Agenda

1. Uses of Paid Family Leave
2. Benefits
3. Employee Contributions
4. Eligibility
5. Health Care Providers’ Role
6. Top Questions
7. Resources
8. Questions
Paid Family Leave Basics

Provides **Paid Time Off** and **Job Protection** so employees can:

- Bond with a new child
- Care for a sick family member
- Assist loved ones when a family member is deployed abroad

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Website: www.ny.gov/PaidFamilyLeave
Provides for both parents to bond with a child within the first 12 months of:

- Birth
- Adoption
- Foster Care
Caring for a Sick Family Member

Provides paid time off to care for:

- a family member
- with a serious health condition

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Website: www.ny.gov/PaidFamilyLeave
Caring for a Sick Family Member

Qualifying family members include:

- spouse
- domestic partner
- child
- stepchild
- parent
- parent-in-law
- stepparent
- grandparent
- grandchild

These family members can live outside of New York State and even outside the U.S.
A serious health condition is an illness, injury, impairment, or physical or mental condition requiring either:

1. **inpatient care**; or
2. **continuing treatment or supervision** by a health care provider

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# Caring for a Sick Family Member

<table>
<thead>
<tr>
<th><strong>Reason</strong></th>
<th><strong>Examples</strong></th>
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<tbody>
<tr>
<td>Chronic serious health condition that continues over an extended period of time, requires periodic treatment visits and may cause episodic periods of incapacity</td>
<td>Asthma, diabetes, epilepsy, psychosis, schizophrenia, bipolar disorder, or post-traumatic stress disorder (PTSD)</td>
</tr>
<tr>
<td>Long-term or permanent period of treatment that may not be effective and the family member is under continuing supervision</td>
<td>Alzheimer’s disease, severe stroke, or terminal stage of a disease</td>
</tr>
<tr>
<td>Treatment or recovery from restorative surgery after an accident or other injury, or a condition that would likely result in a period of incapacity of more than three consecutive full days in the absence of treatment</td>
<td>Cancer (chemotherapy and radiation), severe arthritis (physical therapy), or kidney disease (dialysis)</td>
</tr>
<tr>
<td>A period of more than three consecutive full days involving treatment two or more times by a health care provider or treatment on at least one occasion followed by continuing treatment under supervision</td>
<td>A course of prescription medication as a regimen of continuing treatment</td>
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Assisting During a Military Deployment

For assistance when a spouse, child, domestic partner or parent of an employee is deployed abroad on active military service, including:

- Short notice military deployment
- Military events; related activities
- Service member’s rest, recuperation or counseling
- Post-deployment activities
- Making financial/legal arrangements
- Child care arrangements for military member’s child

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Time Off Benefits

Time off benefits phased in starting January 1, 2018 at 8 weeks and will reach 12 weeks by 2021.

* The Department of Financial Services will review the marketplace every year before benefits are increased.

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Benefits phased in starting January 1, 2018 at 50% of an employee’s average weekly wage and will reach 67% by 2021.

* Benefits will be capped at the designated percentage of the New York State Average Weekly Wage

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Employee Rights and Protections

Employees have paid time off and:

● **Job Protection**

● **Health insurance** continued while on leave
  - Employees continue paying their share, if any

● **Protection from discrimination and retaliation** for requesting or taking Paid Family Leave

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Employee Contributions
How Much Do Employees Pay?

● Employees pay for these benefits through a small weekly payroll deduction

● The 2018 payroll contribution is 0.126% of an employee’s weekly wage
  ● Contributions are capped at an annual maximum of $85.56
  ● If an employee earns less than the NYS Average Weekly Wage, their annual contribution will be less than the cap

Example: If an employee earns $27,000 this year ($519 a week), they will pay about 65 cents per week for Paid Family Leave

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# Examples for 2018 Paid Family Leave Coverage

<table>
<thead>
<tr>
<th>Weekly Salary</th>
<th>Weekly PFL contribution</th>
<th>Maximum PFL Time Off</th>
<th>Weekly Pay on PFL</th>
<th>Maximum Paid Benefit</th>
</tr>
</thead>
<tbody>
<tr>
<td>$500 ($26,000 annually)</td>
<td>$0.63/week ($32.76 annually)</td>
<td>8 weeks</td>
<td>$250</td>
<td>$2000</td>
</tr>
<tr>
<td>$1305.92 ($67,907 annually)</td>
<td>$1.65/week ($85.56 annually)</td>
<td>8 weeks</td>
<td>$652.96</td>
<td>$5223.68</td>
</tr>
</tbody>
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Employee Eligibility
Who is Eligible?

