

One Minute Memo®



New York Paid Family Leave Forms Released

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Seyfarth Synopsis: The New York Workers' Compensation Board has made forms necessary for the implementation of the Paid Family Leave Law available on its website. The available forms include the long anticipated PFL-1 form through which employees may request leave, and forms specific to each covered purpose of paid family leave.

The New York Workers' Compensation Board has released the PFL-1 form for employees who are seeking New York Paid Family Leave ("PFL") benefits. The PFL-1 is attached to specific forms for employees requesting bonding leave ([PFL-2](#)), leave for a family member's serious health condition ([PFL-3](#)), and leave for a qualifying exigency under the Family and Medical Leave Act ([PFL-5](#)).

Employers must fill out "Part B" of the PFL-1 form, including the employee's average gross weekly wage and whether the employer will be seeking reimbursement from the carrier in the event the employee is receiving full wages from the employer while on leave (e.g., where the employee has elected to use paid time off or the company's salary continuation policy). The employer must also state whether the employee has taken leave in the past year for statutory disability or PFL and if so, the dates of any periods of leave. (As a reminder, employees may only take a combined 26 weeks of leave for statutory disability and PFL in a 52-week period). In addition, the employer must indicate whether the employee's leave will run concurrently with FMLA. PFL leave may run concurrently with FMLA only if the leave is taken for a qualifying reason under both laws.

For employees, the forms detail instructions as to how to file a claim, including what forms of proof are required for various types of leave.

The Board also previously made available the [waiver form](#) for employees who will not reach eligibility and the Employer's Application for Voluntary Coverage ([PFL-135](#) (without employee contribution) and [PFL-136](#) (with employee contribution)).

As a reminder, only those employers who currently self-insure for New York State statutory disability coverage are eligible to self-insure for PFL. The deadline to elect to self-insure PFL was September 30, 2017. Employers who currently self-insure for disability benefits and who wish to self-insure for PFL, should submit the [DBL-150](#) form as soon as possible.

The law will go into effect on January 1, 2018. In addition to obtaining coverage through a carrier or taking steps to self-insure and collecting employee contributions, there is a written policy requirement for employers. Due to the law's complexities, many employers' existing leave policies may need to be revised.

See our earlier alerts on the [law](#), [proposed regulations](#), [revised proposed regulations](#), [final regulations](#), [employee contribution amount](#), and [tax treatment of PFL benefits](#) for more information.

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