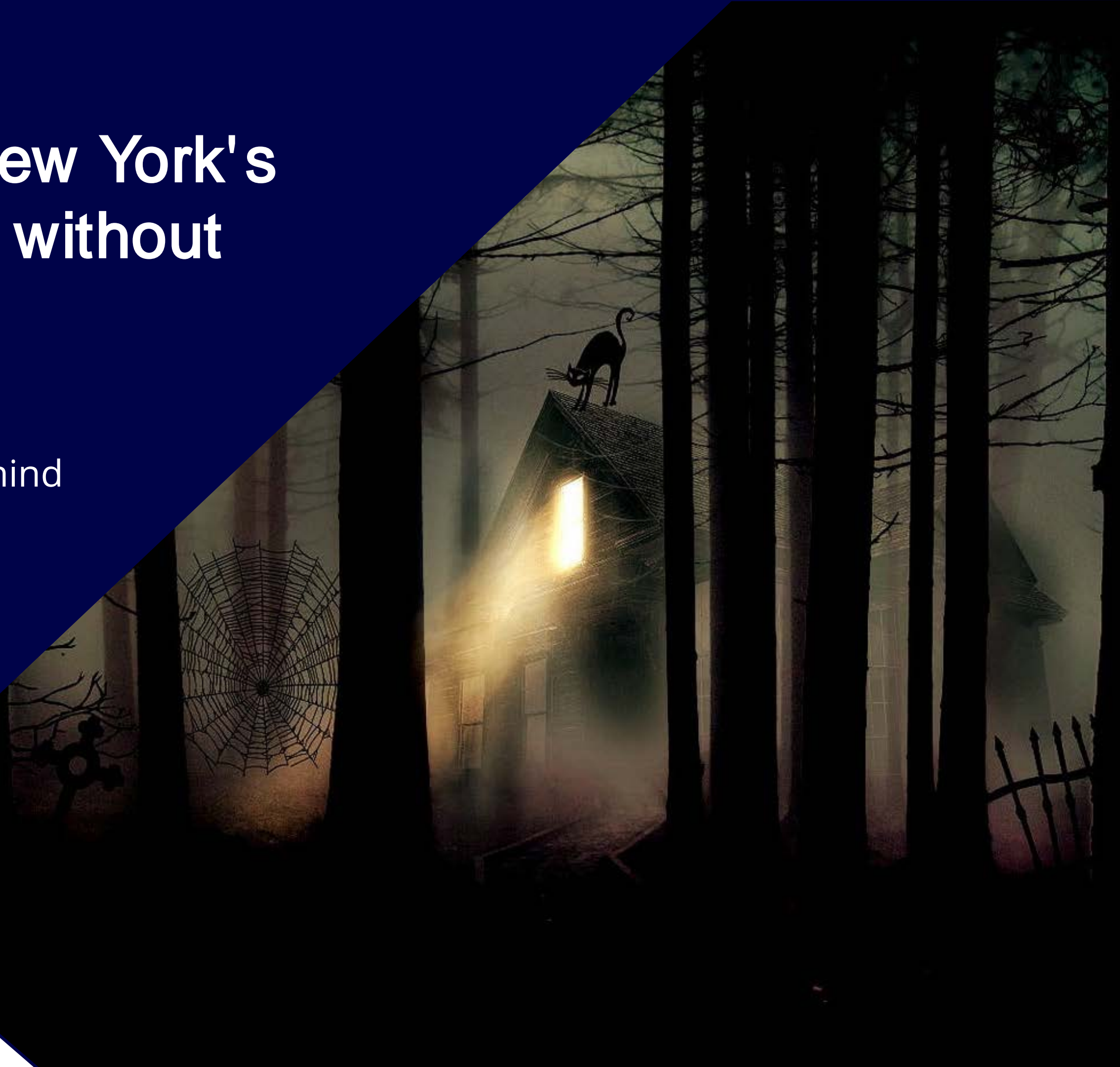


How To Comply with New York's Paid Family Leave Law without Headaches

Shedding Light on the Gory Details Behind Human Resources' Latest Nightmares

HORTON
Management Law

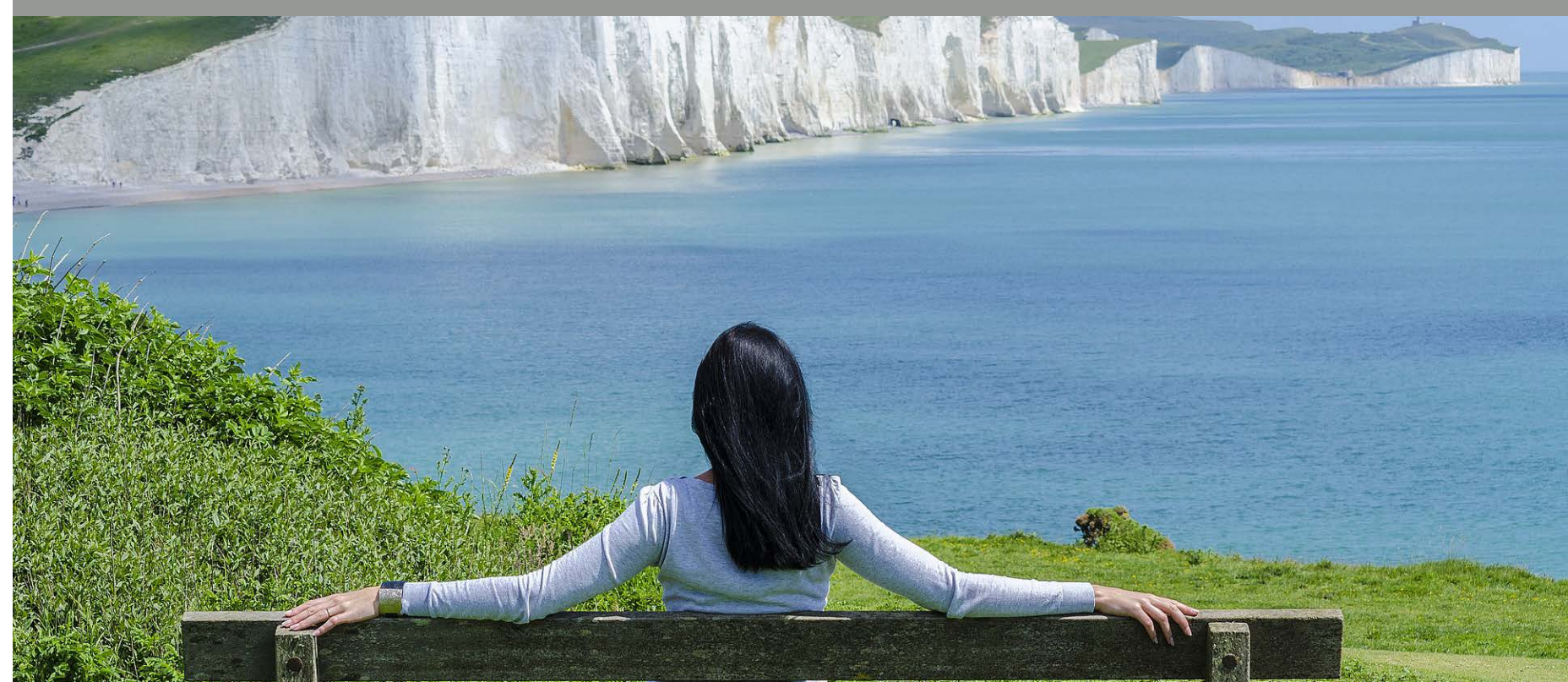


Why we're here



» Before

» After



Topics

1 Coverage

2 Payroll Deductions

3 Leave Allowance

4 Leave Benefits

5 Notice Requirements

6 Administrative Issues

Topics

1

Coverage

- Covered Employers
- Employee Eligibility

2

Payroll Deductions

3

Leave Allowance

4

Leave Benefits

5

Notice Requirements

6

Administrative Issues

Topics

1 Coverage

2 Payroll Deductions

- Parameters
- Waivers

3 Leave Allowance

4 Leave Benefits

5 Notice Requirements

6 Administrative Issues

Topics

1

Coverage

2

Payroll Deductions

3

Leave Allowance

- Qualifying Circumstances
- Amount of Leave

4

Leave Benefits

5

Notice Requirements

6

Administrative Issues

Topics

1

Coverage

2

Payroll Deductions

3

Leave Allowance

4

Leave Benefits

- Compensation
- Health Insurance
- Reinstatement

5

Notice Requirements

6

Administrative Issues

Topics

1 Coverage

2 Payroll Deductions

3 Leave Allowance

4 Leave Benefits

5 Notice Requirements

- Employer
- Employee

6 Administrative Issues

Topics

1 Coverage

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6 Administrative Issues

- Claim Processing
- Dispute Resolution



Covered Employers

Private Employers

» At least one employee in NYS for 10+ weeks?

