



New York Paid Family Leave: A Guide for **Employers**



**Paid Family
Leave**



Agenda

1. Why New York Needs Paid Family Leave
2. Paid Family Leave Overview
3. Updates for 2019
4. Employer Responsibilities
5. Resources

Helpline: (844) 337-6303

Website: PaidFamilyLeave.ny.gov



**Paid Family
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Why Do We Need Paid Family Leave?

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**Paid Family
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Why Do We Need Paid Family Leave?

1. Employees struggle to maintain their jobs while caring for family in a specific time of need
2. Pressures can impact job performance and the workplace
3. Paid leave increases likelihood employees return to work, resulting in higher retention and lower costs for employers



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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Paid Family Leave Basics

- Paid Family Leave is **insurance fully funded by employees**
- It provides **paid time off** and **job protection** for employees to:



Bond with a 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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Paid Family Leave



Employee Rights and Protections

Employees have paid time off and:

- **Job protection**
- **Health insurance** continued while on leave on the same terms as if the employee 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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**Paid Family
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Bonding with a Child

- Provides for both parents to bond with a child **within the first 12 months** of:

Birth

Adoption

**Foster
Care**



Caring for a Family Member with a Serious Health Condition

Provides paid time off to care for:

- a family member
- with a serious health condition

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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.**



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



Caring for a Family Member with a Serious Health Condition

Conditions that may qualify as serious health conditions:

- an employee's mother is receiving chemotherapy
- an employee's father is recuperating from surgery
- an employee's child is undergoing treatment for addiction

These are situations that may qualify as serious health conditions if certified by the patients' health care providers





Assisting During a Military Deployment

For assistance when a spouse, domestic partner, child or parent is deployed abroad on active military service

Events may include:

- Short notice military deployment
- Military events; related activities
- Service member's rest, recuperation or counseling
- Post-deployment activities
- Making financial/legal arrangements
- Child care arrangements for military member's child

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Benefits

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Time Off Benefits

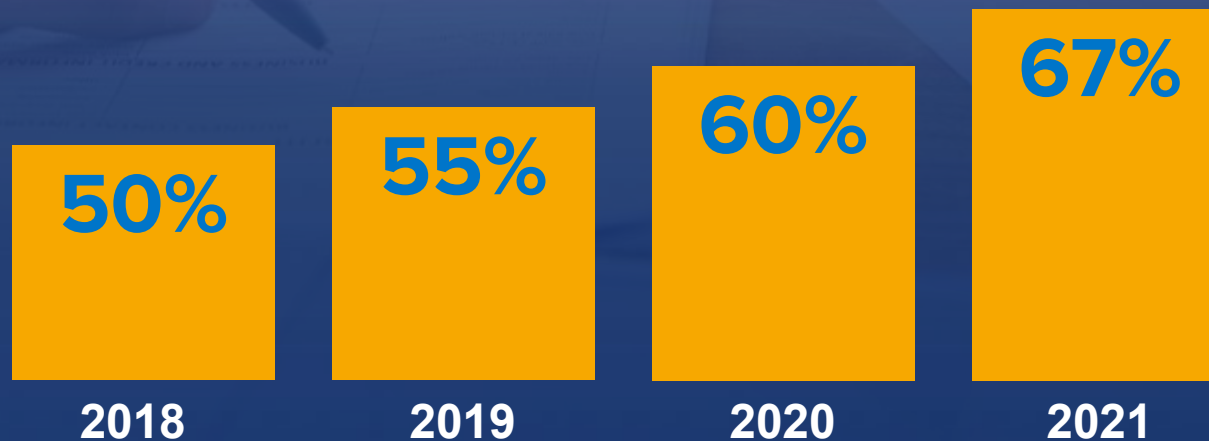
Time off benefits **phased in** starting January 1, 2018 at **8 weeks** and will reach **12 weeks** by 2021



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

Wage Benefits

Benefits **phased in** starting January 1, 2018 at **50%** of an employee's average weekly wage and will reach **67%** by 2021



