

New York Paid Family Leave Producer Frequently Asked Questions

Series 1: Common Employer Questions



As a leading New York State Disability insurance carrier, we are proactively examining potential customer impact of the recently passed New York Paid Family Leave (PFL). As a member of the Life Insurance Carriers of New York (LICONY), we are working collaboratively with other DBL insurance carriers, the New York Workers' Compensation Board and the State Insurance Fund (SIF) to understand our role under the new proposed regulations.

1. How do employees get coverage?

For existing customers with DBL coverage with The Hartford, all employees covered by DBL will automatically have NY PFL coverage effective January 1, 2018. The Hartford will automatically add a PFL rider to DBL policies continuing in effect in 2018.

2. When can employers start taking deductions from employees to fund PFL premium?

Employers can start taking deductions as early as July 1, 2017.

3. Why would employers start taking deductions July 1, 2017?

Taking deductions July 1, 2017 allows employers to create a reserve of funds to pay the premium due January 1. This is important for those employers that currently pay annually in advance on their NY DBL bill.

4. What is the rate for PFL coverage?

On May 31, 2017 the NY Department of Financial Services released the community rate for NY PFL for 2018. This is a single tier rate which is a percent of salary. The weekly contribution rate for PFL for 2018 is 0.126% of the employee's weekly wage, capped at the current NY Average Weekly Wage of \$1,305.92. This means the maximum contribution possible is \$1.65 per employee per week. The 0.126% rate is the same for all employees regardless of gender or age.

5. What billing frequencies are available to employers?

The billing frequency of PFL must match the billing frequency of DBL. Because PFL premium is paid by employees, employers who currently pay annually and in-advance are encouraged to switch to quarterly and in-arrears.

6. How is job protection defined for NY PFL?

Job protection is defined as returning an employee to the same or a comparable job upon return from leave. Employees are also guaranteed continuation of health insurance while out on Paid Family Leave. Where the federal Family Medical Leave Act (FMLA) requires employers with 50 or more lives to job protect, NY PFL provides job protection to all eligible employees working in New York that are covered under Paid Family Leave, up to the maximum number of weeks allowed under the law in any given year.

7. Do FMLA and NY PFL run concurrently?

Yes, potentially for an employer subject to FMLA (50 or more lives).

8. Is there a maximum combined benefit for DBL and PFL?

Yes, DBL and PFL, when combined, cannot exceed 26 weeks in any 52 consecutive calendar weeks. For example, if an employee takes 20 weeks of DBL at the beginning of the year, he or she will only have 6 weeks of available PFL during that 52 week period. The 52



week look back begins on 1st day of PFL taken. Conversely, if an employee takes 8 weeks of Paid Leave at the beginning of the year, he or she will only have 18 weeks of DBL remaining.

9. When will employees be eligible for PFL?

Full Time employees are eligible after 26 consecutive weeks of employment. Part Time employees (defined as employees working less than 20 hours per week) are eligible on the 175th working day.

10. Who pays for Paid Family Leave?

PFL is paid for by employees.

11. Can employees take intermittent leave with Paid Family Leave?

Yes, intermittent leaves are allowable on an approved PFL claim; however each intermittent day will count as 1 whole PFL day taken.

12. Who pays the claim?

For fully insured customers covered by The Hartford, PFL claims will be paid by The Hartford.

13. What is the Employer's role in the PFL claim submission process?

Employers will need to fill out Part B of the PFL-1 claim form which confirms date of hire, average weekly wages and any DBL or PFL time already used by the claimant. The Hartford will not deny a claim if Part B is incomplete, however to ensure the most accurate benefit is paid, employers will want to make sure this section is completed accurately.

14. When can a maternity claim change from DBL to PFL?

At time of birth, mothers will have the option to continue receiving DBL benefits or begin PFL benefits. PFL benefits are not available for pre-partum.

15. What is the definition of Family?

New York defines family as child, parent (definition of parent includes in-law), grandparent, grandchild, spouse, or domestic partner
This can differ from other states PFL definitions as well as the federal definition of family.

16. How does a company with an approved self-funded NY DBL program obtain Paid Family Leave?

A company can either file for self-funding PFL, or can obtain a stand-alone fully insured PFL program from a participating carrier.

Rules regarding Paid Family Leave have not yet been finalized. Please note the answers provided are based on the proposed rules and may be subject to change.

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