New York
Paid Family Leave FAQs
Updated as of October 1, 2019

The FAQs below were compiled from NY PFL Webinars conducted in September - October 2019 which provided insights on the changes affective January 1, 2020.

At a glance, can you tell me what is changing 1/1/20 for NY PFL?

<table>
<thead>
<tr>
<th>Average Weekly Wage (AWW)</th>
<th>Maximum Employee Contribution</th>
<th>Community Rate</th>
<th>Benefit Percent of AWW</th>
<th>Maximum Weekly Benefit</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1,401.17</td>
<td>$196.72</td>
<td>0.270%/dollar</td>
<td>60%</td>
<td>$840.70</td>
<td>10 weeks</td>
</tr>
<tr>
<td>Up $44.06 from $1,357.11 in 2019</td>
<td>Up $88.75 from $107.97 in 2019</td>
<td>Up 0.117% from 0.153% in 2019</td>
<td>Up 5% from 55% in 2019</td>
<td>Up from $746.41 in 2019</td>
<td>Same</td>
</tr>
</tbody>
</table>

How do you calculate the amount of premium due for each employee in 2020?

Wages x 0.270% = NY PFL payroll deduction.

When the cumulative total of the employee’s contributions reach $196.72 for the 2020 calendar year, the payroll deductions stop.

<table>
<thead>
<tr>
<th></th>
<th>Employee A</th>
<th></th>
<th>Employee B</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Salary</td>
<td>$27,000</td>
<td></td>
<td>$100,000</td>
<td></td>
</tr>
<tr>
<td>Community Rate for 2020</td>
<td>0.270%</td>
<td></td>
<td>0.270%</td>
<td></td>
</tr>
<tr>
<td>Total Annual Premium</td>
<td>$72.90</td>
<td></td>
<td>$196.72</td>
<td></td>
</tr>
<tr>
<td>Weekly Payroll Deduction</td>
<td>$1.40 (assuming no bonus)</td>
<td></td>
<td>Variable Calculation details below:</td>
<td></td>
</tr>
</tbody>
</table>

Normal Pay – $80,000 (or $1,538/week)
Bonus – $20,000 paid March 1
Payroll deductions January 1-February 28
($1,538 x 0.270% = $4.15) =$4.15/week x 8 weeks = $33.20
Bonus paid March 1 separate check
($20,000 x 0.270% = $54.00) = $54.00
Payroll Deductions March 1-August 31
($1,538 x 0.270% = $4.15) = $4.15/week x 26 weeks = $107.90
Payroll deduction September 7 = adjusted due to the maximum annual cap (196.72-195.10=$1.62)
Payroll deduction September 8-December 31 = 0.

Employee B met annual cap

Navigating life together
Since the premiums will change over the year, how do you submit premiums and covered lives on the SAP bills? As premiums are collected, they should be submitted to MetLife.

Claims Processing

What happens if an employee is out on NY PFL continuous leave in 2019, which extends into 2020?
Since the claim started in 2019, the 2019 rules will apply. The claim benefits do not change as the calendar year rolls into 2020.

What happens if the employee is out on an approved NY PFL intermittent leave in 2019 which extends into 2020?
Employee will receive the benefit rate at 55% and number of weeks in effect on the first day of their leave, and will continue using the benefits approved with 2019 rules until the 2019 leave allotment is exhausted. If there is more than 3 months between intermittent leaves, the employee should file a new claim. If the claim is filed for a new leave in 2020, then 2020 rules will apply.

What is the difference between a recurrent claim and a new claim?
The PFL Claim is considered ‘recurrent’ if (1) employee files for a NY PFL absence within 3 months of a prior claim, (2) the claim reason is the same, and (3) there are still benefits available on the prior claim.

Scenario 1: Employee took 6 weeks of NY PFL in 2019, starting November 19 - December 28 to bond with their new child. On February 1, Employee requests leave for the same reason as the earlier claim.

Because the claim is for the same claim reason and it is within 3 months of the original claim, it is treated as a recurrent claim. The 2019 benefit applies for the remaining 4 weeks of the NY PFL claim.

Scenario 2: Employee took 6 weeks of NY PFL in 2019, starting November 19 - December 28 to bond with their new child. On February 1, Employee requests leave for a new reason-to care for their mother who needs care after cancer surgery. Because the claim is different, the employee will have to file a new claim. A 52 week lookback is performed showing 6 weeks of PFL used. 10 weeks - 6 = 4 weeks of PFL available for the new February claim.

Can an employee who is out on maternity leave in the fall of 2019 wait until 2020 to take NY PFL-child bonding to get the enhanced benefits?
Yes, under NY PFL law, covered employees can take PFL for bonding with a new child at any time within the first 12 months of the child’s birth, adoption or foster care placement.

