

Difference between FMLA & NYPFL - 2019

Leave of Absence (LOA) Regulations	Federal Leave Program: Family Medical Leave Act (FMLA)	State Leave Program: New York Paid Family Leave (PFL)
Work Requirement to be eligible	12 months 1,250 hours in 52 weeks	26 weeks and 20 hours or more per week If less than 20 hours per week, then after 175 days of work
Eligible Reason	Care for employee's own illness/injury; Bonding or to care for a family member (spouse, child, parent); or Military Deployment	Bonding or Care for family member with a serious health condition. Family includes: spouse, domestic partner, child, parent, parent in law, step parent, grandparent, and grandchild; Military Deployment. <i>Employee Own Illness/Injury Not Covered</i>
Job protection	Yes	Yes
Use of Paid Time Off	Employee is required to use PTO /vacation to care for family or bonding. Or use sick savings/sick days if employee is out for own illness/injury	Not required to use PTO/vacation for PFL standalone leave. Employee is required to use PTO/vacation where the leave qualifies for both PFL and FMLA and the leave will run concurrently.
Benefit	Unpaid Leave for up to 12 weeks in a 52 week period. Unpaid Leave if employee has no PTO/vacation.	Paid Leave for up to 10 weeks (in 2019) in a 52 week period. Employee can receive 55% of their average weekly wage to a maximum of 55% of NYS average weekly wage. In 2019 the maximum PFL payment is \$746.41/week.
Medical Coverage	Employee contributes the same amount while on approved leave.	Employee contributes the same amount while on approved leave.
Spouses Working for Same Employer	Combined 12 weeks for same care recipient	Leave must to taken at different times for same care recipient.
Intermittent Leave	Yes- 1 hour increments	Yes- daily increments
How to Report Leave	Notify supervisor ASAP. Call Aetna # 888-714-4380 within 30 days of leave date, when possible. Call Aetna within 2 days of using an approved intermittent FMLA day or leave can be denied.	Notify supervisor ASAP. Call Aetna # 888-714-4380 within 30 days of leave date, when possible. Call Aetna within 2 days of using an approved intermittent FMLA day or leave can be denied.

**** In addition to reporting leave to supervisor & Aetna, employees covered by a collective bargaining agreement are required to contact their benefit fund to receive PFL or disability payments.**

NY PFL website: <https://www.ny.gov/programs/new-york-state-paid-family-leave>

FMLA website: <https://www.dol.gov/general/topic/benefits-leave/fmla>