



New York State Paid Family Leave



Requesting Paid Family Leave
Visit - <https://paidfamilyleave.ny.gov/employees>

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Becoming Eligible

Most employees who work in New York State for **private employers** are eligible to take Paid Family Leave.

However, under the Paid Family Leave law, some categories of workers are excluded from the definition of “employee” and “employment.” Examples include licensed ministers, priests, or rabbis; persons engaged in a professional or teaching capacity for a not-for-profit; and those who work in service as a golf caddy. Although some categories of workers are not automatically covered for Paid Family Leave, such as those listed here, employers can choose to voluntarily cover them. If you are not sure if you are covered for Paid Family Leave, you can speak to your employer. If you believe you are eligible, you can apply for Paid Family Leave and the insurance carrier will make the determination.

Covered employees become eligible to take Paid Family Leave for a qualifying event once they have met the minimum time-worked requirements:

- **Full-time employees:** Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.
- **Part-time employees:** Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive. Employees with irregular schedules should look at their average schedule to determine if they work, on average, fewer than 20 hours per week.

The use of scheduled vacation time; the use of personal, sick or other time away from work that has been approved by the employer; or other periods where the employee is away from work but is still considered to be an employee by the employer, shall be counted as consecutive weeks or consecutive work weeks, or days worked, as long as the contributions to the cost of family leave benefits have been paid for such periods of time.

Once employees meet the eligibility requirements, they remain eligible for that employer until employment is terminated. If employees start a new job, they must work long enough with their new employer to meet the eligibility requirement.

Citizenship and/or immigration status is not a factor in employee eligibility.

Plainview-Old Bethpage CSD does require Family and Medical Leave Act (FMLA) and Paid Family Leave (PFL) to run concurrently if the requested leave qualifies for both FMLA and PFL.

Public Employees

Employees who work for **public employers** may be covered for Paid Family Leave if their employer has voluntarily opted in to provide the benefit. Union-represented public employees may be covered if the benefit has been negotiated through collective bargaining.

Benefits Schedule

Paid Family Leave provides both time off and wage replacement benefits. The wage benefit is a percentage of your average weekly wage (AWW), capped at the same percentage of the Statewide Average Weekly Wage (SAWW). Generally, your AWW is the average of your last eight weeks of wages prior to taking PFL, including bonuses and commissions. The SAWW is updated annually.

In 2020, employees who take Paid Family Leave will receive 60% of their average weekly wage (AWW), capped at 60% of the New York State Average Weekly Wage. Your AWW is the average of your last eight weeks of pay prior to starting Paid Family Leave. The maximum weekly benefit for 2020 is \$840.70. Benefit Calculator can be found at <https://paidfamilyleave.ny.gov/PFLbenefitscalculator2020>.

Types of Paid Family Leave:

Bonding for Birth, Adoption, and Foster Care

Bonding with Your New Baby

Mothers and fathers, including same-sex parents, can take job-protected, paid time off to bond with their newborn **within the first 12 months** of the child's birth.

Some important information about Paid Family Leave for bonding with your new baby:

- Paid Family Leave may only begin after birth and is not available for prenatal conditions.
- Parents who work for the same employer and want to take Paid Family Leave at the same time may do so unless their employer objects.
- Your employer's insurance carrier will receive and process requests for Paid Family Leave and make your benefit payments.

In 2020, you may be eligible to take up to 10 weeks of Paid Family Leave. See below for complete instructions on how to apply.

How to Apply: Bonding with Your New Baby

Requesting Paid Family Leave is easy. Start by planning your leave:

- Leave can be taken either all at once or intermittently but must be taken in full-day increments. Note: If you take intermittent leave and more than three months pass between days of Paid Family Leave, your next day or period of PFL is considered a new claim under the law. This means you will need to submit a new Request for Paid Family Leave.
- You must **notify your employer at least 30 days before** the start of leave if foreseeable; otherwise, notify your employer as soon as possible.
- Employees who hold more than one job may take Paid Family Leave from both jobs, but they must do so with both employers at the same time.

Once you are ready to apply, follow these three steps:

1. COLLECT YOUR FORMS AND DOCUMENTATION

The forms are available from your employer, employer's insurance carrier or you may download: [Bond with a Newborn, a Newly Adopted or Foster Child](#) (Forms PFL-1 & PFL-2)

Required Forms

The form package for bonding leave includes the following forms:

Request for Paid Family Leave (Form PFL-1)

Bonding Certification (Form PFL-2)

Required Documentation

- **Birth Mother**

A copy of the child's birth certificate, if available, or an original copy of a health care provider certification of birth.

