

## LABOR AND EMPLOYMENT UPDATE COSTELLO, COONEY & FEARON, PLLC

As you know, New York State is set to enact the strongest paid family leave program in the country. The program, New York's Paid Family Leave Benefits Law ("PFLBL"), takes effect January 1, 2018, and will provide eligible employees with job-protected, paid leave to care for a loved one who is seriously ill, bond with a new child, or help the family when a member is deployed for military service.

Nearly every private employee in New York will be eligible to receive benefits. Public sector employers are generally exempt from the mandate to provide paid family leave to their employees; however, public employer may elect to provide voluntary coverage to employees and are obligated to negotiate with any unions over the extension of such benefits.

There are many implications for business owners. For example, in addition to arranging for Paid Family Leave coverage and posting a Notice of Compliance, employers must:

- Inform employees about Paid Family Leave by updating employee handbooks or issuing a separate written policy or guidance that provides employees with PFL information, including information on how to request leave. In addition, employers should note that the NYS website indicates that "Employers must provide the *Employee Statement of Rights* (form PFL-271s) to employees when they take Paid Family Leave or take time off from work for a Paid Family Leave qualifying event, but have not requested Paid Family Leave. This Statement of Rights is available at <https://www.ny.gov/sites/ny.gov/files/atoms/files/1711-PFL-271SFormFill.pdf>
- Post written notice of employee PFL rights in a form that is approved by the NYS Worker's Compensation Board, the agency that is charged with enforcing the PFLBL. As of now, the only form available is the *Statement of Rights* (form PFL-271s), referenced above, and the NYS website does state that employers may also provide the *Statement of Rights* to all employees "to educate them about Paid Family Leave";
- Update payroll systems to collect the employee payroll withholdings or contributions that pay for the insurance; and
- Identify employees who will not qualify for the minimum amount of time required for eligibility and let them know they can choose to waive coverage by filing a waiver form.

The New York State website also provides Facts Sheets for both employees and employers, which can be found at <https://www.ny.gov/new-york-state-paid-family-leave/new-york-state-paid-family-leave-employers>

Finally, forms relating to processing claims for PFLBL benefits are also now available at the New York State web site, at <https://www.ny.gov/new-york-state-paid-family-leave/paid-family-leave-employer-and-employee-forms-0>

Should your company or organization require specialized assistance with PFLBL compliance, including but not limited to template employee handbook provisions or other written policies or guidance to employees, our firm stands ready to provide you with such support.

Please contact any of the attorneys in our Labor and Employment practice group, at (315) 422-1152:

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