

Starting January 1, 2018, Paid Family Leave will provide a structure to help employees care for their families. Paid leave has been shown to increase workplace morale and employee retention. New York's Paid Family Leave benefit is fully funded by employee payroll contributions.

Paid Family Leave provides job-protected, paid time off so an employee can:

- **bond** with a newly born, adopted, or fostered child,
- **care** for a family member with a serious health condition, or
- **assist** loved ones when a family member is deployed abroad on active military service.

ELIGIBILITY

Most employees who work in New York State for private employers are eligible to take Paid Family Leave. Public employers may opt into the program.

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

Employees are eligible regardless of their citizenship and/or immigration status.

RIGHTS AND PROTECTIONS

- Eligible employees do not need to do anything until they are ready to take time off. Employers must get Paid Family Leave coverage for employees.
- Employees have **job protection**, ensuring they can return to the same job (or a comparable one) when they return from Paid Family Leave.
- Employees can keep their **health insurance** while on leave. Employees who contribute to the cost of their health insurance must continue to pay their portion of the premium cost while on leave.
- Employers are **prohibited from discriminating or retaliating against** employees for requesting or taking Paid Family Leave.

BENEFITS

Benefits phase in over four years. During 2018, employees can take up to eight weeks of Paid Family Leave and receive 50% of their average weekly wage (AWW), capped at 50% of the New York State Average Weekly Wage (SAWW). An employee's AWW is the average of their last eight weeks of pay prior to starting Paid Family Leave. The SAWW is updated annually.

PAID FAMILY LEAVE BENEFITS EXAMPLES FOR 2018		
Worker's average weekly wage	Average Weekly Wage x 50% Capped at 50% of the New York State Average Weekly Wage (\$652.96)	Weekly PFL benefit (2018)
\$600		\$300
\$1,000		\$500
\$2,000		\$652.96

BENEFITS (cont'd)

Benefits increase through 2021:

YEAR	WEEKS OF LEAVE	BENEFIT
2018	8 weeks	50% of employee's AWW,* up to 50% of SAWW**
2019	10 weeks	55% of employee's AWW, up to 55% of SAWW
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

*AWW — Average Weekly Wage

**SAWW — New York State Average Weekly Wage

EMPLOYEE CONTRIBUTION

Employees pay for these benefits through a small weekly payroll deduction, which is a percentage of their weekly wage up to a cap set annually.

The 2018 payroll contribution is 0.126% of the employee's weekly wage, capped at 0.126% of the SAWW. The SAWW for 2018 is \$1,305.92. For example, in 2018, if an employee earns \$27,000 a year (\$519 a week), they will pay 65 cents per week.

To estimate an employee's deduction, use the payroll deduction calculator at ny.gov/PFLcalculator.

EMPLOYEE WAIVER

Employees can only opt out of Paid Family Leave if they do not expect to work for their employer for the minimum amount of time required for eligibility.

If they meet this criteria and wish to opt out, they can do so by completing a Paid Family Leave waiver, which is available at ny.gov/PaidFamilyLeave. Employers should keep completed waivers on file.

If a change in the employee's schedule results in the employee working enough time to meet the eligibility requirements, their waiver will be automatically revoked. Employees may voluntarily revoke their waiver at any time. If their waiver is revoked, employers may begin taking payroll deductions and may retroactively collect deductions from the date the employee signed the waiver.

PAID FAMILY LEAVE REQUEST PROCESS

1. The employee must notify their employer at least 30 days before their leave will start, if it's foreseeable. Otherwise, the employee should notify their employer as soon as possible.
2. The employee will contact their employer, employer's insurance carrier, or visit ny.gov/PaidFamilyLeave to obtain the request form package for the type of leave they need to take.
3. The employee fills out the *Request for Paid Family Leave (Form PFL-1)*, following the instructions on the cover sheet. The employee makes a copy for their records and submits it to their employer. The employer must fill out their section of *Form PFL-1* and return it to their employee within three business days. If the employer fails to respond, the employee may proceed to the next step below.
4. The employee will submit *Form PFL-1*, the other request forms specific to the leave they are taking, and supporting documentation to their employer's insurance carrier. The employee can submit their request before their leave starts or within 30 days after the start of their leave. The insurance carrier must pay or deny their request within 18 calendar days of receiving their completed request.

EMPLOYER CHECKLIST: What actions should employers take now?

- Ensure your company has Paid Family Leave coverage.**
 - Most private employers with one or more employees are required to obtain Paid Family Leave insurance. Contact your broker or insurer for information about available policies as well as options for paying your premium (e.g., whether it can be paid semi-annually, annually, or annually on a retrospective basis).
 - The insurance is generally added to an existing disability insurance policy.
 - If you are self-insured for disability, you may purchase a separate Paid Family Leave policy or apply to the NYS Workers' Compensation Board to self-insure.
 - For a list of insurers offering Paid Family Leave policies, visit the Paid Family Leave section of the Department of Financial Services website at dfs.ny.gov/PFL.

- Inform your employees about Paid Family Leave.**
 - Update appropriate written materials distributed to your employees, such as employee handbooks, to include Paid Family Leave information.
 - If you do not have a handbook, provide written guidance to employees concerning their Paid Family Leave benefits.
 - Model language for handbooks or other written guidance is available to download in the Employer section of ny.gov/PaidFamilyLeave.

- Prepare for employee payroll contributions**
 - Update your payroll processes to collect the employee contributions that pay for this insurance.
 - It is strongly recommended you notify employees before withholding any contributions. A model notification is available in the Employer section of ny.gov/PaidFamilyLeave.
 - The employee contribution rate is set every year to match the cost of insurance coverage. The current contribution rate is 0.126% of an employee's weekly wage, up to 0.126% of the annual New York State Average Weekly Wage (SAWW). The SAWW for 2018 is \$1,305.92.
 - To assist you, a deduction calculator is available at ny.gov/PFLcalculator.

- Inform eligible employees about waivers.**
 - Identify employees who will not meet the time-worked requirement for eligibility, and offer them the option to waive coverage.
 - Provide these employees with a waiver form, which is available at ny.gov/PaidFamilyLeave.
 - Keep a copy of all completed waivers on file.

- Post an employee notice.**
 - Your insurance carrier will provide you with a *Notice Of Compliance (Form PFL-120)* — also known as “Notice to Employees” — stating that you have Paid Family Leave insurance.
 - If you are self-insured, you can get this notice by contacting the NYS Workers' Compensation Board at certificates@wcb.ny.gov.
 - Post and maintain this notice in plain view, similar to how the signage for workers' compensation and disability insurance is displayed.

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