* Benefits will be capped at the designated percentage of the New York State Average Weekly Wage

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Wage Benefit Calculator

- A wage benefit calculator is available:

[Paidfamilyleave.ny.gov/PFLbenefitscalculator2019](https://paidfamilyleave.ny.gov/PFLbenefitscalculator2019)

PAID FAMILY LEAVE

2019 Wage Benefit Calculator

In 2019, employees who take Paid Family Leave will receive 55% of their average weekly wage (AWW), capped at 55% of the New York State Average Weekly Wage. Your AWW is the average of your last eight weeks of pay prior to starting Paid Family Leave. The maximum weekly benefit for 2019 is \$746.41.

Use the calculator below to view an estimate of your weekly benefit.*

Enter your last eight weeks of gross pay:

0.00	0.00
0.00	0.00
0.00	0.00
0.00	0.00

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Note: When calculating benefits, Paid Family Leave insurers must use whichever is higher: the last eight weeks worked **including** the week when PFL started, or the last eight weeks worked **not including** the week PFL started.

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Employee Contributions

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How Much Do Employees Pay?

- Employees pay for this coverage through a small payroll deduction
- The 2018 payroll contribution is 0.126% of an employee's weekly wage
 - Contributions are capped at an annual maximum of \$85.56
 - If an employee earns less than the New York State Average Weekly Wage, their annual contribution will be less than the cap
- Example: If an employee earns **\$27,000 this year** (\$519 a week), they will pay about **65 cents** per week for Paid Family Leave
- Contribution rate will change for 2019



Weekly Deduction Calendar

- A weekly deduction calculator is available:
Paidfamilyleave.ny.gov/paid-family-leave-calculator2019

PAID FAMILY LEAVE

2019 Paid Family Leave Payroll Deduction Calculator

If you are eligible for Paid Family Leave, you pay for these benefits through a small payroll deduction equal to 0.153% of your gross wages each pay period. In 2019, these deductions are capped at the annual maximum of \$107.97.

Use the calculator below to view an estimate of your deduction.

Enter your gross pay for the pay period, including estimated bonuses/commissions:

*This calculator is meant to give only an estimate of your PFL deduction. Your actual deduction amount may change depending on whether you receive bonuses and commissions or other forms of compensation as part of your wage.

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Employee Eligibility

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Who is Covered?

- Most employees who work for private employers
- Public employers 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
 - For **26** consecutive weeks of employment with the same employer
- **Less than 20** hours per week
 - For **175** days with the same employer

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



Can Employees Waive Coverage?

Employees can only waive coverage if they:

- Regularly work 20 or more hours per week but won't be in employment with that employer for 26 consecutive weeks or
- Regularly work fewer than 20 hours and won't work 175 days in a 52-week period

Employers **must** provide a waiver to those who qualify for one

Waivers are available at ny.gov/PaidFamilyLeave

- Employees who file a waiver will be **ineligible** for benefits and **exempt** from making contributions



Can Waivers Be Revoked?

- The waiver will be automatically revoked if the employee's schedule changes or they may voluntarily revoke it at any time
- Employee will begin making Paid Family Leave contributions along with any retroactive amounts due



