

As of January 1, 2018, Paid Family Leave provides job-protected, paid time off so you 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.

## Who is eligible?

Most employees who work in New York State for private employers are eligible to take Paid Family Leave. If you are a public employee, your employer may opt into the program.

- **Full-time employees:** If you work a regular schedule of 20 or more hours per week, you are eligible after working 26 consecutive weeks.
- **Part-time employees:** If you work a regular schedule of less than 20 hours per week, you are eligible after working 175 days, which do not need to be consecutive.
- Your **gender or gender identity** has no impact on your eligibility for Paid Family Leave. The gender or gender identity of family members who need care or assistance is not a factor, either.

You are eligible regardless of your citizenship and/or immigration status.

## What are your rights and protections?

- As an eligible employee, you do not need to do anything until you are ready to take time off. Employers must get Paid Family Leave coverage for you.
- You have **job protection**, ensuring you can return to the same job (or a comparable one) when you return from Paid Family Leave.
- You can keep your **health insurance** while on leave. If you contribute to the cost of your health insurance, you must continue to pay your portion of the cost while on leave.
- Your employer is **prohibited from discriminating or retaliating** against you for requesting or taking Paid Family Leave.

## How much will you receive in benefits?

Benefits phase in over four years. During 2018, you can take up to eight weeks of Paid Family Leave and receive 50% of your average weekly wage (AWW), capped at 50% of the New York State Average Weekly Wage (SAWW). Your AWW is the average of your 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

## How much do you pay for benefits?

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

The 2018 payroll contribution is 0.126% of your weekly wage and is capped at an annual maximum of \$85.56. If you earn less than the New York State Average Weekly Wage (\$1305.92 per week), you will have an annual contribution amount less than the cap of \$85.56, consistent with your actual weekly wages.

*For example, in 2018, if you earn \$27,000 a year (\$519 a week), you will pay 65 cents per week.*

To estimate your deduction, use the payroll deduction calculator at [ny.gov/PFLcalculator](https://ny.gov/PFLcalculator).

## Can you opt out?

You can opt out of Paid Family Leave if you do not expect to work for your employer for the minimum amount of time required for eligibility.

If you meet this criteria, your employer must offer you a Paid Family Leave waiver, which is also available at [ny.gov/PaidFamilyLeave](https://ny.gov/PaidFamilyLeave). Employers should keep completed waivers on file.

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

## What is your eligibility for each qualifying event?

### BONDING WITH A NEWBORN, ADOPTED, OR FOSTERED CHILD

- Expectant mothers cannot take Paid Family Leave for their own pregnancy. They can take paid leave after the baby is born.
- New parents may take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child.
- If the parents have different employers, they can take Paid Family Leave at the same time. If the parents have the same employer, the employer must give approval for both parents to take Paid Family Leave at the same time.

### PROOF OF PARENTAL RELATIONSHIP

#### Childbirth

If one of the parents is the birth mother, she will need a birth certificate or documentation from a health care provider establishing maternity. The other parent must submit documentation establishing their legal role as the child's parent, and demonstrating their relationship to the birth mother. If neither parent is the birth mother, both parents must submit documentation establishing their legal role as the child's parent. Acceptable forms of documentation include:

- Legal role as child's parent – birth certificate, Court Order of Filiation, or Voluntary Acknowledgment of Paternity naming that parent.
- Relationship to birth mother – marriage certificate, or evidence of a civil union or domestic partnership.

If none of these documents are available, a parent may submit other documentary evidence of parental relationship to the child, to be evaluated on a case-by-case basis.

## What is your eligibility for each qualifying event? (cont'd)

### Foster Care

For foster care, a letter of placement issued by a county or city department of social services or a local voluntary agency is required. If a second parent is not named in documentation, a copy of the letter, plus a second document verifying the relationship to the parent named in the foster care placement is needed.

### Adoption

In adoptions, a court document finalizing adoption must be provided, or a document showing that the adoption process is underway is required if leave is pre-adoption. If the second parent is not named in the court document, a second document must be filed verifying the relationship to the parent named in the adoption.

## FAMILY CARE

You can request Paid Family Leave to care for the following family members with a serious health condition:

- Spouse
- Child/Stepchild
- Parent-in-law
- Grandchild
- Domestic Partner
- Parent/Stepparent
- Grandparent

**NOTE:** *Your family member may live in or outside New York, or outside the country; however, you must be in close and continuing proximity to your family member while you are on leave.*

## MILITARY DEPLOYMENT

Paid Family Leave can be taken to assist when one of these family members is on active military deployment abroad:

- Spouse
- Child
- Domestic Partner
- Parent

## How do you request Paid Family Leave?

1. Notify your employer at least 30 days before your leave will start, if it's foreseeable. Otherwise, notify your employer as soon as possible.
2. Obtain the request form package for the type of leave you need to take. The forms are available from your employer, employer's insurance carrier or directly from [ny.gov/PaidFamilyLeaveApply](https://ny.gov/PaidFamilyLeaveApply).
3. Complete the *Request For Paid Family Leave (Form PFL-1)*, following the instructions on the cover sheet. Make a copy for your records, and submit it to your employer. Your employer must fill out their section of *Form PFL-1* and return it to you within three business days. If your employer fails to respond, you may proceed to the next step below.
4. Submit *Form PFL-1*, the other request forms specific to the leave you are taking, and supporting documentation to your employer's insurance carrier. You can submit your request before your leave starts or within 30 days after the start of your leave. The insurance carrier must pay or deny your request within 18 calendar days of receiving your completed request.
  - To learn who your employer's insurance carrier is, you can:
    - Look for the Paid Family Leave poster in your workplace.
    - Ask your employer.
    - Visit [wcb.ny.gov](https://wcb.ny.gov) and search your employer's name to look up their insurance carrier.
  - If you cannot determine your employer's insurance carrier, call the Paid Family Leave Helpline for assistance in finding the proper carrier.
    - Paid Family Leave Helpline: **(844) 337-6303** (8:30 a.m. – 4:30 p.m., ET, Monday – Friday)
  - If you believe your employer is uninsured, you can submit your request for Paid Family Leave to the NYS Workers' Compensation Board.
    - Paid Family Leave, PO Box 9030, Endicott, NY 13761-9030

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

