



Long Term Care Planning Project


July 9, 2019



**Paid Family
Leave**

Why Do We Need Paid Family Leave?

- 1 Employees struggle to choose between maintaining a job and caring for loved ones
- 2 Employees face the stress of weeks of lost wages
- 3 Employees fear losing their jobs



**NATIONALLY, 40 MILLION
CAREGIVERS PROVIDED \$470
BILLION IN UNPAID
CONTRIBUTIONS**

**STATEWIDE, 3 MILLION
CAREGIVERS PROVIDED MORE
THAN 2.6 BILLION HOURS OF
CARE = \$32 BILLION**

Helpline: (844) 337-6303

Website: PaidFamilyLeave.ny.gov



**Paid Family
Leave**



Most of the nation's family caregivers are workers age 50 and older. Of that amount, 63% are caring for someone 65+.

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Paid Family
Leave

Health Outcomes - Caregiving



Quality of care for a family member

Improved pediatric, medical and surgical experience

Management of chronic diseases

Meaning and purpose for the caretaker



Length of hospital stays, readmissions, emergency room use

Stress regarding financial security

“It’s time that we **set a new national standard** for supporting working families, and **New York is going to lead the way.**”

- **Governor Andrew M. Cuomo**
January 2016

NY Leads the Nation

- In April 2016, Governor Cuomo signed the nation's **strongest** and **most comprehensive** Paid Family Leave policy into law



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“It is being there to **hold a hand**, to smile and just being there because **it is the right thing.**”

- Governor Andrew M. Cuomo
January 2016

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**Paid Family
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The Basics of Paid Family Leave

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**Paid Family
Leave**

Paid Family Leave Basics

- Paid Family Leave is **insurance, fully funded by employees**
- Provides **paid time off** and **job protection** so employees can:



Bond with a new child



Care for a family member with a serious health condition



Assist loved ones when a spouse, domestic partner, child or parent is deployed abroad

Bonding with a New Child

- Provides for both parents to bond with a child within the **first 12 months** of:

Birth



Adoption



Foster Care



Caring for a Family Member with a Serious Health Condition

- A serious health condition is defined in part as an illness, injury, impairment, or physical or mental condition **requiring either**:

**Inpatient
care**

**Continuing
treatment or
supervision
by health
care provider**

Caring for a Family Member with a Serious Health Condition

These family members **can live outside** of New York State and even outside the U.S.



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Caring for a Family Member with a Serious Health Condition

Caring for or providing care to a family member with a serious health condition **may include:**

- Necessary physical care
- Emotional Support
- Visitation
- Assistance in treatment
- Transportation
- Arranging for a change in care
- Assistance with essential daily living matters
- Personal attendant services

Caring for a Family Member with a Serious Health Condition

Examples of scenarios that may qualify as a serious health condition:



*Whether or not conditions like these qualify will depend on whether or not a qualified health care provider certifies them and whether the PFL insurer approves the leave

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Qualifying Health Care Providers

The following health care providers, within their scope, may complete necessary documentation for Paid Family Leave:

- Physician
- Physician Assistant
- Physical Therapist
- Nurse Practitioner
- Registered Professional Nurse
- Podiatrist
- Dentist
- Chiropractor
- Optometrist
- Psychologist
- Social Worker
- Occupational Therapist
- Midwife
- Mental Health Practitioner
- Speech–language Pathologist
- Audiologist

To certify a request for leave, the provider **must have a valid professional license and be acting within scope of their practice.**

Assisting During a Military Deployment

For assistance when a spouse, child, domestic partner or parent of an employee is deployed abroad on active military service, including:

- Short-notice military deployment
- Military events; related activities
- Service member's rest and recuperation
- Counseling
- Post-deployment activities
- Making financial/legal arrangements
- Child care arrangements for military member's child

Benefits

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Time off and Wage Benefits

BENEFITS INCREASE THROUGH 2021		
YEAR	WEEKS OF LEAVE	BENEFITS
2019	10 weeks	55% of employee's AWW,* up to 55% of SAWW**
2020	10 weeks	60% of employee's AWW,* up to 60% of SAWW
2021	12 weeks	67% of employee's AWW,* up to 67% of SAWW

* Benefits will be capped at the designated percentage of the New York State Average Weekly Wage

*The Department of Financial Services will review the marketplace every year before benefits are increased

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**Paid Family
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Employee Rights and Protections

- ✓ **Job protection**
- ✓ **Continued health insurance** while on leave on the same terms as if the employee continued to work
 - Employees continue paying their share, if any
- ✓ **Protection from discrimination and retaliation** for requesting or taking Paid Family Leave

Protection from Discrimination

If the employer:

- **does not reinstate** the employee to the same or comparable position,
- **terminates** the employee,
- **reduces** the employee's pay and/or benefits, or
- **disciplines** the employee in any way for requesting or taking Paid Family Leave,

the employee can file a **discrimination claim** with the Workers' Compensation Board

Employee Eligibility

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Who is Covered?

