

New York Paid Family Leave - FAQ

December 19, 2017

Effective Jan. 1, 2018, New York's Paid Family Leave ("PFL") will provide New York workers job-protected, paid leave to bond with a new child, care for a loved one with a serious health condition or to help relieve family pressures when someone is called to active military service.

Which employers are covered under PFL?

Most private New York employers with one or more employees are covered by PFL.

Which employees are covered under PFL?

Employees who work for a covered employer and who meet the eligibility requirements are covered under PFL.

Employee eligibility is determined by length of employment:

- Employees with a regular work schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.
- Employees with a regular work schedule of less than 20 hours per week, or with irregular work schedules, are eligible after 175 days worked.

Employees who know they will never meet the eligibility requirements may waive out of PFL by filing a waiver with their employer. Waiver is automatically revoked and deductions retroactive if eligibility criteria is met.

Does PFL apply to employees who are paid through loan-out companies?

No. PFL does not apply to employees who are paid through loan-out companies.

Does PFL apply to employees who are non-resident aliens?

Yes. PFL applies to non-resident aliens who are covered under New York disability.

Can employees opt-out of PFL?

Generally speaking, PFL is mandatory and employees may not opt-out. A waiver to opt-out is available in limited situations when an employee will **never** meet the eligibility requirements.

What are acceptable reasons for leave under PFL?

PFL offers job-protected, paid leave in the follow situations:

- 1) *Bonding with a Child.* A parent may take PFL during the first 12 months following the birth, adoption or fostering of a child. This includes children born, fostered or adopted in 2017 as long as the leave is taken within the first 12 months of the birth, adoption or fostering.

- 2) *Family Care*. If an employee's family member has a serious health condition, the employee is eligible for PFL to take care of the family member. Family members include: spouses, domestic partners, children, parents, parents-in-law, grandparents and grandchildren. A serious health condition is one that involves inpatient care in a hospital, hospice or residential health care facility, or continuing treatment or supervision by a health care provider.
- 3) *Active Military Duty Deployment*. Employees can take PFL to help with obligations arising out of a family member's call to active military duty abroad. Family members include spouses, children, parents or domestic partners of the employee.

How much leave is permitted and what is the benefit rate?

Length of leave and benefit amounts are phased in over four years. In 2018, employees are eligible to receive 50 percent of their average weekly wage (up to 50 percent of New York State Average Weekly Wage) for up to eight weeks. In 2019, the amount caps at \$652.96. By 2021, benefits will increase to 67 percent of an employee's average weekly wage (up to 67 percent of New York State Average Weekly Wage) for up to 12 weeks.

How do the payroll deductions work?

Cast & Crew will be responsible for making payroll deductions beginning Jan. 1, 2018. In 2018, the deduction rate is 0.126 percent of the employee's weekly wage, with a maximum of \$1.65 per week. All employees, except those who have filed a valid waiver, will be subject to these deductions.

Year	Weeks Available	Max % of Employee Average Weekly Wage	Capped at % of New York State Average Weekly Wage
2018	8	50%	50%
2019	10	55%	55%
2020	10	60%	60%
2021	12	67%	67%

What steps must an employee take to make a claim for PFL?

1. Notify production of the need for leave 30 days prior to the first day of requested leave. If 30 days is not practicable (for example, in the event of a medical emergency), then the employee should give as much notice as practicable.
2. Select the appropriate PFL Claim Form available on Cast & Crew's website (<http://www.castandcrew.com/2017/12/new-york-paid-family-leave/>) as of Jan. 1, 2018. Employees should be aware that their employer may change depending on the payroll company under which their payroll was processed. Employees can find this information on their paystubs or W-2.
3. Complete Part 1-A and return form to employeehelpdesk@castandcrew.com.
4. Cast & Crew will complete Part 1-B and return the form to the employee within three business days.
5. Complete remaining sections of the PFL application and submit it (along with any required supporting documentation) directly to the carrier noted on the application form.
6. The carrier will notify the employee of its determination within 18 days.
7. The carrier will pay all benefits directly to the employee.

Is there a waiting period before PFL starts paying benefits?

PFL is payable on the first day of qualifying leave.

Does PFL cover union employees working under a collective-bargaining agreement?

Yes. Unless the collective-bargaining agreement offers a paid family leave policy that is at least as favorable to the employee as NYPFL, PFL applies.

Can an employee collect PFL while receiving workers compensation benefits?

No. If an employee is not working and is collecting workers compensation, he cannot also claim PFL benefits.

Where can employees find applications and waiver forms?

Application forms are specific to the type of leave the employee is requesting and will be available on the Cast & Crew website as of Jan. 1, 2018. Waiver forms can be found on the NYPFL website here: <https://www.ny.gov/new-york-state-paid-family-leave/paid-family-leave-information-employees>.

What does Cast & Crew consider eligible pay?

Cast & Crew will follow New York State guidelines and include all taxable earnings as eligible pay.

For any other questions, please contact the Production Employee Helpdesk at:

- For Cast & Crew employees – 818.860.7756 or employeehelpdesk@castandcrew.com
- For CAPS employees – 310.736.2146 or info@capspayroll.com

More information is available on the New York Paid Family Leave website here: <https://www.ny.gov/new-york-state-paid-family-leave/paid-family-leave-information-employees>.

For claims and forms, please visit: <http://www.castandcrew.com/2017/12/new-york-paid-family-leave/>.

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