

Episcopal Diocese of Central New York Parishes Prepare for the New York State Paid-Family-Leave Program

New York State will have one of the most comprehensive paid family leave (PFL) programs in the country starting on January 1, 2018, and all private sector employers, like each parish of the diocese, have begun preparing for the change.

The Empire State will join California, New Jersey and Rhode Island in offering paid family leave that is funded through employee payroll taxes and administered by their disability carrier.

While the final regulations for New York's program are still undergoing final development, there are guidelines currently available based on the proposed regulations (see below). For now, each parish is reviewing its policies, talking to their payroll providers and initiating payroll deductions for the fund so as to assure the appropriate processes are in place for January 1, 2018.

New York Paid Family Leave: How it Works*

- PFL coverage will be included under the disability policy New York employers are mandated to carry under the New York Disability Benefits Law (DBL). The premium cost for the coverage will be funded by employees through payroll deductions. An annual maximum rate for the employee's contributions will be established by the State of New York.
- Employees do not have to take all of their sick leave and/or vacation before using PFL. An employer may permit an employee to use sick or vacation leave for full pay, but may not require an employee to use the PFL leave.
- Employees are guaranteed job protection and continuation of health insurance (provided any employee contributions are continued) while on PFL.
- The program is mandatory for all private employers, and public employers may opt-in.

Benefits*

- The PFL Law takes effect January 1, 2018 and phases in over four years.
- Employees may take the maximum benefit length in any given 52-week period. The 52-week period begins the first day of an employee’s PFL or DBL benefit.
- The NYS Department of Labor annually publishes the average weekly wage, the basis for determining the maximum benefit payable. The following benefits schedule is anticipated:

Effective Date	Maximum Length of Paid Leave	Payable % of an Employee’s Average Weekly Wage	Maximum Weekly Benefit
Jan. 1, 2018	8 weeks	50%	\$653*
Jan. 1, 2019	10 weeks	55%	55% of State Avg. Weekly Wage
Jan. 1, 2020	10 weeks	60%	60% of State Avg. Weekly Wage
Jan. 1, 2021	12 weeks	67%	67% of State Avg. Weekly Wage

What situations qualify for PFL?

- **Maternity and Paternity Leave (Bonding Leave) related to Birth, Adopted or Foster Child:** PFL only begins after birth and is not available for prenatal conditions. A parent may take PFL during the first 12 months following the birth, adoption, or fostering of a child. Leave must be taken within the first year of the birth or placement. Births or child placements which occurred in 2017 may be eligible. A parent may also take leave as needed related to adoption and foster care placement obligations, i.e. attend counseling

sessions, travel to another country to complete an adoption, consult with doctors and attorneys representing the birth parent, appear in court.

- **Caring for a Spouse, Domestic Partner, Child, Parent, Parent in-law, Grandparent, Grandchild with a Serious Health Condition.**
- **Active Duty Deployment (Exigency Leave)** military provisions in the federal Family and Medical Leave Act when a spouse, child, domestic partner or parent of the employee is on active duty or has been notified of an impending call or order of active duty.

Who is Eligible?*

- Employees at private organizations in New York State who have more than one employee (excluding the owner) for at least 30 days in a year; if they meet the eligibility criteria below. Participation in the program, if eligible, is not optional for employees. However, certain employees have the option to file for a waiver of PFL benefits (i.e. seasonal employees).
- Employees who regularly work 20 or more hours per week are eligible after they have been employed for at least 26 consecutive weeks.
- Employees who work less than 20 hours per week are eligible if they have been employed for at least 175 days of consecutive employment.

Who is Ineligible?*

- An employee seeking leave due to his or her own serious health condition.
- Employees who have filed a waiver of leave benefits.
- Any employee already receiving total disability benefits (i.e. the coverage an injured worker may receive during his/her recovery).
- Employees on administrative leave.
- Employees who work for an exempt employer.
- Employees who are excluded from coverage under Article 9 of the Disability Benefits Law (DBL) and the Paid Family Leave (PFL) Law.

* *Courtesy of Guardian Life Insurance Co. of New York*