

# > New York Paid Family Leave

## FREQUENTLY ASKED QUESTIONS

### What is the New York Paid Family Leave Law?

Effective January 1, 2018, the state of New York will require that employers provide paid family leave (PFL) for eligible employees working in New York State. PFL ensures that qualified employees continue to receive pay while away from work due to a covered absence.



### WHAT IS A QUALIFYING EVENT FOR PFL?

- Bonding with a newborn, adopted or foster child during the first 12 months
- Caring for a family member with a serious health condition. A family member includes: a child, spouse, domestic partner, parent, grandparent, grandchild or parent of a spouse/partner
- Attending to important matters concerning a family member's active military service
- PFL is not available for an employee's own serious health condition

### WHO IS ELIGIBLE?

Full-time employees must be employed for 26 consecutive weeks to be eligible. Part-time employees (those working less than five days a week), are eligible on the 175th day of regular employment and may take leave on the first full day following.

### WHAT ARE THE BENEFIT AMOUNTS?

Eligible employees starting 1/1/2018 will receive up to 8 weeks of leave, paid at 50 percent of the employees average weekly wage, capped at 50 percent of the state average weekly wage. Each year the benefit increases as follows:

Year	Weeks Available	Max % of Employee Salary	Cap % of State Average Weekly Wage
1/1/2018	8	50%	50%
1/1/2019	10	55%	55%
1/1/2020	10	60%	60%
1/1/2021	12	67%	67%

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### **HOW WILL DISABILITY INSURANCE (DBL) AND PAID FAMILY LEAVE (PFL) INTEGRATE?**

The maximum leave for an employee for both DBL and PFL cannot exceed 26 weeks in a 52-week period. An employee cannot take PFL and DBL at the same time.

### **HOW DOES PFL COORDINATE WITH PAID TIME OFF (PTO)?**

Under the current law, employers may offer the employee the opportunity to take PFL instead of PTO; however, the employee is not required to accept the exchange.

### **WILL PFL BE A RIDER OF DBL?**

Yes, PFL will be a rider.

### **WILL MATERNITY LEAVE FOR WOMEN BE COVERED UNDER PFL, DBL OR BOTH?**

Under PFL, women and men may take leave for bonding with children under the age of one year. Women may still take leave for the birth of a child under DBL; however, an employee cannot take PFL *and* DBL at the same time.

### **HOW WILL FMLA AND PFL INTEGRATE?**

If an employee takes PFL, the employee uses FMLA concurrently. If an employee does not qualify for FMLA the employee has very similar rights as FMLA under the PFL law.

### **WHICH EMPLOYERS DOES THIS APPLY TO?**

Any employer with one or more employees must comply, with a few exceptions, including government employers.

### **IS THERE A WAITING PERIOD?**

Unlike DBL, PFL is payable on the first full day of leave.

### **WILL THE BENEFIT BE TAXABLE?**

The state has not released final guidance on taxation; however, this benefit is expected to be taxable.

### **HOW IS IT FUNDED?**

The PFL benefit will be funded through employee contributions.

### **WHAT CAN EMPLOYERS DO NOW?**

Under the law, all carriers who provide DBL benefits must provide PFL benefits. Employers are required to use the same carrier for both benefits, unless an employer is self-funded for DBL. Employers can prepare for the additional PFL payroll deduction and be aware of the additional leave requirements for PFL. An employer can begin collecting premium from their employees on July 1, 2017. Although an employee is not eligible for PFL on their first day of work, premium is collected from the employee starting their first day of employment.