“It’s time that we set a new national standard for supporting working families, and New York is going to lead the way.”

— Governor Andrew M. Cuomo
January 2016
Executive Brief

On January 1, 2018, New York State launched the strongest, most comprehensive Paid Family Leave (PFL) in the nation. Governor Andrew M. Cuomo’s fight for Paid Family Leave began just two years earlier, with his passionate appeal during the 2016 State of the State Address. Inspired by the time he spent with his father in his final days, the Governor challenged the Legislature to restore basic dignity for workers by making job-protected, paid leave a legal right — ensuring New Yorkers don’t have to choose between caring for their families and earning a paycheck. In the absence of a national program, New York joined only three other states that mandate some form of paid family leave. Governor Cuomo’s legislation brought New York State to the forefront, passing a policy with better protections, broader uses and richer benefits than any other paid family leave in the nation. In its first year, Paid Family Leave touched the lives of millions of families in New York. More than 8.5 million working New Yorkers, 2.2 million of whom are not covered by the federal Family and Medical Leave Act, now have access to Paid Family Leave. As you’ll see in this report, the numbers and stories underscore how well Paid Family Leave is working. The insurance market is stable, New York’s economy is thriving, and workers now have an inclusive and flexible benefit that’s meeting the diverse needs of families across the State. Our success serves as a model for lawmakers and advocates fighting for paid family leave both in other states and at the federal level. We are proud that New York Paid Family Leave is leading the way for dignity and economic justice, not just for the people of our state, but for all hardworking Americans.

New York Paid Family Leave

Most employees who work in New York State for private employers are now covered under Paid Family Leave. This landmark benefit provides job-protected, paid time off for employees to:
- **BOND** with a newly born, adopted or fostered child;
- **CARE** for a family member with a serious health condition; or
- **ASSIST** loved ones when a spouse, domestic partner, child or parent is deployed abroad on active military service.

Paid Family Leave includes strong protections. Employees continue their health insurance on the same terms as if they continued to work, are guaranteed the same or a comparable job after their leave ends, and cannot be discriminated or retaliated against for requesting or taking Paid Family Leave. Benefits are phasing in over a four-year period that began in 2018. Paid Family Leave is insurance that is fully funded by employees through small payroll deductions. Employers use the deductions to pay for the cost of the premium. The Department of Financial Services sets the deduction rate annually as a percentage of gross wages, and every covered employee pays the same rate. Benefits increase through 2021:

<table>
<thead>
<tr>
<th>Year</th>
<th>Weeks of Leave</th>
<th>Benefits</th>
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<tbody>
<tr>
<td>2019</td>
<td>10 weeks</td>
<td>55% of pay*, up to a cap</td>
</tr>
<tr>
<td>2020</td>
<td>10 weeks</td>
<td>60% of pay*, up to a cap</td>
</tr>
<tr>
<td>2021</td>
<td>12 weeks</td>
<td>67% of pay*, up to a cap</td>
</tr>
</tbody>
</table>

*Employee’s average weekly wage, up to the same percentage of the New York State average weekly wage.

“Family is everything, and Paid Family Leave allows people to spend time with family when they need to the most, without having to sacrifice financially. It is truly heartbreaking to have to make the choice between caring for a loved one and staying afloat financially, and Paid Family Leave makes it so you don’t have to make that choice.”

— Bria C., Porter Corners

"It would be the most robust such program in the nation — and it would show the nation what it means to stand up for and help working families.”

— Governor Cuomo, March 2016

New Yorkers who were not covered by FMLA but are now covered by PFL

2.2 MILLION
not eligible for FMLA

More than 8.5 million covered
Paid Family Leave can be taken to bond with a newly born, adopted or fostered child within the first 12 months of the child’s birth, adoption or foster placement. Families in New York come in all shapes and sizes, and Paid Family Leave is here for all of them. Paid Family Leave is available to New York’s working parents, regardless of their gender or marital status.

Paid Family Leave gives families critical time together. In 2018, more than 86,500 working New Yorkers took an average of 33 days of Paid Family Leave to bond with their new child.

“I was home to see my daughter roll over, sit up, and eventually crawl for the first time. I missed some of these milestones with my other kids so it was nice to have the time off work to witness them.”

