



# New York Paid Family Leave Benefit (NY PFL) Fact Sheet

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## What is the New York Paid Family Leave Benefit?

The New York Paid Family Leave Benefit (NY PFL) is an amendment to Article 9 of the New York State Workers' Compensation Law enacted in April 2016. When the amendment is fully phased in, covered employees will be eligible for up to 12 weeks of paid family leave in a consecutive 52-week period to bond with a newborn or newly placed adopted or foster child, or to care for a family member with a serious health condition, or in the event of an exigency (as defined in the FMLA) when a family member is called to active military service.

The NY PFL benefit is intended to work in conjunction with the New York Disability Benefit Law (NY DBL). Based on the draft regulations an employee may not collect benefits under both PFL and DBL concurrently. In 2018, an employee may take up to 8 weeks of paid leave under the PFL during any 52 consecutive calendar weeks. That entitlement increases to 10 weeks in 2019 and to 12 weeks in 2021. However, an employee is not entitled to more than a total of 26 weeks of PFL and DBL combined during any 52 consecutive calendar weeks.

## When will the details supporting NY PFL be available?

The draft regulations were released, by the NY Department of Financial Services and the NY Workers Compensation Board, on February 22, 2017 for a 45-day public comment period. The final regulations supporting the NY PFL are expected to be released between now and June 2017<sup>1</sup> by the following 2 departments:

- NY Department of Financial Services- establishing the NY PFL fund and determining premiums
- NY Workers Compensation Board - establishing the regulations governing the claims process

## Who is eligible to receive the NY PFL benefit?

Employees that work in New York are covered by NY PFL after 174 days of part-time, or 26 consecutive weeks of full-time employment.

## Most Common Examples of when employees are not eligible to receive NY PFL benefits

- Employees working outside of New York state
- An employee receiving total disability under the NY Workers Compensation, Volunteer Firefighters or Volunteer Ambulance workers' benefits.
- 1099 Contractors
- An employee who is on administrative leave from his or her employment
- An employee currently receiving sick pay or paid time off from the employer; and
- For any day in which the claimant works at least part of the day during the same working hours as those for which family leave benefits are claimed.

\*The above list outlines examples where an employee may not be eligible for NY PFL but is not an all-encompassing list and other circumstances where an Employee does not qualify for NY PFL may exist depending on each individual employee's unique situation.

<sup>1</sup>New York has informed the industry that they intend to issue final regulations by June 2017.



## What is the implementation plan and timeline?

The regulations supporting the NY PFL are expected to be released between now and June 2017<sup>1</sup>. The law outlines the following implementation plan and timeline:

<u>Effective Date</u>	<u>Amount of Paid Family Leave Per A 52-Week Calendar Period</u>	<u>Amount of Benefit</u>	<u>Cap</u>	<u>Maximum Benefit*</u>
1/1/2018	8 weeks	At least 50% of EE's average weekly wage	50% of NY state average weekly wage	\$648
1/1/2019	10 weeks	55% of EE's average weekly wage	55% of NY state average weekly wage	\$710
1/1/2020	10 weeks	60% of EE's average weekly wage	60% of NY state average weekly wage	\$774
1/1/2021	12 weeks	67% of EE's average weekly wage	67% of NY state average weekly wage	\$864

\*Maximum payout based on current average weekly wage of \$1296. These benefits will be updated annually by the NY Dept. of Financial Services based on the average wage in the state of NY.

<sup>1</sup>New York has informed the industry that they intend to issue final regulations by June 2017.