

New York State Paid Family Leave



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In April 2016, New York State enacted the New York Paid Family Leave Benefits Law. The law will be phased in beginning on **January 1, 2018**, and will provide eligible employees with up to 12 weeks of job-protected paid family leave (PFL) once fully implemented. The following chart explains the new law and its requirements in detail.

Which Employers Must Offer PFL?	Employers of all sizes must offer PFL.
Who Pays for PFL?	<p>While employers will be required to purchase a PFL insurance policy or self-insure, policy premiums will be paid by employees. No employer will be required to fund any portion of the family leave benefit.</p> <p>For coverage beginning January 1, 2018, the maximum employee contribution is 0.126% of an employee's weekly wage, up to and not to exceed the statewide average weekly wage.</p> <p>Note: Employers will not have to pay an employee's salary while the employee is on leave. Instead, the employee will receive the PFL benefit through the PFL insurance policy.</p>
When Should Payroll Deductions Begin?	Under final regulations , an employer is permitted to begin payroll deductions on any date between July 1, 2017 and January 1, 2018.
Which Employees Are Eligible for PFL?	Employees regularly working 20 or more hours per week become eligible for PFL after having worked 26 or more consecutive weeks . Employees that regularly work fewer than 20 hours per week become eligible for PFL after the 175th day worked .
Which Life Events Qualify for PFL?	<p>PFL can be taken:</p> <ul style="list-style-type: none"> • To participate in providing care, including physical or psychological care, for the employee's family member (including a child, parent, grandparent, grandchild, spouse, or domestic partner) with a serious health condition; • During the first 12 months following the birth, adoption, or fostering of a child (including the children of a domestic partner and stepchildren); or • Because of any qualifying exigency arising out of the fact that the employee's spouse, domestic partner, child, or parent is on active military duty (or has been notified of an impending call or order to active duty).
When Can Employees Begin Taking PFL?	Eligible employees can generally begin taking PFL on January 1, 2018 .

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<p>How Long Can an Employee Be Out on PFL?</p>	<p>Effective January 1, 2018, eligible employees will be entitled to up to 8 weeks of PFL in any 52-week period at 50% of their average weekly wage (capped at 50% of the state average weekly wage).</p> <p>Benefits will increase in future years as follows:</p> <ul style="list-style-type: none"> • Effective January 1, 2019, eligible employees will be entitled to up to 10 weeks of PFL in any 52-week period at 55% of their average weekly wage (capped at 55% of the state average weekly wage). • Effective January 1, 2020, eligible employees will be entitled to up to 10 weeks of PFL in any 52-week period at 60% of their average weekly wage (capped at 60% of the state average weekly wage). • Effective January 1 of each succeeding year, eligible employees will be entitled to up to 12 weeks of PFL in any 52-week period at 67% of their average weekly wage (capped at 67% of the state average weekly wage).
<p>Must an Employer Maintain an Employee's Health Benefits While He or She is Out on PFL?</p>	<p>Yes. In addition, an employee must continue to pay his or her portion of the health insurance premium while out on PFL.</p>
<p>Is an Employee Entitled to His or Her Position Upon Return from Leave?</p>	<p>Yes, an employee is entitled to be restored to the position of employment he or she held when the leave commenced, or to be restored to a comparable position with comparable employment benefits, pay, and other terms and conditions of employment.</p>
<p>Are Employers Required to Post or Provide Employees with Notices Regarding PFL?</p>	<p>Yes. If an employer maintains written guidance for employees concerning employee benefits or leave rights (e.g., in an employee handbook), then information concerning PFL must be included in that guidance. All other employers must provide written guidance to each of their employees concerning employee rights and obligations under PFL, including information on how to file a PFL claim.</p> <p>In addition, the state will soon publish a PFL poster that must be displayed in plain view where all employees and applicants can readily see it.</p>

Additional Information

Employers may view the New York Paid Family Leave [website](#) for additional details.

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