



the work and family legal center

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Overview of the New York Paid Family Leave Program

New York will become the fourth state in the country to guarantee paid family leave to bond with a new child or care for a seriously ill family member. The state's paid family leave program, which will take effect on January 1, 2018, will be the country's most generous to date, setting a new standard. This landmark legislation will provide essential financial security to the estimated 6.4 million workers in New York who lack access to paid family leave.

On April 4, 2016, New York Governor Andrew Cuomo signed into law a bill establishing a paid family leave program, which previously passed both houses of the New York State Legislature by overwhelming margins. How will the program work?

What can paid family leave be used for? Workers will be able to take leave to: 1) bond with a new child (including adopted and foster children); 2) care for a seriously ill child, parent, parent-in-law, spouse, domestic partner, grandchild, or grandparent; or 3) address certain military family needs.

How much paid family leave is available? In 2018: up to 8 weeks of leave a year. In 2019 and 2020: up to 10 weeks of leave a year. In 2021 and following years: up to 12 weeks of leave a year. Biological mothers are additionally eligible for Temporary Disability Insurance for pregnancy-related disability and recovery from childbirth.

Will workers be entitled to return to their jobs after the leave? Yes. The paid family leave law provides job protection as well as continuation of health care benefits.

Who is covered by the law? Is coverage based on an employer's size? Most workers in New York will be eligible. If a worker is covered by New York State's current Temporary Disability Insurance law, he or she will be covered by the paid family leave program as well. Workers will be covered regardless of their employer's size. Public employee unions will be able to opt their members into the paid family leave program.

How are the benefits funded? Paid family leave benefits will be funded by small employee payroll deductions.

How much money will a worker receive while out on paid family leave? The amount of money workers receive will increase during the first four years of the program and will be capped in relation to the *statewide* average weekly wage. In 2018, a worker will receive 50% of his or her average weekly wages up to a cap that is equal to 50% of the *statewide* average weekly wage. This amount will increase over the following 3 years to 67% (approximately 2/3) of the worker's average weekly wages, up to a cap of 67% of the *statewide* average weekly wage.

What if a worker needs to take family leave before January 1, 2018, the law's effective date? For biological mothers who need time off for pregnancy-related disability or to recover from childbirth, benefits may be available through New York's Temporary Disability Insurance law and/or the New York State Human Rights Law. Some employers may already provide broader paid family leave benefits, and some workers may be eligible for job-protected *unpaid* family leave under the federal Family and Medical Leave Act. For questions about your family leave rights, call our free legal hotline at 212-430-5982.

Note: This document does not detail all of the paid family leave provisions. Additional provisions of the law may apply to a worker's or employer's specific circumstances.

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