

DIVISION 1181 A.T.U. – NEW YORK WELFARE FUND PARTICIPANTS

New York Paid Family Leave Act

New York's Paid Family Leave provides job-protected, paid time off so you can:

- **Bond** with a newly born, adopted or fostered child,
- **Care** for a close relative with a serious health condition, or
- **Assist** with family situations when a family member is deployed abroad on active military service.

You can continue your health coverage through the Division 1181 A.T.U. – New York Welfare Fund while on leave and are guaranteed the same or comparable job after your leave ends. If you contribute to the cost of your health coverage, you must continue to pay your portion of the cost while on Paid Family Leave.

Benefits - Time

Paid Family Leave benefits phase in over four years. Employees who meet the eligibility requirements described below can take Paid Family Leave for up to eight weeks in 2018, with coverage increasing to 10 weeks in 2019 and 2020, and 12 weeks in 2021. Leave can be taken either all at once or in full-day increments. You may take the maximum time-off benefit in any given 52-week period.

You may not receive short-term disability and Paid Family Leave benefits at the same time. You may not take more than 26 combined weeks of short-term disability and Paid Family Leave in a 52-week period.

If you are unable to work and qualify for Workers' Compensation Benefits, you may not use Paid Family Leave benefits at the same time that you are receiving Workers' Compensation benefits.

Benefits - Pay

Paid Family Leave pay benefits also phase in over four years. Benefits are a percentage of your average weekly wage, capped at that same percentage of the New York State Average Weekly Wage, as calculated annually by New York State's Department of Labor. These benefits are 50% of your average weekly wage for 2018, 55% in 2019, 60% in 2020, and 67% in 2021.

EXAMPLE 1: An employee who earns \$1,000 a week in 2018 would receive a Paid Family Leave benefit of \$500 a week (50% of \$1,000) for up to 8 weeks. In 2019, that employee would receive a benefit of \$550 a week (55% of \$1000) for up to 10 weeks.

EXAMPLE 2: An employee who earns \$2,000 a week in 2018 would receive a benefit of \$652.96 for up to 8 weeks. In this case, the employee's benefit is capped at 50% of New York State's Average Weekly Wage — currently \$1,305.92. Half of that amount is \$652.96.

Eligibility

Employees are eligible to participate in Paid Family Leave as follows:

- **Full-time employees:** Employees who work a regular schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment.
- **Part-time employees:** Employees who work a regular schedule of less than 20 hours per week are eligible after working 175 days, which do not need to be consecutive.

Employees are eligible for Paid Family Leave regardless of citizenship and/or immigration status.

Funding

Paid Family Leave is funded through employee payroll deductions that are set each year to match the cost of coverage. The rate of employee contributions is reviewed annually, and is subject to change by New York State's Department of Financial Services.

You can use the calculator at ny.gov/PFLcalculator to get an estimate of your weekly deduction.

Qualifying Events

New Child: You can take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child. Expectant mothers cannot take Paid Family Leave during the period of their pregnancy. Paid Family Leave for the birth of a child begins after the birth. It is not available for prenatal conditions.

Serious Illness: You can take Paid Family leave to care for a close relative with a serious health condition. These relatives can live outside of New York State and even outside the country. However, you cannot take Paid Family Leave for your own health condition.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

- Inpatient care in a hospital, hospice, or residential health care facility, or
- Continuing treatment or continuing supervision by a health care provider.

A close relative includes:

- Spouse
- Domestic partner
- Child and stepchild
- Parent and stepparent

- Parent-in-law
- Grandparent
- Grandchild

Military Active Service Deployment: You can take Paid Family Leave to assist with family situations arising when your spouse, domestic partner, child, or parent is deployed abroad on active military service or has been notified of an impending military deployment abroad. You cannot use Paid Family Leave for your own qualifying military event.

Your Rights and Protections

- You have **job protection**, ensuring you can return to the same job (or a comparable one) when you return from Paid Family Leave.
- You can keep your **health insurance** while on leave. If you contribute to the cost of your health insurance, you must continue to pay your portion of the premium cost while on leave.
- Your employer is **prohibited from discriminating or retaliating** against you for requesting or taking Paid Family Leave.
- **You do not have to take all of your sick and/or vacation time** before using Paid Family Leave.

Taking Paid Family Leave

1. **Notify the Employer.** When you want to take Paid Family Leave, you must notify the Employer at least 30 days before your leave will start if it's foreseeable. Otherwise, notify the Employer as soon as possible.
2. **Obtain required forms.** Contact the Employer, the Paid Family Leave insurance carrier, or visit ny.gov/PaidFamilyLeave to obtain the required forms.
3. **Complete and submit forms.** Fill out the Request For Paid Family Leave (Form PFL-1) following the instructions on the cover sheet, and submit it to the Funds. The Employer must fill out its section of the form and return it to you within three business days. If the Employer fails to respond, you may proceed to the next step below and submit all materials directly to the insurance carrier.
4. **Obtain and attach supporting documentation.** The specific documentation or additional forms required for each type of leave are described on the request for Paid Family Leave and at ny.gov/PaidFamilyLeaveApply.
5. **Submit your request forms and supporting documentation.** Submit to the insurance carrier. You can submit your claim before or within 30 days after the start of your leave.

The insurance carrier must pay or deny your request within 18 calendar days of receiving your completed forms.

Paid Family Leave Process and Contacts

Requests for Paid Family Leave forms and forms submissions should be directed towards your Company, the Welfare Fund Office (Disability Department). Our Paid Family Leave insurance carrier is ShelterPoint Life Insurance Company. The Policy # must be included on the forms; Divers:DBL522528, Matrons:DBL522528AA.

Disputes

If your Paid Family Leave claim is denied, the insurance carrier will provide you with information about how to request arbitration. A neutral arbitrator will decide claim-related disputes.

Contact:

ShelterPoint Life Insurance Company
1225 Franklin Avenue, Ste. 475
Garden City, NY 11530
800-365-4999
Fax# 1-516-504-6414

Discrimination Complaints

Employees are protected from discrimination and retaliation for requesting or taking Paid Family Leave.

If the Employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave, send the Employer's designated Paid Family Leave contact identified above a formal request for job reinstatement using the Formal Request For Reinstatement Regarding Paid Family Leave (Form PFL-DC-119), which can be found in the forms section of ny.gov/PaidFamilyLeave. **File the completed form** with the Employer and send a copy to:

Paid Family Leave, P. O. Box 9030, Endicott, NY 13761-9030

If the Employer fails to comply with the request for reinstatement within 30 days of your formal request, you may file a Paid Family Leave discrimination complaint with the Workers' Compensation Board using Paid Family Leave Discrimination Complaint (Form PFL-DC-120), which is also available on the Paid Family Leave website. Once your complaint is received, the Board will assemble your case and schedule a preliminary hearing in front of a Workers' Compensation Law Judge.

For more information on Paid Family Leave,
please visit ny.gov/PaidFamilyLeave or contact the Fund Office.