



# New York's Paid Family Leave Program will be enhanced for 2021

## What is Paid Family Leave?

Beginning in 2018, the state of New York implemented the Paid Family Leave program as part of the existing Disability Benefits Law (DBL). It pays part of employees' income while they're out of work. It covers bonding with a new child, caring for a family member with a serious health condition and other events related to a family member's active-duty military status.



**PFL helps take care of you — while you take care of others.**

## What are the benefits?

Starting January 1, 2021, eligible employees may receive 67% of their wages up to a maximum of 67% of the New York State average weekly wage of \$1,450.17 (resulting in a maximum benefit of \$971.61 per week) for a maximum of twelve weeks if they have a qualifying leave event.

You may use PFL to bond with a new child within 12 months of birth, adoption or foster placement.

You can also use PFL to take care of a family member with a serious health condition. A family member is defined as spouse, parent-in-law, domestic partner, grandparent, child, grandchild or parent.

**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.

Finally, you can use PFL for qualifying exigencies arising out of a family member's active duty deployment that are covered under the Family and Medical Leave Act (FMLA). PFL can only be used for a family member's qualifying military event - not your own.

## PFL: What you need to know

- New York PFL is designed to be an employee-funded benefit. The cost for 2021 is 0.511% of an employee's weekly wage up to the maximum covered salary (\$75,408.84), and premium will be collected via payroll deduction. The maximum annual cost is \$385.34.
- Participation in the New York PFL program is mandatory for virtually all private employees (i.e., not working for a municipality). If you're eligible for DBL, you must also have PFL coverage.
- If you contribute to the cost of your medical coverage, you may be required to continue paying your medical premiums while on paid family leave. Contact your HR representative for more information.
- PFL provides job protection, so when you return to work from PFL, you must be returned to the same position or a position of equal standing.
- New York PFL benefits are considered taxable income. If you wish to have income taxes withheld from your benefit, you will need to notify Unum of the amount you wish to withhold.

## Plan details

Effective date	Maximum length of paid leave	Covered % of employee's weekly income	Maximum benefit (% of NY average weekly wage)
1/1/2019	10 weeks	55%	55%
1/1/2020	10 weeks	60%	60%
1/1/2021	12 weeks	67%	67%

## How PFL should be used

- You may use PFL to care for a family member with a serious health condition even if that family member resides outside of New York State.
- Your employer may allow you to use sick/vacation time before you take paid family leave, but they cannot require you to use either. Your employer may also allow you to use PFL days while taking PTO, enabling you to receive 100% of your pay. Be sure to review your company's policies with your HR representative.
- You cannot collect PFL benefits if you are receiving workers' compensation benefits.

## Eligibility rules

- Eligibility: Virtually all private employees working in the State of New York are eligible. Full-time employees are eligible for benefits after working 26 consecutive weeks with their employer, while part-time employees are eligible after 175 work days with an employer.
- PFL is designed to work concurrently with FMLA.
- You cannot take DBL and PFL at the same time, and your combined usage of DBL and PFL cannot exceed 26 weeks in a 52-week period.
- When submitting a claim, both you and your employer must submit completed sections of the New York PFL claim form.

- PFL must be used in one-day increments. If you work for pay during any part of a day, you are not eligible to take PFL.
- If your reason for taking PFL is foreseeable (i.e., child bonding), you must give your employer notice at least 30 days prior to taking leave. If you are unable to provide notice 30 days prior to leave, you must provide it as soon as is practicable.

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**If you have questions, please contact your Unum representative.**