- **Parent Other Than Birth Mother**

A copy of the child's birth certificate, if available, naming you as the second parent, a *Voluntary Acknowledgment of Paternity (Form LDSS-4418)*, or a Court Order of Filiation.

OR

Same documentation as birth mother and a second document verifying the relationship to the birth mother (for example, marriage certificate, civil union, or domestic partner document).

2. COMPLETE & ATTACH

- **FORM PFL-1**

Form PFL-1 has sections that need to be completed by you and by your employer.

1. Fill out your section.
2. Make a copy and give the form to your employer.
 - Your employer is required to return *Form PFL-1* to you within three business days.
 - **If your employer fails to return the form to you**, submit the *Form PFL-1* that you have filled out, along with the rest of your request package, to your employer's insurance carrier.

- **FORM PFL-2**

1. Complete *Form PFL-2*.
2. Attach copies of your supporting documentation.

3. SUBMIT TO INSURANCE CARRIER

You must submit your completed request package to your employer's insurance carrier within **30 days** after the start of your leave to avoid losing benefits.

If you cannot get documentation to support a leave request within this timeframe, the insurance carrier can deny the request.

Mail or fax your *Form PFL-1*, *Form PFL-2*, and all supporting documentation to your employer's insurance carrier.

To find out who your employer's insurance carrier is, you can:

- Look for the Paid Family Leave poster in your workplace.
- Ask your employer.
- Search your employer's name to look up their insurance carrier.

Required Documentation

When requesting Paid Family Leave for bonding with your new baby you will need to provide documentation that proves you are the child's parent.

The documentation that you must provide **depends on your relationship to the newborn child.**

Birth Mother

- Birth certificate, if available, or
- Documentation of pregnancy or birth from a health care provider (includes mother's name and due/birth dates)

Parent Other Than Birth Mother

- Birth certificate, if available, or
- Voluntary acknowledgment of paternity or court order of filiation; or
- A copy of documentation of pregnancy or birth from a health care provider (includes mother's name and due/birth dates) and a second document verifying the parent's relationship with the birth mother or child

In a same-sex relationship and only one parent or neither parent is the biological parent:

A parent who is not the birth mother must submit documentation establishing their legal role as the child's parent and demonstrating their relationship to the birth mother.

Acceptable forms of documentation include:

- Legal role as child's parent – birth certificate, Court Order of Filiation, or Voluntary Acknowledgment of Paternity naming that parent
- Relationship to birth mother – marriage certificate, or evidence of a civil union or domestic partnership
- If none of these documents are available, a parent may submit other documentary evidence of parental relationship to the child, to be evaluated on a case-by-case basis.

Bonding with Your Adopted Child

Adoptive mothers and fathers, including same-sex parents can take job-protected, paid time off to bond with their newly adopted child **within the first 12 months** of the child's adoption.

Some important information about Paid Family Leave for bonding with your newly adopted child:

- You may be able to take PFL before an adoption is finalized if you need to be absent from work for the adoption to proceed. For example, if you need to travel to another country as part of the adoption process. In these cases, documentation must be provided to show the adoption process is underway (for example, a signed statement from an attorney or adoption agency.)
- Parents who work for the same employer and want to take Paid Family Leave at the same time may do so unless their employer objects.
- Your employer's insurance carrier will receive and process requests for Paid Family Leave and make your benefit payments.

In 2020, you may be eligible to take up to 10 weeks of Paid Family Leave. See below for complete instructions on how to apply.

How to Apply: Bonding with Your Adopted Child

Requesting Paid Family Leave is easy. Start by planning your leave:

- Leave can be taken either all at once or intermittently but must be taken in full-day increments. Note: If you take intermittent leave and more than three months pass between days of Paid Family Leave, your next day or period of PFL is considered a new claim under the law. This means you will need to submit a new Request for Paid Family Leave.
- You must **notify your employer at least 30 days before** the start of leave if foreseeable; otherwise, notify them as soon as possible.
- Employees who hold more than one job may take Paid Family Leave from both jobs, but they must do so with both employers at the same time.

Once you are ready to apply, follow these three steps:

1. COLLECT YOUR FORMS AND DOCUMENTATION

The forms are available from your employer, employer's insurance carrier or you may download: [Bond with a Newborn, a Newly Adopted or Foster Child](#) (Forms PFL-1 & PFL-2)

Required Forms

The form package for bonding leave includes the following forms:

Request for Paid Family Leave (Form PFL-1)

Bonding Certification (Form PFL-2)

Required Documentation

You will need to provide:

- a copy of court documents finalizing the adoption, or
- documentation in furtherance of adoption, or
- a court order finalizing the adoption.

