

YOUR RIGHTS AT A GLANCE

If you're a covered worker in New York, you have the right to take paid leave to:

- Bond with a new child within the first year
- Care for a seriously ill family member
- Address certain military family needs



WHY TAKE PAID FAMILY LEAVE?

Men taking paid leave improves the personal and economic well-being of their families and their children's development.

- Men sharing care responsibilities by taking paid leave advances workplace & household gender equality.
- Quality infant care is hard to find. When both parents in two-parent families take leave, this doubles the amount of time a new child has to receive personal care from a parent.
- Bonding with a new child early on is critical: In different-sex, two-parent households, fathers who take at least two weeks off after the birth of a new child are more involved in that child's direct care nine months after birth than fathers who take no leave.

Do I have any other rights?

Other laws may provide additional rights. Note that the coverage and eligibility requirements for these laws vary and workers may be covered regardless of whether they are eligible for NY paid family leave.

Federal Family and Medical Leave Act: May provide up to 12 weeks of unpaid, job-protected leave to bond with a new child, care for a seriously ill family member, care for your own serious health needs, or address certain military family needs.

NYC Earned Sick and Safe Leave Act: May provide up to 40 hours a year to care for your own or a loved one's health needs.

NY State and NYC Human Rights Law: The State law prohibits discrimination based on sex and familial status, among other protected characteristics, and the NYC law prohibits discrimination based on gender and caregiver status, among other protected characteristics.

Questions? Call our free, confidential legal helpline: 1-833-NEED-ABB

A Better Balance is a national legal advocacy organization fighting to give workers the time and flexibility they need to care for themselves and their families.

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Your Paid Family Leave Rights: A Guide for Dads and Male Caregivers in New York State



New York's paid family leave law helps ensure that people of all genders—including fathers and male caregivers—have the support they need to prioritize family responsibilities like bonding with a new child or caring for a seriously ill loved one.

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the work and family legal center

YOUR QUESTIONS, ANSWERED

Am I covered?

If you're employed outside the government in New York State, either full-time or part-time, you're probably covered under the law, regardless of how many people work for your employer. Self-employed people can opt in to coverage. The law applies regardless of immigration or citizenship status. You can start receiving benefits after working for your employer for six months. If you work fewer than 20 hours per week, you may need to work for slightly longer (175 days) to qualify.

How much paid family leave can I take?

In 2019 and 2020, you can take up to ten weeks of family leave. In 2021, you will be able to take up to 12 weeks of leave. You can take this leave all at once or take leave in units as small as one day.

How much of my paycheck can I get while I am on paid family leave?

In 2019 you can receive 55% of your average weekly pay, up to \$746.41 per week. In the following years, you'll be eligible to receive a greater percentage of your pay (up to a cap) while on leave.

Who pays for paid family leave?

Workers pay for paid family leave through small payroll deductions. For 2019, these deductions will be no more than an average of \$2.08 per week (and many workers will pay less than that).

Will my job be protected while I am on leave?

Yes. You have the right to return to work after taking leave. If you receive health insurance through your

employer, you also have the right to keep your coverage under its current conditions. *You cannot be discriminated against or retaliated against for inquiring about your leave rights or taking leave.*

How does this impact my PTO?

If your employer permits, you can use vacation or other accrued paid time off during your paid family leave to receive your full paycheck. Your employer may also be allowed to require you to use any accrued paid time off during your leave, if you are covered by the federal Family and Medical Leave Act.



How do I apply?

If you know when you will take leave, you must provide up to 30 days' notice to your employer. Otherwise, let your employer know as soon as possible. Submit a claim for the type of leave you'll be taking to your employer's paid family leave insurance carrier, including documentation of your need for leave. Applications and instructions may be found at ny.gov/paidfamilyleaveapply. You do not need to wait for your claim to be approved before starting your leave.

TAKING LEAVE TO BOND WITH A NEW CHILD:

When can I take bonding leave?

If covered, you can take bonding leave at any point within the first 12 months following a child's birth or placement for adoption or foster care.

What if my child has another parent who wants to take bonding leave too?

If a child has two parents, each parent (of any gender) can take the full amount of paid family leave within 12 months of the child's birth or placement. Parents can take leave at the same time (subject to certain exceptions if they work for the same employer) or separately.

What types of child-parent relationships are covered?

Under the law, your child includes your biological, adoptive, or foster child; your legal ward or stepchild; the child of your domestic partner; or a child for whom you have taken on the role and responsibilities of a parent, even if you do not have a biological or legal relationship with the child.

TAKING LEAVE TO CARE FOR A FAMILY MEMBER:

Who can I take leave to care for?

You can take paid family leave to care for your child, parent, parent-in-law, spouse (including a same-sex spouse), domestic partner (whether legally registered or not), grandchild, or grandparent when that person has a serious health need. These needs can include a serious physical or mental illness, injury, or condition requiring in-patient care or ongoing treatment by a medical care provider.