



< New York State Paid Family Leave

JULY 21, 2016

Paid Family Leave: How it Works

Overview

New York's Paid Family Leave program provides wage replacement to employees to help them 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.

Employees are also guaranteed to be able to return to their job and continue their health insurance. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on Paid Family Leave.

Timeline

Paid Family Leave is designed to phase in over four years, starting January 1, 2018. Schedule:

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

Employees may take the maximum benefit length in any given 52-week period. The maximum benefit is eight weeks during the first year, 10 weeks during the second and third years, and 12 weeks the fourth

and subsequent years. The 52-week clock starts on the first day the employee takes Paid Family Leave.

Paid Family Leave coverage will be included under the disability policy all employers must carry. The premium will be fully funded by employees through payroll deductions, expected to begin approximately July 1, 2017. A maximum rate of employees' contribution will be established each year.

Eligibility

Virtually every full-time or part-time private employee in New York State will be eligible for Paid Family Leave. Participation in the program is not optional for employees. If you are a public employee, your employer may opt into the program. Public employees who are represented by a union may be covered if Paid Family Leave is collectively bargained.

Employees with a regular schedule of 20 or more hours per week are eligible after 26 weeks of employment.

Employees with a regular schedule of less than 20 hours per week are eligible after 175 days worked.

Employees do not have to take all of their sick leave and/or vacation before using paid family leave. An employer may permit you to use sick or vacation leave for full pay, but may not require you to use this leave.

Maternity and Paternity Leave

Whether you are a parent expecting, fostering or adopting a child, you deserve to take time to care for your child without having to sacrifice your savings or your job. With proper documentation, in 2018, you may be eligible for up to 8 weeks of employee-funded Paid Family 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

New Yorkers have the right to be with their families in times of need without having to put their economic security at risk. The time you spend caring for a loved one with a serious health condition is critical. A close relative includes:

- Spouse
- Domestic partner
- Child
- Parent
- Parent-in-law
- Grandparent
- Grandchild

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.

For example, you need one or more full days to care for your mom when she undergoes chemotherapy; or your dad is having surgery followed by extensive recuperation; or your child is undergoing intense psychotherapy and is unable to attend school for a period of time. You can take Paid Family Leave in these types of instances.

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
- Parent

Benefits

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

For example, in 2018, an employee who makes \$1,000 a week would receive a benefit of \$500 a week (50% of \$1,000). Another employee who makes \$2,000 a week would receive a benefit of \$652.96, because this employee is capped at one-half of New York State's Average Weekly Wage (NYSAWW) — currently \$1,305.92. Half of that amount is the \$652.96 benefit.

The Average Weekly Wage (AWW) is set every year after a comprehensive analysis by the New York State Department of Labor.

[Learn more about applying for benefits.](#)

FAQs

Does Paid Family Leave cost me anything?

New York's Paid Family Leave is entirely employee-funded. That is, the benefit is paid for by employees.

Employers may collect the cost of Paid Family Leave through payroll deductions. The maximum employee contribution in 2018 shall be 0.126% of an employee's weekly wage up to the annualized New York State Average Weekly Wage.

Do I have to participate in the Paid Family Leave program?

Yes, Paid Family Leave is not optional for most employees. The exception is if you are in a job that will not allow you to attain the 26 continuous weeks or 175 days needed to qualify for Paid Family Leave (for example a seasonal worker).

I am pregnant. Will I be able to receive Paid Family Leave during my pregnancy?

Paid Family Leave only begins after birth. It is not available for pre-natal conditions.

Will I be able to use Paid Family Leave to take care of an eligible relative living outside New York?

Yes, as long as you are caring for an eligible family member, and provide the medical certification.

I am not a US citizen. Will I still be eligible for Paid Family Leave?

Yes. Your citizenship status has no impact on your Paid Family Leave eligibility.

I am an undocumented worker. Can I take Paid Family Leave?

Your immigration status has no impact on your Paid Family Leave eligibility.

Will I be able to use Paid Family Leave if I work part-time?

Yes. If you work less than 20 hours a week you will become eligible after 175 days of work. If you work 20 or more hours a week you will become eligible after 26 consecutive weeks of work.

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.

I am a freelance worker. Am I eligible for Paid Family Leave?

If you do not have a regular employer and work as an independent contractor, you will not have Paid Family Leave benefits unless you purchase coverage for yourself.

I am a farm laborer. Am I eligible for Paid Family Leave?

If you work in service as a farm laborer, you are not eligible for disability or Paid Family Leave benefits.

Will I have to take all of my sick time and/or vacation before I use Paid Family Leave?

An employer may permit you to use vacation or sick leave for full salary, but may not require you to use either.

