

# 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 26 consecutive weeks of employment.

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 will deduct 0.270% from wages to pay for family leave insurance, with a maximum annual contribution of \$196.72.

Only employees who will not meet the minimum time worked requirements may opt out of this 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 2020, qualified employees are eligible for up to 10 weeks of leave at 60% of their Average Weekly Wage (AWW), up to a maximum of 60% of New York State Average Weekly Wage (SAWW), currently \$1,401.17. This makes the maximum weekly benefit for 2020 \$840.70.

Year	Weeks of Leave	Benefit
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 <https://paidfamilyleave.ny.gov/forms>
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.

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