

Published on *The National Law Review* <https://natlawreview.com>

Cap on Intermittent New York Paid Family Leave Eliminated Effective January 1, 2022

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Earlier this year, the New York State Workers' Compensation Board adopted amendments to the regulations for the New York Paid Family Leave Benefits Law clarifying that when Paid Family Leave (PFL) is taken intermittently, the maximum number of intermittent leave days an employee may take is based on the average number of days the employee works per week.

The regulations initially capped intermittent PFL for employees who work an average five or more days per week at 60 days. The amendments eliminate the 60-day cap, allowing for additional days of intermittent PFL for employees who work an average of more than five days per week. For example, an employee who works an average of 6 days per week will now be entitled to up to 72 days of intermittent PFL.

The amendments become effective January 1, 2022 and apply prospectively to new PFL claims after the effective date.

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National Law Review, Volume XI, Number 364

Source URL: <https://natlawreview.com/article/cap-intermittent-new-york-paid-family-leave-eliminated-effective-january-1-2022>