

New York State Paid Family Leave and Minimum Wage Updates for 2018

January 19, 2018

New York Paid Family Leave

As of January 1, 2018, New York private employers must offer Paid Family Leave to their employees. The Paid Family Leave Act allows workers to take paid leave in order to: care for a new child, provide care for a family member with a serious health condition, or when a family member is on active duty in the military.

Eligible employees must work at least 20 hours per week after 26 weeks of employment, or less than 20 hours per week after 175 days of employment. When practical, employees must provide their employers with 30 days notice of their intention to use Paid Family Leave. The Act permits eligible employees to take up to 8 weeks of paid leave at 50% of their average weekly wage), capped at 50% of the New York State Average Weekly Wage. In addition, by the year 2021, the Act will increase to allow employees to take 12 weeks of paid leave.

We advise employers to update their leave policies and company handbooks to incorporate Paid Family Leave. We also urge employers to contact their insurance companies and inform their employees about Paid Family Leave.

Minimum Wage Increases

As of January 1, 2018, the minimum wage in New York State increased. As part of the 2016-17 State Budget, Governor Cuomo signed legislation enacting a statewide \$15 minimum wage plan that will lift the earnings of more than 2.1 million New Yorkers, in a variety of industries across the state. The Minimum Wage rates are scheduled to increase each year on 12/31 until they reach \$15.00 per hour and the rate of increase will differ based on region, industry and employer size.

General Minimum Wage Rate Schedule

Location	12/31/16	12/31/17	12/31/18	12/31/19	12/31/20	2021*
NYC - Large Employers (of 11 or more)	\$11.00	\$13.00	\$15.00			
NYC - Small Employers (10 or less)	\$10.50	\$12.00	\$13.50	\$15.00		
Long Island and Westchester	\$10.00	\$11.00	\$12.00	\$13.00	\$14.00	\$15.00

General Minimum Wage Rate Schedule

Location	12/31/16	12/31/17	12/31/18	12/31/19	12/31/20	2021*
Remainder of New York State	\$9.70	\$10.40	\$11.10	\$11.80	\$12.50	*

In addition, fast food employees are subject to separate minimum wage standards. A fast food employee is an individual working in a fast food establishment and whose duties include at least one of the following: customer services, cooking, food or drink preparation, delivery, security, stocking supplies or equipment, cleaning, or routine maintenance. On December 31, 2017, the minimum wage for fast-food workers in New York City increased from \$12 to \$13.50 an hour. For workers in the rest of the state, the minimum wage increased from \$10.75 to \$11.75 an hour. Fast food employers should be aware of their specific minimum wage increases.

Based on the influx of the increases in the minimum wage in 2018, it is important for employers to consult with counsel to determine the minimum wage in their place of business. We also advise employers to update their minimum wage policies and incorporate the 2018 updates.

If you have any questions or concerns regarding employment related issues, please contact James G. Ryan at jryan@cullenanddykman.com or at 516-357-3750.

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