

As of January 1, 2018, Paid Family Leave provides job-protected, paid time off so you can assist your loved ones when a family member is deployed abroad on active military service.

## What type of military service qualifies?

You can take Paid Family Leave to take care of family matters when a family member is deployed abroad on active military service or has been notified of an impending call or order of active service to a foreign country. This includes deployment to international waters. Your family member may be in the regular Armed Forces, the National Guard, or Reserves.

## 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.

## 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.

## When can you get paid time off?

Examples of qualifying leave during a family member's deployment include:

- **Short-notice deployment:** When the family member is notified within seven days of the start of the deployment.
- **Military events and related activities:** Attending official ceremonies, programs, or family support programs.
- **Childcare and school activities:** Arranging childcare for a minor child of the family member, providing urgent temporary childcare, attending school activities or meetings, or attending meetings with childcare providers.

## When can you get paid time off? (cont'd)

- **Financial or legal arrangements:** Making these arrangements for the family member prior to the deployment and within 90 days of return.
- **Counseling:** Attending counseling for yourself, the family member being deployed or the family member's child.
- **Rest and Recuperation:** When a family member on deployment is on a period of Rest and Recuperation leave.
- **Post-deployment activities:** Attending arrival ceremonies, reintegration briefings, or other events within 90 days of the deployment.
- **Parental care:** Arranging care for the parent of the family member, if the parent is incapable of self-care.

Additional activities may qualify.

**NOTE:** Paid Family Leave is available for the same qualifying events as the federal Family Medical Leave Act (FMLA).

## Which family members qualify?

- Spouse
- Domestic partner
- Child
- Parent

You cannot use Paid Family Leave for your own deployment-related events.

## 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

## 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](http://ny.gov/PFLcalculator).

## 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](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. 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](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**.