Public Employers

» Are you already providing short-term disability benefits?

Non-Profit Institutions

Religious, charitable, or educational institutions

» Covered

Most employees once they work long enough.

» Excluded

- Clergy
- Executive officers
- Employees employed in professional or teaching capacity
- Volunteers

Regularly scheduled

20+ Hrs./week

<20 Hrs./week

20+ Hrs./week

- » Eligible after 26 consecutive work weeks of employment
- » Approved leave counts (e.g., vacation, personal, sick time)
- » NYS temporary disability leave does not count

<20 Hrs./week

- » Eligible after 175 days worked
- » Approved leave counts (e.g., vacation, personal, sick time)
- » NYS temporary disability leave does not count

Unlike FMLA:

- » Don't have to be employed for a year
- » No hours worked requirement
- » Doesn't matter how many employees in proximity

Who's paying for this?



Employee Payroll Deductions

Up to 0.126% of an employee's weekly wage with a maximum deduction of \$1.65 per week.

Optional Waiver of Coverage/Contribution

» Employee may choose to waive if:

- Schedule is 20+ hrs./week, but will not work for 26 consecutive weeks, or
- Schedule is less than 20 hrs. per week, and they won't work 175 days in 52 consecutive weeks.

Qualifying Purposes



What's Included:

- Birth/adoption
- Family Member
Serious Health Condition
- Family Member
Military Deployment

What's Not Included?