— Tiffany J., Elmira

Paid Family Leave supports gender equality. While women represent the majority of employees taking bonding leave (approximately 58,900 took it in 2018), men are taking time to bond with their children, too — approximately 26,600 men took bonding leave in 2018.

“I took Paid Family Leave to be a good father to my newborn son. He was born a month before the law took effect, and my workplace offered me nothing — when I went to HR to ask about (my employer’s) policy for fathers, I got a blank look and was told that fathers typically just take two weeks of vacation time. While biology creates somewhat of an imbalance, I want to do my part as a father and Paid Family Leave has helped me do that.”

— Jonathan K., Brooklyn

Paid Family Leave can be used to care for a family member with a serious health condition. This could be a spouse, domestic partner, child, stepchild, parent, parent-in-law, stepparent, grandchild, grandparent, or grandparent-in-law. In the first year, approximately 39,000 employees took an average of 21 days of Paid Family Leave to care for a loved one.

Paid Family Leave supports families even beyond New York’s borders.

“NY Paid Family Leave has not only alleviated my financial fears and hardships, but has allowed me to give my daughter the full care she deserves when she needs me the most. I cannot say thank you enough for this life-changing program.”

— Brian W., Williamstown

Eligible employees can also take Paid Family Leave to assist family when a spouse, domestic partner, child or parent is called to active military service abroad. Paid Family Leave:

- Provides enhanced support to New York’s military families — as well as military family members across the nation and around the world.
- Reaches more military families who would not otherwise qualify for FMLA.

More than 150 New Yorkers took an average of 12 days of Paid Family Leave in 2018 to help when a family member was called to active military service abroad. The very existence of New York Paid Family Leave is a powerful show of support to service members whose families may need it one day.
The Strongest Paid Family Leave in the Nation

New York’s model stands apart from paid family leave programs in other states because of its superior benefits. In fact, New York’s Paid Family Leave benefits have become the gold standard. First, it provides more paid time off, with no waiting period. Next, when New York Paid Family Leave launched, it provided the most protection from discrimination. And third, New York was the first state to include military families in Paid Family Leave, enabling employees whose family members are deployed abroad on active military service to take time to support their service member and care for their families.

New York is also the only state that provides Paid Family Leave solely as an insurance product, rather than as a state-administered fund. Leveraging the existing private insurance market made it easy for employers to add Paid Family Leave coverage during the ramp-up phase.

Winning Model: Comparison of State PFL Programs at the Time NYS PFL was Signed into Law

<table>
<thead>
<tr>
<th>FEATURES</th>
<th>New York</th>
<th>California</th>
<th>Rhode Island</th>
<th>New Jersey</th>
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</thead>
<tbody>
<tr>
<td>Job Protection for ALL Employees</td>
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<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>No Waiting Period for Employees</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
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<tr>
<td>8+ Weeks Off</td>
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<td>✓</td>
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<tr>
<td>Bonding Leave</td>
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<tr>
<td>Family Care Leave</td>
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<tr>
<td>Military-related Leave</td>
<td>✓</td>
<td></td>
<td>✓</td>
<td>✓</td>
</tr>
<tr>
<td>Discrimination Protection for ALL Employees</td>
<td>✓</td>
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Out of the gate, New York’s entrance into Paid Family Leave became a tipping point, sparking the national conversation about what was possible. Since New York enacted Paid Family Leave in 2016, at least 36 other states* have introduced or passed their own paid family leave legislation — some with New York’s assistance. Several states requested and received input and/or guidance from New York on their programs.

In addition, the bold standard that New York set may have inspired states that already had paid family leave to further improve their own benefits. Since New York’s law was enacted in 2016:

A. California made changes, including removing a waiting period.

B. New Jersey increased the weekly wage benefit employees receive, lengthened the amount of leave time to 12 weeks, expanded the definition of family member, and covered more employees.

C. Rhode Island introduced legislation that would increase the amount of leave time to eight weeks and increase benefits for certain employees.

“Paid family leave shouldn’t be a luxury given to precious few! I am grateful to live in NY State."

