

## New York State's Paid Family Leave (NY-PFL)

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On January 1, 2018, New York State's Paid Family Leave Program went into effect. If an employer is required to provide Disability coverage in New York State, then they will also be required to provide paid family leave to employees.

### Eligibility:

Paid leave will be available to eligible full-time employees who reside in New York State, and who have worked 26 weeks in the 52 weeks preceding the first day of their leave. Part time employees will also be eligible for paid leave benefits provided they are New York State residents, and have worked 175 days in the 52 weeks preceding the first day of their leave.

### Reasons for Leave:

Paid leave will be available to eligible employees in order to care for or assist a family member with a serious health condition; bond with a newborn or adopted child during the first year after the birth or adoption; or to provide support when a family member is called to active military duty.

### Amount of Benefit and Length of Leave:

Paid leave benefits will be phased in, beginning on January 1, 2018, starting at 50% of the employee's average weekly wage (AWW), with a cap that correlates to New York State's AWW (which is set annually \*\*) for a period of 8 weeks. In 2021 the benefits will max out at 67% of the employee's AWW, for a period of 12 weeks.

### Who pays for the program?

The program is funded through employee payroll deductions. The deduction amount is set at 0.126% of the employee's weekly gross wage, with a cap based on the state determined AWW. Employers may pay the premiums instead of making payroll deductions, if they wish.

If an employee will not work enough throughout the year to qualify for paid leave, then they may opt out of having deductions taken from their pay by signing a waiver. All employees who will qualify for paid family leave must have deductions taken from their pay, regardless of whether or not they will use paid family leave benefits. Deductions will start on January 1, 2018. You may not take deductions retroactively.

### Employee Rights and Notification

Employers operating in New York State must update their Employment Manuals to include this policy. It is recommended that employers designate that leaves as covered under both PFL and FMLA run concurrently, or you risk employees "stacking" their leaves.

Employers must post the New York State provided poster for employees to be aware of their rights and how to access the paid leave. Paid Family Leave requires the continuation of the employee's health insurance during leave (unless the employee wishes to drop coverage), as well as restoring the employee to their position (or an equivalent one) upon their return from leave.

For more information on NY-PFL, reach out to Employer Services Corporation – Jan Owczarczak – (716) 691-4455 ext 858 or [jowczarczak@myesc.com](mailto:jowczarczak@myesc.com)

\*\* The AWW (Annual Weekly Wage) set for NYS is \$1,305.96 for 2018. This is an average of all of NYS wages. Data from 2016 is used to arrive at the 2018 number. NYS may look at 2017 data to come up with a new AWW for 2019 or they may not. Employees on PFL will get 50% of their own AWW (the past 8 weeks of their wages prior to leave is averaged) up to a cap of 50% of the NYS AWW of \$1,305.96 or \$652.98. So if they make less than the NYS AWW, they will get 50% of their AWW. If they make more, they will get \$652.98.