- » Employee's Own Serious Health Condition

Already Covered

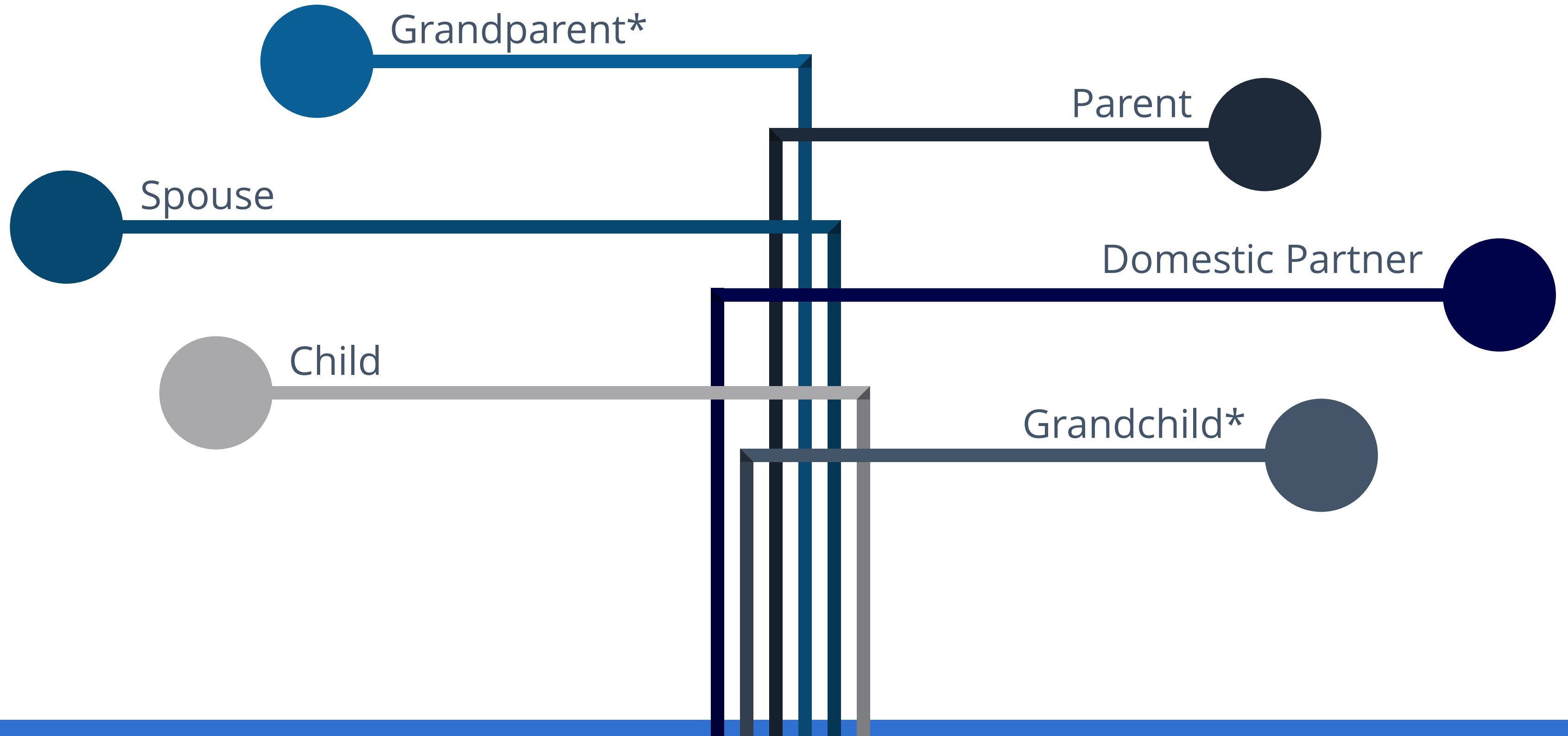


» Workers' Compensation

» Short-term Disability



Family Member



Family Member

» Child:

A biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, a son or daughter of a domestic partner, or the person to whom the employee stands in loco parentis.

Family Member

» Parent:

A biological, foster, or adoptive parent, a parent-in-law, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

Family Member

» Domestic Partner:

A person at least eighteen years of age (other than a close blood relative) who is dependent upon the employee for support as shown by either unilateral dependence or mutual interdependence, as evidenced by a nexus of factors including, but not limited to, common ownership of real or personal property, common householding, children in common, signs of intent to marry, shared budgeting, and the length of the personal relationship with the employee.

“Serious Health Condition”

Inpatient care

Continuing treatment
or supervision by a
health care provider

- Hospital
- Hospice
- Residential health care facility



Continuing Treatment/Supervision

Unable to work, attend school, etc. for >3 consecutive days

Incapacity due to chronic condition

Incapacity for which treatment may not be effective

Incapacity due to treatment by health care provider

Qualifying Exigencies

- Issues related to short notice deployment
- Attending military events and related activities
- Certain childcare and related activities arising from the military member's covered active duty
- Certain activities arising from the military member's covered active duty related to care of the military member's parent who is incapable of self-care
- Making or updating financial and legal arrangements to address a military member's absence while on covered active duty
- Attending counseling for the employee, the military member, or the child of the military member when the need for that counseling arises from the covered active duty
- Taking up to 15 calendar days of leave to spend time with a military member who is on short-term, temporary Rest and Recuperation leave during deployment
- Certain post-deployment activities within 90 days of the end of the military member's covered active duty
- Any other event that the employee and employer agree is a qualifying exigency



More Relaxed Yet?

Leave Benefits



- 1 Money
- 2 Health Insurance Continuation
- 3 Reinstatement
- 4 Retention of Accrued Benefits
- 5 Protection from Discrimination/Retaliation

Maximum Leave Allowed



Intermittent Leave

- » Full day increments
- » 5 days/week for employees who work at least that much
- » Pro-rated for employees who work less than 5 days/week

How much?

Percentage of Average Weekly Wage (AWW)



Percentage of Wages, with Cap

Year	Max Weeks	% AWW	% NYS AWW
2018	8	50	50
2019	10	55	55
2020	10	60	60
2021	12	67	67

The 2017 New York State Average Weekly Wage is \$1,305.92. So, the initial maximum paid family leave benefit will be \$652.96.

Average Weekly Wage

Average weekly wage means, for the purpose of computing the rate of payment of family leave benefits, the amount determined by dividing either the total wages of such employee in the employment of his last covered employer for the **eight weeks** or portion thereof that the employee was in such employment immediately preceding and including his last day worked prior to the first day of paid family leave, or the total wages of the last **eight weeks** or portion thereof immediately preceding and excluding the week in which the paid family leave began, whichever is the higher amount, by the number of weeks or portion thereof of such employment.

