



## BENEFITS

### What are the Paid Family Leave benefits?

Benefits are paid directly by the Paid Family Leave insurance carrier or through self-insurance. The Paid Family Leave Act sets certain minimum standards for benefits.

Benefits phase in over four years. In 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). The AWW is the average of the 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

Minimum 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

### As a public employer, are you required to provide Paid Family Leave benefits?

No. As a public employer, you may opt to provide Paid Family Leave benefits for your employees; it is not required. The process to opt in to Paid Family Leave is different, depending on whether you currently provide Disability benefits. See below.

#### What is the process if a public employer currently provides Disability benefits?

**A public employer may opt to have only Disability benefits, only Paid Family Leave benefits, both, or neither. However, if a public employer currently provides Disability benefits, it must follow these steps:**

- If you haven't already done so, email the *Plans Acceptance Unit* of the Workers' Compensation Board at [PAU@wcb.ny.gov](mailto:PAU@wcb.ny.gov) stating whether or not you plan to provide Paid Family Leave to employees in 2018.
- Notify your Disability insurance carrier (if you do not self-insure) of your decision.
- Notify your employees of your decision. If you have employees who are not represented by a union, you may opt in to Paid Family Leave on their behalf. If you have employees who are represented by a union, their participation is subject to collective bargaining. If you wish to provide Paid Family Leave to such employees, you should engage their union(s) to negotiate the terms of their participation.

## As a public employer, are you required to provide Paid Family Leave benefits? (cont'd)

### If you are not opting in to Paid Family Leave:

- If you haven't already done so, email the *Plans Acceptance Unit* of the Workers' Compensation Board at [PAU@wcb.ny.gov](mailto:PAU@wcb.ny.gov) stating that you do not plan to provide Paid Family Leave to employees in 2018.
- Notify your Disability insurance carrier (if you do not self-insure) of your decision.
- Notify your employees. If you have employees who are represented by a union, you should advise any union(s) representing your employees of this decision.
- Even if you choose not to opt in by December 1, 2017 you may choose to do so at a later date.

**Important:** For most private employers, Paid Family Leave will be added to their existing Disability insurance policies. If you are an employer who currently carries Disability insurance, your insurer may **automatically** add Paid Family Leave coverage to your 2018 Disability policy. However, as a public employer, you are not required to add Paid Family Leave insurance to your existing Disability policy; you must **actively elect to opt in**.

### What is the process for employers who do not currently provide Disability benefits?

#### If you decide to opt in to Paid Family Leave:

- Complete the opt in application available at [ny.gov/PaidFamilyLeave](http://ny.gov/PaidFamilyLeave). You may do so at any time.
- Completed applications should be submitted by email to the *Plans Acceptance Unit* of the Workers' Compensation Board at [PAU@wcb.ny.gov](mailto:PAU@wcb.ny.gov).
- If you have employees that are represented by a union, their participation is subject to negotiation.

#### If you are not opting in to Paid Family Leave:

- No action is required.
- You can apply to provide voluntary Paid Family Leave coverage at any time by following the procedure above.

## When would you have to begin offering Paid Family Leave benefits?

If you opted into providing Paid Family Leave for 2018 in 2017, coverage will begin January 1, 2018. Otherwise, you do not need to begin providing the Paid Family Leave benefit on January 1, 2018; you may implement the benefit at a future date.

## How are employee benefits paid?

Employees are paid directly by the Paid Family Leave insurance carrier or by the employer if the employer is self-insured. The Paid Family Leave Act sets certain minimum standards for benefits. In 2018, eligible employees can take up to eight weeks of Paid Family Leave paid at 50% of their average weekly wage (AWW), capped at 50% of the New York State Average Weekly Wage (SAWW). Benefits increase through 2021.

## 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.*

**A public employer must notify all employees who will be required to make contributions and the NYS Workers' Compensation Board 90 days before the first Paid Family Leave employee deduction is made.**

## How can public employers obtain insurance coverage?

If and when you decide to opt in, Paid Family Leave insurance coverage may be secured by:

- providing Paid Family Leave benefits through an existing Disability insurance policy,
- obtaining a stand-alone Paid Family Leave insurance policy, or
- self-insuring for Paid Family Leave.

Public employers that offer disability benefits through an insurance policy **may not** self-insure for Paid Family Leave.

Coverage must be maintained for at least one year and may only be canceled after providing 12 months notice to all affected unrepresented employees and to the Workers' Compensation Board.

For a list of approved insurers offering Paid Family Leave policies, visit [dfs.ny.gov/insurance/pfl/pfl\\_carriers.htm](https://dfs.ny.gov/insurance/pfl/pfl_carriers.htm).

## UNIONS

### How do public employers work with labor unions on Paid Family Leave?

A labor union may negotiate with a public employer for Paid Family Leave benefits at least as favorable as those mandated by statute. Such negotiated programs may not permit eligible employees to opt out of Paid Family Leave, but the collective bargaining agreement may provide other rules that differ from the Paid Family Leave regulations. Where the agreement does not provide a different rule, the Paid Family Leave law and regulations will apply. Paid Family Leave benefit plans that have been incorporated into a collective bargaining agreement must be submitted to the Workers' Compensation Board for approval to ensure that the terms are at least as favorable as what is required by the PFL statute. Plans can be submitted by emailing the Plans Acceptance Unit of the Workers' Compensation Board at [PAU@wcb.ny.gov](mailto:PAU@wcb.ny.gov).

### Which employees are eligible?

Employees with a regular schedule of 20 or more hours per week are eligible for Paid Family Leave after 26 consecutive weeks of employment. Employees with a regular schedule of less than 20 hours per week are eligible after 175 days worked (does not need to be consecutive). Employees are eligible regardless of citizenship and/or immigration status

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

