



BENEFITS

What is Paid Family Leave for Military deployment?

Paid Family Leave is an employee-funded insurance policy that provides job-protected, paid time off for eligible employees to assist loved ones when a family member is deployed abroad on active military service.

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 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 |

FUNDING

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.

ELIGIBILITY AND PARTICIPATION

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.

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

Are employees required to participate in Paid Family Leave?

Yes. Paid Family Leave is not optional for most employees. An exception is if an employee is eligible for a waiver. An employee is eligible for a waiver if they do not expect to work for the same employer long enough to meet the eligibility requirements. If an employee works a regular schedule of 20 or more hours per week, they are eligible after working 26 consecutive weeks. If an employee works a regular schedule of less than 20 hours per week, they are eligible after working 175 days, which do not need to be consecutive. Employers must offer a waiver to any employee who will not meet these thresholds.

Which family members are covered under Paid Family Leave for a military qualifying event?

You can request Paid Family Leave to assist loved ones when your spouse, domestic partner, child, or parent is on active service in a foreign country or has been notified of an impending call or order of active service to a foreign country. This includes deployment to international waters.

What is needed to demonstrate a domestic partnership?

There are a number of factors that are looked at when determining whether a domestic partnership exists. These include, but are not limited to: common ownership of property, children in common, signs of intent to marry, shared budgeting, and the length of the personal relationship.

Can you take Paid Family Leave and Family and Medical Leave Act (FMLA) at the same time?

If you are eligible to take leave under both Paid Family Leave and FMLA, FMLA can be taken concurrently with Paid Family Leave.

TAKING PAID FAMILY LEAVE

What are some examples of military qualifying events?

Paid Family Leave provides time off to cover events and activities that may arise due to the military family member's deployment. This includes short-notice deployment, attendance at pre- and post-deployment military events, making arrangements for childcare or parental care, counseling, military family member's Rest and Recuperation leave, financial or legal arrangements, or other similar activities.

TAKING PAID FAMILY LEAVE (cont'd)

Can employees use Paid Family Leave to take time off to care for the child of the military family member?

Yes. Paid Family Leave can be taken when the military family member's service or impending service requires the family member requesting Paid Family Leave to make alternate childcare arrangements for the child of the military family member or provide urgent, non-routine childcare to that child.

Paid Family Leave can also be taken to enroll or transfer the child to a new school or day care facility, or attend meetings with staff at a school or day care facility. Ongoing, routine childcare needs are not covered. For example, an employee cannot take Paid Family Leave to watch a military family member's child during summer vacation. However, the employee can take Paid Family leave to arrange for such childcare.

What documentation is required for a Paid Family Leave request for a military qualifying event?

The employee must attach either a copy of the military family member's covered active duty orders, letter from the military unit documenting his or her impending order to covered duty, or documentation of the family member's military leave signed by the approving authority for Rest and Recuperation leave to the Paid Family Leave request. In addition, if the type of qualifying event involves meeting with a third party, documentation such as a meeting announcement, appointment confirmation, or bill is necessary.

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 *Assist Families in Connection with a Military Deployment*. The forms are available from your employer, employer's insurance carrier or directly from 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. Complete the *Military Qualifying Event (Form PFL-5)*, and collect and attach supporting documentation for your leave.
5. Submit *Form PFL-1*, *Form PFL-5*, 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 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

DISPUTES

What if your Paid Family Leave request is denied?

If your Paid Family Leave request is denied, you may request to have the denial reviewed by a neutral arbitrator. Your insurance carrier (or employer, if self-insured) will provide you with the reason for denial and information about requesting arbitration.

DISCRIMINATION AND RETALIATION

What if you are discriminated against for requesting or taking Paid Family Leave?

If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave:

First, you should request that your employer reinstate you. To request reinstatement:

1. Complete the *Formal Request For Reinstatement Regarding Paid Family Leave (Form PFL-DC-119)*.
2. File the completed *Form PFL-DC-119* with your employer.
3. Send a copy to: **Paid Family Leave, PO Box 9030, Endicott, NY 13761-9030.**

Your employer has 30 calendar days to respond to the request.

If your employer does not comply with your request for reinstatement within 30 calendar days, you have the right to a hearing with the NYS Workers' Compensation Board.

To request a hearing, file a discrimination/retaliation complaint:

1. Complete the *Paid Family Leave Discrimination/Retaliation Complaint (Form PFL-DC-120)*.
2. File the completed *Form PFL-DC-120* with your employer.
3. Send a copy to: **Paid Family Leave, PO Box 9030, Endicott, NY 13761-9030.**

The Board will assemble your case and reach out to you to schedule a hearing within 45 calendar days.

NOTE: *To file a complaint, you must have first requested reinstatement as described above.*

An administrative law judge may order an employer to reinstate you, pay any lost wages, pay attorney's fees, and pay up to \$500 in penalties.

For more information:
ny.gov/PaidFamilyLeave
(844) 337-6303

