

A Guide for **Employers**

Agenda

1. Why New York Needs Paid Family Leave
2. Paid Family Leave Overview
3. Updates for 2019
4. Employer Responsibilities
5. PFL & Other Leave Policies
6. Resources
7. Your Questions



Why Do We Need Paid Family Leave?

Helpline: **315-641-3600**

Website: **www.staffleasing-peo.com**



Why Do We Need Paid Family Leave?

- 1 Employees struggle to maintain their jobs while caring for family in a specific time of need
- 2 Pressures can impact job performance and the workplace
- 3 Paid leave increases likelihood employees return to work, resulting in higher retention and lower costs for employers

NY Leads the Nation

A photograph of two men in suits, Governor Andrew Cuomo on the right and Governor John P. Dewine on the left, both smiling. Governor Cuomo is giving a thumbs up. They are standing in front of a dark blue background.

In April 2016, Governor Cuomo signed the nation's **strongest** and **most comprehensive** Paid Family Leave policy into law.

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Paid Family Leave Basics

- Paid Family Leave is **insurance fully funded by employees**
- It provides **paid time off** and **job protection** for employees to:



Bond with a child



Care for sick family members



Assist family when a service member is deployed abroad



Uses of Paid Family Leave

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Bonding with a Child

Provides for both parents to bond with a child within the first 12 months of:

Birth

Adoption

**Foster
Care**

Caring for a Sick Family Member

Provides paid time off to care for:

- a family member
- with a serious health condition

Caring for a Sick Family Member

Qualifying family members include:

- spouse
- parent-in-law
- domestic partner
- stepparent
- child
- grandparent
- stepchild
- grandchild
- parent

These family members
can live outside of
New York State and
even outside the U.S.

Caring for a Sick Family Member

A serious health condition is an illness, injury, impairment, or physical or mental condition requiring either:

1. **inpatient care; or**
2. **continuing treatment or supervision** by a health care provider

Caring for a Sick Family Member

Examples of serious health conditions:

- an employee's mother is receiving chemotherapy
- an employee's father is recuperating from surgery
- an employee's child is undergoing treatment for addiction

Caring for a Sick Family Member

Examples of health conditions not considered serious under Paid Family Leave:

- common cold/flu
- routine dental, orthodontia
- cosmetic treatment

Assisting During a Military Deployment

For assistance when a spouse, child, domestic partner or parent is deployed abroad on active military service.

Events may include:

- Short notice military deployment
- Military events; related activities
- Service member's rest, recuperation or counseling
- Post-deployment activities
- Making financial/legal arrangements
- Child care arrangements for military member's child



Benefits

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Time Off Benefits

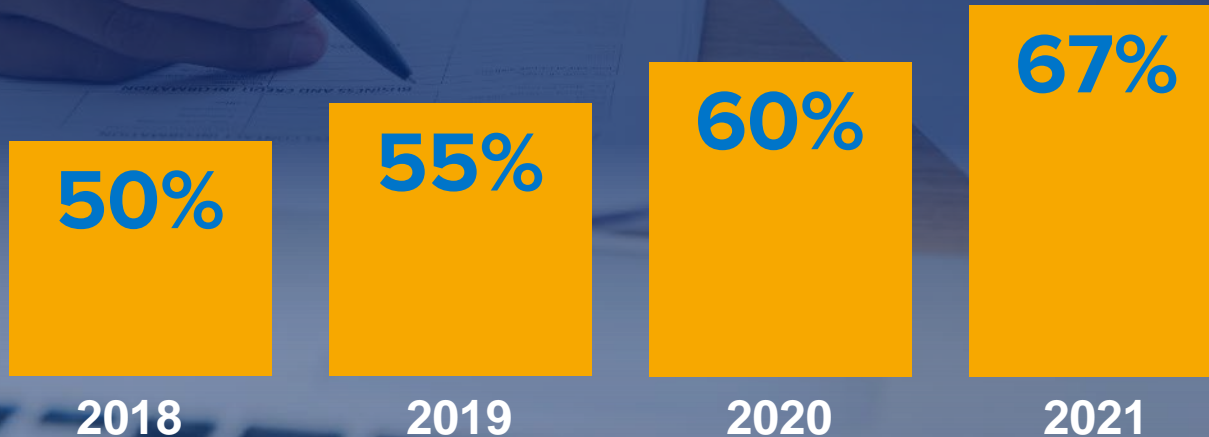
Time off benefits **phased in** starting January 1, 2018 at **8 weeks** and will reach **12 weeks** by 2021



* The Department of Financial Services will review the marketplace every year before benefits are increased

Wage Benefits

Benefits **phased in** starting January 1, 2018 at **50%** of an employee's average weekly wage and will reach **67%** by 2021



* Benefits will be capped at the designated percentage of the New York State Average Weekly Wage

Employee Rights and Protections

Employees have paid time off and:

- **Job protection**
- **Health insurance** continued while on leave
 - Employees continue paying their share, if any
- **Protection from discrimination and retaliation** for requesting or taking Paid Family Leave



Employee Contributions

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How Much Do Employees Pay?

