

NYS Paid Family Leave Fact Sheet

Since the New York State Paid Family Leave Benefits Law (PFL) launched in 2018, employers have had to quickly learn the ins and outs of this new law. The reality of PFL has set in and employers now face situations and challenges such as: implementing payroll deductions and waiver requirements, figuring out how to effectively communicate with employees, accurately track use, and so many more.

Our labor and employment attorneys have taken the lead on monitoring PFL developments, as well as counseling and educating clients on how to remain compliant—with minimal risk and disruption to their business. They provide a big picture, holistic view to help clients make intelligent business decisions regarding how PFL interfaces with company policies, culture, and with other laws.

PFL Basics

- For 2019, employees are entitled to ten weeks of job-protected leave, with a paid benefit of 55% of the employee's average weekly wage, capped at \$746.41 per week.
- PFL benefits are funded by employee contributions.
- The 2019 maximum employee contribution is 0.153% of an employee's annual wages, capped at \$107.97 per year.
- PFL leave is available to bond with a new child, care for a family member with a serious health condition, or address certain obligations when a family member is called into active military service.
- Leave is available to participate in "providing care", which "may include necessary physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services.
- PFL leave is job protected—employees are protected from retaliation and are entitled to restoration to the position of employment held by the employee when the leave commenced, or to be restored to a comparable position with comparable employment benefits.
- Employee use of PFL leave and benefits will interact with other laws (e.g., the federal Family and Medical Leave Act (FMLA), disability benefits laws, and wage and hour laws) and existing employer policies (e.g., leave, vacation/PTO, compensation, and other employee benefits policies).
- Employers must provide written PFL guidance to employees in the employer's handbook or other written materials.

Learn more at hselaw.com or contact a Harter Secret & Emery Labor and Employment team member in Rochester at **585.232.6500** or in Buffalo at **716.853.1616**.



How We Can Help

- Review your current leave policies
- Develop overall strategies regarding compliance and internal procedures
- Strategize to address potential PFL abuse
- Assess staffing strategies and long-term management of absences
- Review forms and provide guidance on proper procedures
- Advise on effective communication to employees
- Conduct training programs to educate HR personnel and managers
- Defend employers in any PFL, FMLA or ADA disputes



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