

# New York State Paid Family Leave (NYS PFL)

Starting in January 2018, Paid Family Leave (PFL) becomes a mandatory benefit in New York, providing you with job protection and paid time off for these qualifying events:



TO PROVIDE CARE FOR A FAMILY MEMBER WITH SEVERE HEALTH CONDITION



TO BOND WITH A CHILD AFTER BIRTH, ADOPTION, OR TO WELCOME A CHILD INTO FOSTER CARE



TO COPE WITH A MILITARY EXIGENCY LEAVE EVENT

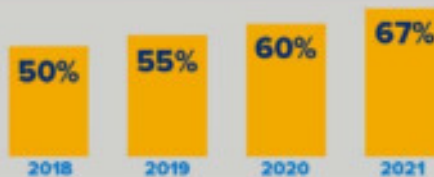
## PFL BENEFITS PHASE IN OVER 4 YEARS WITH GRADUALLY INCREASING BENEFIT AMOUNTS AND DURATION.

Paid Family Leave starts January 1, 2018 and phases in over four years



When fully phased-in, NY will have the longest and most comprehensive paid family leave program in the nation.

Benefits provide the employee a percentage of their average weekly wage



Benefits will be phased in starting in 2018 and capped at 67% of the statewide \*average weekly wage when fully implemented in 2021.

## TOP FACTS TO KNOW ABOUT NY PFL

- There is no **waiting period** but there is a **qualifying period**.
- For foreseeable events, employees should provide their employer with a **30 day notice** or as soon as reasonably practicable.
- PFL defines qualifying family members as: spouse, domestic partner, child, parent, grandparent, or grandchild including biological, foster or adoptive as well as step parents and in-laws.
- Employers are not permitted to require employees to use their available paid leave time (such as vacation or sick days) towards their PFL benefit. However, employees do have the option to use accrued paid time off during PFL.
  - Employees will receive their full salary (as opposed to a percentage provided by PFL)
  - Employees will not be able to collect paid time off pay and PFL monetary benefits simultaneously; PFL will provide job protection
- If an employee qualifies for both DBL and PFL, the combined duration cannot exceed **26 weeks** in a **consecutive 52-week** period.
- Employees receiving partial Worker's Compensation benefits may still qualify for PFL. However, if they are not working and collecting WC they may not use PFL at the same time.
- Employees may have multiple paid family leave claims open at the same time for intermittent PFL (care for ill child and care for ill parent).
- Spouses who both work for the same employer and need leave at the same time to care for the same family member, or to bond with a child, the request may be denied for one of the spouses.
- PFL is only available in full day increments, but it can be taken intermittently so you can take only the full days off during the week (such as every Friday).

## WHAT ARE THE ELIGIBILITY REQUIREMENTS?

- An employee is considered eligible if they **physically work** in New York State or they **reside and work from their home** in NYS.
- Employees must work **20 or more hours per week** and must have been employed at least **26 consecutive weeks** at their current employer.
- If an employee works part-time (less than 20 hours a week), they must have completed at least **175 work days** at their current employer.
- If an employee has changed jobs, their time worked at the previous employer **does not** count towards their time at the current employer. In other words, the employee starts over with a new qualification period.
- Time out on DBL (statutory disability insurance) **does not** count towards an employee's qualification period.
- Any employee on administrative leave, working for an exempt employer, receiving total disability or workers compensation is **not** eligible for PFL.

## HOW IS PFL FUNDED?

**PFL** will be funded through nominal payroll deductions on employees. An employee's maximum contribution is 0.126% of their weekly wage (capped at \$67,907.84 per year by NYSAWW for 2018). A maximum rate of employees' contributions will be established each year. Employers may start deductions on a new employee's first day.

**Employers may begin payroll deductions  
JULY 1, 2017**

\*The New York State Department of Labor's Research and Statistics Division has computed the New York State Average Weekly Wage (NYSAWW) for calendar year 2018 to be \$1,305.92.

# NY Paid Family Leave (PFL) vs. Family & Medical Leave Act (FMLA)



Passed in 1993, **FMLA** was the first piece of federal legislation to protect time off for major health and family leave events like bonding with a newborn or caring for a seriously- ill family member. It provides up to 12 weeks of unpaid yet protected time off.



**PFL**, passed 2016, takes FMLA a step further by providing protected time off at partial pay in New York State beginning in 2018.

## WHO IS ELIGIBLE?

**PFL** covers employees working in **NEW YORK** as a **“covered employer”** with **1+ EMPLOYEES**.

Employees working 20+ hours a week must have been employed for at least **26 consecutive weeks** at their current employer .  
Employees working less than 20 hours per week must have worked at least **175 days** for their current employer.

**FMLA** is for employees working at **“any” organization in the US** with **50+ EMPLOYEES**.

Employees must have been at their current employer for **12 consecutive months**, working at least **1,250 hours** in the months preceding FMLA leave

### WHAT CAN YOU USE IT FOR?



Caring for your own personal injury or illness

**PFL** **FMLA**



Bonding with a newborn, adopted or foster child

**PFL** **FMLA**



Caring for a seriously ill family member

**PFL** **FMLA**



Time to attend to family matters due to a qualifying military exigency

**PFL** **FMLA**

## WHAT BENEFITS DO YOU HAVE?

Vacation and sick time accrual during leave happens at the **EMPLOYER’S DISCRETION** for **both PFL** and **FMLA**. The key is that all employees are treated equally and that the employer has a clear policy in place. With **PFL** employers **cannot require** an employee to use any of their sick or vacation time while they are on leave. Under **FMLA**, employers **have the option to require** an employee to use their existing sick or vacation time while they are on leave.



### PFL is PAID

Provides 67% of the employee’s Average Weekly Wage, capped at New York’s AWW once fully implemented in 2021\*

\*Begins at 50% of the AWW capped at 50% of the New York’s AWW in 2018



### FMLA is UNPAID

Provides no monetary benefits



Both **PFL** and **FMLA** provide **JOB PROTECTION**

All employees are entitled to return to their previous position, or its equivalent in pay and benefits

### HOW MUCH TIME OFF CAN YOU RECEIVE?



**PFL** provides up to **12 WEEKS** of total leave time in increments of **1 FULL DAY**



**FMLA** provides up to **12 WEEKS** of total leave time in increments of **15 MINUTES**

### WHAT HAPPENS BEFORE YOU LEAVE?



**30 DAY NOTICE**

Employees must give 30- days notice for foreseeable leave for both **FMLA** and for **PFL**

## WHO QUALIFIES AS A FAMILY MEMBER?

### CARE-GIVING

PFL	<b>Spouse</b>	FMLA
PFL	<b>Domestic Partner</b>	FMLA
PFL	<b>Child</b>	FMLA
PFL	<b>Parent</b>	FMLA
PFL	<b>Grandparent</b>	FMLA
PFL	<b>Grandchild</b>	FMLA

### MILITARY CARE-GIVING

PFL	<b>Spouse</b>	FMLA
PFL	<b>Domestic Partner</b>	FMLA
PFL	<b>Child</b>	FMLA
PFL	<b>Parent</b>	FMLA
PFL	<b>Grandparent</b>	FMLA
PFL	<b>Grandchild</b>	FMLA

### WHO IS CONSIDERED A PARENT OR CHILD

PFL	<b>Biological</b>	FMLA
PFL	<b>Adoptive</b>	FMLA
PFL	<b>Step</b>	FMLA
PFL	<b>Foster</b>	FMLA
PFL	<b>In-Laws</b>	FMLA
PFL	<b>Domestic Partner’s Child</b>	FMLA
PFL	<b>18 or Older</b>	FMLA