

The New Year Brings Paid Family Leave to New York

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On January 1, 2018, New York's Paid Family Leave Act became effective, requiring employers to obtain paid family leave insurance for their employees. Paid family leave insurance coverage can typically be added to an employer's existing disability insurance policy. Employers may deduct the premium cost for the paid family leave insurance policy through a payroll deduction or may opt to cover the costs themselves.

The Act provides eligible employees with up to eight weeks of paid leave per calendar for:

- Participation in providing care, including physical or psychological care, for a family member with a serious health condition.
- Bonding with your child during the first 12 months after your child's birth, or the first 12 months after the child is placed with you for adoption or foster care.
- Any qualifying exigency under the federal Family and Medical Leave Act (FMLA), relating to when a military spouse, child, or parent is on covered active duty or called to active duty status.

In 2019, the amount of available paid leave will increase to ten weeks and then to twelve weeks in 2021.

While on leave, employees are eligible to receive 50% of their average weekly wage up to 50% of the New York State Average Weekly Wage. The New York State Average Weekly Wage is currently \$1,305.92 (so employees can currently receive up to \$652.96 per week on paid family leave). The percentage will increase to 55% in 2019, 60% in 2020, and 67% in 2021.

Employees who work a regular schedule of twenty hours or more per week are eligible for leave after 26 consecutive weeks of employment. Employees who work a regular schedule of less than twenty hours per week are eligible after working 175 days.

New York employers should be sure that they have updated their policies and handbooks, and are compliant with the new law. Employers should also be sure to take note of the changes in length of leave and amount of payment coming up in future years.

Attorney

- Tracy Armstrong