Private Employers

Most employees who work for private employers with one or more employees in employment on each of at least 30 days in any calendar year

Public Employers

Public employers may voluntarily opt in on behalf of unrepresented employees

Public employees represented by a union may be covered if Paid Family Leave is bargained

Who is Eligible?

Employees who work for covered employers become eligible to take Paid Family Leave after having worked for the same employer for:

26 consecutive weeks of employment
if they work

175 working days
if they work

FULL-TIME

(REGULARLY 20 OR
MORE HOURS PER
WEEK)

OR

PART-TIME

(REGULARLY LESS
THAN 20 HOURS
PER WEEK)

How to Request Leave for Family Care

NOTIFY EMPLOYER: At least 30 days before start of leave, if foreseeable or as soon as possible



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Handling Disputes

- If a claim is denied, or there is another claim-related dispute, an employee may request arbitration
- Arbitration for Paid Family Leave is handled by NAM (National Arbitration and Mediation) www.nyspfla.com

Paid Family Leave & Federal Family and Medical Leave Act (FMLA)

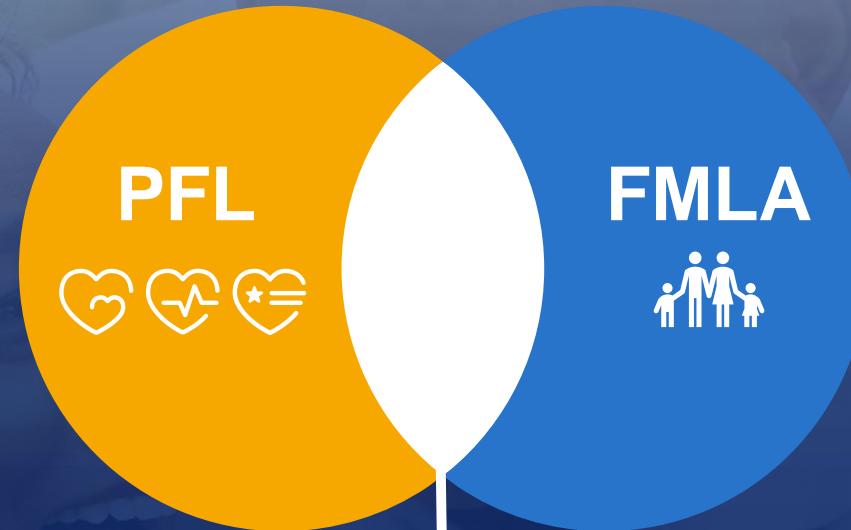
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Paid Family
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Paid Family Leave vs FMLA



- Leave for bonding, family care, and military leave assistance
- Job protection
- Continued health insurance

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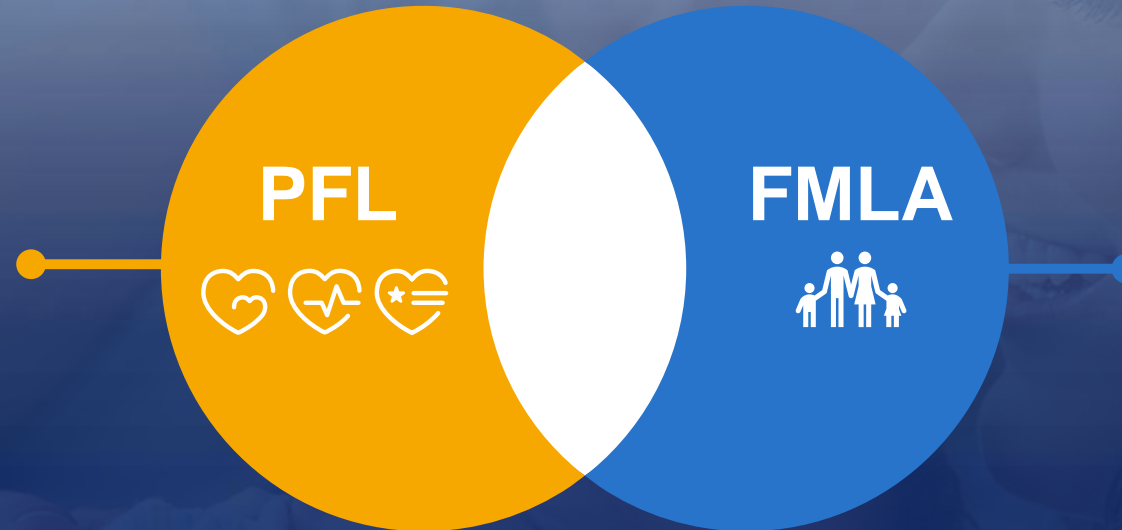


**Paid Family
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Paid Family Leave vs FMLA

Benefits & Coverage

- Paid
- Almost all private employers with one or more employees
- Public employers may opt in