— Tyler M., Queens

Inspiring Action Across the Nation

“"This program is about restoring basic dignity for hardworking men and women, and I am proud that New York is continuing to lead the country forward in the march toward economic justice."

— Governor Cuomo, February 2017

*National PFL status, as of July 10, 2019
**Includes Executive Orders in MD, KS, VA, NC and DE (only parental)
From Law to Launch

Just three months after Governor Cuomo first proposed Paid Family Leave, this landmark legislation became law. New York State immediately mobilized to build and implement what would become the largest project of its kind in more than a half century.

Over 21 state agencies worked collaboratively to build and implement Paid Family Leave in less than two years. This included drafting and adopting regulations, setting rates, and reviewing and approving Paid Family Leave insurance policies for 27 individual carriers. The State also developed forms, set policies for enforcement, and developed processes for arbitration, discrimination hearings and payroll deduction complaints.

In order to ensure compliance with the new law, the State set policies and procedures for enforcement and performed extensive outreach to help employers understand and meet their new responsibilities. Most importantly, Paid Family Leave contributed to what has been an extraordinary success for New York and the great people of our state. Early data, as well as stories from real people, show New York Paid Family Leave is working — and working well — for employers, for insurance carriers who administer the benefits, and for employees, who now have access to Paid Family Leave benefits in times of critical need.

“Small business owners support policies like these because they know paid leave benefits can help attract and retain talented employees, and because it allows small businesses to offer a benefit that is typically reserved for larger firms at no added cost...By implementing a statewide paid leave insurance program, New York is helping level the playing field for small businesses.”

— Renée J. Johnson, Mid-Atlantic Outreach Director of Small Business Majority

Paid Family Leave is good for business. New York employers are providing a desirable benefit to employees at no direct cost to their businesses. By September 2018, over 93% of covered employers were in full compliance with the law, a testament to both Paid Family Leave’s employer-friendly design and extensive outreach by the State. Sole-proprietors and other self-employed individuals can voluntarily opt in to Paid Family Leave so they can access these important benefits when they need them most. More than $85,000 self-employed individuals are now covered for Paid Family Leave.

Paid Family Leave works for insurance carriers. New York State is host to a robust market of carriers who provide Paid Family Leave insurance, with many options for employers when they shop for their policies. One hundred percent of the carriers offering Paid Family Leave insurance in 2018 are continuing their participation in 2019, proving it is a model that works for their businesses.

Most importantly, Paid Family Leave is making a real difference for working families, by enabling employees in New York to balance their work and family lives. Employees have peace of mind knowing they can take care of their families without fear of losing their paychecks — or their jobs. Paid Family Leave is helping working New Yorkers be there for their families in the times that matter most.

“An Extraordinary Success

Diligent planning. Tireless efforts to raise awareness. Strict attention to detail. Everything New York put into developing and launching the nation’s strongest Paid Family Leave contributed to what has been an extraordinary success for New York and the great people of our state. Early data, as well as stories from real people, show New York Paid Family Leave is working — and working well — for employers, for insurance carriers who administer the benefits, and for employees, who now have access to Paid Family Leave benefits in times of critical need.

“All my clients have been very interested in Paid Family Leave, and the feedback has been very positive. I get questions about it all the time.”

— Renée J. Johnson, Mid-Atlantic Outreach Director of Small Business Majority

Proposed regulations released
Paid Family Leave website launched
External outreach and training gets underway
Lawmakers pass NYS Budget that includes Paid Family Leave Act
Gov. Cuomo announces plan for Paid Family Leave
Gov. Cuomo signs Paid Family Leave into law
Proposed regulations released
Paid Family Leave website launched
External outreach and training gets underway
Regulations adopted, payroll deductions begin
Systems for underwriting, payment, claims handling, and enforcement begin
Employees begin taking Paid Family Leave
Board begins monitoring and enforcing employer compliance
Forms for uninsured claims, discrimination, and compliance
Arbitration process and forms
Data collection, reporting and warehousing systems
Systems for underwriting, payment, claims handling, and enforcement begin
Paid Family Leave website
Numerous PFL elements created and implemented