Can I take Paid Family Leave and use my sick and/or vacation time together so that I receive my full salary?

Yes, if your employer allows you to use your sick and/or vacation time during Paid Family Leave, so that you receive your full salary for all or part of the leave, then you can do so.

Will my spouse and I be able to use Paid Family Leave at the same time?

If you and your spouse have different employers, you are both eligible to take Paid Family Leave at the same time.

However, if you and your spouse work for the same employer, they can deny Paid Family Leave to more than one employee at the same time to care for the same family leave recipient, or to bond with a child.

Do other states have Paid Family Leave?

New York will now join California, Rhode Island, and New Jersey as the only states in the nation that provide a Paid Family Leave benefit. When fully implemented, New York will have the longest and most comprehensive Paid Family Leave program in the nation.

Contact Us

For more information, call the Paid Family Leave toll-free helpline Monday-Friday, 8:30am – 4:30pm ET.



Contact us (844) 337-6303
by phone:



NEW YORK STATE PAID FAMILY LEAVE: Employee Facts

Starting January 1, 2018, Paid Family Leave will provide paid time off so an employee can:

- 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 duty.

ADDITIONAL PROTECTIONS

- Employees have a right to return to their same or comparable job upon return from Paid Family Leave.
- Employees are guaranteed continued health insurance while on leave. Employers may require employees continue to pay their health insurance premium contributions.
- Citizenship and immigration status do not impact eligibility.
- Employers cannot discriminate against employees for taking Paid Family Leave.

ELIGIBILITY

- Employees with a regular work schedule of 20 or more hours per week are eligible after 26 weeks of employment.
- Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked.

BENEFITS

Benefits phase in over four years. In 2018, employees are eligible for up to eight weeks of paid leave at 50% of their average weekly wage (AWW), up to 50% of the New York State Average Weekly Wage (SAWW).

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

These benefits are paid for through a small weekly payroll deduction.

HOW TO APPLY

1. Employee notifies employer 30 days prior to leave, when practical.
2. Employee fills out a claim form according to employer instructions. Claim forms are available from employer, insurance carrier, or ny.gov/paidfamilyleave.
3. Employee obtains supporting documentation for leave (birth certificate, military deployment certification, etc.).
4. Employee submits claim form and supporting documentation to insurance carrier or as directed by employer. Insurance carrier must pay or deny a claim within 18 days of receipt of the completed claim.

FOR MORE INFORMATION, VISIT NY.GOV/PAIDFAMILYLEAVE OR CALL (844) 337-6303.



NEW YORK STATE PAID FAMILY LEAVE: Employer Facts

Effective January 1, 2018, nearly all private employers in New York State must secure Paid Family Leave coverage for their employees.

Paid Family Leave coverage is funded by employee payroll contributions. It provides wage replacement and job protection to employees who need time away from their jobs 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 duty.

COVERAGE

Insurance coverage for Paid Family Leave must be available to employees beginning January 1, 2018, and generally will be included under an employer's existing disability benefits policy.

EMPLOYEE ELIGIBILITY

- Employees with a regular work schedule of 20 or more hours per week are eligible after 26 weeks of employment.
- Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked.

In limited circumstances, employees whose regular work schedules are temporary or seasonal may opt out of Paid Family Leave.

When practical, employees should provide 30 days advance notice of their intention to use Paid Family Leave.

EMPLOYEE CONTRIBUTION

Employers may collect the cost of Paid Family Leave through payroll deductions.

The maximum employee contribution in 2018 shall be 0.126% of an employee's weekly wage, up to the annualized New York State Average Weekly Wage.

BENEFITS

Benefits phase in over four years. In 2018, employees are eligible for up to eight weeks of paid leave at 50% of their average weekly wage (AWW), up to 50% of the New York State Average Weekly Wage (SAWW).

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

RESPONSIBILITIES

- Employers should contact their disability insurance carrier about obtaining Paid Family Leave coverage.
- Employees are entitled to be reinstated to their same or comparable job upon return from Paid Family Leave.
- Failure to reinstate employees to their same or comparable job may leave employers exposed to discrimination and/or retaliation claims.
- Employers must continue employees' health insurance while they are on Paid Family Leave. Employers may require that employees continue to pay their health insurance premium contributions.
- Employers must ensure that their employees are aware of the Paid Family Leave program and that their organizational policies comply with the law.
- Employers must display a poster regarding Paid Family Leave coverage in their place of business, similar to Workers' Compensation or Disability Benefits coverage.

FOR MORE INFORMATION, VISIT [NY.GOV/PAIDFAMILYLEAVE](https://ny.gov/paidfamilyleave) OR CALL (844) 337-6303.