

As of January 1, 2018, Paid Family Leave provides you with a structure to help your employees care for their families in times of need. Paid leave has been shown to increase workplace morale and employee retention. New York Paid Family Leave is fully funded by employee payroll contributions.

Paid Family Leave provides job-protected, paid time off to employees who need time away from work to:



BOND

with a newly born, adopted, or fostered child



CARE

for a family member with a serious health condition



ASSIST

loved ones when a family member is deployed abroad on active military service

What coverage do employers need?

Most private employers with one or more employees in employment in New York State are required to have Paid Family Leave insurance in place. Generally, this coverage is added to your existing disability benefits policy. The insurance policy provides payment of the Paid Family Leave benefit to your employees. Public employers may choose to offer Paid Family Leave to their employees. Public employers with union-represented employees may offer Paid Family Leave if it is negotiated through collective bargaining.

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.

How is Paid Family Leave funded?

Paid Family Leave is funded through employee payroll contributions that are set each year to match the cost of coverage. The rate of employee contributions is reviewed annually, and is subject to change by the New York State Department of Financial Services. Visit [PaidFamilyLeave.ny.gov/cost](https://www.paidfamilyleave.ny.gov/cost) for the current contribution rate and annual maximum contribution.

What are the benefits?

Paid Family Leave provides time off and wage replacement benefits that phase in completely in 2021. Eligible employees can take time off and receive a percentage of their average weekly wage (AWW), capped at the same percentage of the New York State Average Weekly Wage (SAWW). The SAWW is updated annually. The employee's AWW is the average of the employee's pay for the last eight weeks in which the employee worked and received wages prior to starting Paid Family Leave.

BENEFITS INCREASE THROUGH 2021		
Year	Weeks of Leave	Benefits
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

*The cap for 2019 is 55% of the 2017 calendar year SAWW, \$1,357.11.



Who is eligible for Paid Family Leave?

Employees who work for covered employers are eligible to take Paid Family Leave for a qualifying event once they have met the minimum requirements:

- **Full-time employees:** Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment with their employer.
- **Part-time employees:** Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days for their employer, which do not need to be consecutive.

Citizenship and/or immigration status is not a factor in employee eligibility.

How can Paid Family Leave help your employees' family?

- **Bonding with a child:** An employee can bond with a newly born, adopted, or fostered child within the first 12 months of birth or placement.
- **Caring for a family member:** An employee can take time to care for a spouse, domestic partner, child/stepchild, parent/stepparent, parent-in-law, grandparent, or grandchild with a serious health condition.
- **Assisting a service member:** An employee can take time to assist a spouse, domestic partner, child/stepchild, parent/stepparent or parent-in-law when they are deployed abroad on active military service.

Can employees opt out?

Paid Family Leave coverage is not optional for most employees. Employees can only waive coverage if they:

- regularly work fewer than 20 hours per week and won't work 175 days in a year, or
- regularly work 20 or more hours per week but won't be in employment 26 consecutive weeks.

If an employee meets the criteria for waiving coverage, you must provide them with a waiver form, which is also available on the Paid Family Leave website. If an employee chooses to waive coverage, they will not make contributions and will not be eligible for Paid Family Leave benefits. You must keep a copy of an employee's waiver on file.

Can waivers be revoked?

If an employee's schedule changes such that they no longer qualify for a waiver, their waiver will be automatically revoked within eight weeks of the schedule change. An employee can also voluntarily revoke a waiver at any time.

If an employee's waiver is revoked, you can begin taking Paid Family Leave contributions and collect any retroactive amounts due back to the date the waiver was signed. Keep in mind, however, that any amounts collected in excess of the PFL premium charged by your carrier must be promptly returned to employees.

What is the employer's role in the request process?

Employees are responsible for submitting Paid Family Leave requests to your insurance carrier; it is not your responsibility as the employer. Your role is simple:

- **Employees notify you:** Employees must notify you (as their employer) at least 30 days before the start of leave if it's foreseeable; otherwise, they must notify you as soon as possible.
- **Provide request forms:** You should have Paid Family Leave request forms available to give employees upon request. They can also get these forms from your insurance carrier or directly from PaidFamilyLeave.ny.gov/forms.
- **Complete the employer's portion of request forms:** The *Request for Paid Family Leave (Form PFL-1)* includes a section (*Part B*) to be completed by the employer. When employees give you this form, you have three business days to complete *Part B* and return the form to them. If there is a delay, employees do not have to wait to proceed. They can send the *Form PFL-1* that they have filled out, along with the rest of their request package, directly to the insurance carrier. Their request cannot be considered incomplete solely because you did not fill out *Part B* of *Form PFL-1* within three business days.

Employees must submit their completed request package to the insurance carrier within 30 days after the start of their leave to avoid losing benefits. In most cases, the insurance carrier must pay or deny benefits within 18 days of receiving a completed request or the employee's first day of leave, whichever is later.



Employer's Checklist

New York State designed Paid Family Leave to be easy for employers to implement. Below is a checklist of your responsibilities under the law.

Ensure you have Paid Family Leave insurance.

- If you are required to carry disability benefits insurance, you are also required to carry Paid Family Leave.
- For a list of insurers offering disability benefits and 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.

- Employee handbooks and/or other written guidance to employees must include information on Paid Family Leave.
- Model language for these materials is available to download in the Employer section of PaidFamilyLeave.ny.gov. You can customize it, or just fill in a few blanks and print it as is.
- Have a *Statement of Rights (Form PFL-271S)* available for employees. This form is also available in the Employer section of PaidFamilyLeave.ny.gov.

Collect employee payroll contributions to pay for the insurance.

- You may withhold employee contributions at the rate set by DFS each year to pay for the cost of the insurance until employees reach their annual maximum contributions.
- Details on the current deduction rate and annual maximum contribution, along with a deduction calculator, are available at PaidFamilyLeave.ny.gov/cost.
- It is strongly recommended you notify employees before withholding any contributions. A model notification is available in the Employer section of PaidFamilyLeave.ny.gov.

Offer waivers to those who qualify.

- Identify all employees who regularly work fewer than 20 hours per week and won't work 175 days in a year, or who regularly work 20 or more hours per week but won't be in employment for 26 consecutive weeks.
- You must offer these employees a waiver form, which is available at PaidFamilyLeave.ny.gov.
- Keep all employee waivers on file.

Post an employee notice.

- Your insurance carrier provides you with a *Notice of Compliance (Form PFL-120)* — also known as “*Notice to Employees*” — stating that you have Paid Family Leave insurance and key information about the benefit.
- 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 benefits insurance is displayed.

Handle requests.

- When an employee applies for leave, they will give their *Request for Paid Family Leave (Form PFL-1)* to you to complete the employer's section (*Part B*).
- Complete *Part B* and return the form to the employee within three business days.

For more information, including Paid Family Leave forms and other resources for employers, visit PaidFamilyLeave.ny.gov or call (844) 337-6303.

