



Hello and welcome to an overview of the New York Paid Family Leave Law.

We know you're busy and we appreciate you taking the time to learn about this new law going into effect for your associates.

- Effective **January 1, 2018**
- Applies to all associates **working** in the state of New York:
 - Hourly (full-time and part-time)
 - Temporary
 - Drivers
 - Salaried
- Paid Family Leave Program will provide New Yorkers job-protected, paid leave for:
 - New child bonding within one year of placement or birth
 - Caring for a family member with a serious health condition
 - Preparing for a family member's military service
- Associates will request leave through Sedgwick's [viaOne Express](#) system or by calling Sedgwick at 800-492-5678.



Refer to the WIRE for updated Paid Family Leave (PFL) policies

Starting January 1, 2018, all associates working in the state of New York will be provided paid and job protected time away from work under the new Paid Family Leave Law. Associates will be able to use this new paid family leave for things such as bonding with a new child after placement or birth, caring for a family member with a serious health condition; or preparing for a family member's military service, all of which we will discuss further.

As with other leave of absences, Associates will work with Sedgwick to request and manage the leave.

Overview – New York Paid Family Leave (PFL)



- For the first year of the program, associates can take up to 8 weeks of paid family leave, with a weekly benefit of 50% of the associate's average weekly wage.
 - Associates can take up to 10 weeks during the second and third years, and 12 weeks the fourth and subsequent years.
- Associates may take the maximum benefit length in any given 52-week period.
- The 52-week clock starts on the first day the associate takes Paid Family Leave.
- New York Disability and New York Paid Family Leave will have a combined maximum entitlement of 26 weeks. Liberty will administer both New York Disability and New York Paid Family Leave.



New York Paid Family Leave

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The benefits of the new law will be phased in over the next few years. For the first year, associates will be able to take up to 8 weeks of paid family leave with a weekly benefit of 50% of their average weekly wage. For years two and three they will have 10 weeks, and for year four and beyond associates will be able to take up to 12 weeks.

The time can be taken within any given 52 week period with the clock starting the first day an associate takes a Paid Family Leave.

The new Paid Family Leave will be combined with the New York statutory for a maximum benefit of 26 weeks. Both the New York Disability and new Paid Family Leave will be administered by Liberty.

Overview – New York Paid Family Leave (PFL)



- Associates may use NY PFL in increments of one day or more with a maximum of 60 days per year for associates working at least five days per week.
- When NYPFL leave is taken in daily increments, the number of days each year is limited to the average number of days worked per week for each of week of leave (8 x the average number of days worked each week for the first year).
 - 2018 (Year 1) Example: Associate works 3 days per week on average. The PFL benefit is 8 weeks. 3 days X 8 weeks = 24 days in a 52-week period.
 - 2019 /2020 (Year 2 & Year 3) Example: Associate works 3 days per week on average. The PFL benefit is 10 weeks. 3 days X 10 weeks = 30 days in a 52-week period.
 - 2021 (Year 4) Example: Associate works 3 days per week on average. The PFL benefit is 12 weeks. 3 days X 12 weeks = 36 days in a 52-week period.



So now you know basics of the new Family Paid Leave law, how does it work? How can associates use the time?

Associates will be allowed to use Family Paid Leave in one day increments. There will be a limit of 60 days per year for associates working at least 5 days a week.

Taken in one day increments, the Paid Family Leave annual limit is equal to the average number of days per week an associate works for each of the weeks allowed by the law. In other words, if an associate works, on average, 3 days a week, then the maximum number of days available during the first year would be 5 days times 8 weeks, or 24 days.

As we said earlier, the benefits will increase over the next few years, finally capping out at 12 weeks, or 36 days in our example, in year four.