If you are not the parent named in the court documents, you must also provide proof verifying your relationship to the parent named in the court documents, such as: marriage certificate, civil union, or domestic partner document.

2. COMPLETE & ATTACH

○ FORM PFL-1

Form PFL-1 has sections that need to be completed by you and by your employer.

1. Fill out your section.
2. Make a copy and give the form to your employer.
 - Your employer is required to return *Form PFL-1* to you within three business days.
 - **If your employer fails to return the form to you**, submit the *Form PFL-1* that you have filled out, along with the rest of your request package, to your employer's insurance carrier.

○ FORM PFL-2

1. Complete *Form PFL-2*.
2. Attach copies of your supporting documentation.

3. SUBMIT TO INSURANCE CARRIER

You must submit your completed request package to your employer's insurance carrier within **30 days** after the start of your leave to avoid losing benefits.

If you cannot get documentation to support a leave request within this timeframe, the insurance carrier can deny the request.

Mail or fax your *Form PFL-1*, *Form PFL-2*, and all supporting documentation to your employer's insurance carrier.

To find out who your employer's insurance carrier is, you can:

- Look for the Paid Family Leave poster in your workplace.
- Ask your employer.
- Search your employer's name to look up their insurance carrier.

Required Documentation

When requesting Paid Family Leave for bonding with your newly adopted child you will need to provide documentation that proves you are the child's adoptive parent.

Documentation required:

- a copy of court documents finalizing the adoption, or
- documentation in furtherance of adoption, or
- a court order finalizing the adoption.

If you are not the parent named in the court documents, you must also provide proof verifying your relationship to the parent named in the court documents, such as: marriage certificate, civil union, or domestic partner document.

Bonding with Your Foster Child

Foster mothers and fathers, including same-sex parents can take job-protected, paid time off to bond with their newly fostered child within the first 12 months of the child's placement.

Some important information about Paid Family Leave for bonding with your newly adopted child:

- If you have been notified of a *pending placement*, you may be able to take Paid Family Leave *before the actual placement* of a child if an absence from work is required for the placement to proceed.
- Parents who work for the same employer and want to take Paid Family Leave at the same time may do so unless their employer objects.
- Your employer's insurance carrier will receive and process requests for Paid Family Leave and make your benefit payments.

In 2020, you may be eligible to take up to 10 weeks of Paid Family Leave. See below for complete instructions on how to apply.

How to Apply: Bonding with Your Foster Child

Requesting Paid Family Leave is easy. Start by planning your leave:

- Leave can be taken either all at once or intermittently but must be taken in full-day increments. Note: If you take intermittent leave and more than three months pass between days of Paid Family Leave, your next day or period of PFL is considered a new claim under the law. This means you will need to submit a new Request for Paid Family Leave.
- You must **notify your employer at least 30 days before** the start of leave if foreseeable; otherwise, notify them as soon as possible.
- Employees who hold more than one job may take Paid Family Leave from both jobs, but they must do so with both employers at the same time.

Once you are ready to apply, follow these three steps:

1. COLLECT YOUR FORMS AND DOCUMENTATION

The forms are available from your employer, employer's insurance carrier or you may download: [Bond with a Newborn, a Newly Adopted or Foster Child](#) (Forms PFL-1 & PFL-2)

Required Forms

The form package for bonding leave includes the following forms:

Request for Paid Family Leave (Form PFL-1)

Bonding Certification (Form PFL-2)

Required Documentation

You will need a foster care placement letter issued by the county or city department of social services or authorized voluntary foster care agency.

If you are not the parent named in the placement letter, you must also provide proof verifying your relationship to the parent named in the placement letter, such as: marriage certificate, civil union, or domestic partner document.

2. COMPLETE & ATTACH

○ FORM PFL-1

Form PFL-1 has sections that need to be completed by you and by your employer.

1. Fill out your section.
2. Make a copy and give the form to your employer.
 - Your employer is required to return *Form PFL-1* to you within three business days.
 - **If your employer fails to return the form to you**, submit the *Form PFL-1* that you have filled out, along with the rest of your request package, to your employer's insurance carrier.

○ FORM PFL-2

1. Complete *Form PFL-2*.
2. Attach copies of your supporting documentation.

3. SUBMIT TO INSURANCE CARRIER

You must submit your completed request package to your employer's insurance carrier within **30 days** after the start of your leave to avoid losing benefits.

If you cannot get documentation to support a leave request within this timeframe, the insurance carrier can deny the request.

Mail or fax your *Form PFL-1*, *Form PFL-2*, and all supporting documentation to your employer's insurance carrier.