- Employees pay for these benefits through a small weekly payroll deduction
- The 2018 payroll contribution is 0.126% of an employee's weekly wage
 - Contributions are capped at an annual maximum of \$85.56
 - If an employee earns less than the New York State Average Weekly Wage, their annual contribution will be less than the cap

Example: If an employee earns **\$27,000 this year (\$519 a week)**, they will pay about **65 cents** per week for Paid Family Leave

Weekly Deduction Calculator

A weekly deduction
calculator is available:
ny.gov/PFLcalculator

The screenshot shows the New York State Paid Family Leave website. The header includes the New York State logo, navigation links for Services, News, Government, and Local, a search bar, and links for Location and Translate. A green navigation bar contains links for Paid Family Leave, EMPLOYERS, EMPLOYEES, PROVIDERS, and FORMS. The main content area is titled "PAID FAMILY LEAVE Weekly Payroll Deduction". It states: "Your weekly Paid Family Leave payroll deduction is estimated to be \$0.76 (If you are paid bi-weekly, double this amount to see what will be taken out of your paycheck.)". A note below says: "Note: Your actual deduction amount may vary from pay period to pay period, depending on your gross weekly pay." There is a green "RECALCULATE" button. At the bottom, a section titled "QUESTIONS OR CONCERNS" provides information on how to file a complaint if there is an error with the payroll deduction.

NEW YORK STATE

Services News Government Local

Search Location Translate

PAID FAMILY LEAVE

EMPLOYERS EMPLOYEES PROVIDERS FORMS

PAID FAMILY LEAVE

Weekly Payroll Deduction

Your weekly Paid Family Leave payroll deduction is estimated to be \$0.76
(If you are paid bi-weekly, double this amount to see what will be taken out of your paycheck.)

Note: Your actual deduction amount may vary from pay period to pay period, depending on your gross weekly pay.

RECALCULATE

QUESTIONS OR CONCERNS

If you believe there is an error with your current payroll deduction, raise the issue with your employer. If your employer fails to address the issue, you can file a complaint by calling the Paid Family Leave Helpline at 844-337-6303.

Helpline: **315-641-3600**

Website: www.staffleasing-peo.com



A photograph of a man, a woman, and a baby smiling together, overlaid with a dark blue semi-transparent filter. The man is on the left, the woman is in the center, and the baby is at the bottom. They are all looking towards the camera and smiling.

Employee Eligibility

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Who is Eligible?

- Participation is required for private employers
- Public employers may opt in
- Public employees represented by a union may be covered if Paid Family Leave is collectively bargained

Who is Eligible?

Employees are eligible if they regularly work:

- 20 or more hours per week
- For 26 consecutive weeks
- Less than 20 hours per week
- For 175 days

Employees are eligible regardless of citizenship and/or immigration status

Can Employees Waive Coverage?

Employees who do not work the minimum time may file waivers, which are available at PaidFamilyLeave.ny.gov

- Employees who file a waiver will be **ineligible** for benefits and **exempt** from making contributions

Can Waivers Be Revoked?

- The waiver will be automatically revoked if the employee's schedule changes or they may voluntarily revoke it at any time
- Employee will begin making Paid Family Leave contributions along with any retroactive amounts due



