

Preparing for New York Paid Family Leave (NY PFL)

Frequently Asked Questions

At First Symetra, we know that NY PFL can be complicated. That's why we are committed to partnering with you and your employees to help make the using and managing of this leave as easy as possible. Below are answers to frequently asked questions.

Will I need to provide coverage if I have employees working in New York?

Yes. All private employers are required to provide NY PFL coverage if they have one or more employees working in New York on each of the last 30 days in any calendar year. For example, if you have one or more employees working Dec. 2 through Dec. 31 in any calendar year, you are required to provide coverage.

Do I need to provide written guidance to my employees regarding NY PFL?

Yes. All employers who maintain an employee benefits or leave rights written policy must include information regarding leave and employee obligations. If you do not have a written policy, you will need to provide your employees with their rights and responsibilities under NY PFL as well as information on how to file a claim.

What is the maximum employee contribution rate?

Beginning January 1, 2020, the maximum employee contribution for NY PFL coverage will be 0.270% of an employee's weekly wage, up to the statewide average weekly wage. The 2020 maximum contribution will be \$196.72 per year.

What is the statewide average weekly wage?

The statewide weekly wage that will be used for 2020 benefit calculation is \$1,401.17.

When will I submit premium to First Symetra?

This should be determined based on how the premium will be billed. First Symetra typically bills on a monthly basis for the New York Disability Benefits Law (NY DBL) product and this will continue for the NY PFL unless you make arrangements for a different schedule.

How will NY PFL be taxed?

NY PFL will be taxable non-wage income that must be included in federal gross income. Employees can request a voluntary tax withholding for both federal income tax at 10% and state income tax at 2.5% from their benefit. First Symetra will report the benefits paid on a Form 1099-Misc.

Can I provide NY PFL coverage to employees who do not work in the state of New York?

No, per the Department of Finance the NY PFL coverage is intended only for in-state workers.

When will employees be eligible for NY PFL benefits?

An employee will be eligible for NY PFL benefits when one of the following criteria is met:

- They've worked 20 hours or more per week for 26 consecutive weeks
- They've worked a total of 175 days of the previous 52 consecutive weeks, if they work less than 20 hours per week

When determining employees' eligibility, their use of paid vacation time, personal or sick leave time needs to be included when determining consecutive weeks. Please note that their periods of temporary disability will not be included as weeks of employment.

What should I expect when an employee takes NY PFL?

While on leave, an employee's contributions must be maintained for any employer-sponsored health insurance benefits. Job protection is guaranteed at the same or comparable position.

What situations qualify for NY PFL?

An employee can request leave for any of the following circumstances:

- To provide care for a family member with a serious health condition when a medical certificate is provided
- To bond with their child during the first 12 months after birth, adoption or foster placement
- To use leave for any qualifying exigency as defined under the military family leave provisions of the Family and Medical Leave Act (FMLA)

Is NY PFL available for my employee's own condition?

No. Unlike the FMLA, NY PFL is not available for the employee's own serious health condition. The NY DBL benefit continues to be available for this purpose.

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Does NY PFL need to be a continuous leave?

No. NY PFL can be taken as continuous (equal to or greater than one week) or intermittent (less than a full week, in full day increments) leave.

How soon do I need to be notified before an employee takes covered NY PFL?

Typically, the employee must provide notice for a foreseeable leave within 30 days. If they do not provide timely notice, their benefits may be denied for up to 30 days from the date they provide notice.

If the need for leave is not foreseeable, then notice must be given as soon as practicable (typically the same day or the next business day).

What are NY PFL benefits?

Beginning January 2020, the benefit percentage of an employee's average weekly wage will increase to 60% capping at a maximum weekly benefit of \$840.70. The benefit duration will remain 10 weeks.

Can NY DBL be used in conjunction with NY PFL?

No. Employees cannot draw NY DBL and NY PFL benefits at the same time. When used in the same 52-week period, these benefits cannot exceed 26 weeks.

What if my employees have paid time off (PTO) saved at the time of NY PFL?

Though not required, you and your employees can agree to use PTO during PFL, which would allow the employee to receive their full wages. The time spent would count against the employee's NY PFL entitlement. In this occurrence, you may request reimbursement of the NY PFL benefits from your employee.

If an employee starts a leave in 2019, and it extends into 2020, are they eligible for the benefits at the 2020 rate?

For continuous leave, employees get the benefit rate in effect on the first day of their leave.

For intermittent leave, employees get the benefit rate in effect on the first day of a period of leave. If more than three months have passed between periods of leave, it will be considered a new claim and a new Request for Paid Family Leave is required. The employee may also be eligible for increased benefits if the period begins in 2020.

How will my employees file a NY PFL claim?

Employees can contact First Symetra by calling us at 877-377-6773, faxing their completed paper application to 877-737-3650, or going online at www.symetra.com/MyGO.

Be sure they have the following information ready:

- Your company's name as recorded on your First Symetra NY DBL policy
- Their Social Security number
- The reason for the leave
- Their relationship to the person they are caring for while on leave
- The length of time needed for the leave
- Whether their leave is continuous or intermittent
- If intermittent, the frequency and duration of their leave

What happens after an employee submits a claim?

A medical certification form and other documents requiring completion will be sent to the employee within five business days of receipt of the claim. Once First Symetra receives all required completed paperwork, a decision will be made within 18 business days.

The case manager assigned to the claim will stay in contact with your employee throughout the process.

What's expected of me, as the employer, throughout the claims filing process?

First Symetra will request certain information from you to determine employee eligibility and payment requirements for NY PFL benefits.

Within one business day of receipt of the claim, you will be notified via email that a claim has been submitted by one of your employees. First Symetra may send a form to you for completion. This needs to be completed and returned to us within five business days.

What happens if my employee refuses to use NY PFL benefits?

If you or Symetra designate an employee's family leave to be covered by FMLA, then notify them of their eligibility for family leave benefits and they don't apply, you may elect to count this leave against the maximum duration of family leave allowed in a 52-week period.

First Symetra's in-house experts are available for a teleconference to answer your questions. We will continue to provide ongoing communications as new information becomes available. In the meantime, if you have questions or need additional information, please contact your First Symetra Account Manager.



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