“Wages”

» Include:

- Hourly pay/Salary
- Commissions
- Bonuses
- Tips

» Don't Include:

- Severance pay
- Employer contributions towards insurance benefits

Weekly Paid Leave Benefits

» Some Examples:

AWW	1/2018	1/2019	1/2020	1/2021
\$300.00	\$150.00	\$165.00	\$180.00	\$201.00
\$850.00	\$425.00	\$467.50	\$510.00	\$569.50
\$1305.92	\$652.96	\$718.23	\$783.55	\$874.97
\$1500.00	\$652.96	>\$718.23	>\$783.55	>\$874.96



Notice Requirements - Employer

Poster

Written Guidance

Waiver Eligibility

Request for Paid Family Leave

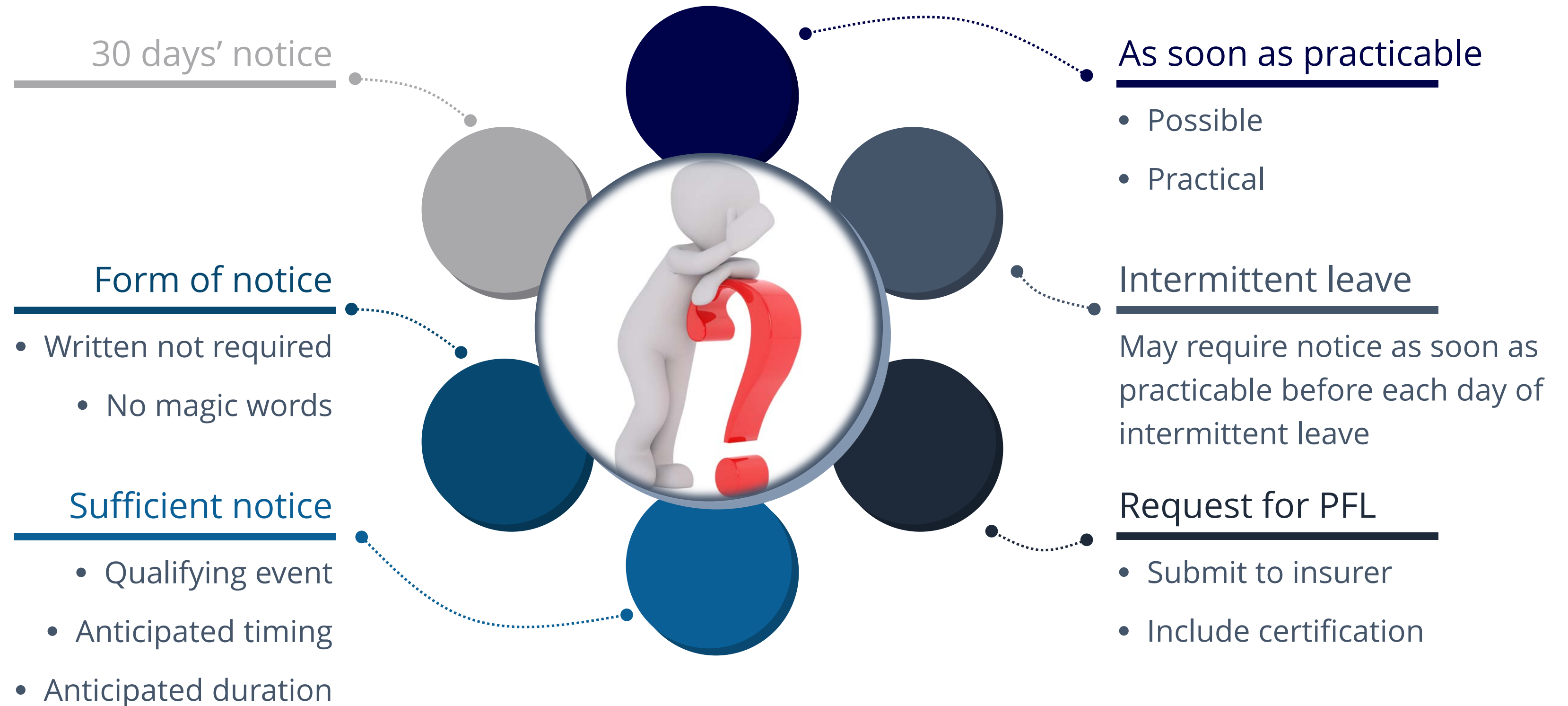
Notice Requirements - Employee

Foreseeable?

- Expected birth/placement for adoption or foster care
- Planned medical treatment
- Known military exigency

Unforeseeable?

Notice Requirements - Employee



Request for Paid Family Leave

Employee completes claim form, gives to employer

1

Employee attaches certification and submits to carrier

2

Employer enters information, returns to employee

3

Carrier must pay/deny within 18 days

4



Dispute Resolution



Thanks for your time!

Questions?

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