



NEW YORK STATE PAID FAMILY LEAVE: Employer Facts

Effective January 1, 2018, nearly all private employers in New York State must secure Paid Family Leave coverage for their employees.

Paid Family Leave coverage is funded by employee payroll contributions. It provides wage replacement and job protection to employees who need time away from their jobs to:

- **bond** with a newly born, adopted, or fostered child,
- **care** for a family member with a serious health condition, or
- **assist** loved ones when a family member is deployed abroad on active military duty.

COVERAGE

Insurance coverage for Paid Family Leave must be available to employees beginning January 1, 2018, and generally will be included under an employer's existing disability benefits policy.

EMPLOYEE ELIGIBILITY

- Employees with a regular work schedule of 20 or more hours per week are eligible after 26 weeks of employment.
- Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked.

In limited circumstances, employees whose regular work schedules are temporary or seasonal may opt out of Paid Family Leave.

When practical, employees should provide 30 days advance notice of their intention to use Paid Family Leave.

EMPLOYEE CONTRIBUTION

Employers may collect the cost of Paid Family Leave through payroll deductions.

The maximum employee contribution in 2018 shall be 0.126% of an employee's weekly wage, up to the annualized New York State Average Weekly Wage.

BENEFITS

Benefits phase in over four years. In 2018, employees are eligible for up to eight weeks of paid leave at 50% of their average weekly wage (AWW), up to 50% of the New York State Average Weekly Wage (SAWW).

| YEAR | WEEKS OF LEAVE | BENEFIT |
|------|----------------|--|
| 2018 | 8 weeks | 50% of employee's AWW, up to 50% of SAWW |
| 2019 | 10 weeks | 55% of employee's AWW, up to 55% of SAWW |
| 2020 | 10 weeks | 60% of employee's AWW, up to 60% of SAWW |
| 2021 | 12 weeks | 67% of employee's AWW, up to 67% of SAWW |

RESPONSIBILITIES

- Employers should contact their disability insurance carrier about obtaining Paid Family Leave coverage.
- Employees are entitled to be reinstated to their same or comparable job upon return from Paid Family Leave.
- Failure to reinstate employees to their same or comparable job may leave employers exposed to discrimination and/or retaliation claims.
- Employers must continue employees' health insurance while they are on Paid Family Leave. Employers may require that employees continue to pay their health insurance premium contributions.
- Employers must ensure that their employees are aware of the Paid Family Leave program and that their organizational policies comply with the law.
- Employers must display a poster regarding Paid Family Leave coverage in their place of business, similar to Workers' Compensation or Disability Benefits coverage.

FOR MORE INFORMATION, VISIT [NY.GOV/PAIDFAMILYLEAVE](https://ny.gov/paidfamilyleave) OR CALL (844) 337-6303.