To find out who your employer's insurance carrier is, you can:

- Look for the Paid Family Leave poster in your workplace.
- Ask your employer.
- Search your employer's name to look up their insurance carrier.

Required Documentation

When requesting Paid Family Leave, you will need to file a Request for Paid Family Leave form as well as documentation in support of your Paid Family Leave request.

Documentation required:

- You will need a foster care placement letter issued by the county or city department of social services or authorized voluntary foster care agency.

- **If you are not the parent named in the placement letter, you must also provide** proof verifying your relationship to the parent named in the placement letter, such as: marriage certificate, civil union, or domestic partner document.

Getting Paid

In most cases, the insurance carrier will pay benefits or deny your claim within 18 days of receiving your completed request or your first day of leave, whichever is later. After the initial payment, payments are made biweekly. Your insurance carrier may provide options for how you will be paid, for example, via direct deposit, debit card or paper check.

Note: Pursuant to [the Department of Tax Notice No. N-17-12 \[PDF\]](#), Paid Family Leave benefits are taxable. Taxes will not automatically be withheld from benefits, but employees can request voluntary tax withholding. Questions related to the taxability of Paid Family Leave contributions should be referred to the [NYS Department of Taxation and Finance](#).

Family Care

What is Family Care?

COVID-19 legislation signed by Governor Cuomo enables Paid Family Leave to be used by an eligible employee if they, or their minor dependent child, are subject to a mandatory or precautionary order of quarantine or isolation issued by the state of New York, the Department of Health, local board of health, or any government entity duly authorized to issue such order due to COVID-19. **This is different from Family Care.** Please visit PaidFamilyLeave.ny.gov/COVID19 to learn about leave for quarantines.

If you have an eligible **family member who contracts COVID-19**, you may be able to take Family Care to care for them, as COVID-19 may be considered a serious health condition.

You can take Paid Family Leave to care for a close family member with a serious health condition, including family members outside of New York State.

Family members include:

- spouse
- domestic partner (including same and different gender couples; legal registration not required)
- child/stepchild and anyone for whom you have legal custody
- parent/stepparent
- parent-in-law
- grandparent
- grandchild

Some important information about Paid Family Leave for family care:

- If you are serving in the role of a parent for a child (**‘in loco parentis’**), you may be eligible to take Paid Family Leave for that child. You are 'in loco parentis' when you are fully responsible for the child's day-to-day care and financial support even if you are not legally or biologically related to the child, Similarly, if someone stood ‘in loco parentis’ to you when you were a child, you may be able to take leave to care for them. Your insurer may ask for a simple statement of the parental relationship or for other reasonable documentation to demonstrate how you stand in loco parentis to the child or how the person in need of care stood in loco parentis to you when you were a child.
- Domestic partner refers to a person who is at least 18 years old and is dependent on the employee for support who is not related by blood to the employee in a way that would bar marriage in NYS. Dependence can be shown by a variety of factors; some examples include common ownership of property, common householding, children in common, signs of intent to marry, shared budgeting and the length of the personal relationship with the employee.
- The Paid Family Leave definition of serious health condition may include mental health conditions.
- Your employer’s insurance carrier will receive and process requests for Paid Family Leave and make your benefit payments.

In 2020, you may be eligible to take up to 10 weeks of Paid Family Leave. See below for complete instructions on how to apply.

What is a Serious Health Condition?

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.

Examples of Reasons for Continuing Treatment or Supervision

| REASON | EXAMPLES |
|--|--|
| Chronic serious health condition that continues over an extended period, requires periodic treatment visits, and may cause episodic periods of incapacity | Asthma, diabetes, epilepsy, psychosis, schizophrenia, bipolar disorder, or post-traumatic stress disorder (PTSD) |
| Long-term or permanent period of treatment that may not be effective and the family member is under continuing supervision | Alzheimer’s disease, severe stroke, or terminal stage of a disease |
| Treatment or recovery from restorative surgery after an accident or other injury, or a condition that would likely result in a period of incapacity of more than three consecutive full days in the absence of treatment | Cancer (chemotherapy and radiation), severe arthritis (physical therapy), or kidney disease (dialysis) |

A period of more than three consecutive full days involving treatment two or more times by a health care provider or treatment on at least one occasion followed by continuing treatment under supervision

A course of prescription medication as a regimen of continuing treatment or treatment for a substance use disorder

For example, you need one or more full days to care for your mom when she undergoes chemotherapy; or your dad is having surgery followed by extensive recuperation; or your child is undergoing intense psychotherapy and is unable to attend school for a period of time; or a family member is seeking treatment for a substance use disorder. These are situations that may qualify for Paid Family Leave if certified by a licensed health care provider. These examples are used for illustration purposes only and are not intended to pre-determine your eligibility for Paid Family Leave; only the Paid Family Leave insurer can make eligibility determinations.

