

What You Need to Know About New York's Paid Family Leave Act



Governor Andrew Cuomo signed legislation enacting a Paid Family Leave (PFL) program for the state of New York on April 4, 2016. Since Jan. 1, 2018, employers providing Disability Benefits Law (DBL) have also been required to provide a Paid Family Leave rider. The PFL program provides New Yorkers with job-protected, paid leave to:

- Bond with a new child,
- Care for a close relative with a serious health condition, or
- Help relieve family pressures when someone is called to active military service.

How have benefits been phased in?

The program was designed to phase in over four years, beginning Jan. 1, 2018. Benefits and duration of leave have increased gradually as the program has matured. In 2025, eligible employees may receive up to 12 weeks of leave, paid at 67 percent of the employee's average weekly wage, up to a cap of 67 percent of the statewide average weekly wage.

Effective Date	Weeks of Leave Available	Max % of Employee Salary	Cap % of State Average Weekly Wage
1/1/2025	12 weeks	67%	67%



For a comprehensive list of 2025 updates, visit:
<https://paidfamilyleave.ny.gov/2025>

Who is eligible for this program?

Paid Family Leave applies to all employers subject to the New York Disability Benefits Law, regardless of size. Certain public employers not typically subject to Disability Benefits Law may also opt-in to this program. Employers cannot opt-out.

Is this paid leave part of the federal Family and Medical Leave Act (FMLA)?

No. This is a state-mandated program with different eligibility rules and employer requirements than FMLA. However, in many cases the available leave types overlap and PFL and FMLA can run concurrently.

How is this program funded?

This program is entirely employee-funded through payroll deduction. The rates for this coverage are determined by the state, and carriers may not charge premium in excess of this rate. For 2025, the rate is 0.388% of an employee's gross wages per pay period. The maximum annual contribution per employee in 2025 will be \$354.53.

Can an employee receive Disability Benefits Law payments and Paid Family Leave at the same time?

No, DBL and PFL cannot run concurrently. However, if eligibility requirements are met for both benefits, an individual could receive one payment type and then the other.

Tips to Help New York Employers

Communication Requirements

- Employers must include Paid Family Leave information in written materials distributed to employees, such as employee handbooks. In the absence of an employee handbook, employers must provide written guidance to employees concerning their Paid Family Leave benefits, including how to file a request for Paid Family Leave.
- Employers are required to post a PFL Notice of Compliance in plain view in the workplace. The Notice must include information about your PFL carrier.
- Like FMLA, employees will not be required to specifically request PFL. Under the proposed regulations, an employee must only provide notice sufficient to make the employer aware of a qualifying event to trigger an obligation for the employer to begin a leave request form and provide it to the employee.

Coordination with FMLA

- An insurance carrier's or the state's acceptance of a claim for PFL benefits does not automatically cause FMLA leave to run concurrently even if the leave is covered under both laws. Employers will still need to designate FMLA leave by providing notice required under the federal FMLA regulations.
- The eligibility requirements for FMLA and PFL do not fully align. Employees may become eligible for PFL earlier in their tenure than FMLA — typically at 26 weeks versus FMLA's 12 months. Further, the circumstances under which PFL can be taken are broader than FMLA. For example, employees may use PFL to care for a grandparent or grandchild, but may not use FMLA for that purpose.
- The proposed regulations for PFL do not include a key employee exception like FMLA. No matter the size of the employer or the role played by the employee, once Paid Family Leave is approved, the employer must grant it and guarantee reinstatement at the conclusion of the leave.
- Employers cannot require employees to use vacation or sick leave before taking PFL, though they may permit employees to take additional paid leave types in order to enable employees to receive full salary.
- As with FMLA, PFL is job-protected leave. An employee who takes approved PFL must be reinstated to his or her original position upon return to work, or reinstated to a comparable position with equal pay, benefits and other terms of employment. Also, group health plan benefits must be maintained by the employer for the duration of an employee's PFL as if the employee had continued to work. Further, employees may not lose any benefits accrued during employment prior to taking family leave.

How Can The Standard help?

The Standard offers a statutorily compliant New York Paid Family Leave solution for our eligible clients with DBL coverage. For more information regarding our solution, please contact your local sales and service office.

This material is provided for informational purposes only and is subject to change based on legislative and regulatory developments. This material should not be relied upon for tax, legal or other professional advice. We recommend you consult with your professional advisor.

All coverage is subject to the terms and conditions of the group policy or plan document. If there is any discrepancy between this material and the group policy or plan document, the group policy or plan documents will govern.

NY PFL and DBL is underwritten by The Standard Life Insurance Company of New York and is provided under policy form numbers: GPNY0500-DBL-P and GPNY0500-DBL-P/RPFL/2024.

[The Standard Life Insurance Company of New York | 445 Hamilton Avenue, 11th Floor, White Plains, New York 10601 | Standard.com](#)

The Standard is a marketing name for StanCorp Financial Group, Inc. and subsidiaries. Insurance products in New York are offered by, and the sole responsibility of, The Standard Life Insurance Company of New York of White Plains, New York. The Standard Life Insurance Company of New York is licensed to solicit insurance business in only the state of New York.