

What Employees Need to Know:

New York Paid Family Leave



This program provides job-protected, wage replacement to employees when time is needed to bond with a child, care for a close relative with a serious health condition, or help relieve family pressures when someone is called to active military service.

In 2023, the maximum weekly payout is \$1,131.08 (67% of the state average weekly wage). Employees may take the maximum benefit weeks in any given 52-week period. The 52-week clock starts on the first day the employee takes Paid Family Leave.

Participation

All eligible employees covered under the NYS Disability policy must participate in Paid Family Leave as long as they meet the following criteria:

- **Full-Time Employees** Scheduled to work 20 or more hours per week and will work 26 consecutive weeks.
- **Part-Time Employees** A regular work schedule of less than 20 hours per week are eligible after 175 days worked.
 - All new eligible employees must make PFL contributions from first day of employment.
 - Employees who live in another state, but work in New York are required to participate in New York Paid Family Leave and are eligible for benefits.

Paid Family Leave

There are three types of Paid Family Leave Benefits:

- **Bonding (Maternity and Paternity Leave)**

Paid Family Leave only begins after birth and is not available for prenatal conditions. A parent may take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child.

- **Caring for a Close Relative with a Serious Health Condition**

Close relative includes: Child, Parent, Grandparent, Grandchild, Sibling, Spouse, or Domestic Partner

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential health care facility; or continuing treatment or continuing supervision by a health care provider.

- **Active Duty Deployment**

Paid Family Leave is available for families eligible for time off under the military provisions in the federal Family Medical Leave Act when a spouse, child, domestic partner or parent of the employee is on active duty or has been notified of an impending call or order of active duty.

Paid Family Leave cannot be used for one's own disability or qualifying military event. It may only be taken to care for your Spouse, Domestic partner, Child or Parent.

Employee Contributions

Paid Family Leave is fully funded by employees through payroll deductions. The employee contribution rate is set by New York State each year. The weekly 2023 employee contribution rate for Paid Family Leave is 0.455% of the employee's average weekly wage capped at the **annualized** New York State average weekly wage of \$87,785. This equals an annual 2023 maximum contribution of \$399.43 per employee.

Family Leave Waiver

In limited circumstances, employees whose regular work schedules are temporary or seasonal may opt out of Paid Family Leave and file a waiver. These employees will not be eligible for PFL benefits and will not be required to make contributions. If an employee's status changes and they now meet the eligibility criteria, their waiver will be revoked and they will be required to make contributions, including any retroactive amounts due from date of hire (not to exceed the annual maximum contribution).

Eligibility for PFL Benefits

Employees must meet the minimum qualification to be eligible to file for NY Paid Family Leave benefits:

- **Full-time employees** must have worked at least 26 consecutive weeks at their current employer.
- **Part-time employees** must have worked at least 175 days since the hire date.
- **New employees** must meet the above qualifications before they can file for benefits.

Applying for PFL Benefits

What does an employee need to do to file a PFL claim?

The employee needs to complete the Paid Family Leave claim form and provide any documentation requested (i.e. live birth certificate). The employer is also required to complete a section of the form for proof of employment, salary, etc. The fully completed claim form along with all requested documentation is then sent to Arch Insurance for processing (archdbl@acitpa.com).

When should an employee inform their employer about taking PFL?

An employee must provide the employer with at least 30 days advance notice before the planned paid leave if the qualifying event is foreseeable, such as an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of a family member, covered service member or other known military exigency.

If a 30-day advance notice is not practical (for example, lack of knowledge, a change in circumstances, or a medical emergency), notice must be given as soon as practical under the facts and circumstances of the qualifying event, ideally within the time required by the employer's usual and customary notice internal policy.



Paid Family Leave FAQs

How does Paid Family Leave differ from New York Disability?

New York Disability allows an employee to take time off and gain partial income replacement for when an employee is unable to work due to a qualifying disability (i.e. maternity, sickness, recovering from an accident, etc.). Paid Family Leave is meant for caring for someone else, such as bonding with a child, caring for a close relative with a serious health condition, or helping relieve family pressures when someone is called to active military service.

New York Disability benefits and Paid Family Leave benefits cannot run concurrently.

Can you take Paid Family Leave multiple times in one year for different events (i.e. bonding with a child in January and then need to care for a parent in July)?

You can take PFL multiple times during a year, but you cannot go over the maximum number of weeks in a 52 week period as defined in the law (12 weeks 2021 and beyond).

When a child is born, can both the mother and father take PFL?

Yes, the father can take PFL in the same way as the mother. The father has his own bank of PFL time off as long as he qualifies with his employer.

Can a mother collect both DBL and PFL benefits?

A mother can, but not at the same time. She can collect DBL benefits as long as she is considered disabled by her physician and then take PFL benefits after DBL benefits are complete.

Does a mother need to use DBL before using PFL?

No, a mother or father can use PFL for bonding with their child as soon as the child is born.

Is there a maximum amount of time an employee can take between DBL and PFL?

Yes, a maximum of 26 weeks (in a 52 week period) between DBL and PFL.

Can an employer terminate an employee on PFL?

The employee's job is protected under PFL just like it is under FMLA. If an employer terminates an employee returning from Paid Family Leave, the employee has the right to report them to the State. The employer then has 30 days to either take corrective action or file a formal response to the employee, explaining the reason that corrective action will or will not need to be taken.

I am collecting workers' compensation. Will I be able to use Paid Family Leave?

If you are not working and are collecting workers' compensation, you may not use Paid Family Leave.



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<https://paidfamilyleave.ny.gov/>

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