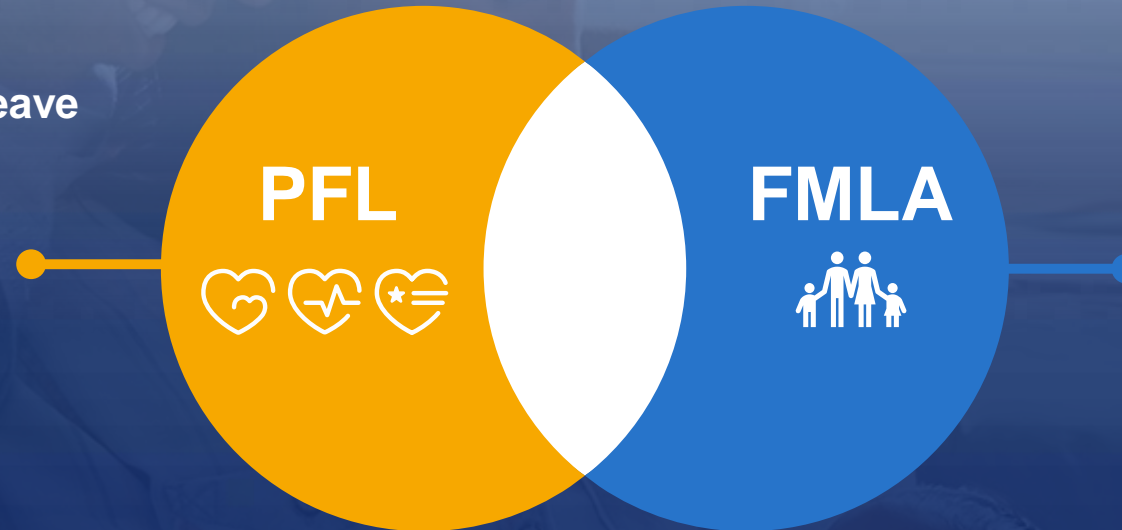
Benefits & Coverage

- Unpaid
- Public and private employers with 50 or more employees in a 75-mile radius

Paid Family Leave vs FMLA

Eligibility & Reasons for Leave

- 26 consecutive weeks of employment/regularly 20 or more hours per week for a covered employer
- 175 days worked/regularly less than 20 hours per week for a covered employer
- Employees cannot use for own serious health condition
- Can be used to care for a broader list of family members including a child of any age



Eligibility & Reasons for Leave

- 12 months of employment
- 1,250 hours of work in the 12-month period preceding leave
- 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”

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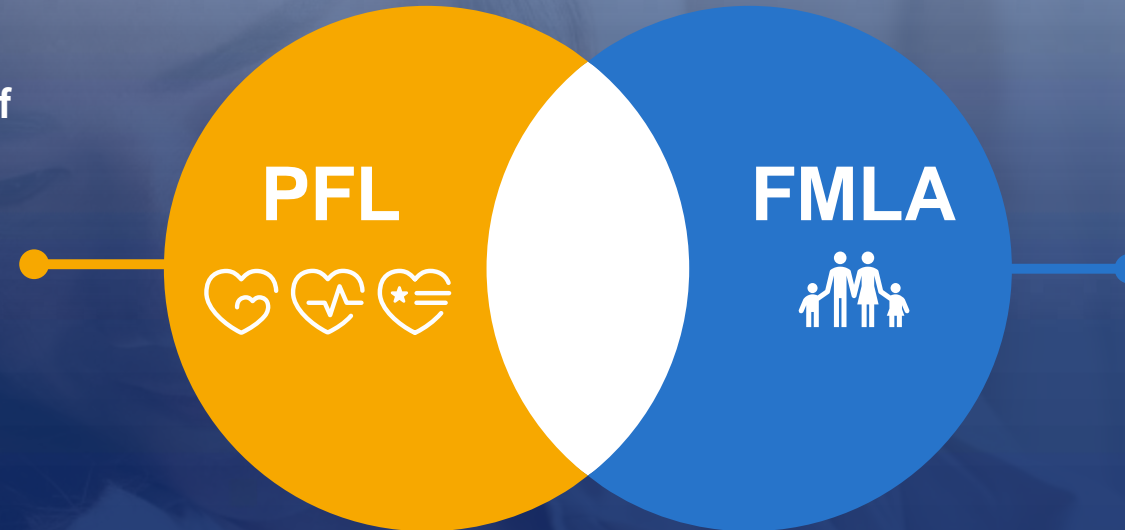


**Paid Family
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Paid Family Leave vs FMLA

Length of Leave & Time Off

- 10 weeks paid time off
- Only in full-day increments
- Employers cannot require employees use paid time off while on PFL



Length of Leave & Time Off

- 12 weeks unpaid time off
- Hourly basis
- Employer can compel an employee to use paid time off while on FMLA

How's It Working?

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Real People, Real Stories

“NY Paid Family Leave has not only alleviated my financial fears and hardships, but has allowed me to give my daughter the full care she deserves when she needs me the most. I cannot say thank you enough for this life-changing program.”

- *Brian W., Williamstown, NY*

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**Paid Family
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Resources Available

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Resources – Caregivers and Professionals

- Content for newsletters or other mailings
- Webinars/live presentations
- Recorded employee webinar
- Leave-specific brochures
- Fact sheets
- Graphic link to the Paid Family Leave website
- Paid Family Leave posters



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Learn More

Website:

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Helpline:

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Get Email Updates:

Select “Get Updates” on the bottom of PFL website

GET UPDATES

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