



NYS PAID FAMILY LEAVE LAW

YOUR INITIAL QUESTIONS ANSWERED

JULY 2017



NEW YORK PAID FAMILY LEAVE YOUR INITIAL QUESTIONS ANSWERED

What's the rate/cost to employees?

	PFL	NYDBL
Premium Payment	100% Employee Paid	Optional Employee Contribution
Employee Cost	Maximum of \$85.80 annually	Maximum of \$31.20 annually
Rate Calculation	.126% of the employee's weekly wage based on a maximum covered payroll of \$1,305.92	.5% of the first \$120 per week

Is it funded by employees only, or can employers contribute?

Employees are required to pay for it; employer participation is voluntary.

Is the premium going to be scaled by salary or income?

Right now, our understanding is that the carriers are mandated to issue the Rider with a Community rating. That rider is 100% employee funded, and that employee contribution year one will be 50% of each employee's average weekly wage, capped at 0.126%.

Are out-of-state riders going to be permitted?

This is still under consideration.

What is the qualifying period for PFL?

Full-time employees who work 20 or more hours per week, for at least 26 weeks. Employees who work less than 20 hours a week are eligible after 175 days worked (not 175 after they start).

Why begin employee deductions for the PFL premium starting July 1, 2017?

Making July 2017 deductions is NOT MANDATORY, but Many DBL policies (especially for small group employers) pay premiums annually in-advance. Making deductions from 7/1/17 onwards helps prefund the premium payment so the PFL doesn't become a burden to the employer (deductions are mandatory as of Jan 1 2018). It is advised tht employers reach out to their carrier with regard to invoicing for Paid Family Leave.

What If the employer starts those deductions and the employee leaves before the benefits can commence?

If the employee leaves before the benefits start, the employer has no obligation to return that money.

Will PFL be automatically added on to the DBL policy?

Yes, PFL will automatically be added onto each policy as a rider to the DBL policy

[Click here to keep up to date with NYS PFL updates.](#)



Does PFL apply to Municipalities?

Municipalities are exempt, however they can choose to elect DBL and or PFL.

If you don't need DBL or PFL (e.g. school or municipality) can you elect one or the other, or would you have to provide both, if elected?

For voluntary coverage, they can elect to obtain either DBL or PFL, or both.

Is the amount of time you can take off based on the qualifying event?

Yes. For bonding, it is the claimant's choice how much time they want to take off, as long as it is less than the maximum number of weeks. When caring for an ill family member, qualification depends upon the severity/seriousness of the family member's condition (min. 3-days of care). For qualifying military events, there are certain periods of time taken under FMLA that will also correspond to PFL.

Can the time off be broken up? That is, can a parent take 4 weeks immediately after birth, then another 4 weeks at some other point during the course of 52-weeks from the date of birth?

Yes, PFL benefits can be taken intermittently, depending on the qualifying event.

Is there a maximum amount of time an employee can use in a year?

The maximum amount of time allowable in 2018 is 8 weeks, within a 52-week period (beginning on Day 1 of benefits). That time will increase each year until 2021 when it will be 12 weeks.

How does the PFL benefit impact spouses working for the same employer, more specifically for bonding with a new child? Can both employees take 8 weeks?

They both cannot be out at the same time to care for the same person. However, new parents could take the time consecutively.

What type of documentation is needed to qualify for PFL?

For bonding, the birth certificate of the child is needed. For care of a sick relative, a doctor's validation is needed.

Do we know if PFL and DBL payments will be coordinated?

They will not coordinate; they are separate forms of coverage. The benefit period for both lines of coverage, when combined, cannot exceed 26-weeks (in a 52-week period).

Will the PFL benefit be taxable?

For now, the benefits are expected to be taxable at the federal level.

While an employee is out on claim, is the employer obligated to continue the same contribution schedule for other benefits that they did as a regular employee?

The employer only has an obligation to maintain medical coverage. However, it is recommended that all lines of benefits are kept open while someone is out on PFL.

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