



AmTrust

## NY State Paid Family Leave (PFL) Frequently Asked Questions

Question	Answer
<b>What is New York PFL?</b>	PFL mandates up to 12 weeks of job-protected paid leave to bond with a newborn, adopted or foster care child during the first 12 months after birth or placement; to care for a seriously ill family member; or to address important needs related to a family member's military service.
<b>How is it different from FMLA?</b>	The federal Family and Medical Leave Act (FMLA) program is <i>unpaid</i> and applies to employers with 50+ employees. FLMA & PFL benefits must be used concurrently.

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<b>Are all New York employers required to provide this benefit?</b>	<p>Yes. All private-sector employers with employees working in New York State, regardless of size, must provide the PFL benefit. Unless self-insured, employers must have DBL and PFL benefits on the same policy.</p> <p>Public-sector employers are not required to provide PFL but can opt in through collective bargaining. If they will not be providing PFL, they must notify their employees, Workers' Compensation Board and AmTrust no later than December 1, 2017.</p> <p>Out of state employees insured for DBL benefits by rider to a DBL policy are not required to have PFL benefits.</p>
<b>Mandated job reinstatement following PFL</b>	Employees taking family leave must be restored to the same or comparable position previously held by the employee prior to taking the leave.
<b>What are some Employer responsibilities?</b>	<ul style="list-style-type: none"> <li>• Update employee handbooks or leave material to include PFL requirements. If an employer currently has a PFL benefit, it should be reviewed for compliance to meet minimum requirements of the current PLF Law</li> <li>• Deduct and remit the employee PFL contribution along with the DBL premium</li> <li>• Send the PFL claim to AmTrust as soon as possible to avoid delays in benefit payments</li> <li>• Maintain employee's health insurance while on PFL leave</li> <li>• Restore the employee to the same or comparable position held by the employee prior to taking the leave</li> <li>• The employer may establish rules limiting employees collecting PFL for same family member at same time</li> </ul>
<b>Who is eligible?</b>	All full-time employees employed by a covered employer working 26 or more consecutive weeks; part-time employees (scheduled other than the employer's normal work week) become eligible on the 175th day of employment.
<b>What are the effective dates and weekly benefits?</b>	<p>The PFL benefits will begin January 1<sup>st</sup>, 2018 with up to 8 weeks available leave. The schedule below shows the projected ramp up to the 12 weeks leave time. * The New York superintendent of financial services has the authority to delay any of these increases.</p> <p>52-week calendar period (AWW is average weekly wage)</p>
<b>Effective date / Weeks of PFL:</b>	<b>Weekly benefit:</b>
Jan. 1, 2018 / up to 8 weeks	50% of employee AWW not to exceed 50% of the State AWW
Jan. 1, 2019 / up to 10 weeks	55% of employee AWW not to exceed 55% of the State AWW
Jan. 1, 2020 / up to 10 weeks	60% of employee AWW not to exceed 60% of the State AWW
Jan. 1 each succeeding year / up to 12 weeks	67% of employee AWW not to exceed 67% of the State AWW

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<b>How does an employee claim PFL benefits?</b>	<p>If the leave is a foreseeable event, the employee shall provide the employer with not less than 30 days' notice before the leave is to begin. If this is not possible, the employee should provide notice as soon as practical.</p> <p>A prescribed claim form for each of the three PFL leaves is under development by regulators.</p>
<b>Can an employee use accrued vacation or PTO?</b>	Yes. An employee can use their vacation, sick or PTO time but it's not required.
<b>When do PFL benefits start?</b>	<p>Eligible employees can collect benefits starting with the first full day family leave is needed.</p> <p>Benefits may be payable to employees for paid family leave taken intermittently or for less than a full work week in increments of one full day or one fifth of the weekly benefit.</p>
<b>Can an employee collect both DBL and PFL at the same time?</b>	No. Benefits cannot be concurrent. Combined maximum DBL plus Paid Family Leave is 26 weeks during 52 consecutive calendar weeks.
<b>How is it funded?</b>	The PFL benefit will be entirely funded by a nominal employee contribution through payroll deduction. On June 1, 2017, and annually thereafter on September 1, the superintendent of financial services will set the maximum employee contribution. No employer is required to fund any portion of the PFL benefit.
<b>What are the Tax Implications?</b>	Like unemployment insurance, PFL benefits are reportable for Federal but not State tax (IRS tax reg. section 1.85-1)