Cosmetic treatments (such as plastic surgery) are not eligible conditions unless inpatient hospital care is required, or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and would not qualify for Paid Family Leave.

Who Can Certify Health Conditions?

The following Licensed Health Care Providers may complete necessary documentation for Paid Family Leave within their scope of practice:

- Physician
- Physician Assistant
- Chiropractor
- Dentist
- Physical Therapist
- Nurse Practitioner
- Registered Professional Nurse
- Podiatrist
- Optometrist
- Psychologist
- Clinical Social Worker
- Occupational Therapist
- Midwife
- Mental Health Practitioner
- Speech-language Pathologists
- Audiologists

Health care providers outside of New York, including outside the United States, who are certifying that an employee's request for Paid Family Leave is medically justified must have a valid license in the state or country where they practice.

How to Apply: Family Care

Requesting Paid Family Leave is easy. Start by planning your leave:

- Leave can be taken either all at once or intermittently but must be taken in full-day increments. Note: If you take intermittent leave and more than three months pass between days of Paid Family Leave, your next day or period of PFL is considered a new claim under the law. This means you will need to submit a new Request for Paid Family Leave.
- You must **notify your employer at least 30 days before** the start of leave if foreseeable; otherwise, notify them as soon as possible.
- Employees who hold more than one job may take Paid Family Leave from both jobs, but they must do so with both employers at the same time.

Once you are ready to apply, follow these three steps:

1. COLLECT YOUR FORMS AND DOCUMENTATION

The forms are available from your employer, employer's insurance carrier or you may download: [Care for a Family Member with a Serious Health Condition](#) (Forms PFL-1, PFL-3 & PFL-4)

Required Forms

The form package for bonding leave includes the following forms:

Request for Paid Family Leave (Form PFL-1)

Release of Personal Health Information Under the Paid Family Leave Law (Form PFL-3)

Health Care Provider Certification for Care Of Family Member with Serious Health Condition (Form PFL-4)

2. COMPLETE

o FORM PFL-1

Form PFL-1 has sections that need to be completed by you and by your employer.

1. Fill out your section.
2. Make a copy and give the form to your employer.
 - Your employer is required to return *Form PFL-1* to you within three business days.
 - **If your employer fails to return the form to you**, submit the *Form PFL-1* that you have filled out, along with the rest of your request package, to your employer's insurance carrier.

o FORM PFL-3

Your family member (the care recipient) completes *Form PFL-3* and submits the form to their health care provider to keep on file.

This form authorizes a health care provider to release information regarding your family member's serious health condition to your employer's insurance carrier. **Do**

not send this form to the insurance carrier.

- **FORM PFL-4**

Form PFL-4 has sections that need to be completed by you and by your family member's health care provider.

Fill out your section, make a copy and give the form to the health care provider. Ask the provider to complete their portion of the form and return it to you in a timely manner.

3. **SUBMIT TO INSURANCE CARRIER**

You must submit your completed request package to your employer's insurance carrier within **30 days** after the start of your leave to avoid losing benefits.

If you cannot get documentation to support a leave request within this timeframe, the insurance carrier can deny the request.

Mail or fax your *Form PFL-1*, *Form PFL-4*, and all supporting documentation to your employer's insurance carrier.

To find out who your employer's insurance carrier is, you can:

- Look for the Paid Family Leave poster in your workplace.
- Ask your employer.
- Search your employer's name to look up their insurance carrier.

Getting Paid

In most cases, the insurance carrier will pay benefits or deny your claim within 18 days of receiving your completed request or your first day of leave, whichever is later. After the initial payment, payments are made biweekly. Your insurance carrier may provide options for how you will be paid, for example, via direct deposit, debit card or paper check.

Note: Pursuant to the [Department of Tax Notice No. N-17-12 \[PDF\]](#), Paid Family Leave benefits are taxable. Taxes will not automatically be withheld from benefits, but employees can request voluntary tax withholding. Questions related to the taxability of Paid Family Leave contributions should be referred to the [NYS Department of Taxation and Finance](#).

Military Family Support

What is Military Family Support Leave?

You can take Paid Family Leave when you need time to assist with family situations arising when your

- spouse,
- domestic partner,
- child, or
- parent

is on **active service in a foreign country** or has been notified of an impending call or order of active service to a foreign country. You can take Paid Family Leave for the same reasons you can take military-related leave under the Federal Family and Medical Leave Act (FMLA), which may include:

- Short-notice military deployment.
- Military events, which may include official ceremonies or informational briefings related to the active duty.
- Military member's rest, recuperation, or counseling.
- Post-deployment activities, which may include arrival ceremonies and reintegration events.
- Making financial/legal arrangements; or
- Making childcare arrangements for the military member's child.