Overview – New York Paid Family Leave (PFL)



- The maximum benefit is 50% of the associates average weekly wage during 2018.
- The benefit will phase in at 55% weeks the second year, 60% during the third year, and 67% the fourth and subsequent years.
- The maximum PFL benefit is based on the New York State Average Weekly Wage (NYSAWW).
 - The current NYSAWW used for this calculation is \$1,305.92 – half of that amount is the maximum (\$652.96) benefit. For 2018, no associate will receive more than \$652.96 per week.
 - Example: Associate's AWW=\$2000.
50% of AWW is \$1000.
However, the cap is 50% of SAWW, which is currently \$652.96, so benefit is actually \$652.96

Paid Family Leave is designed to phase in over four years



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Just as the maximum allowable time will increase up to year four, the payment percentage will also increase. For the first year, associates will be paid 50% of their weekly wages. For year two, 55%, year three 60%, and finally year four and beyond, 67%.

There is a maximum benefit payment allowed which is based on the New York State Average Weekly Wage. Currently the New York State Average Weekly Wage is \$1,305.92. For year one the maximum weekly benefit payment would be 50% of this state average or \$652.96. So, for the first year of the law, 2018, an associate will not be paid more than \$652.96 per week of Family Paid Leave. In other words, if an associate's average weekly wage is \$2,000, even though 50% of that amount is \$1,000, the associate would only be paid the benefit maximum of \$652.96 based on the New York State Average Weekly Wage.

Contributions – New York Paid Family Leave (PFL)



- Paid Family Leave coverage is funded by associate payroll contributions.
- Associates will have a payroll contribution for NYPFL. The maximum employee contribution at 0.126% of an employee's weekly wage,
 - Up to and not to exceed 0.126% of the statewide average weekly wage.
 - The SAWW is currently \$1,305.92; the PFL contribution will be capped at \$1.65 per week (0.126% of \$1,305.92)
 - So, for example, if an employee's weekly wage amounts to \$1,000.00, the maximum payroll contribution for PFL would be \$1.26 for that week.



Refer to the WIRE for updated Paid Family Leave (PFL) policies

The new Paid Family Leave law will be funded by associate payroll deductions. The contribution will be equal 0.126% of an associate's average weekly wage with a maximum contribution based on the New York Average Weekly Wage, just like the maximum benefit.

For example, if an associate's average weekly wage is \$1,000, the payroll deduction would be equal 0.126% of that \$1,000 or \$1.26. If an associate's average weekly wage is \$2,000, then the contribution would be \$1.65, the maximum contribution, which is 0.126% of the New York Average Weekly Wage of \$1,305.92.

New York Paid Family Leave (PFL) – Caring for a Close Relative with a Serious Health Condition



- PFL is available to care for a close relative with a serious health condition.
A close relative includes:
 - Spouse
 - Domestic partner
 - Child
 - Parent
 - Parent-in-law
 - Grandparent
 - Grandchild
- A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:
 - Inpatient care in a hospital, hospice, or residential health care facility;
or
 - Continuing treatment or continuing supervision by a health care provider.



Refer to the WIRE for updated Paid
Family Leave (PFL) policies

As you learned before, associates can use Paid Family Leave to care for a close relative with a serious condition. Close relatives include Spouse, Partner, Children, Parents, Parents-in-law, Grandparents, and Grandchildren.

Serious health conditions include illnesses, injuries, impairments, both physical and mental involving inpatient care in a hospital, hospice, or residential health care facility or continued treatment or supervision by a health care provider.

- A parent may take Paid Family Leave during the first 12 months following the birth, adoption, or fostering of a child.
- Paid Family Leave only begins after birth and is not available for prenatal conditions. Walmart offers basic and enhanced short-term disability plans for the associates' own serious health condition.
- Associates may also have Parental and Family Leave available. Parental/Parental and Family Leave policies are available on The Wire. Associates should contact Sedgwick to apply.



Refer to the WIRE for updated Paid Family Leave (PFL) policies

Paid Family Leave can be used for bonding after birth, but not for prenatal conditions. Short-term disability should be used by associates to take care of their own health condition.

Paid Family Leave can be used during the first 12 months following the birth, adoption, or foster placement of a child.

- PFL is available for families eligible for time off under the military provisions in the federal Family Medical Leave Act when a member of the associate's family is on active duty or has been notified of an impending call or order of active duty.
- PFL cannot be used for the associate's own disability or qualifying military event. It may only be taken to care for a:
 - Spouse
 - Domestic partner
 - Child
 - Parent



Refer to the WIRE for updated Paid Family Leave (PFL) policies

PFL is available for families eligible for time off under the military provisions in the federal Family Medical Leave Act when a member of the associate's family is on active duty or has been notified of an impending call or order of active duty.

