

New York Paid Family Leave Benefits and Employee Contributions Set to Increase January 1, 2020

Article By:

Nancy Gunzenhauser Popper

As we enter the last quarter of 2019 and the business community begins to plan ahead for 2020, New York employers should be aware of the changes coming to the New York Paid Family Leave (“NYPFL”) program. On January 1, 2020, both the amount of employee contributions and weekly benefits allowed under the program are scheduled to increase. This will be the second of three annual increases in weekly benefits.

The NYPFL program, which took effect in 2018, provides partially-paid, job-protected leave for bonding with a new baby, caring for a seriously ill family member, and matters related to a family member who is deployed abroad on active military duty. The length of permissible leave began at eight weeks, is currently at 10 weeks, and will increase to 12 weeks in 2021.

The maximum amount of benefits an employee is entitled to receive while on leave is based on the employee’s average weekly wage (“AWW”) and the State’s average weekly wage (“SAWW”). Effective January 1, 2020, the maximum amount of benefits will be calculated based on 60% of an employee’s AWW, up to a cap set at 60% of the SAWW, The SAWW for 2020 is \$1,401.17. The maximum weekly benefit in 2020 will be \$840.70 per week.

To ensure sufficient funds to cover the increased benefits, the employee payroll contribution toward NYPFL also will be adjusted on January 1 to 0.270% of an employee’s gross wages each pay period, capped at a maximum annual contribution of \$196.72.

As a reminder, beginning January 1, 2021, the last of the annual increases will take effect. On that date, the maximum length of leave will increase to 12 weeks in a 52-consecutive week period and benefits will be payable based on 67% of an employee’s AWW, up to a cap set at 67% of the SAWW.

The following chart sets forth the current status of, and coming changes to, the NYPFL program.

Date	Length of Paid Leave Within a 52-Week Period	Calculation of Benefit Payments	State Average Weekly Wage	Maximum Weekly Benefit Payments
January 1, 2019	Up to 10 weeks	55% of AWW, not	\$1,357.11	\$746.41

January 1, 2020	Up to 10 weeks	to exceed 55% of the SAWW 60% of AWW, not to exceed 60% of the SAWW	\$1,401.17	\$840.70
January 1, 2021	Up to 12 weeks	67% of AWW, not to exceed 67% of the SAWW	TBD	TBD

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National Law Review, Volume IX, Number 277

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