Some important information on Paid Family Leave for military events:

- You cannot use Paid Family Leave for your own qualifying military event.
- Paid Family Leave can be used to make arrangements for the military member's child, as well as urgent, non-routine childcare by the family member.
- Domestic partner refers to a person who is at least 18 years old and is dependent on the employee for support who is not related by blood to the employee in a way that would bar marriage in NYS. Dependence can be shown by a variety of factors; some examples include common ownership of property, common householding, children in common, signs of intent to marry, shared budgeting and the length of the personal relationship with the employee.
- Your employer's insurance carrier will receive and process requests for Paid Family Leave and make your benefit payments.

In 2020, you may be eligible to take up to 10 weeks of Paid Family Leave. See below for complete instructions on how to apply.

How to Apply: Military Family Support Leave?

Requesting Paid Family Leave is easy. Start by planning your leave:

- Leave can be taken either all at once or intermittently but must be taken in full-day increments. Note: If you take intermittent leave and more than three months pass between days of Paid Family Leave, your next day or period of PFL is considered a new claim under the law. This means you will need to submit a new Request for Paid Family Leave.

- You must **notify your employer at least 30 days before** the start of leave if foreseeable; otherwise, notify them as soon as possible.
- Employees who hold more than one job may take Paid Family Leave from both jobs, but they must do so with both employers at the same time.

Once you are ready to apply, follow these three steps:

1. COLLECT YOUR FORMS AND DOCUMENTATION

The forms are available from your employer, employer's insurance carrier or you may download: [Assist Families in Connection with a Military Deployment](#) (Forms PFL-1 & PFL-5)

Required Forms

To request military service-related leave, you'll need the following forms:

Request for Paid Family Leave (Form PFL-1)

Military Qualifying Event (Form PFL-5)

Required Documentation

You will need to verify your family member's service with one of the following:

- covered active duty orders,
- letter from the military unit documenting impending call or order to covered duty, or
- documentation of military leave signed by the approval authority for the military member's Rest and Recuperation.

If leave is requested to meet with a third party, such as a school official, counselor, or attorney, you must provide documentation of the meeting that includes:

- The name, address, and contact information of the individual or entity with whom you are meeting
- A description of the meeting

The last page of *Form PFL-5* has a template you can use to document these meetings.

2. COMPLETE & ATTACH

○ FORM PFL-1

Form PFL-1 has sections that need to be completed by you and by your employer.

1. Fill out your section.
2. Make a copy and give the form to your employer.
 - Your employer is required to return *Form PFL-1* to you within three business days.
 - **If your employer fails to return the form to you**, submit the *Form PFL-1* that you have filled out, along with the rest of your request package, to your employer's insurance carrier.

○ FORM PFL-5

1. Complete *Form PFL-5*.
2. Attach copies of your supporting documentation.

3. **SUBMIT TO INSURANCE CARRIER**

You must submit your completed request package to your employer's insurance carrier within **30 days** after the start of your leave to avoid losing benefits.

If you cannot get documentation to support a leave request within this timeframe, the insurance carrier can deny the request.

Mail or fax your *Form PFL-1*, *Form PFL-5*, and all supporting documentation to your employer's insurance carrier.

To find out who your employer's insurance carrier is, you can:

- Look for the Paid Family Leave poster in your workplace.
- Ask your employer.
- Search your employer's name to look up their insurance carrier.

Required Documentation

You will need to verify your family member's service with one of the following:

- covered active duty orders,
- letter from the military unit documenting impending call or order to covered duty, or
- documentation of military leave signed by the approval authority for the military member's Rest and Recuperation.

If leave is requested to meet with a third party, such as a school official, counselor, or attorney, you must provide documentation of the meeting that includes:

- The name, address, and contact information of the individual or entity with whom you are meeting
- A description of the meeting

The last page of *Form PFL-5* has a template you can use to document these meetings.

Getting Paid

In most cases, the insurance carrier will pay benefits or deny your claim within 18 days of receiving your completed request or your first day of leave, whichever is later. After the initial payment, payments are made biweekly. Your insurance carrier may provide options for how you will be paid, for example, via direct deposit, debit card or paper check.

Note: Pursuant to the [Department of Tax Notice No. N-17-12 \[PDF\]](#), Paid Family Leave benefits are taxable. Taxes will not automatically be withheld from benefits, but employees can request voluntary tax withholding. Questions related to the taxability of Paid Family Leave contributions should be referred to the [NYS Department of Taxation and Finance](#).

