



LYONS MCGOVERN LLP LABOR & EMPLOYMENT ALERT

NEW YORK STATE CONTINUES TO ROLL OUT ITS PAID FAMILY LEAVE BENEFITS LAW

New York is the fifth state, after California, New Jersey, Rhode Island and Washington, to pass a law granting eligible employees paid family leave. As New York State enters the second year of the Paid Family Leave Benefits Law (“PFL Act”), employers are required to provide 10 weeks in leave and must carry Paid Family Leave insurance coverage, in addition to existing disability coverage.

The PFL Act will cover employees taking leave due to their own serious health condition or the serious health condition of a close relative, the birth or adoption of a child, or family needs upon a call to active military service. An employee who takes paid family leave under the PFL Act is entitled to return to the same job or a comparable job.

Full-time private employees who have worked for at least 26 weeks and part-time private employees who have worked at least 175 hours during the calendar year will be eligible for benefits under the PFL Act. In 2019, employees on paid leave will be entitled to 55% of the employee’s average weekly wage, capped at 55% of the Average Weekly Wage (AWW). Premiums for the new Paid Family Leave coverage will be paid by the employees (not the employers) through payroll deductions.

Employees are responsible for notifying their employers if they plan to claim paid family leave. If the event triggering the leave request is foreseeable, employees must give their employers 30 days advanced notice. If the triggering event was not foreseeable, the employee must notify his or her employer of the leave request as quickly as possible.

NEW YORK CITY LOOKS TO MANDATE PAID VACATION

New York City Mayor Bill de Blasio has proposed that private businesses in New York City with five or more employees be required to give at least 10 days of paid vacation a year. If enacted, this law would affect approximately 500,000 employees who currently do not receive this benefit and will make New York the first city to mandate personal time off. Business owners are criticizing this effort by the Mayor as another example of municipal overreach into the City’s private sector. We will keep you abreast of any developments on this proposed law.

WESTCHESTER COUNTY JOINS NYC - ENACTS PAID SICK LEAVE LAW

Effective March 30, 2019, Westchester County will join New York City by requiring employers to provide eligible employees with earned paid leave for their own medical needs, those of a family member, or other covered reasons.

Similar to NYC’s Earned Safe and Sick Time Act (“ESSTA”), under the County Earned Sick Leave Law (“ESLL”), all full-time and part-time employees who work more than 80 hours per year in Westchester County are eligible to earn sick leave at a rate of 1 hour for

every 30 hours worked, up to 40 hours per year. For employers with five or more employees working in Westchester County, this leave must be paid at the employee's normal rate of pay; employers with fewer than five employees need only provide unpaid leave.

Like ESSTA, the ESSL does not apply to employees covered under a valid collective bargaining agreement ("CBA"), so long as the CBA provides a comparable benefit and the CBA expressly waives the requirements of the County law.

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