

## **New York Passes Nation's Strongest Paid Family Leave Program**

New York has followed in the footsteps of three other states — California, New Jersey, and Rhode Island — but has gone even further. While California and New Jersey offer six weeks of family leave per year with some pay, and Rhode Island offers four weeks, New York is offering its workers up to 12 weeks to bond with a new child or to care for a seriously ill family member. Globally, the U.S. remains the only industrialized country that does not guarantee paid family leave for its workers.

### **Summary of the Law**

The new paid family leave program that was signed into law on April 4, 2016, will be phased in gradually: Beginning in 2018, both male and female employees will get up to eight (8) weeks off per year and 50% of their average weekly wage capped to 50% of the statewide average weekly wage. The benefit will eventually increase, in 2021, to 12 weeks and 67% of the worker's average weekly wage, capped to 67% of the statewide average weekly wage. The law provides job protection for up to 12 weeks, as well as the continuation of healthcare benefits. The law will provide some relief to New York employees, knowing they have job security when they need to take time to care for a family member or bond with a newborn baby, newly adopted child, or foster child.

### **Eligibility**

Full-time workers will have to complete at least 26 consecutive weeks of work to be eligible for paid family leave. Part-time employees will become eligible after completing 175 days of employment.

### **What Paid Family Leave Can Be Used for**

Paid family leave can be used by an employee to care for a newborn, newly adopted, or foster child or to care for a seriously ill family member (child, spouse, domestic partner, parent, grandchild, grandparent, sibling), while still getting a share of their salary. Additionally, military families during times of need would get help by using this benefit to address legal, financial, and childcare issues related to the military service of a spouse, domestic partner, child, or parent.

### **Schedule of Benefits**

Employees will receive wages according to the following schedule:

- 2018: 50% of wages, up to 8 weeks, capped at 50% of the statewide average weekly wage
- 2019: 55% of wages, up to 10 weeks, capped at 55% of the statewide average weekly wage
- 2020: 60% of wages, up to 10 weeks, capped at 60% of the statewide average weekly wage
- 2021: 67% of wages, up to 12 weeks, capped at 67% of the statewide average weekly wage

\*Leave runs concurrently with federal FMLA leave. The law allows for leave to be taken on an intermittent basis.

### **Cost**

The cost won't be paid by businesses. The new plan will be financed by small paycheck deductions, around a dollar per week per employee. New York has the ability to modernize its existing Temporary Disability Insurance program, which has been in place since 1950, to include this new paid family leave. It is possible that other states will eventually follow New York's lead.

### **Next Steps for Employers**

We will continue to monitor and provide updates regarding the new law. This e-Alert reflects our understanding of the law as of right now; however, there may be some additional clarity down the line:

1. All New York employers will need to comply by January 1, 2018; click [here](#) to read the “At a Glance: The New York State Paid Family Leave Act”
2. You must post the new Paid Family Leave poster as soon as it is available; HR Knowledge will alert you once this has been published.
3. Review your current leave-of-absence policies and employee handbook to ensure they are compliant with these new regulations.
4. If you are one of our full-service clients, we will work with you to review your current leave of absence policy to ensure it is compliant with this new law and update your employee handbook; please email us at [hrquestions@hrknowledge.com](mailto:hrquestions@hrknowledge.com) and an HR advisor is happy to assist you.

*This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this advisory, please contact HR Knowledge at 508.339.1300 or email us at [HR@hrknowledge.com](mailto:HR@hrknowledge.com)*