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New York Paid Family Leave Program

prepared by

ONEGROUP

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This presentation provides a general overview of the regulations of the New York State Paid Family Leave Benefits Law. It is intended as a brief introduction to the NY Paid Family Leave Program. A more thorough explanation of the program is contained in the Paid Family Leave Company Policy, posting, and insurance policies. In the event of a discrepancy between the terms of this presentation and the official policy documents, the official policy documents will govern.

Presentation Sources: ny.gov/paidfamilyleave; tax.ny.gov; labor.ny.gov

Agenda

- Benefit Overview
- Employee Rights & Obligations
- How to Apply
- Next Steps

NY Paid Family Leave – Benefit Overview

Beginning January 1, 2018, the New York State Paid Family Leave Program (PFL) will provide employees in New York paid time off to:

- **bond** with the employee's newly born, adopted, or fostered child;
- **care** for a close family member with a serious health condition; or
- **assist** with family obligations due to the deployment or impending call or order to active military service of a relative.

PFL covers private sector employers with **one or more employees** who are subject to the NY Disability Benefits Law (DBL).

NY Paid Family Leave – Benefit Overview

Employee Eligibility

- Employees who work 20 or more hours per week are eligible after being employed for 26 consecutive weeks
- Employees who work less than 20 hours per week are eligible after 175 days worked

Paid Family Leave is not available for an employee's own serious health condition.

NY Paid Family Leave – Benefit Overview

Full implementation is scheduled to phase-in as set forth below¹:

Year	Maximum Weeks of Leave ²	Maximum % of Employee's Average Weekly Wage (AWW)	Up to the Max % of NY State's Average Weekly Wage (NYSAWW) ³	Maximum Weekly \$ Amount Based on Current NYSAWW of \$1,305.92 ³
2018	8	50%	50%	\$652.96
2019	10	55%	55%	\$718.26
2020	10	60%	60%	\$783.55
2021	12	67%	67%	\$874.97

¹The Superintendent of Financial Services will have discretion to delay the increases in the benefit level if such increases will have a negative impact on the State's economy

²The maximum leave may be taken in any given 52-consecutive week period, starting on the 1st day the employee takes leave

³The 2017 NYSAWW is currently \$1,305.92 and will be updated annually on March 31st by the NYS DOL; \$1,305.92 per week equates to approximately \$67,908 on an annual basis

NY Paid Family Leave – Benefit Overview

Payroll Deductions

- Employees will have a new payroll deduction of 0.126% of each employee's weekly wages, capped at 0.126% of the NYSAWW (\$1.65/week or \$85.56/year) in 2018
- The employee contribution will be a post-tax deduction
- Payroll contributions can begin as early as July 1, 2017

NY Paid Family Leave – Employee Rights and Obligations

- Employees who take Paid Family Leave may not be discriminated or retaliated against by their employer
- Employees must be restored to the same position or a comparable position upon return from leave, and must be allowed to continue their health insurance while on leave
- Employees will be responsible for notifying their employer of their intent to use Family Leave benefits, and for filing a request for Paid Family Leave, including supporting documentation
- Employees will file a claim directly with the insurance carrier

NY Paid Family Leave – Employee Rights and Obligations

- Employees may continue health insurance while on leave and may be required to continue to pay their portion of the premium cost while on Paid Family Leave
- Employees cannot be *required* to use accrued paid time off benefits (vacation, sick, PTO, etc.) while on Paid Family Leave
- Employers can *permit* employees to use accrued paid time off benefits while on Paid Family Leave

NY Paid Family Leave – How to Apply

- Employees notify Company 30 days prior to leave, when practical
- Employees complete a claim form according to Company instructions. Claim forms will be available from the Company, insurance carrier, or ny.gov/paidfamilyleave
- Employees obtain supporting documentation for leave (birth certificate, military deployment certification, etc.)
- Employees submit claim form and supporting documentation to insurance carrier or as directed by the Company
- Insurance carriers must pay or deny a claim within 18 days of receipt of the completed claim

NY Paid Family Leave – Next Steps

- Familiarize yourself with the Company's Paid Family Leave policy
- Check out the NY Paid Family Leave Poster, included with all other employment postings
- Review current Company leave procedures regarding notification requirements
- Additional information can be found at ny.gov/paidfamilyleave