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Employers' Responsibilities under the New York State *Paid Family Leave Benefits Law*

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On January 1, 2018, New York's *Paid Family Leave Benefits Law* ("PFLBL") became effective. The PFLBL provides eight weeks of total paid time off for employees who work for twenty or more hours per week (after twenty-six consecutive weeks of employment) and part-time employees who work less than twenty hours per week (after one hundred and seventy-five days of work, consecutive or otherwise). Below are a few key steps that New York employers should take to be compliant with the new law:

- **Obtain Insurance.** The PFLBL requires private employers to purchase paid family leave insurance. These policies are paid for by employee payroll deductions. It is strongly advised to inform any and all employees before withholding such contributions.
- **Update Payroll Contribution Processes.** Employers should make sufficient changes to payroll processes to accommodate the collection of employee contributions needed fund paid family leave insurance. The 2018 payroll contribution rate is set at 0.126% of an employee's weekly wage with a maximum cap of \$85.56.
- **Change Handbooks and Manuals.** Employers will want to document their compliance with the new law in their handbooks and employee manuals. In addition, employees may want to institute policies so that employee leave under various regulatory schemes is taken concurrently, rather than consecutively. Otherwise, employees extend their time away from work by linking together the eight weeks of paid leave under the PFLBL, the 12 weeks of unpaid leave under the FMLA, and perhaps other leave policies.
- **Record keeping.** Employers are required to conspicuously maintain the notices indicating proof of coverage readily viewable by all employees.
- **Obtain Written Waivers for Ineligible Employees.** If an employee does not fall within the purview of the PFLBL, the employer may provide them with a waiver form to preclude such employees from coverage.

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There are many other considerations for employers to consider in order to ensure compliance and the least disruption of its workforce.

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