



BENEFITS

What is Paid Family Leave?

Paid Family Leave is an employee-funded insurance policy that provides job-protected, paid time off for eligible employees to bond with a newly born, adopted or fostered child, care for a family member with a serious health condition, or assist loved ones when a family member is deployed abroad on active military service.

How much will you receive in benefits?

Benefits phase in over four years. During 2018, you can take up to eight weeks of Paid Family Leave and receive 50% of your average weekly wage (AWW), capped at 50% of the New York State Average Weekly Wage (SAWW). Your AWW is the average of your last eight weeks of pay prior to starting Paid Family Leave. The SAWW is updated annually.

PAID FAMILY LEAVE BENEFITS EXAMPLES FOR 2018		
Worker's average weekly wage	Average Weekly Wage x 50% Capped at 50% of the New York State Average Weekly Wage (\$652.96)	Weekly PFL benefit (2018)
\$600		\$300
\$1,000		\$500
\$2,000		\$652.96

Benefits increase through 2021:

YEAR	WEEKS OF LEAVE	BENEFIT
2018	8 weeks	50% of employee's AWW, up to 50% of SAWW
2019	10 weeks	55% of employee's AWW, up to 55% of SAWW
2020	10 weeks	60% of employee's AWW, up to 60% of SAWW
2021	12 weeks	67% of employee's AWW, up to 67% of SAWW

How much do you pay for benefits?

You pay for these benefits through a small weekly payroll deduction, which is a percentage of your weekly wage up to a cap set annually.

The 2018 payroll contribution is 0.126% of your weekly wage and is capped at an annual maximum of \$85.56. If you earn less than the New York State Average Weekly Wage (\$1305.92 per week), you will have an annual contribution amount less than the cap of \$85.56, consistent with your actual weekly wages.

For example, in 2018, if you earn \$27,000 a year (\$519 a week), you will pay 65 cents per week.

To estimate your deduction, use the payroll deduction calculator at ny.gov/PFLcalculator.

ELIGIBILITY AND PARTICIPATION

Can part-time employees take Paid Family Leave?

Yes. If you work a regular schedule of 20 or more hours per week, you are eligible after working 26 consecutive weeks. If you work a regular schedule of less than 20 hours per week, you are eligible after working 175 days, which do not need to be consecutive.

ELIGIBILITY AND PARTICIPATION (cont'd)

Can you opt out?

You can opt out of Paid Family Leave if you do not expect to work for your employer for the minimum amount of time required for eligibility.

If you meet this criteria, your employer must offer you a Paid Family Leave waiver, which is also available at [ny.gov/PaidFamilyLeave](https://www.ny.gov/paidfamilyleave). Employers should keep completed waivers on file.

If a change in your schedule results in you working enough time to meet the eligibility requirements, your waiver will be automatically revoked. You may voluntarily revoke your waiver at any time. If your waiver is revoked, employers may begin taking payroll deductions and may retroactively collect deductions from the date you signed the waiver.

MULTIPLE EMPLOYERS

If you work for more than one employer, can you take Paid Family Leave from multiple employers?

Yes, you are eligible to take Paid Family Leave from any employer for whom you meet the eligibility requirements.

What if you are eligible for Paid Family Leave at one job, but not another?

You can only take Paid Family Leave from the employer for whom you meet the requirements. Depending on your hours, you may be eligible to file a waiver with one employer and not the other.

Can you take Paid Family Leave from different employers for the same event?

Yes, you can take Paid Family Leave from two employers for the same qualifying event, but it must be at the same time. You cannot take Paid Family Leave from two separate employers for the same event at different times. (For example, you cannot take bonding leave from the first employer and then take it from the second employer for the same child at a later date).

If you have more than one job, how are your benefits calculated?

Your benefit rate is calculated individually for each employer based upon your weekly wage and the deduction rate.

TAKING PAID FAMILY LEAVE

How do you request Paid Family Leave?

1. Notify your employer at least 30 days before your leave will start, if it's foreseeable. Otherwise, notify your employer as soon as possible.
2. Obtain the request form package for the type of leave you need to take. The forms are available from your employer, employer's insurance carrier or directly from [ny.gov/PaidFamilyLeaveApply](https://www.ny.gov/paidfamilyleaveapply).
3. Complete the *Request For Paid Family Leave (Form PFL-1)*, following the instructions on the cover sheet. Make a copy for your records, and submit it to your employer. Your employer must fill out their section of *Form PFL-1* and return it to you within three business days. If your employer fails to respond, you may proceed to the next step below.
4. Submit *Form PFL-1*, the other request forms specific to the leave you are taking, and supporting documentation to your employer's insurance carrier. You can submit your request before your leave starts or within 30 days after the start of your leave. The insurance carrier must pay or deny your request within 18 calendar days of receiving your completed request.
 - To learn who your employer's insurance carrier is, you can:
 - Look for the Paid Family Leave poster in your workplace.
 - Ask your employer.
 - Visit [wcb.ny.gov](https://www.wcb.ny.gov) and search your employer's name to look up their insurance carrier.

TAKING PAID FAMILY LEAVE (cont'd)

- If you cannot determine your employer's insurance carrier, call the Paid Family Leave Helpline for assistance in finding the proper carrier.
 - Paid Family Leave Helpline: **(844) 337-6303** (8:30 a.m. – 4:30 p.m., ET, Monday – Friday)
- If you believe your employer is uninsured, you can submit your request for Paid Family Leave to the NYS Workers' Compensation Board.
 - Paid Family Leave, PO Box 9030, Endicott, NY 13761-9030

DISPUTES

What if your Paid Family Leave request is denied?

If your Paid Family Leave request is denied, you may request to have the denial reviewed by a neutral arbitrator. Your insurance carrier (or employer, if self-insured) will provide you with the reason for denial and information about requesting arbitration.

DISCRIMINATION AND RETALIATION

What if you are discriminated against for requesting or taking Paid Family Leave?

If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave:

First, you should request that your employer reinstate you. To request reinstatement:

1. Complete the *Formal Request For Reinstatement Regarding Paid Family Leave (Form PFL-DC-119)*.
2. File the completed *Form PFL-DC-119* with your employer.
3. Send a copy to: **Paid Family Leave, PO Box 9030, Endicott, NY 13761-9030.**

Your employer has 30 calendar days to respond to the request.

If your employer does not comply with your request for reinstatement within 30 calendar days, you have the right to a hearing with the NYS Workers' Compensation Board.

To request a hearing, file a discrimination/retaliation complaint:

1. Complete the *Paid Family Leave Discrimination/Retaliation Complaint (Form PFL-DC-120)*.
2. File the completed *Form PFL-DC-120* with your employer.
3. Send a copy to: **Paid Family Leave, PO Box 9030, Endicott, NY 13761-9030.**

The Board will assemble your case and reach out to you to schedule a hearing within 45 calendar days.

NOTE: *To file a complaint, you must have first requested reinstatement as described above.*

An administrative law judge may order an employer to reinstate you, pay any lost wages, pay attorney's fees, and pay up to \$500 in penalties.

For more information:
ny.gov/PaidFamilyLeave
(844) 337-6303

