

NY State Paid Family Leave (PFL)

Product Overview and Frequently Asked Questions



AmTrust North America
An AmTrust Financial Company

1. QUESTION: What is NY Paid Family Leave?

ANSWER:

Paid Family Leave mandates up to 12 weeks of job-protected paid leave for the following family circumstances.

1. To bond with a newborn, adopted or foster care child during the first 12 months after birth or placement;
2. To care for a seriously ill family member;
3. To address important needs related to a family member's military service.

2. QUESTION: How is it different from FMLA?

ANSWER:

The Federal Family and Medical Leave Act (FMLA) program is unpaid and applies to employers with 50+ employees. FLMA & PFL benefits must be used concurrently.

3. QUESTION 3: Benefit Effective Dates and Weekly benefit (2016 NY Statewide Avg. Weekly Wage was \$1305.92)

ANSWER:

Year	Weeks Available	Max % of Employee Average Weekly Wage	Cap % of State Average Weekly Wage
1/1/2018	8	50%	50%
1/1/2019	10	55%	55%
1/1/2020	10	60%	60%
1/1/2021	12	67%	67%

4. QUESTION: What is the premium for NY Paid Family Leave?

ANSWER:

Rates and Premium:

- One community rate for males and females statewide
- The rate for premiums is set as **0.126% of an employee's weekly wage**.
- The premium rate is deducted from the employee's payroll.
- Employers **may, but are not required** to begin to deduct the employee contribution starting July 1, 2017, to assist in the employer's responsibility to pay their DBL/PFL carrier annually in advance.

Maximum Benefit and Premium:

- Employees' wages that are at or above the statewide average weekly wage are eligible **only** for the maximum Family Leave Benefit; therefore, their premiums will be a percentage of the statewide average weekly wage.
- The statewide average weekly wage for 2016 is \$1,305.92; therefore, the maximum contribution would be \$1.65 weekly.
 - The updated New York average weekly wage will be released on July 1, 2017 for 2018 PFL calculations.

5. QUESTION: What New York employers are required to provide this benefit?

ANSWER:

All private-sector employers with employees working in New York State, regardless of size, must provide the PFL benefit. Unless self-insured, employers must have DBL and PFL benefits on the same policy.

Public-sector employers are not required to provide PFL but can opt in through collective bargaining.

6. QUESTION: Will out-of-state Disability policies include PFL?

ANSWER:

Out of state employees insured for DBL benefits by rider to a DBL policy are not required to have PFL benefits.

7. QUESTION: Are there mandated job reinstatement following PFL?

ANSWER:

Yes, employees taking family leave must be restored to the same or comparable position previously held by the employee prior to taking the leave.

8. QUESTION: What are some Employer responsibilities?

ANSWER:

1. Update employee handbooks or leave material to include PFL requirements. If an employer currently has a PFL benefit, it should be reviewed for compliance to meet minimum requirements of the current PLF Law
 - a. Must be posted in a visible location in workplace
2. Deduct and remit the employee PFL contribution along with the DBL premium
3. Submit the PFL claim to AmTrust as soon as possible to avoid delays in benefit payments
4. Maintain employee's health insurance while on PFL leave (employee must continue their contribution to keep an active status)
5. Restore the employee to the same or comparable position held by the employee prior to taking the leave

9. QUESTION: Who is eligible?

ANSWER:

Full Time: Employees who work 20 or more hours a week are eligible for family leave after 26 consecutive weeks of work.

Part-Time: Employees who work less than 20 hours per week will become eligible after working 175 days.

10. QUESTION: How does an employee claim PFL benefits?

ANSWER:

If the leave is a foreseeable event, the employee shall provide the employer with not less than 30 days' notice before the leave is to begin. If this is not possible, the employee should provide notice as soon as practical.

Each type of leave will have a prescribed claim form provided by the State.

11. QUESTION: Can an employee use accrued vacation or PTO?

ANSWER:

Yes. An employee can use their vacation, sick or PTO time but it's not required.

12. QUESTION: When do PFL benefits start?

ANSWER:

Benefits start January 1, 2018

Eligible employees can collect benefits starting with the first full day family leave is needed.

Benefits may be payable to employees for paid family leave taken intermittently or for less than a full work week in increments of one full day or one fifth of the weekly benefit.

13. QUESTION: Can an employee collect both DBL and PFL at the same time?

ANSWER:

No. Benefits cannot be concurrent. Combined maximum DBL plus Paid Family Leave is 26 weeks during 52 consecutive calendar weeks.

14. QUESTION: How is it funded?

ANSWER:

The PFL benefit will be entirely funded by a nominal employee contribution through payroll deduction. On June 1, 2017, and annually thereafter on September 1, the superintendent of financial services will set the maximum employee contribution.

15. QUESTION: How is family member defined?

ANSWER:

BONDING

Event: Child (Birth- 1 year of age), Foster Child (Birth- 17 years of age), Adoption (Birth- 17 years of age)

Who is eligible:

- Biological Mother & Father
- Domestic Partner of Birth parent
- Spouse of Birth parent
- Step Parent
- Adoptive Parent
- Foster Parent
- Legal Guardian
- Loco Parentis (Assumes responsibility as a parent) (Court order)

CARE FOR MILITARY EXIGENCY

Who is eligible:

- Spouse
- Domestic Partner
- Parent or Step Parent of the employee
- Child
 - Biological
 - Adopted
 - Foster son or daughter
 - Stepson or stepdaughter
 - A legal ward
 - A son or daughter of a domestic partner
 - The person to whom the employee stands in loco parentis

CARE FOR ILL FAMILY MEMBER

Eligible relationships:

- Child (Biological, adoptive, foster)
- Spouse
- Domestic partner
- Parent (Birth, Step, Foster, In-Law, Legal guardian, or the person to whom the employee stands in loco parentis)
- Grandchild (The child of the employees child)
- Grandparent (Parent of the employees parent)