

NYS PAID FAMILY LEAVE UPDATE FOR 2019

Just as New York employers are learning to navigate the requirements of the New York Paid Family Leave Law (NYPFLL), some of the law's entitlements have changed as of January 1, 2019. *Please read below and make sure to update your payroll system for the new contribution rate!*

As a reminder, Paid Family Leave (PFL) may be taken by eligible employees on a continuous or intermittent basis for any of the following purposes:

- To bond with a child during the first 12 months following the birth, adoption, or fostering of that child.
- To care for a family member with a serious health condition.
- To assist a spouse, child, domestic partner or parent of the employee who is on active military duty abroad, or who is notified of an impending call or order of active military duty abroad, to handle obligations related to the call to duty, such as making childcare or other financial or legal arrangements or attending military briefings.

Here is a summary of the 2019 changes to Paid Family Leave (PFL):

- In 2018, eligible employees were entitled eight (8) weeks of PFL, **but for 2019, eligible employees may take up to ten (10) weeks of PFL** within a 52-week period.
- Employees on PFL are entitled to a percentage of their average weekly wages or of the New York State Average Weekly Wage (SAWW), whichever is less. **For 2019, employees are entitled to up to 55% of their average weekly wages or 55% of the NY SAWW (\$1,357.11), whichever is less. Therefore, the maximum weekly PFL benefit for 2019 is \$746.41.**
- The PFL benefit continues to be funded by employee contributions, collected through payroll deductions. **For 2019, the contribution rate is 0.153% of an employee's gross wages each pay period. The maximum annual contribution per employee is \$107.97.**

How do these changes affect Paid Family Leave (PFL) that began in 2018 and continue into 2019?

If the PFL began in 2018 and continues into 2019 **without any significant break** (i.e., it is not intermittent leave), the employee is only entitled to eight (8) weeks of PFL not ten (10). Moreover, *the leave will be paid at the 2018 benefit rate*, because the benefit rate and number of weeks in effect *on the first day of a period of leave* remains in effect for the duration of the leave.

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If the PFL leave began in 2018 and continues into 2019 on an **intermittent basis**, the employee is only entitled to eight (8) weeks of PFL not ten (10), and the leave will be paid at the 2018 benefit rate unless more than three months passes between the days of PFL. *In this case, the next period of PFL will be considered a new claim. New paperwork will need to be completed and the 2019 benefit rates will apply.*

If an employee took PFL in 2018 and **requests PFL for a separate qualifying event** in 2019, the employee may initially be limited to a lesser amount of PFL, because the employee is only entitled to a total of ten (10) weeks of PFL in a 52-week period. *For example, if the employee took eight (8) weeks of PFL in September and October of 2018, she would only be entitled to two (2) weeks of PFL from January through August of 2019.*

Please contact your PFL insurance carrier for specifics about your employer responsibilities. The New York State Fact Sheet may be a helpful resource for you and can be found by clicking the link: https://www.ny.gov/sites/ny.gov/files/atoms/files/PFL_Employee_Fact_Sheet.pdf.

For additional questions about the impact on your organization please contact Mindy Stern SPHR, ACC at mstern@aimresourcegroup.com.