



COVERAGE

What coverage do employers need?

Private employers must have Paid Family Leave insurance in place by January 1, 2018. Generally, coverage will be added to your existing disability benefits policy. The insurance policy will provide payment of the Paid Family Leave benefit to your employees. Public employers may choose to offer Paid Family Leave to their employees.

How can employers get a Paid Family Leave policy?

If you have carrier-provided disability benefits insurance coverage, Paid Family Leave will generally be added as a rider to this policy. If you self-insure for disability benefits, you had the option to either apply to self-insure for Paid Family Leave by September 30, 2017, or you can purchase a Paid Family Leave-only policy. If you want to self-insure in the future, you can contact the Workers' Compensation Board's Self-Insurance Office at selfinsurance@wcb.ny.gov. Guidance for self-insurers is also available on the NYS Workers' Compensation Board website at wcb.ny.gov/content/main/SelfInsureds/selfins_db.jsp.

What if you already offer Paid Family Leave?

You must ensure that your Paid Family Leave benefit offers what the law requires, at minimum; however, you may choose to supplement with a more generous leave policy. Covered employers are required to purchase an insurance policy or provide Paid Family Leave benefits directly if approved as a self-insured employer.

If you pay full wages to your employees while they are on Paid Family Leave, you may seek reimbursement from your insurance carrier for the amount payable under your Paid Family Leave policy.

FUNDING

How is Paid Family Leave funded?

Employees pay for these benefits through a small weekly payroll deduction, which is a percentage of their weekly wages up to a cap set annually. The employee contribution rate is set every year to match the cost of insurance coverage and you use the employee contributions to pay the insurance premium.

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

For example, in 2018, if an employee earns \$27,000 a year (\$519 a week), they will pay 65 cents per week.

Can an employer decide to pay for Paid Family Leave on behalf of their employees?

Yes, an employer may choose to pay for the Paid Family Leave benefit on behalf of employees.

What should employers do with the money they withhold from employees?

The employee contributions that are withheld for Paid Family Leave are to be used to pay for the insurance.

ELIGIBILITY AND PARTICIPATION

Who is eligible to receive Paid Family Leave benefits?

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 schedule of 20 or more hours per week are eligible after working 26 consecutive weeks.
- **Part-time employees:** Employees with a regular 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 citizenship and/or immigration status.

Can employees opt out?

Employees can 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. As the employer, you must offer a Paid Family Leave waiver to employees who will not meet the eligibility requirements. The waiver is available at ny.gov/PaidFamilyLeave. You should keep completed waivers on file.

If the employee's schedule changes and they will now meet the minimum eligibility requirements, the waiver is automatically revoked. An employee may voluntarily revoke their waiver at any time. If their waiver is revoked, you may retroactively collect any deductions from the date the employee signed the waiver.

EMPLOYEE RIGHTS AND PROTECTIONS

What are employees' rights and protections under Paid Family Leave?

- 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 may have to continue paying their portion of the costs, if any.
- **REMEMBER:** Employers are **prohibited from discriminating or retaliating** against employees for requesting or taking Paid Family Leave.

BENEFITS

What are the 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 the employee's 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

EMPLOYER REQUIREMENTS

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).
NOTE: *This 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 their annual wages. However, in no event can an employee's annual contribution exceed \$85.56.
 - To assist you, a deduction calculator is available at ny.gov/PFLcalculator.
- Inform ineligible 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.

RESOURCES

What resources are available to help employers implement Paid Family Leave?

Employers can access fact sheets, Paid Family Leave request forms, model language for employee handbooks, deduction notifications, a weekly deduction calculator, and more on the Paid Family Leave website, ny.gov/PaidFamilyLeave.

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