Family and Medical Leave Act (FMLA)

The federal [Family and Medical Leave Act \(FMLA\)](#) is a United States labor law that provides job-protected, **unpaid** leave for employees for qualified medical and family reasons.

If an employee has an event that qualifies for leave under both FMLA and Paid Family Leave, and the employer is covered under both laws, **the employer can require them to run concurrently**. In order for the two types of leaves to run together, the employer must notify the employee that the leave qualifies for both FMLA and Paid Family Leave, and that it will be designated as such.

Plainview-Old Bethpage CSD does require Family and Medical Leave Act (FMLA) and Paid Family Leave (PFL) to run concurrently if the requested leave qualifies for both FMLA and PFL.

| How are Paid Family Leave (PFL) and the federal Family and Medical Leave Act (FMLA) different? | | |
|--|---|--|
| | PFL | FMLA |
| Benefits | PAID | UNPAID |
| Coverage | <ul style="list-style-type: none"> • Most private employers • Public employers may opt in • One or more employees | <ul style="list-style-type: none"> • Public and private employers • 50 or more employees in a 75-mile radius |
| Eligibility | <ul style="list-style-type: none"> • After 26 consecutive weeks of employment if regularly working 20 or more hours per week • After 175 days worked if regularly working less than 20 hours per week | <ul style="list-style-type: none"> • 12 months of employment • 1,250 hours of work in the 12-month period preceding leave |
| Reason for Leave | <ul style="list-style-type: none"> • Employees cannot use for own serious health condition • Can be used to care for a child of any age | <ul style="list-style-type: none"> • Employee can use for own serious health condition • Can only be used to care for a child if the child is under 18 years old, or “incapable of self-care because of a mental or physical disability” |
| Length of Leave | <ul style="list-style-type: none"> • Only in full-day increments | <ul style="list-style-type: none"> • Hourly basis |
| Paid Time Off | <ul style="list-style-type: none"> • Employers cannot require employees use paid time off while on PFL | <ul style="list-style-type: none"> • Employers can compel an employee to use paid time off while on FMLA |

Short-term Disability

Employees with an injury or illness not related to their job may be eligible for [short-term disability benefits](#). Paid Family Leave does not replace disability benefits coverage.

After giving birth, new mothers may be eligible for both short-term disability benefits and Paid Family Leave. While the two benefits **cannot be taken at the same time**, eligible employees can choose how they can use both benefits to support the needs of their families.

For example, if a new mother qualifies for short-term disability after giving birth, she can choose to:

- Immediately take all or any portion of her available short-term disability weeks and then take Paid Family Leave at any time within the first 12 months; or,
- Take Paid Family Leave immediately, without taking any short-term disability.

There may be other times when an employee needs to use both short-term disability and Paid Family Leave in the same year for different qualifying events. In all cases, employees cannot take more than 26 weeks of combined short-term disability and Paid Family Leave benefits in a 52-week period.

If an employee plans to use both short-term disability and Paid Family Leave, the employee must complete a separate request for each. These are separate benefits, which cannot be taken at the same time, and require separate documentation from the employee and employer.

For more information on short-term disability benefits, visit the [Workers' Compensation Board website](#).

Workers' Compensation

[Workers' compensation](#) is insurance that provides cash benefits and/or medical care for workers who are injured or become ill as a direct result of their job.

If employees are collecting workers' compensation for a total disability, they cannot take Paid Family Leave. If they are on a reduced earnings schedule, they may still be eligible for Paid Family Leave.

Maternity Leave/Paternity Leave

It is up to the employer to determine how Paid Family Leave works with their other parental leave policies.

If the employee and spouse have different employers, they are both eligible to take Paid Family Leave at the same time. Spouses with the same employer who want to take Paid Family Leave at the same time to bond with the same child, care for the same family member, or assist loved ones for the same family member deployed abroad on military service may take Paid Family Leave at the same time unless

their employer objects. An employer cannot prohibit an employee and their spouse from taking Paid Family Leave at different times.

Sick and or Vacation Time

An employee can only choose to use paid time off during Paid Family Leave if the employer allows it. Taking paid time off at the same time as Paid Family Leave may allow the employee to receive their full salary for all or part of the leave. However, an employee cannot receive more than their full wages while receiving Paid Family Leave benefits.

Paid time off would be covered by the same rights and protections afforded to employees under the Paid Family Leave Law, including the right to keep health insurance and the right to be reinstated to the same job (or a comparable one) when the employee returns from leave.

Accruing paid time off while on Paid Family Leave depends on the employer's policy. Employees should clarify with their employer on whether they allow employees to continue to accrue leave while out on Paid Family Leave.