PFL cannot be used for the associate's own disability or qualifying military event. It may only be taken to care for a:

- Spouse
- Domestic partner
- Child
- Parent

- If the associate's Paid Family Leave also qualifies as leave under the Family and Medical Leave Act (FMLA), the associate must use FMLA leave at the same time as PFL.
 - However, if the associate takes FMLA leave for the associate's own serious health condition, it will not reduce the amount of PFL to which the associate may be entitled.
- Paid New York Disability and New York Paid Family Leave will have a combined maximum entitlement of 26 weeks in a 52-week period. Any time the associate takes for PFL or DBL will be deducted from the total available leave entitlement of 26 weeks.
 - The associate may not receive NYPFL benefits at the same time as New York State disability benefits.
- NYPFL may be taken intermittently, but will not be provided in increments of less than one full day. NYPFL may not be taken on a reduced schedule basis.
 - Salaried associates have a pay (salary) deduction for intermittent absences. Pay deductions should be applied in the same pay period as the absence. Pay deductions applicable to one pay period cannot be deducted in a subsequent pay period.
- Associates may not supplement PFL with Paid Time Off.



FMLA (Unpaid)

NY PFL (Paid)



Eligibility

- Must have worked for the employer for at least 12 months and has at least 1250 hours of service during the 12 month period immediately before the leave

- Associates working 20 hours or more in a week must have worked at least 26 consecutive weeks
- Associates working less than 20 hours per week, must have worked 175 days



Entitlement

- 12 workweeks in a 52 week period
- 26 workweeks of military caregiver leave in a 52 week period

- 8 workweeks* paid at 50% in a 52 week period looking backward (*2018 duration, will increase over four years)
- 26 workweeks combined NYPFL & NYDBL



Qualifying Reasons

- The employee's **own serious health condition**
- The birth of a child and to **bond with the newborn** child within one year of birth
- The placement with the employee of a child for adoption or foster care and to **bond with the newly placed child** within one year of placement
- To **care for a family member** with a serious health condition
- A qualifying **exigency**
- To **care for a covered service member** with a serious injury or illness, if the employee is spouse, son, daughter, parent, or next of kin

- The birth of a child and to **bond with the newborn** child within one year of birth
- The placement with the employee of a child for adoption or foster care and to **bond with the newly placed child** within one year of placement
- To **care for a family member** with a serious health condition
- Qualifying **exigency** as defined by FMLA



Qualifying Relationships

- Spouse, Son, Daughter, Parent, In Loco Parentis

- Spouse, Domestic Partner, Child, Parent, Parent in-law, Grandparent, Grandchild



Intermittent

- Associates may use leave in the smallest increment of time the employer allows for the use of other forms of leave

- Full day increments; total days available in a 52-week period calculated at average days worked per week X 8 weeks

Here we have outlined the differences between the unpaid Family Medical Leave Act and this new New York Paid Leave law.

- Associates working **20 hours or more in a week** must have worked at least 26 consecutive weeks to qualify for benefits.
- Associates working **less than 20 hours per week** must have worked 175 days to be qualify for benefits.
- **Associates may file a waiver to opt out of benefits and contributions if:**
 - They work a regular schedule of **20 or more hours per week** but will not work 26 calendar weeks (for example temps)
 - They work a regular schedule of **less than 20 hours per week** but will not work 175 days of employment **in a 52-week period**.



Refer to the WIRE for updated Paid Family Leave (PFL) policies

For newly hired associates, they will be eligible for the Paid Family Leave benefits after they have been employed for 26 calendar weeks. For part time or seasonal associates, they will be eligible after 175 DAYS, not restricted to a certain timeframe – is only related to the number of days.

Associates may file a waiver to opt out of benefits and contributions if:

They work a regular schedule of 20 or more hours per week but will not work 26 calendar weeks (for example temps)

They work a regular schedule of less than 20 hours per week but will not work 175 days of employment in a 52-week period.

