



## STOKES WAGNER

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### NEW YORK STATE LEGAL ALERT | November 21, 2017

#### New York Paid Family Leave

Starting **January 1, 2018**, nearly all private employees in New York State will be eligible for Paid Family Leave so the employee can (1) bond with a newly born, adopted or fostered child; (2) care for a family member with a serious health condition; or (3) assist loved ones when a family member is deployed abroad on active military duty. Paid Family Leave will phase in over four years, starting at 8 weeks in 2018 and increasing to 12 weeks by 2021.

- January 1, 2018: 8 weeks paid at 50% of the employee's average weekly wage or 50% of the state average weekly wage, whichever is less;
- January 1, 2019: 10 weeks paid at 55% of the employee's average weekly wage or 55% of the state average weekly wage, whichever is less;
- January 1, 2020: 10 weeks paid at 60% of the employee's average weekly wage or 60% of the state average weekly wage, whichever is less; and
- January 1, 2021: 12 weeks paid at 67% of the employee's average weekly wage or 67% of the state average weekly wage, whichever is less.

#### I. Who Is Eligible:

- Employees who work a schedule of 20 or more hours per week are eligible after 26 weeks of employment.
- Employees who work a schedule of less than 20 hours per week are eligible after 175 days worked.
- Citizenship and immigration status do not impact eligibility.

**Questions?** Contact Stokes Wagner.

II. What Employers Needs to Do Now:

- Contact your disability benefits insurance carrier to ensure you have Paid Family Leave Coverage.
- Post the Notice of Compliance (provided by your insurance carrier) in a conspicuous place.
- Update your employee handbook to inform your employees about Paid Family Leave.
- Update your payroll processes to collect the employee payroll withholdings or contribution that pay for the insurance.
- Inform non-eligible employees that they can choose to waive coverage.