Unapproved Leave

Employers are prohibited from discriminating or retaliating against employees for requesting or taking Paid Family Leave. An employee must submit their completed request for Paid Family Leave within 30 days of the start of their leave to avoid losing benefits. Until an employee's Paid Family Leave is approved by their employer's insurance carrier, the employee is not considered to be on Paid Family Leave, and it will be up to the employer to determine how to treat the time off.

Unemployment Insurance

[Unemployment insurance](#) is temporary income for eligible workers who lose their jobs through no fault of their own.

When employees are on Paid Family Leave (or vacation or any other paid leave), they are not entitled to unemployment insurance benefits because they are still employed (even if not required to perform work) and because they are not available for work.

Frequently Asked Questions (FAQ)

Paid Family Leave (PFL) General Questions:

1. The policy begins on 11/30/2020. How soon can eligible employees apply and begin to be compensated through the PFL policy?
 - a. Eligibility would be immediate as long as the employee has either worked full time for 26 consecutive weeks for your organization, or 175 days consecutively for part-time employees.
2. This benefit was negotiated by the PCT and is being fully funded through a payroll deduction from all members of that bargaining unit. Do any of the union members have the option to opt-out of the policy and payroll deduction?
 - a. No – members do not have the option to opt-out unless they qualify to opt-out (PFL Waiver). Information regarding the circumstances for opting out and an opt-out waiver form can be found at:
<http://docs.paidfamilyleave.ny.gov/content/main/forms/PFLDocs/PFLWaiver.pdf>
3. When will payroll deductions begin?
 - a. Payroll deductions will begin during the November 25, 2020 payroll.
4. Where can I find more information on New York State Paid Family Leave?
 - a. Go to: <https://paidfamilyleave.ny.gov/employees>

Payroll Deductions:

1. Are wages paid through the policy reported to the New York State retirement systems?
 - a. Wages earned through the Paid Family Leave insurance policy are not reported to the retirement systems.
2. Are payroll deductions pre-tax or post-tax?
 - a. Pursuant to [Department of Tax Notice No. N-17-12 \[PDF\]](#), Paid Family Leave contributions are deducted from employees' after-tax wages.
3. How much will the bi-weekly deduction be for this benefit?
 - a. In 2020, the employee contribution is 0.270% of an employee's wages each pay period. The maximum annual contribution is \$196.72.
 - b. Employees earning less than the Statewide Average Weekly Wage (SAWW) of \$1,401.16 will contribute less than the annual cap of \$196.72, consistent with their actual wages.
 - c. To get a good estimate on your bi-weekly deduction, you can use this calculator:
<https://paidfamilyleave.ny.gov/paid-family-leave-calculator2020>

Eligibility and Benefits:

1. Who decides if the employee is eligible for the benefit, the insurer/NYSIF or the employer/the school district?
 - a. NYSIF would review the claim and base eligibility on the information supplied on the forms (there is a section on the forms that require information directly from the employer, which is factored into the review). There may be times when the Case Manager at NYSIF may need to perform outreach to the employer for additional information or clarification.
2. Do PFL benefits run concurrent with FMLA?
 - a. Yes. If an employee has an event that qualifies for leave under both FMLA and Paid Family Leave, FMLA and PFL will run concurrently.
3. If an employee uses the total allowable benefit (10 weeks in 2020, 12 weeks in 2021, etc.), how long does an employee have to wait until they become eligible for PFL again assuming they come back to work?
 - a. The benefits would be based on a “rolling calendar”.
4. If an employee uses 8 weeks of PFL in a year, can they still use the remaining available PFL benefit within the same year?
 - a. PFL can be taken consecutively, or intermittently. For example, starting in 2021, eligible employees may be entitled to up to 12 weeks of PFL benefits within a 52-week period. A person can take all 12 weeks at once, or take them intermittently within a 52-week period from the first day of leave.
5. Is the PFL benefit paid to the employee subject to payroll taxes? If yes, who pays the taxes?
 - a. PFL is a taxable benefit, but the employer does not account for the PFL payments made to the employee. Instead, NYSIF will send claimants a Form 1099-G in the new year to allow them to claim the benefit on their taxes. NYSIF also sends a file of all 1099s to the IRS, which matches NYSIF’s file to individuals’ tax returns.
6. To clarify PFL related to military service, are we correct that the person actually taking leave for military service is not eligible for PFL? However, if their spouse is away for military service, the employee may be eligible for PFL?
 - a. This is correct. The employee can take PFL to assist loved ones when a spouse, domestic partner, child or parent is on active service and is deployed abroad or is returning from a deployment abroad.