



# Farm Laborers Fair Labor Practices Act EMPLOYER'S CHECKLIST

FALL  
2019

## Disability Benefits (DB) and Paid Family Leave (PFL)

### □ OBTAIN COVERAGE

- If you have a policy, contact your insurance carrier to obtain additional coverage for farm laborers. This coverage must be in place by January 1, 2020.
- If you do not have a policy, and you have employees as of January 1, 2020, you will be considered a covered employer 30 days after that date. You will then have another four weeks until coverage needs to be in place. If you don't have any employees on January 1, 2020, when you eventually hire them, you will have four weeks from their 30th day of employment to have coverage in place.
  - PFL is generally included as a rider on a DB policy.
  - Visit the PFL section of the Department of Financial Services (DFS) website for a list of insurance carriers offering DB and PFL policies. For information on self-insurance, visit the self-insured employers section of the Workers' Compensation Board (Board) website.
  - Employers are not required to obtain coverage for their own minor children, or students in elementary and secondary schools.

### □ INFORM YOUR EMPLOYEES

- Include information about DB and PFL in your employee handbook and/or other written guidance to employees. Model language is available in the Employer section of [PaidFamilyLeave.ny.gov](http://PaidFamilyLeave.ny.gov).
- Have a *Statement of Rights for DB (Form DB-271S)* and a *Statement of Rights for PFL (Form PFL-271S)* available for employees by January 1, 2020. Those are available at [PaidFamilyLeave.ny.gov](http://PaidFamilyLeave.ny.gov) or from your insurance carrier.

### □ POST NOTICES OF DB AND PFL COVERAGE

- Get the *DB Notice of Compliance (Form DB-120)* and *PFL Notice of Compliance (Form PFL-120)* from your insurance carrier, or from the Board if you are self-insured.
- Post these forms where your employees are sure to see them.

### □ OFFER PFL WAIVERS TO THOSE EMPLOYEES WHO QUALIFY

- Identify employees who:
  - regularly work fewer than 20 hours per week and won't work 175 days in a year, and/or
  - regularly work 20 or more hours per week but won't be in employment for 26 consecutive weeks.
- Offer these employees a waiver form, available at [PaidFamilyLeave.ny.gov](http://PaidFamilyLeave.ny.gov).
- Keep all employee waivers on file.

### □ COLLECT EMPLOYEE PAYROLL CONTRIBUTIONS TO PAY FOR COVERAGE

- For DB, employee payroll contributions pay for a portion of the coverage. You may withhold one half of 1 percent of an employee's gross wages, up to a maximum of 60 cents per week. You must pay the remaining cost.
- For PFL, employee payroll contributions pay for the entire cost of coverage. The withholding rate is set by DFS each year.
- Details on the current deduction rate and annual maximum contribution for PFL, as well as a deduction calculator, are available at [PaidFamilyLeave.ny.gov/cost](http://PaidFamilyLeave.ny.gov/cost).
- It is strongly recommended that you notify employees before taking any deductions.

## Workers' Compensation

### □ OBTAIN COVERAGE

- You may purchase a workers' compensation policy from one of the more than 200 private insurance carriers authorized by the DFS. You may also purchase a policy from the State Insurance Fund, a public insurance carrier in New York State, by calling (888) 875-5790. For information on self-insurance, visit the self-insured employers section of the Board's website.

### □ POST NOTICES OF WORKERS' COMPENSATION COVERAGE IN ENGLISH AND SPANISH

- Get the *Notice of Compliance (Form C-105)* from your workers' compensation insurance carrier or from the Board if you are self-insured.
- These forms must be posted in a conspicuous spot in your place of business.