New York Paid Family Leave (PFL) – Notice



- If the need for the leave is foreseeable, associates should provide at least 30 days' notice to the Manager.
- Foreseeable qualifying events include:
 - An expected birth, placement for adoption, or foster care
 - Planned medical treatment for a serious health condition of a family member
 - The planned medical treatment for a serious injury or illness of a covered service member
 - Other known military exigency
- If 30 days' advance notice is not practicable, or if the dates of leave change, are extended or were initially unknown, the associate should provide notice or updates as soon as practicable.
- Associates should provide notice as soon as practicable before each instance of the intermittent leave as well.



Refer to the WIRE for updated
New York FMLA Policy

If associates can know ahead of time they will need a Paid Family Leave, for instance a birth, planned medical treatment, or other known military exigency, then they should provide at least 30 days notice to their manager.

If a 30 day notice is not an option, or if the actual dates for the leave change or are extended, associates notify their managers as soon as possible. This includes the need for intermittent leave as well.

- PFL is not optional for most associates. The exception is if the associate is in a job that will not allow the associate to attain the 26 continuous weeks or 175 days needed to qualify for leave (for example a temporary worker).
 - For example: Although a newly hired associate is not presently eligible to file a claim, the associate is expected to be eligible (is expected to work 26 weeks if the associate is not a temp). A full-time associate would not be eligible to file a waiver.
- Waivers will be accepted but should not be faxed until January 1, 2018.
- Waivers will need to be submitted by 3 p.m. the Friday before payroll ends to be effective next payroll by completing online, printing, signing, and faxing to (479) 204-9579.
 - *The waiver must be completed online, not handwritten, for the form to properly scan.*
- Waivers will be revoked automatically if a claim is approved or if their schedule indicates they may become eligible.
- Associates may also voluntarily revoke their waiver by completing and signing a revocation form (will be faxed to same location as waivers).
- The Store should retain the waiver for duration of the associate's employment in the associate's personnel file (not the medical file).



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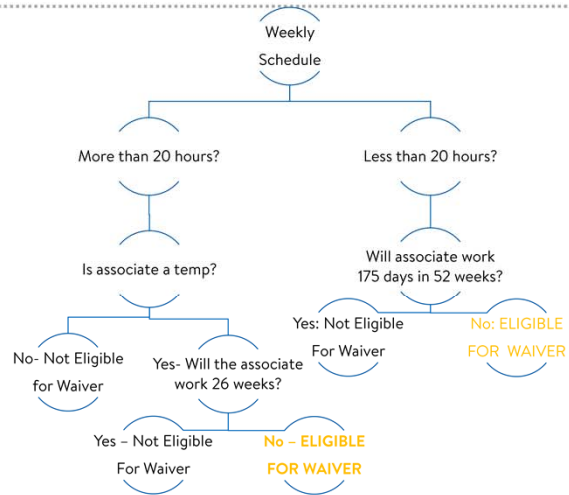
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The Store should retain the waiver for duration of the associate's employment in the associate's personnel file (not the medical file).

- The facility will provide a waiver form to the associate upon request.
- The Store Manager, or designee, will certify the associate's expected schedule.
 - If the associate does work the requisite hours to become eligible, the waiver is **automatically revoked**.
 - Retro contributions back to plan year or **date of hire (whichever is most recent)** may be deducted from the associate within 8 weeks.



If a waiver is requested, you will need to provide the associate a waiver form. The store manager or representative will need to certify the associate's expected work schedule. If the associate ends up working such a schedule as to become eligible for Family Paid Leave, the waiver will be automatically revoked and the associate will be responsible for paying back contributions from the beginning of the plan year or the associate's hire date, whichever is more recent.

Beginning **January 1, 2018**

CERTIFY

- HR will provide waiver form.
- Associate will complete Waiver

EMAIL

- The Store Manager, or designee, will certify the waiver if the associate is not expected to work 26 weeks or 175 days in a year.
- Store Manager will fax waiver to People Services

PAYROLL CONTRIBUTIONS

- Associate will not pay payroll contribution
- Associate may revoke waiver at any time
- The company may revoke if the associate files a claim or is no longer eligible

The Waiver process includes three main steps.

