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New York Issues Model Paid Family Leave Forms

By Carolyn D. Richmond, Glenn S. Grindlinger and Gregg M. Kligman

As originally discussed in our [April 2016](#) and [March 2017](#) alerts, New York enacted one of the most comprehensive statewide paid family leave laws in the country. Under the New York Paid Family Leave Law (“PFL”), starting on January 1, 2018, New York employers will be required to provide eligible individuals with paid time off from work in order to care for an infant, care for a family member with a serious health condition, or relieve family pressures when someone is called to active military service. While the PFL will go into effect on January 1, 2018, it will not be fully phased into implementation until 2021. Starting January 1, 2018, individuals will be entitled to take 8 weeks of paid leave under the PFL and will be entitled to receive 50 percent of their average weekly wage or 50 percent of the state average weekly wage, whichever is lower. While fully detailed in our April 2016 alert, the PFL is fully funded by employees and not employers.

In anticipation of the January 1, 2018 effective date of the PFL, the New York State Workers’ Compensation Board has issued model PFL request and certification forms and opt-out forms. The forms can be found on the New York State Paid Family Leave Law [website](#).

How it Works

To obtain benefits for leave covered by the PFL, individuals must complete and submit a PFL-1 form to their employer. After the employee submits the form, the employer must complete Part B of the form. The employer has three business days to complete Part B and return it to the employee. The employee is then responsible for submitting the completed paperwork to the employer’s PFL insurance carrier. Depending upon the reason for the leave, employees must also submit the following certification forms:

1. For leave to bond with a newborn, adopted child, or foster child, an employee must complete and submit a Bonding Certificate (Form PFL-2) along with supporting documentation;
2. For leave to care for a family member with a serious health condition, an employee must complete and submit a Release of Personal Health Information Under The Paid Family Leave Law (Form PFL-3) and a Health Care Provider Certification For Care Of Family Member With Serious Health Condition (Form PFL-4); or
3. For leave to assist a family member with exigencies related to military deployment, an employee must complete and submit a Military Qualifying Event certification (Form PFL-5) along with the family member’s active duty orders.

Employers should review their handbooks to ensure that they have proper policies in place providing for leave under the PFL. Employers should also visit the PFL website in order to download the PFL forms in advance of January 1, 2018 so that they can properly respond to employee request for leave under the PFL in compliance with the law.

For more information about this Alert, please contact [Carolyn D. Richmond](#) at 212.878.7983 or crichmond@foxrothschild.com, [Glenn S. Grindlinger](#) at 212.878.2305 or ggrindlinger@foxrothschild.com, [Gregg M. Kligman](#) at 212.878.7910 or gkligman@foxrothschild.com, or any other member of Fox Rothschild LLP’s Hospitality or New York Labor & Employment Departments. Visit us on the web at www.foxrothschild.com.