Requesting Paid Family Leave

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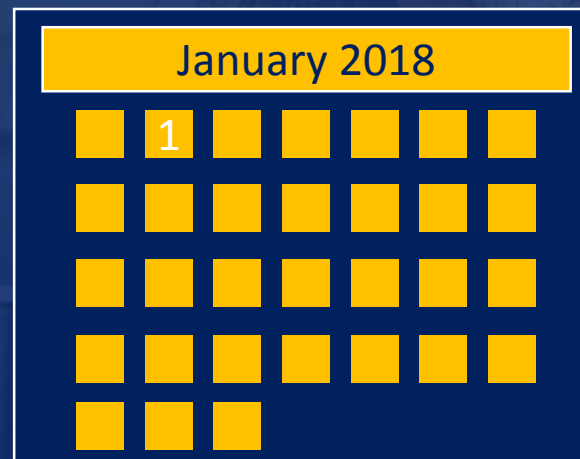
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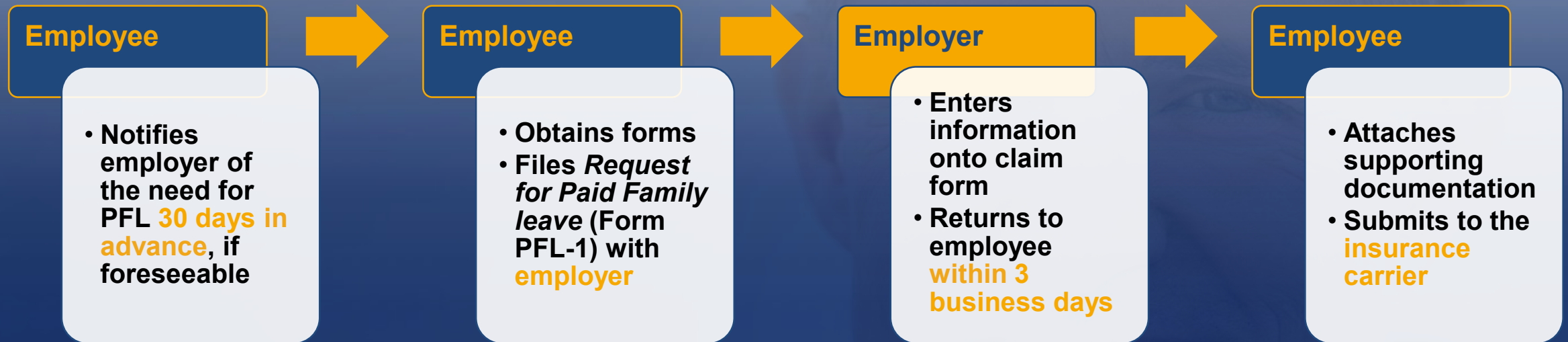
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When Can Employees Take Paid Family Leave?