If an employee used all ten weeks of NY PFL in 2019, can they take more NY PFL in 2020?
Yes. NY PFL benefits work on a rolling calendar similar to FMLA leaves. Leaves taken in 2019 NY PFL leave will roll off after 52 weeks. Therefore, additional time will accrue as the year progresses based on the dates of which the prior year NY PFL time was taken. The maximum amount of paid family leave in 2020 is 10 weeks in a 52 week period.

Note: Time taken for NY Paid Family Leave and NY Disability Benefits are both considered when filing for benefits. Employees cannot take more than 26 weeks of combined short-term (NY DBL) disability and Paid Family Leave (NY PFL) benefits in a 52-week period.

When should a NY PFL claim be filed?
Claims should be filed within 30 days (before or after) of the first absence needed for the NY PFL leave.

Why does the law say the employee must give 30 day advance notice of leave?
The 30 day advance notice requirement is for the employee to alert their supervisor/employer that they will be absent. This may help with staffing and identify back up training to cover while the employee is out for an extended period of time. There is no requirement for the insurance claim to be submitted early.

Should a NY PFL claim be filed for half days similar to FMLA absences?
No. FMLA allows the employee to take off partial days; but PFL only allows for full days. If the employee asks for a partial PFL day, the leave will be denied because the law requires a full day of leave.

Coordinating NY PFL with other Benefits

Can the employee elect to end the DBL benefit and then begin the NY PFL sooner as it is a richer plan than the DBL?
Generally, this can only take place after the delivery of a baby. The birth mother can switch from the DBL claim to a PFL claim for child bonding. Other claims will be decided on a case by case basis.

If an employer has a private plan for parental leave that pays 100% salary for a designated number of weeks how would MetLife coordinate the private plan with the statutory benefit?
As part of our benefit coordination process, MetLife’s claims team will reach out to the employer to coordinate dates of the company leave that directly overlaps with the state leave (i.e. Company’s parental leave and PFL-Child Bonding). The employer needs to request reimbursement before MetLife has paid the employee.
If an employee takes a private plan benefit at a different time, can the employer be reimbursed benefits?

No. The state guidelines require MetLife to make benefit payments within 18 days of receiving the completed claim form. Therefore, the employer reimbursement needs to be confirmed at the same time. MetLife will either pay the employee or employer based on these state rules. For an employer to be eligible to receive the NY PFL benefit as reimbursement, the employee MUST apply for NY PFL benefits equivalent to the dates paid under the employer’s private plan so that the benefit payments can be set up to automatically reimburse the employer for the same absence days that the employer is paying the employee.

How do I get a copy of my 2020 Claim benefit coordination tip sheet?

Your Service team can help you obtain the current Claim Benefit coordination tip sheet. And, if updates are needed, they can resubmit changes back to our claims team for use when new claims come in.

State Planned Enhancements to NY PFL

What are the proposed implementation phases for NY PFL?

- In 2021, the state is expected to complete its original 4 year implementation plan, expanding the duration to 12 weeks of benefits paid at 67% of the NY Average Weekly Wage up to the state maximums
- Annual changes to the state’s average weekly wage are published in March, but the changes do not impact NY PFL benefit until January of the following year.
- Annual changes for the community rate and the state maximum employee contributions will be published before September 1 of each year, but the changes do not impact NY PFL premiums until January of the following year.

General NY PFL Questions

Can NY PFL be taken intermittently?

Yes, NY PFL can be taken in full day increments as requested by a qualified claimant.

When can a new employee take a NY PFL leave?

A new full-time employee (working 20+ hours per week) has to work for 26 weeks prior to being eligible for leave. A part-time employee (working under 20 hours per week) must work for 175 days prior to becoming eligible. Keep in mind that premium must be collected starting day one of work.

Is there a waiting period to receive the benefit?

No, there is no waiting period for NY PFL benefits.

If the employer is paying premiums for the employee, does that affect the NY PFL benefit taxes?

Traditionally, if an employee pays the premiums with after-tax dollars, the benefits they receive are tax free; if the employer funds the benefit, benefits are taxable. However, according to the Tax Notice published by the state (Tax Notice No N-17-12) NY PFL benefits are taxable, regardless if the Employee or Employer funds the benefit. Employers should report employee contributions on Form W-2 using Box 14 – State disability insurance taxes withheld.

Are taxes automatically withheld from NY PFL benefit payments?

No. Taxes will not automatically be withheld from benefits, but employees can request voluntary tax withholding. They simply need to submit a W-4S tax form to the claims team and taxes can be withheld.

What percentage of MetLife’s business is self-funded vs. fully insured for NY PFL?

Less than 0.5% of MetLife’s NY PFL coverage is self-funded

Private Self-Insured NY PFL Plans

Do employers with private self-insured plans need to re-file or re-apply with the state for 2019?

Self-insured employers do not have to refile or reapply, but they do need to file an annual report, DB-681, each year.

Further Information

What is the New York State Website for NY PFL?


Where can I go for MetLife specific questions regarding NY PFL?

Your MetLife Account Service team or Broker/Benefit Consultant.