if Paid Family Leave is collectively bargained.
Employee who work for covered employers are eligible if you:

- 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.

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

**Step 1**
Notify your employer

**Step 2**
Complete the request forms

**Step 3**
Send forms to the insurance carrier

Notify your employer at least 30 days before the start of your leave if foreseeable, or as soon as possible. Insurers must pay or deny the request within 18 days of receiving a completed request, or the first day of leave, whichever is later.
Step 1: Inform your employer

Let your employer know at least 30 days before your leave will start, if it’s foreseeable.
Step 2: Complete the required PFL request forms

Bonding leave package includes two forms:

- Request for Paid Family Leave (Form PFL-1)
- Bonding Certification (Form PFL-2)
Getting request forms

You can get Paid Family Leave request forms from:

- Your employer,
- Your employer’s insurance carrier, or
- PaidFamilyLeave.ny.gov/forms
Completing the Request for Paid Family Leave (Form PFL-1, Part A)

- Employee fills out Part A.
- Employer fills out Part B.
- You must also state why you are requesting the leave and how it pertains to you.
Completing the Request for Paid Family Leave (Form PFL-1, Part A)

### PART A - EMPLOYEE INFORMATION (to be completed by the employee) - continued from prior page

**Form PFL-1 continued from prior page**

13. Will PFL be for a continuous period of time and/or periodic?

<table>
<thead>
<tr>
<th>Continuous</th>
<th>PFL start date (MM/DD/YYYY)</th>
<th>PFL end date (MM/DD/YYYY)</th>
<th>Dates are estimated</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Periodic</th>
<th>Identify dates periodic PFL will be taken:</th>
<th>Dates are estimated</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td></td>
<td></td>
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</tbody>
</table>

14. If providing less than 30 day’s advance notice to the employer, please explain:

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New York State
Paid Family Leave

NYS Workers’ Compensation Board
Completing the **Request for Paid Family Leave (Form PFL-1, Part A)**

**Employment Information** (to be completed by the employee)

15. Business name

16. Employee’s date of hire (MM/DD/YYYY)

17. Employee’s work location
   - Street address
   - City, State
   - Zip code
   - Country (if not U.S.A.)

18. Employee’s average gross **weekly wage** (This data will be requested of both employee and employer)

19. Employer’s telephone number for contact regarding this request (___-___-_____)

20a. Does employee have more than one employer? [ ] Yes [ ] No

20b. If yes, is employee taking PFL from the other employer? [ ] Yes [ ] No

21. Is employee currently receiving Workers’ Compensation Lost Wage Benefits? [ ] Yes [ ] No

**Disclosure statement:** Information regarding PFL benefits received by the employee, such as payments received and types of leave, will be provided to the employer.
Completing the Request for Paid Family Leave (Form PFL-1, Part A)

Declaration and signature
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime, and shall also be subject to a civil penalty not to exceed five thousand dollars and the stated value of the claim for each such violation.

I am hereby making a request for paid family leave benefits under the NYS Workers’ Compensation Law. My signature affirms that the information I am providing is true and accurate to the best of my knowledge and belief.

Employee’s signature

Date signed (MM/DD/YYYY)

☐ I am submitting this form in advance (see instructions about pre-submitting). I understand the insurance carrier will contact me to advise how to submit the required missing information.

PFL-1 (11-17)
Page 2 of 4

If you need assistance, please call (844) 337-6303
www.ny.gov/PaidFamilyLeave
Employer to complete
Request for Paid Family Leave (Form PFL-1, Part B)
Completing the Bonding Certification (Form PFL-2)
Proof of relationship

A parent’s claim for Paid Family Leave to bond with a child must be supported by documentation.

- Birth certificate
- Certification of pregnancy or birth
- Acknowledgment of paternity
- Certificate of marriage or civil union
- Evidence of domestic partnership
- Letter of foster care placement
- Court document finalizing adoption
## Proof of relationship

<table>
<thead>
<tr>
<th>If you are a(n)…</th>
<th>Bonding Form/Certification needed:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birth mother submitting before the birth of your child</td>
<td>• Health Care Provider certification of pregnancy</td>
</tr>
</tbody>
</table>
| Birth mother submitting after the birth of your child | • Child’s birth certificate or  
• Health Care Provider certification of birth |
| Individual who is not the birth mother | • Child’s birth certificate; or  
• Voluntary Acknowledgment of Paternity (Form LDSS-4418); or  
• Court Order of Filiation; or  
• Documentation from health care provider of pregnancy or birth AND a second document verifying relationship with the birth mother or child (marriage certificate, civil union, or domestic partner documents) |
| Foster parent | • A foster care placement letter |
| Adoptive parent | • Court documents of adoption |
Step 3: Send forms to insurance carrier

- Send all forms and documentation to your employer’s insurance carrier.

