

NVCA Sample Diversity & Inclusion Policies – New York Paid Family Leave Policy

The details below are specific to New York childcare policies and are intended for inclusion with your firm's Childcare Leave Policy, a sample of which is provided in the NVCA Sample Diversity & Inclusion Policies, located [here](#).

Beginning on January 1, 2018, New York employees may be eligible for partially-paid leave under New York's Paid Family Leave program ("NYPFL"). All New York employees who meet the eligibility requirements may take NYPFL leave for any of the following reasons:

1. To participate in providing care for a family member with a serious health condition (limited to spouse, domestic partners, children, parents, parents-in-law, grandparents and grandchildren);
2. To bond with the employee's child during the first 12 months after the child's birth, or the first 12 months after the placement of the child for adoption or foster care with the employee; or
3. Because of a qualifying exigency as defined in the federal Family Medical Leave Act (FMLA) arising out of the fact that the spouse, domestic partner, child, or parent of the employee is on active duty in the armed forces of the United States.

Eligibility

To be eligible for NYPFL leave, New York employees must have either worked 20 or more hours per week for 26 consecutive weeks leading up to the date of the requested NYPFL leave, or worked on 175 days (regardless of the number of hours worked).

Employees who believe they will not meet the eligibility requirements to obtain benefits under the NYPFL may be able to waive coverage, and not pay employee contributions. Optional waiver forms will be available with Human Resources.

Maximum Benefit

The benefit payable to employees will increase incrementally over a number of years, as follows:

Beginning on January 1, 2018: 50% of the employee's average weekly wage or 50% of state average weekly wage, whichever is lower, for up to 8 weeks in a 52-week calendar period.

Beginning on January 1, 2019: 55% of the employee's average weekly wage or 55% of state average weekly wage, whichever is lower, for up to 10 weeks in a 52-week calendar period.

Beginning on January 1, 2020: 60% of the employee's average weekly wage or 60% of state average weekly wage, whichever is lower, for up to 10 weeks in a 52-week calendar period.

Beginning on January 1, 2021: 67% of the employee's average weekly wage or 67% of state average weekly wage, whichever is lower, for up to 12 weeks in a 52-week calendar period.

Employees who request, and are granted, intermittent leave under the NYPFL may be required to provide notice to the Company before each day of intermittent leave.

Notice Requirement

If the basis for NYPFL leave is foreseeable, employees must provide the Company with at least 30 days' advance notice before leave is to begin. Foreseeable events include an expected birth, placement for adoption or foster care, planned medical treatment for a serious health condition of a family member or covered service member, or other known military exigency. If 30 days' advance notice is not practicable, notice must be given as soon as practicable. In addition, the employee must advise the Company as soon as practicable if dates of scheduled leave change or are extended.

Interaction with Other Leave Provisions

NYPFL leave shall run concurrently with all other family leave provisions for which the employee may be eligible, including FMLA leave. Employees eligible for both NYPFL and FMLA leaves of absence may not receive more than 12 weeks of protected family leave per 52-week period.

Employees are permitted, but not required, to use their vacation, sick and personal days during their NYPFL leave so as to receive their full salary during NYPFL leave.

Employees may not receive disability benefits while on NYPFL leave.

Additional Details

NYPFL benefits are funded by employee contributions. Employee contributions to the NYPFL insurance policy maintained by the Company will be noted on an employee's pay stub.

While on NYPFL leave, employees will continue to receive health insurance benefits under the Company's group plan, as long as they continue to pay their share of the premium. If an employee was required to make contributions to coverage before an NYPFL leave, then the employee is obligated to continue to do so during the leave. Failure to pay premiums may result in a loss of health insurance coverage.

NYPFL is job-protected leave; therefore, the Company will make every effort to return employees to their same position or a comparable position after their NYPFL leave ends.

Employees with questions regarding NYPFL leave, including whether they are eligible, should contact Human Resources.