

## TALENT

# Information About New York State Paid Family Leave

**Starting January 1, 2018, New York state employees may be entitled to Paid Family Leave under New York Law.**

## ELIGIBILITY REQUIREMENTS

- Employees with a regular work schedule of 20 or more hours per week are eligible to take Paid Family Leave only after 29 weeks of employment with the same employer.
- Employees with a regular work schedule of less than 20 hours per week are eligible to take Paid Family Leave only after 175 days worked with the same employer.

## OPTING OUT OF WAGE DEDUCTION

Employers are entitled to deduct 0.126% from wages to pay for family leave insurance, with a maximum deduction of \$1.65 per week.

Employees who do not work long enough to qualify for benefits (i.e. seasonal workers) may opt out of the program by completing this [PFL Waiver](#) and returning it to Extreme Reach. Since qualifications relate to each employer, a waiver must be submitted for each job separately.

If an employee qualifies for Paid Family Leave after submitting a waiver, the deduction will occur retroactively to the hire date.

## BENEFITS OF PAID FAMILY LEAVE

New York Paid Family Leave provides job-protected, paid time off so New York state employees can:

- Bond with a newly born, adopted or fostered child
- Care for a family member with a serious health condition
- Assist families in connection with a military deployment

Benefits phase in over four years. In 2018, qualified employees are eligible for up to eight weeks of paid leave at 50% of their average weekly wage (AWW), up to 50% of New York State Average Weekly Wage (SAWW, currently \$1,305.92.).

| Year | Weeks of Leave | Benefit                                 |
|------|----------------|---|
| 2018 | 8 weeks        | 50% of employees AWW, up to 50% of SAWW |
| 2019 | 10 weeks       | 55% of employees AWW, up to 55% of SAWW |
| 2020 | 10 weeks       | 60% of employees AWW, up to 60% of SAWW |
| 2021 | 12 weeks       | 67% of employees AWW, up to 67% of SAWW |

## ADDITIONAL PROTECTIONS

- Employers cannot discriminate or retaliate against employees for taking Paid Family Leave.
- Employees have the right to return to their same or comparable job.
- 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.

## 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 the employer, insurance carrier or [ny.gov/paidfamilyleave](https://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:  
Lincoln Life and Annuity Company of New York, 8801 Indian Hills Drive, Omaha, NE 68114  
(Toll Free Number: 1-800-423-2765)

The insurance carrier must respond within 18 days of receipt of the completed claim.

## DISPUTES

If your Paid Family Leave claim is denied, you may request to have the denial reviewed by a neutral arbitrator. Lincoln Life & Annuity Company of New York will provide you with information about requesting arbitration.

## DISCRIMINATION COMPLAINTS

If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you taking or asking about Paid Family Leave, you may request to be reinstated by taking these steps:

1. Complete the Formal Request for Reinstatement Regarding Paid Family Leave form ([PFL-DC-119](#))
2. Send your completed form to your employer and a copy of the completed form to:  
Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030
3. If your employer does not reinstate you within 30 days, you may file a discrimination complaint with the Worker's Compensation Board using form [PFL-DC-120](#). The Worker's Compensation Board will assemble your case and schedule a hearing.

For more information, visit [ny.gov/paidfamilyleave](https://ny.gov/paidfamilyleave)  
or call (844) 337-6303.