- Most employees who work for private employers
- Public employers may opt in
- Public employees represented by a union may be covered if Paid Family Leave is collectively bargained

June 13, 2018

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Employees are eligible if they regularly work:

- **20 or more** hours per week
- **For 26** consecutive weeks
- **Less than 20** hours per week
- **For 175** days

Employees are eligible regardless of their **citizenship and/or immigration status**
Paid Family Leave is Now in Effect:
What is the Health Care Provider’s Role?

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What is the Health Care Provider’s Role?

Health care providers play a critical role in:

- **Educating** patients and their families
- Helping patients receive the care and support they need
- Providing necessary certification or documentation to patients and their families

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Qualifying Health Care Providers:

The following health care providers, within their scope, may complete necessary documentation for Paid Family Leave:

- Physician
- Physician Assistant
- Physical Therapist
- Nurse Practitioner
- Registered Professional Nurse
- Podiatrist
- Optometrist
- Psychologist
- Clinical Social Worker
- Occupational Therapist
- Midwife
- Mental Health Practitioner
- Speech–language pathologist
- Audiologist

To certify a request for leave, a valid medical license is required.
Bonding: Health Care Provider’s Role
Why Paid Family Leave for Bonding is So Important

- New mothers have fewer postpartum depression symptoms, higher breastfeeding rates, and breastfeed longer
- Parents are less stressed and have stronger parent-child bonding
- Infants have fewer infections and are generally healthier
The letter to certify bonding leave for the birth mother must include:

- the mother’s name;
- the expected due date for the child’s birth or the actual date of the child’s birth;
- the physician/provider’s name, address and phone number, and medical credentials (information on the letterhead may be sufficient)
Handling Bonding Leave Requests for Paid Family Leave

The Patient
Requests a letter from you in order to submit request for bonding leave

The Health Care Provider
Provides information for the letter and gives it back to the patient

The Patient
Attaches the letter with other completed request forms and submits to employer’s insurance carrier

The Employer’s Insurance Carrier
Pays or denies request within 18 calendar days of receiving the completed request

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Website: www.ny.gov/PaidFamilyLeave
Family Care: Health Care Provider’s Role
Why Paid Family Leave for Family Care is So Important

- Shorter hospital stays and improved health outcomes
- Satisfaction and personal growth for the caregiver
- Peace of mind that employees can provide needed care for their family without losing their job or income
Family Care - Release of Personal Health Information
Providers may refuse to provide certification to perpetrators of domestic violence or child abuse against the care recipient.
Handling Family Care Requests for Paid Family Leave

The Patient
Submits Release of Personal Health Information and Provider Certification form to their health care provider

The Health Care Provider
Keeps a copy of Release of Information for records;
Completes Provider Certification form;
Returns form to patient/authorized representative

The Patient
Gives completed Certification form to their family member (employee requesting leave)

The Patient’s Family Member (Employee)
Submits the completed Certification form with other forms to their employer’s insurance carrier

The Employer’s Insurance Carrier
Pays or denies request within 18 calendar days of receiving the completed request

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Timely Completion of the Provider Certification Form

Health care providers must:

● Answer their portion of the *Health Care Provider Certification for Care of a Family Member with Serious Health Condition (Form PFL-4)* in order for the family member to take Paid Family Leave

● Recognize that timely completion of this form is critical to the family member submitting their completed request for Paid Family Leave. Family members must submit **within 30 days of start of leave** or risk losing benefits

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Handling Disputes

- If an employee’s Paid Family Leave request is denied, they may request a review by a neutral arbitrator
- Additional medical records may be needed if the employee’s request is denied
- An independent medical examination may be requested
Top Questions on Paid Family Leave for Health Care Providers
Can Paid Family Leave be used for patients who live outside of New York or the country?