First, a waiver request form will be provided to the associate to be completed.

Second, the Store Manager or representative will certify the associate's expected schedule and fax the waiver request to People Services

Finally, the waiver will be implemented and the associate will NOT pay the Paid Family Leave contributions

The associate may revoke a waiver at any time and the company may also revoke a waiver if the associate files a Paid Family Leave claim or is no longer eligible for the waiver.

Deduction on the Paystub



*Mockup Display - Actual Display may Vary

Statement of Earnings and Deductions.
Wal-Mart Associates, Inc., 702 S.W. 8th St., Bentonville, Arkansas 72716
View Pay Period From: 07/08/2017 - 07/21/2017 To: 07/08/2017 - 07/21/2017
Pay Period Beginning Date: 07-08-2017 through Ending Date: 07-21-2017

Sam Walton 123 Walmart St Fictionville, AZ 12345	Payee EFS NATIONAL BANK WE SAVE FCU	Type CHECK DEPOSIT SAVINGS ACCT	Account # xxxxxxxxxxxx1234 xxxxxxxxxxxx6789	Amount \$407.19 \$100.00
Deposit Date 07-13-2017	Advice # 123456789			

W4 Withholding: Federal Tax Method: Single Pay Category: Hourly Exemptions: 0 Additional Withholding: \$0.00
Note: State and Local W4 information is not available at this time.

Description	Rate	Hours	Earnings	Year to Date	Type of Deductions	Taxes / Deductions	Year to Date
REGULAR EARNING	\$10.0000	72.62	\$726.20	\$8,714.40	FEDERAL TAX	\$51.15	\$742.28
OVERTIME EARN	\$15.0000	0.71	\$10.65	\$127.80	SOCIAL SECURITY	\$51.01	\$571.55
PTO PAY	\$10.0000	5.00	\$50.00	\$60.00	NEW YORK	\$23.61	\$331.17
PERSONAL TIME			\$0.00	\$10.00	INS LIFE	\$0.70	\$8.40
					INS MED U *	\$93.50	\$1,122.00
					INS DEN U *	\$26.00	\$312.00
					CRITICAL ILL *	\$0.58	\$6.96
					401K *	\$31.47	\$356.49
					PAID FAM LEAVE	\$1.65	\$10.96
PTO AVAILABLE		61.83			CHECK DEPOSIT	\$407.19	\$2,605.41
WRKDHRS		73.33			SAVINGS ACCT	\$100.00	\$1,200.00
PERS HRS AVAIL		4.97					

	Earnings	Taxes	Deductions	Net Pay	Deposit No.	Amt. of Deposit
Current	\$786.85	\$125.76	\$153.90	\$507.19		
Year to Date	\$8,912.20	\$1,644.99	\$3,461.80	\$3,805.41	333444555	\$507.19

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You can see here, we have highlighted how the payroll deduction will show an associates' paychecks.

For additional information, please review the Paid Family Leave FAQ's located on the WIRE:

Parental and Family Leave Policies

- Knowledge Center > Policies/Policies by Category> Human Resources > Human Resources Policies > Leave of Absence Policies > FMLA Leave > New York

Paid Family Leave Associate Toolkit

- Me@Walmart > Leave of Absence Toolkit > Hourly Associates (or Salaried Associates, or Truck Drivers)

A copy of this notice is available upon request from your facility's Personnel office as well as available for viewing and printing on the WIRE at the following location:

- WIRE > Knowledge Center > People Support > HR Services > Employment > Employment Compliance > Standards > State Specific Standards > New York > NY PFL Rights and Responsibilities Notice

These materials do not create an express or implied contract of employment or any other contractual commitment. Walmart may modify this program at its sole discretion without notice, at any time, consistent with applicable law. Employment with Walmart is on an at-will basis, which means that either Walmart or the associate is free to terminate the employment relationship at any time for any or no reason, consistent with applicable law.

There are several resources available for you on the WIRE to help you learn, understand, and manage these new policy and guidelines.



Thank you!

Thank you again for taking the time to learn about his new law and paid time off policy. We appreciate you and all you do to support HR and your associates.