- As of **January 1, 2018**
- Maximum benefit available **once every 52 weeks**



How Employees Request Leave

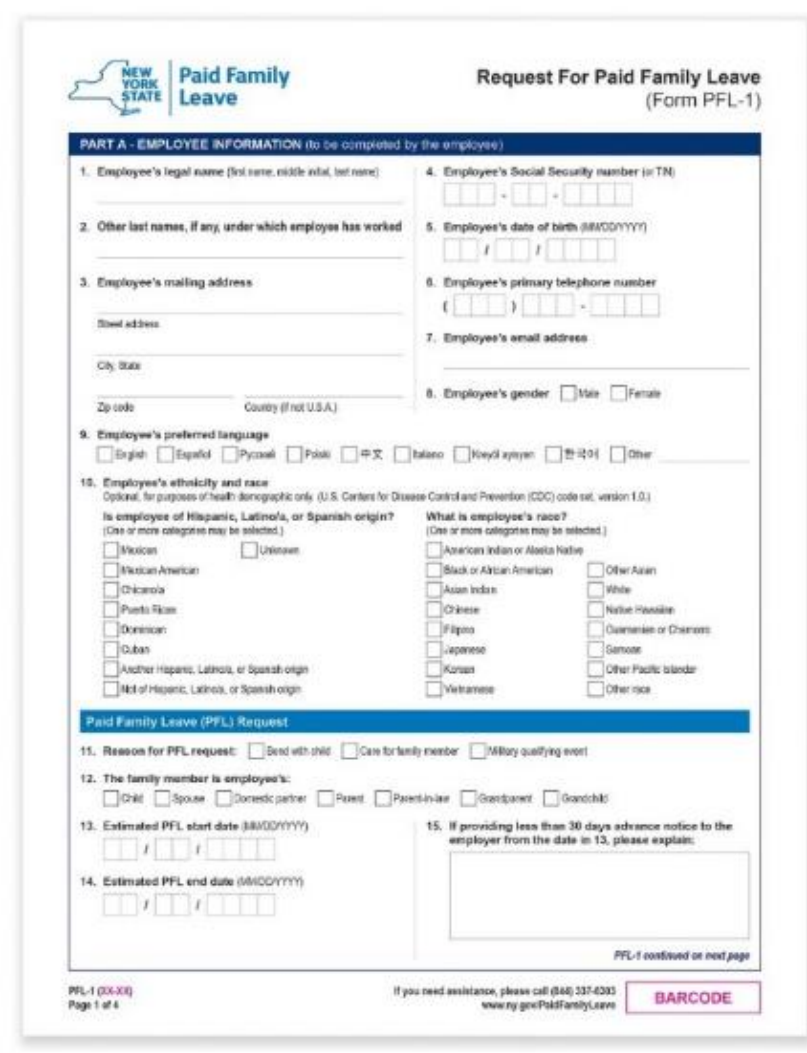


- In most cases, the insurance carrier must pay or deny benefits within **18 days** of receiving the completed request package, or the employee's first day of leave, whichever is later

Getting Request Forms

Employees can get Paid Family Leave request forms from:

- Employer
- Employer's insurance carrier
- [PaidFamilyLeave.ny.gov/forms](https://www.PaidFamilyLeave.ny.gov/forms)



The image shows the 'Request For Paid Family Leave (Form PFL-1)' from New York State. The form is divided into two main sections: 'PART A - EMPLOYEE INFORMATION' and 'Paid Family Leave (PFL) Request'.
PART A - EMPLOYEE INFORMATION (to be completed by the employee) includes:
1. Employee's legal name (first name, middle initial, last name)
2. Other last names, if any, under which employee has worked
3. Employee's mailing address (Street address, City, State, Zip code, Country if not U.S.A.)
4. Employee's Social Security number (in TN)
5. Employee's date of birth (MM/DD/YYYY)
6. Employee's primary telephone number
7. Employee's email address
8. Employee's gender (Male/Female)
9. Employee's preferred language (English, Spanish, Pycckii, Polski, 中文, Italiano, Kreyol ayisyen, 한국어, Other)
10. Employee's ethnicity and race (Optional, for purposes of health demographic only). It includes checkboxes for Hispanic/Latino/Spanish origin (Mexican, Mexican American, Chicano/a, Puerto Rican, Dominican, Cuban, Another Hispanic, Latino/a, or Spanish origin, Mix of Hispanic, Latino/a, or Spanish origin) and race (American Indian or Alaska Native, Black or African American, Other Asian, Asian Indian, White, Native Hawaiian, Chinese, Filipina, Guamanian or Chamorro, Japanese, Korean, Other Pacific Islander, Vietnamese, Other race).
Paid Family Leave (PFL) Request includes:
11. Reason for PFL request (Send with child, Care for family member, Military qualifying event)
12. The family member is employee's (Child, Spouse, Domestic partner, Parent, Parent-in-law, Grandparent, Grandchild)
13. Estimated PFL start date (MM/DD/YYYY)
14. Estimated PFL end date (MM/DD/YYYY)
15. If providing less than 30 days advance notice to the employer from the date in 13, please explain.
At the bottom, it says 'PFL-1 continued on next page', 'PFL-1 (03-20) Page 1 of 4', 'If you need assistance, please call (848) 337-6303 www.ny.gov/PaidFamilyLeave', and a 'BARCODE' area.

Helpline: (844) 337-6303

Website: [PaidFamilyLeave.ny.gov](https://www.PaidFamilyLeave.ny.gov)





Handling Disputes

- If an employee's claim is denied, or they have another claim-related dispute, they may request arbitration
- Arbitration for Paid Family Leave is handled by NAM (National Arbitration and Mediation) www.nyspfla.com

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Website: PaidFamilyLeave.ny.gov



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Protection from Discrimination

If the employer:

- does not reinstate the employee to the same or similar position,
- terminates the employee,
- reduces the employee's pay and/or benefits, or
- disciplines the employee in any way for requesting or taking Paid Family Leave,

the employee can file a discrimination claim with the Workers' Compensation Board



