

# Changes in New York State's Paid Family Leave Act for 2019

December 20, 2018

2019 is just around the corner, and so are important changes to New York State's Paid Family Leave Act ("PFLA"). The PFLA became effective in 2018, and provided for a period of partially-paid leave for employees in the New York to care for a family member with a serious health condition, for birth or adoption of a child, or to relieve family pressures when a family member is called up to active military duty. It is similar in some ways to the Federal Family and Medical Leave Act ("FMLA"), with some important differences. For example, it applies to all employers of any size (unlike FMLA, which requires an employer to have at least 50 employees to be covered), and it does not cover the employee's own serious health condition (only family members). Unlike FMLA, the PFLA provides for payment of benefits (generally through a rider on the employer's disability insurance policy), which are paid for by employee payroll deductions. We wrote about implementation of the PFLA here:

<http://www.cullenanddykman.com/news-advisories-163.html>.

Several important changes are coming on January 1, 2019. First, the amount of leave an employee can take increases from 8 weeks to 10 weeks in a 12 month period. (On January 1, 2021, this will go up to 12 weeks.)

Second, the monetary benefit to employees will increase from 50% of weekly salary to 55%, capped at 55% of the New York State Average Weekly Wage ("SAWW"). The State has announced the SAWW for 2019 is \$1,357.11, so the maximum benefit is \$746.41 per week.

Finally, the employee contribution is increasing to 0.153% of the employee's weekly wage. The yearly cap is \$107.97. Employers will need to adjust employee withholdings starting with the first pay period of 2019.

Please note that this is a general overview of developments in the law, and does not constitute legal advice. Nothing herein creates an attorney-client relationship between the sender and recipient. If you have questions regarding these provisions, or any other aspect of employment law, please contact Thomas B. Wassel at (516) 357-3868 or [twassel@cullenanddykman.com](mailto:twassel@cullenanddykman.com), Gerard Fishberg at (516) 357-3703 or [gfishberg@cullenanddykman.com](mailto:gfishberg@cullenanddykman.com), or Cecilia Ehresman at (516) 357-3727 or [cehresman@cullenanddykman.com](mailto:cehresman@cullenanddykman.com).

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