Requesting Paid Family Leave

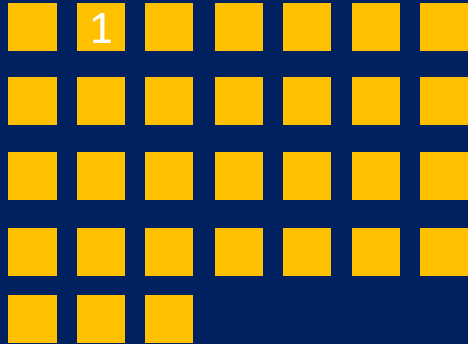
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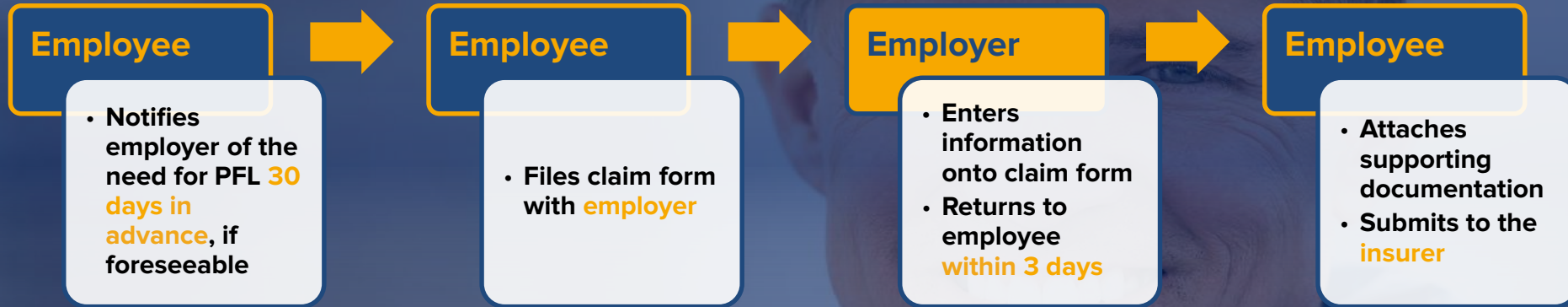
When Can Employees Take Paid Family Leave?

January 2018



- As of **January 1, 2018**
- Maximum benefit available **once every 52 weeks**

How Employees Request Leave



Insurers must pay or deny the claim within **18 days of receipt**

Getting Request Forms

Employees can get Paid Family Leave request forms from:

- You
- Your insurance carrier
- [PaidFamilyLeave.ny.gov/apply](https://www.PaidFamilyLeave.ny.gov/apply)

NEW YORK STATE **Paid Family Leave**

Request For Paid Family Leave (Form PFL-1)

PART 2 - EMPLOYEE INFORMATION (to be completed by the employee)

1. Employee's legal name (first name, middle initial, last name)
2. Other last names, if any, under which employee has worked
3. Employee's mailing address
Street address:
City/State:
Zip code: County (if not U.S.A.)
4. Employee's Social Security number (SSN)
5. Employee's date of birth (MM/DD/YYYY)
6. Employee's primary telephone number
Home: () () () () () ()
Cell: () () () () () ()
7. Employee's email address
8. Employee's gender ☐ Male ☐ Female
9. Employee's preferred language
☐ English ☐ Spanish ☐ Chinese ☐ French ☐ Korean ☐ Vietnamese ☐ Other
10. Employee's ethnicity and race
Optional: For purposes of health demographic data (U.S. Census for Census Control and Population (CCO) code set, version 1.0)
Is employee of Hispanic, Latino/a, or Spanish origin?
(One or more categories may be selected.)
☐ Mexican ☐ Mexican American ☐ Puerto Rican ☐ Cuban ☐ Dominican ☐ Other
☐ Another Hispanic, Latino/a, or Spanish origin
What is employee's race?
(One or more categories may be selected.)
☐ Asian American or Asian Indian ☐ Black or African American ☐ White ☐ Other Asian ☐ Other Black ☐ Other White ☐ Other
☐ American Indian or Alaska Native ☐ Native Hawaiian or Other Pacific Islander ☐ Other
☐ Unknown ☐ Other

Paid Family Leave (PFL) Request

11. Reason for PFL request: ☐ Sick day(s) ☐ Care for family member ☐ Military qualifying event
12. The family member is employee's:
☐ Spouse ☐ Spouse ☐ Domestic partner ☐ Parent ☐ Parent-in-law ☐ Grandparent ☐ Grandchild
13. Extended PFL start date (MM/DD/YYYY)
From: () () () () () ()
To: () () () () () ()
14. Estimated PFL end date (MM/DD/YYYY)
From: () () () () () ()
To: () () () () () ()
15. If providing less than 30 days advance notice to the employer from the date in 13, please explain:

PFL-1 continued on next page

PFL-1 (05/19)
Page 1 of 2

If you need assistance, please call (844) 331-6283
www.ny.gov/PaidFamilyLeave

BARCODE

Handling Disputes

- If an employee's claim is denied, they may request a review
- Arbitration under a neutral arbitrator will resolve disputes

Protection from Discrimination

An employee can file a discrimination claim with the Workers' Compensation Board if their employer:

- does not reinstate the employee to the same or similar position,
- terminates the employee,
- reduces the employee's pay and/or benefits, or
- disciplines the employee

as a result of requesting or taking Paid Family Leave.

A photograph of a man, a woman, and a baby smiling and looking at each other. The image is overlaid with a dark blue semi-transparent filter.