Building Toward Success

“JAN 2016
Gov. Cuomo announces plan for Paid Family Leave

MAR 2016
Lawmakers pass NYS Budget that includes Paid Family Leave Act

APR 2016
Gov. Cuomo signs Paid Family Leave into law

SEP 2016
PFL Helpline goes live

OCT 2016
External outreach and training gets underway

JAN 2017
Proposed regulations released
Paid Family Leave website launched

APR 2017
Regulations adopted, payroll deductions begin

JUL 2017
Systems for uninsured claims, discrimination, and compliance

SEP 2017
Arbitration process and forms

OCT 2017
Data collection, reporting and warehousing systems

DEC 2017
Systems for underwriting, payment, claims handling, and enforcement begin

MAR 2018
Paid Family Leave website

NOV 2017
Forms complete

JUN 2018
Employers begin taking Paid Family Leave

Building Toward Success

“IT IS BEING THERE TO HOLD A HAND, TO SMILE AND JUST BEING THERE BECAUSE IT IS THE RIGHT THING.”
— Governor Cuomo, March 2016

2018: YEAR IN REVIEW

27 CARRIERS APPROVED TO SELL PFL INSURANCE

PAIDFAMILYLEAVE.NY.GOV
COVERAGE & CLAIMS DATA
JANUARY THROUGH DECEMBER 2018

Please Note: These numbers are approximate and data is under ongoing review.

CLAIMS BY LEAVE TAKEN IN A CONTINUOUS TIME FRAME VS. LEAVE TAKEN PERIODICALLY

CLAIMS BY GENDER

SERVICE INDUSTRIES

CLAIMS BY WAGE BAND

Average Annual Wage: $65.7K

CLAIMS BY EMPLOYEE AGE

Covered Lives by Industry

Covered Lives by Industry

Approved Bonding Claims

Approved Family Care Claims

Claims by Type

Claims by Type

Covered Lives by Industry

Covered Lives by Industry

Approved Bonding Claims

Approved Bonding Claims

Claims by Employee Age

Claims by Employee Age

Covered Lives by Industry

Covered Lives by Industry

Approved Bonding Claims

Approved Bonding Claims

Claims by Employee Age

Claims by Employee Age

Coverage & Claims Data
January Through December 2018

Please Note: These numbers are approximate and data is under ongoing review.

Covered Lives by Industry

Covered Lives by Industry

Approved Bonding Claims

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Claims by Employee Age

Claims by Employee Age
Looking Ahead

New York has proven that Paid Family Leave works and is showing other states and the nation how to do it well. In 2019, as the four-year Paid Family Leave phase-in period continues, working New Yorkers and their families can look forward to significantly enhanced benefits. Benefits now include:

MORE TIME WITH LOVED ONES: As of January 1, 2019, eligible employees can take up to 10 weeks of Paid Family Leave, up from eight weeks in 2018.

GREATER FINANCIAL SECURITY: The wage benefits employees receive in 2019 increased to 55% of their average weekly wage, capped at 55% of the statewide average weekly wage, an increase from 50% in 2018.

SAME STRONG PROTECTIONS: Employees can take Paid Family Leave knowing they’ll have a job to return to, and they can keep their health insurance on the same terms as if they had continued to work while on leave. Employers can’t discriminate or retaliate against employees for taking or requesting Paid Family Leave. Immigration status is never a factor in eligibility.

New York Paid Family Leave helps us all because when we build strong families, we build a strong New York.

“From the birth of the women’s rights movement at Seneca Falls to the most comprehensive Paid Family Leave policy in the nation, New York leads the nation in championing women’s rights and breaking down barriers to equality...”

— Governor Cuomo, January 2018
A GROUP EFFORT: More than 21 state agencies worked collaboratively to build and implement Paid Family Leave in New York, including:

- Workers’ Compensation Board
- Department of Financial Services
- Information Technology Services
- State Insurance Fund
- Department of Civil Service
- Governor’s Office of Employee Relations
- Department of Health
- Empire State Development
- Office of Children and Family Services
- Division of Veterans’ Affairs
- Department of Agriculture
- Department of State
- Department of Motor Vehicles
- Department of Labor
- Military and Naval Affairs
- Office of Temporary and Disability Assistance
- Division of Budget
- Office of the Aging
- State Education Department
- Department of Taxation and Finance
- Washington D.C. Office