- The insurance carrier must pay or deny within 18 calendar days of receiving your completed request, or the first day of leave, whichever is later.
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) [nyspfla.namadr.com](http://nyspfla.namadr.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.
Top questions about Paid Family Leave for bonding
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, and
  - 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 you had continued to work.
# How do Paid Family Leave and FMLA differ?

<table>
<thead>
<tr>
<th></th>
<th>PFL</th>
<th>FMLA</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Paid</td>
<td>Unpaid</td>
</tr>
<tr>
<td><strong>Coverage</strong></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><strong>One or more employees in employment</strong> on each of at least 30 days in any calendar year</td>
<td></td>
</tr>
<tr>
<td><strong>Eligibility</strong></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><strong>Reason for Leave</strong></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><strong>Length of Leave</strong></td>
<td>Only in full-day increments</td>
<td>Hourly basis</td>
</tr>
<tr>
<td><strong>Paid Time Off</strong></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>
Can you take both Paid Family Leave and short-term disability?

Employees cannot collect disability and Paid Family Leave benefits at the same time.

- A birth mother may be eligible to take short-term disability and then Paid Family Leave (or vice versa).
- Total disability and Paid Family Leave cannot exceed 26 weeks in a 52-week period.
How does Paid Family Leave work with other maternity/paternity leave policies?

- Employers are free to supplement Paid Family Leave with additional benefits.
- Employers can require Paid Family Leave to run concurrently with their own maternity/paternity leave policies.
- Check with your employer about how the benefits interact.
What if the child being fostered or adopted is not an infant?

- There is no age limit on taking Paid Family Leave to bond with a fostered or adopted child.
- Bonding leave must be completed within the first year after the child’s foster or adoption placement.
Paid Family Leave and COVID-19
COVID-19 quarantine leave

Available when:

- You are subject to an order of mandatory or precautionary quarantine or isolation due to COVID-19.

- Your minor, dependent child is subject to an order of mandatory or precautionary quarantine or isolation due to COVID-19.
Employees who work for small employers

For most employees who work for an employer with 10 or fewer employees and a business net annual income of less than $1 million:

- You can use a combination of Paid Family Leave and disability benefits.
- After receiving your full Paid Family Leave benefit (up to $840.70 weekly), you will receive disability benefits to match your full wages up to a maximum weekly disability benefit of $2,043.92, for a total of $2,884.62 per week.
- There is no waiting period for either benefit.

You will have job protection for the duration of the quarantine.
Employees who work for medium employers

For most employees who work for an employer with 11 to 99 employees, and smaller employers (1 to 10 employees) with a business net annual income greater than $1 million:

- Your employer is required to provide at least five days of COVID-19 paid sick leave.
- After that, you can use a combination of Paid Family Leave and disability benefits.
- After receiving your full Paid Family Leave benefit (up to $840.70 weekly), you will receive disability benefits to match your full wages up to a maximum weekly disability benefit of $2,043.92, for a total of $2,884.62 per week.
- There is no waiting period for either benefit.

You will have job protection for the duration of the quarantine.
Employees who work for large employers

For most employees who work for an employer with 100 or more employees, as well as all public employees:

- Your employer is required to provide at least 14 days of COVID-19 paid sick leave for a COVID-19-related quarantine, which should cover the period of a mandatory or precautionary order of quarantine or isolation.

You will have job protection for the duration of the quarantine.
Taking leave for your child’s quarantine

You may also apply for NYS Paid Family Leave if your minor, dependent child is under an order of mandatory or precautionary quarantine or isolation.

- NYS Paid Family Leave provides 67 percent of pay, up to a maximum weekly benefit of $840.70.
Full details

PaidFamilyLeave.ny.gov/COVID19

New Paid Leave for COVID-19
Paid Family Leave is here to help
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,
- Information about COVID-19 quarantine leave benefits.
Learn more

Helpline:
(844) 337-6303

Website:
PaidFamilyLeave.ny.gov

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