- Location of the patient does not matter as long as the family member (employee) providing care is in close proximity during the majority of the leave period.

- Out-of-state/out-of-country health care providers responsible for completing medical certification.
How are Paid Family Leave and the Federal Family and Medical Leave Act (FMLA) similar?

The federal Family Medical Leave Act is a United States labor law that provides job-protected, unpaid leave for employees for qualified medical and family reasons.
How are Paid Family Leave and FMLA similar?

Both Paid Family Leave and the Family and Medical Leave Act provide:

- **Leave for:**
  - bonding with a child
  - caring for sick family members
  - assisting family when a service member is deployed abroad
- **Job protection**
- **Continued health insurance during leave**

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### How do Paid Family Leave and FMLA Differ?

<table>
<thead>
<tr>
<th></th>
<th>PFL</th>
<th>FMLA</th>
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<tbody>
<tr>
<td><strong>Benefits</strong></td>
<td>Paid</td>
<td>Unpaid</td>
</tr>
<tr>
<td><strong>Coverage</strong></td>
<td>• All private employers</td>
<td>• Public and private employers</td>
</tr>
<tr>
<td></td>
<td>• Public employers may opt in</td>
<td>• 50 or more employees in a 75-mile radius</td>
</tr>
<tr>
<td></td>
<td>• One or more employees in any calendar year</td>
<td></td>
</tr>
<tr>
<td><strong>Eligibility</strong></td>
<td>• After 26 consecutive weeks of employment if regularly working 20 or more hours per week</td>
<td>• 12 months of employment</td>
</tr>
<tr>
<td></td>
<td>• After 175 days worked if regularly working less than 20 hours per week</td>
<td>• 1,250 hours of work in the 12-month period preceding leave</td>
</tr>
<tr>
<td><strong>Reason for Leave</strong></td>
<td>• Employees cannot use for own serious health condition</td>
<td>• Employee can use for own serious health condition</td>
</tr>
<tr>
<td></td>
<td>• Can be used to care for a child of any age</td>
<td>• Can only be used to care for a child if the child is under 18 years old, or “incapable of self-care because of a mental or physical disability”</td>
</tr>
<tr>
<td><strong>Length of Leave</strong></td>
<td>• Only in full-day increments</td>
<td>• Hourly basis</td>
</tr>
<tr>
<td><strong>Paid Time Off</strong></td>
<td>• Employers cannot require employees use paid time off while on PFL</td>
<td>• Employer can compel an employee to use paid time off while on FMLA</td>
</tr>
</tbody>
</table>
If PFL and FMLA run concurrently, do I have to certify leaves separately?

Not directly stated in law and regulations but may depend on:

- The insurance carrier’s business processes
- The employer’s practice on designating leave under FMLA

Employee seeking leave should tell you whether both forms are necessary
How long is the release of personal health information valid for?

- Health care providers should keep a copy of the release on file
- The release will be valid for one year, or earlier if your patient revokes it
How much time do I have to complete the certification form?

- Complete *Form PFL-4* as soon as possible
- Employees must submit *Form PFL-4* to their employer’s Paid Family Leave insurance carrier within 30 days of the start of their leave or risk losing Paid Family Leave benefits
Can I refuse to complete the certification?

You can decline to complete *Form PFL-4* if you believe that leave is not warranted.

**For example:**

- The patient’s health condition is not serious
- The patient’s family member is the perpetrator of domestic violence or child abuse against your patient
Paid Family Leave is Here

Helpline: (844) 337-6303  
Website: www.ny.gov/PaidFamilyLeave
Learn More

Visit ny.gov/PaidFamilyLeave to access:

- Detailed information on Paid Family Leave
- Paid Family Leave Request Forms
- Frequently asked questions
- Fact Sheets and FAQs
Learn More

Helpline:
(844) 337-6303

Website:
ny.gov/PaidFamilyLeave

Get Email Updates:
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Questions?

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