

New York State Paid Family Leave provides job-protected, paid time off so you can:



### 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

Your gender, gender identity, or sexual orientation has no impact on your eligibility for Paid Family Leave, nor does the gender, gender identity, or sexual orientation of family members who need your care or assistance.

## Who is covered under Paid Family Leave?

Most employees who work for private employers in New York State (NYS) are covered under Paid Family Leave (PFL). If you are a public employee, you may be covered if your employer has opted in to provide the benefit. Union-represented public employees may be covered if the benefit has been negotiated through collective bargaining.

## How can Paid Family Leave help you and your family?

- **Bonding with a child:** You can take time to bond with your newly born, adopted, or fostered child within the first 12 months of birth or placement.
- **Caring for a family member:** You can take time to care for your spouse, domestic partner, child/stepchild, sibling (biological, adopted, half, and step), parent/stepparent, parent-in-law, grandparent, or grandchild with a serious health condition.
- **Assisting a service member:** You can take time to assist when a spouse, domestic partner, child, or parent is called to active military service abroad.

## Who is eligible for Paid Family Leave?

If you are covered under PFL, you're eligible to take it for a qualifying event once you have met the minimum requirements:

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

Citizenship and/or immigration status is not a factor in your eligibility. Some part-time or seasonal employees may qualify for a waiver to opt out of coverage. Visit [paidfamilyleave.ny.gov/protections#opting-out](https://paidfamilyleave.ny.gov/protections#opting-out) to learn more.

To find out your eligibility for each qualifying event, visit [paidfamilyleave.ny.gov/employees](https://paidfamilyleave.ny.gov/employees).

## What are your rights and protections under Paid Family Leave?

- **Job protection:** You are guaranteed to return to the same or comparable job after you take leave.
- **Health insurance:** Your coverage continues while on leave on the same terms as if you continued working. If you contribute to the cost of your health insurance, you must continue to pay your portion while on leave.
- **Discrimination & retaliation:** Your employer is prohibited from discriminating or retaliating against you for requesting or taking PFL.

## What are the benefits?

You can take up to 12 weeks of PFL and receive 67% of your average weekly wage (AWW), capped at 67% of the New York State Average Weekly Wage (NYSAWW). Generally, your AWW is the average of your last eight weeks of pay prior to starting PFL. The NYSAWW is updated annually and published on the NYS Department of Labor's website. See [dol.ny.gov](https://dol.ny.gov).

**12 WEEKS**  
**67% OF YOUR PAY**  
 (capped at 67% of NYSAWW)

## 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 contribution rate is reviewed annually, and is subject to change by the NYS Department of Financial Services. Visit [PaidFamilyLeave.ny.gov/cost](https://PaidFamilyLeave.ny.gov/cost) for the current contribution rate and annual maximum contribution.

## Who qualifies as a domestic partner?

A domestic partner is defined broadly under the PFL law. It can include people who are not related by blood and are dependent on one another for support. For example, you may be able to prove you are in a domestic partnership by showing that you and your partner own property together or have children in common. A legal relationship is not necessary.

## What is your eligibility for bonding with a newly born, adopted, or fostered child?

- Expectant birth parents **cannot** take Paid Family Leave for their own pregnancy. They **can** take Paid Family Leave after the baby is born.
- New parents may take Paid Family Leave during the first 12 months following the birth, adoption, or foster placement of a child.
- Parents who work for different employers can take Paid Family Leave at the same time to bond with the same child. Parents who work for the same employer and want to take Paid Family Leave at the same time to bond with the same child may do so unless their employer objects. In that case, they can take leave separately over the first 12 months following the child's birth, adoption, or foster placement.

### PROOF OF PARENTAL RELATIONSHIP

Childbirth	Adoption	Foster Care
<p>Acceptable forms of documentation include:</p> <ul style="list-style-type: none"> <li>■ A birth certificate, if available.</li> <li>■ If no birth certificate is available, documentation of pregnancy or birth from a health care provider including the birthing parent's name and child's due or birth date.</li> <li>■ If none of the above are available, a <i>Court Order of Filiation</i>, or <i>Voluntary Acknowledgment of Paternity</i>.</li> <li>■ If none of the above are available, documentation of the birth including the birthing parent's name and child's due or birth date and a second document verifying the parent's relationship with the birthing parent or child (e.g., marriage certificate or evidence of a civil union or domestic partnership).</li> <li>■ If none of these documents are available, a parent may submit other documentary evidence of their parental relationship to the child, to be evaluated on a case-by-case basis.</li> </ul>	<p>In adoptions, a court document finalizing adoption must be provided, or a document showing that the adoption process is underway if leave is pre-adoption (e.g., a signed statement from an attorney, adoption agency, or adoption-related social service provider). If the second parent is not named in the adoption document, a second document must be filed verifying the relationship to the parent named in the adoption document.</p>	<p>For foster care, a letter of placement issued by a county or city department of social services or a local volunteer agency is required. If a second parent is not named in the documentation, a copy of the letter, plus a second document verifying the relationship to the parent named in the foster care placement letter is needed.</p>



## How do you apply?

Requesting PFL is easy. Start by planning your leave:

- Leave can be taken either all at once or intermittently, but must be taken in full-day increments.
- You must notify your employer at least 30 days before the start of leave if it's foreseeable; otherwise, you must notify your employer as soon as possible.

Once you're ready to apply, follow these three steps:

- 1. COLLECT YOUR FORMS AND DOCUMENTATION:** You can get PFL forms from your employer, your employer's insurance carrier, or directly from [PaidFamilyLeave.ny.gov/forms](https://PaidFamilyLeave.ny.gov/forms). Your form packet will include the *Request for Paid Family Leave (Form PFL-1)*, along with any additional forms needed for the type of leave you want to take. The form instructions will detail what, if any, supporting documentation you will need to submit as part of your PFL request.
- 2. COMPLETE & ATTACH:** Complete the forms for the specific type of leave you are planning to take. Note that *Form PFL-1* has parts that need to be completed by you and by your employer. Fill out your section, make a copy, and give the form to your employer to fill out **Part B**. Your employer is required to return *Form PFL-1* to you within three business days. If there is a delay, you do not have to wait to proceed. Send the *Form PFL-1* that you have filled out, along with the rest of your request package, directly to your employer's insurance carrier.
- 3. SUBMIT WITHIN 30 DAYS:** You must submit your completed request package to your employer's insurance carrier within 30 days after the start of your leave to avoid losing benefits.
  - To find out who your employer's PFL insurance carrier is, you can:
    - Look for the PFL poster in your workplace.
    - Ask your employer.
    - Look it up using the employer coverage search application on [wcb.ny.gov](https://wcb.ny.gov).
  - If you cannot find your employer's insurance carrier, call the **Paid Family Leave Helpline** for assistance at **(844) 337-6303**. The Helpline is available Monday through Friday, 8:30 a.m. to 4:30 p.m.

In most cases, the insurance carrier must pay or deny benefits within 18 days of receiving your completed request or your first day of leave, whichever is later. Your request cannot be considered incomplete solely because your employer did not fill out **Part B** of *Form PFL-1* within three business days.

**IT IS YOUR RESPONSIBILITY TO SUBMIT THE FORMS TO YOUR EMPLOYER'S INSURANCE CARRIER.  
IT IS NOT YOUR EMPLOYER'S RESPONSIBILITY.**

For more information, visit [PaidFamilyLeave.ny.gov](https://PaidFamilyLeave.ny.gov) or call **(844) 337-6303**.



**Paid Family  
Leave**