Long Term Care Planning Project
July 9, 2019
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

Helpline: (844) 337-6303  Website: PaidFamilyLeave.ny.gov
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
Most of the nation’s family caregivers are workers age 50 and older. Of that amount, 63% are caring for someone 65+.
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

Helpline: (844) 337-6303  Website: PaidFamilyLeave.ny.gov
“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.
“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
The Basics of Paid Family Leave

Helpline: (844) 337-6303  Website: PaidFamilyLeave.ny.gov
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

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov
Bonding with a New Child

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

  - Birth
  - Adoption
  - Foster Care

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
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

Helpline: (844) 337-6303  Website: PaidFamilyLeave.ny.gov
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.

Employees Can Care For

- Child
- Domestic Partner
- Spouse
- Stepchild
- Parent
- Parent-in-law
- Stepparent
- Grandparent
- Grandchild

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
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

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
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.

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
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

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
Benefits

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov
# Time off and Wage Benefits

<table>
<thead>
<tr>
<th>YEAR</th>
<th>WEEKS OF LEAVE</th>
<th>BENEFITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2019</td>
<td>10 weeks</td>
<td>55% of employee’s AWW,* up to 55% of SAWW**</td>
</tr>
<tr>
<td>2020</td>
<td>10 weeks</td>
<td>60% of employee’s AWW,* up to 60% of SAWW</td>
</tr>
<tr>
<td>2021</td>
<td>12 weeks</td>
<td>67% of employee’s AWW,* up to 67% of SAWW</td>
</tr>
</tbody>
</table>

* 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
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

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
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

Helpline: (844) 337-6303  Website: PaidFamilyLeave.ny.gov
Who is Eligible?

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

**FULL-TIME**
- 26 consecutive weeks of employment if they work regularly 20 or more hours per week

**PART-TIME**
- 175 working days if they work regularly less than 20 hours per week

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
How to Request Leave for Family Care

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

**OBTAIN**
Obtain forms from the employer, employer’s carrier, or on the website

**COMPLETE & ATTACH**
Complete Care for a Family Member with a Serious Health Condition package

**SUBMIT**
Submit to the employer’s insurance carrier within 30 days of starting leave to avoid losing benefits

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
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)
Paid Family Leave vs FMLA

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

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov
Paid Family Leave vs FMLA

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

PFL

FMLA

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

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov
Paid Family Leave vs FMLA

Eligibility & Reasons for Leave

PFL
• 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

FMLA

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”

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov
Paid Family Leave vs FMLA

Length of Leave & Time Off

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

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

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov
How’s It Working?
“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
Resources Available

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
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

Helpline: (844) 337-6303  
Website: PaidFamilyLeave.ny.gov
Learn More

Website:
PaidFamilyLeave.ny.gov

Helpline:
(844) 337-6303

Get Email Updates:
Select “Get Updates” on the bottom of PFL website
Questions?

Helpline: (844) 337-6303
Website: PaidFamilyLeave.ny.gov