

## Alert | Labor & Employment



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### **New York Paid Family Leave Law Becomes Effective Jan. 1, 2018**

The New York Paid Family Leave law (NYPFL), which becomes effective Jan. 1, 2018, mandates that private employers provide coverage for certain types of employee leave. The benefits will be administered and payments made by the employer's disability carrier (or by the employer if self-insured), in the same manner as disability benefits. Funding of the coverage will come solely from employee contributions, not the employer. Employers are required to withhold 0.126 percent of an employee's weekly taxable wages in order to fund the benefits. There is a maximum contribution based on the state's average weekly wage; the maximum annual contribution for 2018 will be \$85.56. Under the law, only those employees working less than 20 hours a week and less than 175 days a year can waive coverage and opt out of the mandatory state program; such persons must sign an opt-out form.

New York Paid Family Leave may, at the employer's option, run concurrently with FMLA leave if the employer provides FMLA leave. The NYPFL benefit offers qualified employees up to eight weeks of paid family leave benefits in a 52-week period at the rate of 50 percent of their weekly pay, subject to a weekly maximum of \$652.96. The amount of leave and percentage of salary will increase to 12 weeks and 67 percent over the next three years.

This new law provides monetary benefits to qualified employees who are taking leave for the following reasons:

- To provide physical or psychological care for a qualifying family member with a serious medical condition.

- To bond with a newborn or newly adopted child during the first 12 months after the child's birth or placement. Leave may also be taken prior to the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. If a child was born, adopted, or placed in 2017 an employee may take NYPFL to bond with that child for up to one year after birth, adoption, or placement.
- For a military exigency arising out of a family member being called to active duty in the Armed Forces.

Note that NYPFL does not apply when leave is caused by the employee's own serious medical condition. Employees intending to take leave are expected to provide 30 days' advance notice wherever possible.

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