



# New York State Paid Family Leave

## Key facts for New York covered employees

**Paid Family Leave (PFL) provides paid time off so an employee can:**

- Bond with a newly born, adopted, or fostered child,
- Care for a family member (spouse, domestic partner, child, parent, parent-in-law, grandparent, or grandchild) with a serious health condition, or
- Assist loved ones when a family member (spouse, domestic partner, child or parent) is deployed abroad on active military duty.



### Additional protections

- Employees have a right to return to the same or comparable job upon return from Paid Family Leave.
- Employees are guaranteed continued health insurance while on leave. Employers may require employees to continue to pay their health insurance premium contributions.
- Citizenship and immigration status do not impact eligibility.
- Employers cannot discriminate against employees for taking Paid Family Leave.
- The program is mandatory for all private employers to provide for all NY covered employees.

### Eligibility

- Employees with a regular work schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment preceding the first full day of leave.
- Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked (does not need to be consecutive) preceding the first full day of leave.

### Benefits

- Benefits will be phased in over four years as outlined below.
- In 2021, employees are eligible for up to twelve (12) weeks of paid leave at 67% of their average weekly wage (AWW), up to 67% of the New York State Average Weekly Wage (NYSAWW\*).

Year	Maximum Length of Paid Leave	Payable % of Employee's AWW	Maximum Weekly Benefit (% of NYSAWW*)
2018	8 weeks	50%	\$652.96 (50% of NYSAWW - \$1,305.92)
2019	10 weeks	55%	\$746.41 (55% of NYSAWW - \$1,357.11)
2020	10 weeks	60%	\$840.70 (60% of NYSAWW - \$1,401.17)
2021	12 weeks	67%	\$971.61 (67% of NYSAWW - \$1,450.17)



### Employee Contributions

- Employees will be expected to pay for the PFL benefit coverage through payroll deductions at a rate based on their salary. The NY Department of Financial Services (DFS) is responsible for establishing the rate each year and the rate is the same for all employees, regardless of gender or age.
- For 2021, the employee contribution rate is 0.511% of an employee's weekly wages up to the annualized NYSAWW (75,408.84) for a maximum annual employee contribution of \$385.34.

### How to File a PFL Claim

- Employee must notify their employer 30 days prior to a leave, when practical.
- Employee must complete an NY PFL claim form available from your employer or Guardian directly.
- Employee needs to obtain supporting documentation for a leave (i.e. birth certificate, military deployment certification, etc.) and submit with claim form.
- Employee submits claim form, along with supporting documentation, to Guardian, which will process and pay or deny the claim within 18 days of receipt of completed claim.

**For more information, visit:**

[guardianlife.com/absence-management/nypfl-law](https://guardianlife.com/absence-management/nypfl-law) or [ny.gov/programs/new-york-state-paid-family-leave](https://ny.gov/programs/new-york-state-paid-family-leave)

**The Guardian Life Insurance  
Company of America**  
New York, NY

[guardianlife.com](https://guardianlife.com)

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\*The New York State Department of Labor annually publishes the NY State Average Weekly Wage by March 31 of each year, which will be the basis for determining the maximum benefit payable for the subsequent calendar year. [https://labor.ny.gov/stats/avg\\_wkly\\_wage.shtm](https://labor.ny.gov/stats/avg_wkly_wage.shtm)  
IMPORTANT NOTE: This document presents only a brief overview of the New York Paid Family Leave law. The law and its implementing regulations, as well as the PFL policy documents issued to covered employers, will govern the actual administration of the PFL benefits and control in case of any conflict in or absence of information. Guardian currently offers the state-mandated disability and paid family leave insurance coverage in New York. All items of coverage, including benefits, eligibility, coverage limitations and exclusions which apply, are in compliance with the statutory requirements of New York. Any optional riders and/or features which may be available may incur additional costs. Plan documents are the final arbiter of coverage. GUARDIAN® is a registered trademark of The Guardian Life Insurance Company of America. ©Copyright 2020 The Guardian Life Insurance Company of America. GP-1-DBL and GPA-NY-PFL. Links to external sites are provided for your convenience in locating related information and services. Guardian, its subsidiaries, agents and employees expressly disclaim any responsibility for and do not maintain, control, recommend, or endorse third-party sites, organizations, products, or services and make no representation as to the completeness, suitability, or quality thereof.