

**PAID FAMILY LEAVE FACT SHEET**

This Fact Sheet will describe how Paid Family Leave (PFL), a New York State program, works in conjunction with two other programs, the Family and Medical Leave Act (FMLA), which is Federal Law, and City Child Care Leave (CCC), which is in the Citywide Agreement, aka The Contract. These programs allow you to take leaves for different reasons, different time periods, with different pay and leave use rules. PFL was established for employees in New York State in 2017. The most recent contract between members of certain DC 37 unions and the City added this benefit effective January 6, 2019, and most other union members are eligible as of July 1, 2019.

**ELIGIBILITY**

<i>FMLA</i>	<i>Paid Family Leave- PFL</i>	<i>City (Contractual) Childcare Leave</i>
Must have worked for employer for 12 months preceding the start of the leave and have actually worked 1,250 hours.	Must have worked 26 consecutive weeks of at least 20 hours per week; or, have worked 175 days of fewer than 20 hours per week.	Must be in a title covered by the Citywide Agreement.
The agency is required to designate the leave as FMLA if it is for a FMLA-qualifying purpose.	You are not required to use it; you can choose to use your leave balances and be paid your full salary.	You choose how long you will be out, up to the maximum (see below).
Managerial and non-managerial staff	Staff in covered unions only. Managerial and OJ staff are eligible for Paid Parental Leave.	
All genders are eligible. Opposite and same-gender partners are eligible.		

**REASON FOR LEAVE**

<i>FMLA</i>	<i>Paid Family Leave- PFL</i>	<i>City (Contractual) Childcare Leave</i>
Birth or adoption of child	Birth or adoption of child	Birth or adoption of child
Care for family member’s serious health condition: Spouse/domestic partner Child or stepchild Parent (in-laws are excluded)	Care for family member’s serious health condition: Spouse or domestic partner Child or stepchild Parent or parent-in-law or stepparent Grandchild and grandparent	
Personal serious health condition		
	Military family support	

**LENGTH OF LEAVE AND TIMING**

<b>FMLA</b>	<b>Paid Family Leave- PFL</b>	<b>City (Contractual) Childcare Leave</b>
12 weeks in a 12 month period	2019- 10 weeks in a 12 month period 2020- 10 weeks in a 12 month period 2021- 12 weeks in a 12 month period	4 years for the first child; 3 years for subsequent children.
FMLA and PFL leave runs concurrently, not consecutively.		If you request less than the full 4 or 3 years, you are allowed only two extensions of no fewer than 6 months each.
Leave for child care must be used all at once. Use for sickness can be intermittent.	Leave to bond with child must be taken within 12 months of the child's arrival. Leave may be intermittent, in full-day increments.	
Leave for child care must be taken within 12 months of the child's arrival.	Leave for child care must be taken within 12 months of the child's arrival.	Leave may be taken until the child's 4 <sup>th</sup> birthday.

**PAY AND HEALTH BENEFITS**

<b>FMLA</b>	<b>Paid Family Leave- PFL</b>	<b>City (Contractual) Childcare Leave</b>
You must use all your accrued Annual and Comp Time. IF leave is for your personal illness then you must also use all Sick Leave.	You are paid by an insurance company, currently Absolve) which sends a bi-weekly check. Taxes are not withheld, you receive a 1099 at the end of the tax year.	You must use all Annual and Comp Time prior to going on City Child care leave The remainder of the leave is unpaid.
Full Salary until leave balances have been used; no pay after that.	<b>2019</b> -55% of your average weekly gross for the 8 weeks preceding the leave. <b>2020</b> - 60% <b>2021</b> - 67% The amount is capped to match the Statewide Average Weekly Wage The amount for 2018 is \$1,401.17.	No pay.
<i>Continued on next page</i>		

<b>FMLA</b>	<b>Paid Family Leave- PFL</b>	<b>City (Contractual) Childcare Leave</b>
The City will pay your health benefits for up to 12 weeks, whether or not you are using your leave balances.	The insurance company maintains your City health benefits. Union-provided benefits may be discontinued or delayed while you are off payroll, check with your union.	No health coverage. COBRA is available at first.
You continue to accrue Annual and Sick Leave as long as you are using your own leave (are on the payroll).	You do not accrue any leave.	You do not accrue any leave.
No break in service while you are using leave balances: you are on the payroll.	Break in service affects pension eligibility and seniority. You are off the payroll and all payroll deductions will stop, including pension contributions, transit benefit contributions, and deferred compensation contributions.	Break in service for pension eligibility. You are off the payroll.

**PAPERWORK**

<b>FMLA</b>	<b>Paid Family Leave- PFL</b>	<b>City (Contractual) Childcare Leave</b>
<p>Request for FMLA Leave form; Doctor's Certification form and Birth Certificate for child; Doctor's Certification form for your or your relative's illness. LPC signs the forms to approve.</p> <p>Submit Doctor's Certification or the equivalent information in a note on doctor's letterhead for anticipated personal incapacity beyond 3 days (to permit extended use of Sick Leave after childbirth. (See examples in spreadsheet.)</p>	<p>PFL-1 <u>Request for Paid Family Leave Parts A (Employee) and B (Employer)</u></p> <p>And (for Bonding) PFL-2 <u>Bonding Certification (Employee, with documents)</u></p> <p>And (for care of family) PFL-3 <u>Release of Personal Health Information Under the Paid Family Leave Law</u> PFL-4 <u>Health Care Provider Certification for Care Of Family Member with Serious Health Condition</u></p> <p>Submit to LPC 30 days before foreseeable leave. For bonding, use estimated dates.</p> <p><i>Continued on next page</i></p>	<p>Letter or email to supervisor with copy to Administration Department.</p> <p>30 days before the scheduled end of the leave, email or write supervisor and Administration Dept. to confirm you are returning.</p>

	<p>LPC forwards to insurance company 3 days after receipt; insurance company has 18 days to respond to you.</p> <p>For Bonding, insurance company will ask you for the birth certificate and ask LPC to re-do the forms with actual dates.</p>	
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**EXAMPLES AND SCENARIOS**

This spreadsheet on the P: drive has examples of some scenarios for the use of these different types of leave.

<P:\03 - ADMINISTRATION\ADMIN Employee Reference Materials\Time and Leave\PFL and FMLA calculation scenarios.xlsx>

**REFERENCES AND SOURCES**

The information in this fact sheet was assembled from several sources. Here are links to some of them:

**Paid Family Leave**

<https://paidfamilyleave.ny.gov/>

[https://labor.ny.gov/stats/avg\\_wkly\\_wage.shtm](https://labor.ny.gov/stats/avg_wkly_wage.shtm)

[P:\03 - ADMINISTRATION\ADMIN Employee Reference Materials\Time and Leave\Paid Family Leave Personnel Services Bulletin 440\\_16.pdf](P:\03 - ADMINISTRATION\ADMIN Employee Reference Materials\Time and Leave\Paid Family Leave Personnel Services Bulletin 440_16.pdf)

[Paid Family Leave fact sheet updated 7-31-2019.pdf](#)

**Family and Medical Leave Act**

<P:\03 - ADMINISTRATION\ADMIN Employee Reference Materials\Time and Leave\FMLA Personnel Services Bulletin.pdf>

<https://www.dol.gov/whd/fmla/>

**City Child Care**

<P:\03 - ADMINISTRATION\ADMIN Employee Reference Materials\Civil Service and Collective Bargaining\Citywide Agreement, aka The Contract.pdf>