Updates for 2019

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Paid Family Leave Benefits Updates for 2019

Eligible employees will be able to take:

- Up to 10 weeks of Paid Family Leave
- At 55% of their pay

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Fully-funded by Employees

The 2019 payroll contribution is **0.153%** of an employee's gross wages each pay period

- Contributions are capped at an **annual maximum of \$107.97**
- If an employee earns less than the New York State Average Weekly Wage, their annual contribution will be less than the cap

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2018 and 2019 Paid Family Leave Cost and Benefit Examples

	Weekly Salary	Weekly PFL contribution	Maximum PFL Time Off	Weekly Pay on PFL	Maximum Paid Benefit
2018	\$1,000 (\$52,000 annually)	\$1.26/week (\$65.52 annually)	8 weeks	\$500	\$4,000
2019	\$1,000 (\$52,000 annually)	\$1.53/week (\$79.56 annually)	10 weeks	\$550	\$5,500

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Employer's Checklist

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Employer's Checklist:

Complying with the law:

- Ensure you have coverage
- Inform your employees about PFL
- Collect employee payroll contributions
- Offer waivers to employees who qualify for one
- Post a PFL Notice of Compliance

When you receive a claim:

- Complete the employer section of the Request for Paid Family Leave (Form PFL-1) and return to the claimant within **3 business days**
- Discuss any specific leave tracking or other processes with your Paid Family Leave insurer



Paid Family Leave & Other Leave Policies

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How are Paid Family Leave and FMLA Similar?

Both Paid Family Leave and the federal Family and Medical Leave Act provide:

- Leave for:
 - bonding with a child
 - caring for a family member with a serious health condition
 - assisting when family members are 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?

	PFL	FMLA
Benefits	Paid	Unpaid
Coverage	<ul style="list-style-type: none"> All private employers Public employers may opt in One or more employees in any calendar year 	<ul style="list-style-type: none"> Public and private employers 50 or more employees in a 75-mile radius
Eligibility	<ul style="list-style-type: none"> After 26 consecutive weeks of employment if regularly working 20 or more hours per week After 175 days worked if regularly working less than 20 hours per week 	<ul style="list-style-type: none"> 12 months of employment 1,250 hours of work in the 12-month period preceding leave
Reason for Leave	<ul style="list-style-type: none"> Employees cannot use for own serious health condition Can be used to care for a child of any age 	<ul style="list-style-type: none"> Employee can use for own serious health condition 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”
Length of Leave	<ul style="list-style-type: none"> Only in full-day increments 	<ul style="list-style-type: none"> Hourly basis
Paid Time Off	<ul style="list-style-type: none"> Employers cannot require employees use paid time off while on PFL 	<ul style="list-style-type: none"> Employer can compel an employee to use paid time off while on FMLA

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Paid Family Leave

What about Paid Family Leave and Other Types of Leave?

- **Short-term disability:** Employees cannot collect disability and Paid Family Leave benefits during the same period of time
- **Workers' Compensation:** Employees 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



Paid Family Leave Is Here

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Employer Resources

Visit PaidFamilyLeave.ny.gov to access:

- Detailed information on Paid Family Leave
- Paid Family Leave forms
- Weekly benefit and payroll deduction calculators
- Paid Family Leave frequently asked questions
- Resource guide for small businesses
- Paid Family Leave updates for 2019





Resources for 2019

Employer Resources:

- FAQs
- New Employee Statement of Rights
- Updated Model Language for Written Materials
- 2019 Deduction Calculator
- Employee Deduction Notification (template)





Additional Employer Resources

- Recorded Employee Webinar
- Employee Fact Sheets
- Graphic link to the Paid Family Leave Website
- Paid Family Leave Poster

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Additional Employer Resources

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

GET UPDATES

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Advocate for Business

Neil Gilberg
Advocate for Business
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Website: [PaidFamilyLeave.ny.gov](https://www.PaidFamilyLeave.ny.gov)



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Questions?

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