Updates for 2019

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Paid Family Leave Benefit Updates for 2019

Eligible employees will be able to take:

- Up to 10 weeks of Paid Family Leave
- At 55% of their pay

Fully-funded by Employees

- The 2019 payroll contribution is 0.153% of an employee's gross wages each pay period.
 - Contributions are capped at an **annual maximum of \$107.97**
 - If an employee earns less than the New York State Average Weekly Wage, their annual contribution will be less than the cap

2018 and 2019 Paid Family Leave Cost and Benefit Examples

	Weekly Salary	Weekly PFL contribution	Maximum PFL Time Off	Weekly Pay on PFL	Maximum Paid Benefit
2018	\$1,000 (\$52,000 annually)	\$1.26/week (\$65.52 annually)	8 weeks	\$500	\$4,000
2019	\$1,000 (\$52,000 annually)	\$1.53/week (\$79.56 annually)	10 weeks	\$550	\$5,500





Employer's Checklist

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Employer's Checklist:

Complying with the law:

- Ensure you have coverage
- Inform your employees about PFL
- Collect employee payroll contributions
- Inform ineligible employees about waivers
- Post a PFL Notice of Compliance

When you receive a claim:

- Complete the employer section of the Request for Paid Family Leave (Form PFL-1) and return to the claimant within **3 business days**
- Discuss any specific leave tracking or other processes with your Paid Family Leave insurer

A photograph of a man and a woman smiling and looking at a baby. The man is on the left, wearing a dark blue shirt, and the woman is on the right, wearing a black top. The baby is in the center, looking up at them. The image is overlaid with a dark blue semi-transparent layer.

Paid Family Leave & Other Leave Policies

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How are Paid Family Leave and FMLA Similar?

Both Paid Family Leave and the Family and Medical Leave Act provide:

- Leave for :
 - bonding with a child
 - caring for sick family members
 - assisting family when a service member is deployed abroad
- Job protection
- Continued health insurance during leave

How do Paid Family Leave and FMLA Differ?

	PFL	FMLA
Benefits	Paid	Unpaid
Coverage	<ul style="list-style-type: none"> All private employers Public employers may opt in One or more employees in any calendar year 	<ul style="list-style-type: none"> Public and private employers 50 or more employees in a 75-mile radius
Eligibility	<ul style="list-style-type: none"> After 26 consecutive weeks of employment if regularly working 20 or more hours per week After 175 days worked if regularly working less than 20 hours per week 	<ul style="list-style-type: none"> 12 months of employment 1,250 hours of work in the 12-month period preceding leave
Reason for Leave	<ul style="list-style-type: none"> Employees cannot use for own serious health condition Can be used to care for a child of any age 	<ul style="list-style-type: none"> Employee can use for own serious health condition Can only be used to care for a child if the child is under 18 years old, or "incapable of self-care because of a mental or physical disability"
Length of Leave	<ul style="list-style-type: none"> Only in full-day increments 	<ul style="list-style-type: none"> Hourly basis
Paid Time Off	<ul style="list-style-type: none"> Employers cannot require employees use paid time off while on PFL 	<ul style="list-style-type: none"> Employer can compel an employee to use paid time off while on FMLA

What about Paid Family Leave and Other Types of Leave?

- **Short-term disability:** Employees cannot collect disability and Paid Family Leave benefits during the same period of time
- **Workers' Compensation:** Employees cannot collect Paid Family Leave benefits while collecting Workers' Compensation for a total disability
 - Employees on a reduced earnings schedule may be eligible for benefits

What If You Already Offer Paid Family Leave?

Employers are free to offer a **more generous** Paid Family Leave benefit

Employers with insurance policies through a carrier:

- Discuss options with your carrier
- Carrier will file notifications of enhanced benefit with Workers' Compensation Board
- Board will review to ensure benefits are "at least as favorable" to statutory benefits

Self-insured employers:

- Obtain the required documents from your plan administrator or the Board
- File notifications of enhanced benefit with the Board
- Board will review to ensure benefits are "at least as favorable" to statutory benefits

Employers offering benefits outside of Paid Family Leave: No additional notification required, still need proof of coverage for statutory PFL benefits

A photograph of a man and a woman smiling and looking down at a baby lying on its back. The image is overlaid with a dark blue semi-transparent filter. The text "Paid Family Leave is Here" is centered over the image in white.

Paid Family Leave is Here

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Additional Employer Resources

Visit **PaidFamilyLeave.ny.gov** to access:

- Detailed information on Paid Family Leave
- Paid Family Leave forms
- Weekly benefit and payroll deduction calculators
- Paid Family Leave frequently asked questions
- Paid Family Leave updates for 2019



Questions?

Staff Leasing has been helping small and medium sized businesses in the Central New York area since 1989.

Request a Free Consultation

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