



## Paid Family Leave **WCB Updates Implementing Regulations**

Following a public comment period, the New York Workers' Compensation Board ([WCB](#)) published a [revised](#) rule to implement paid family leave.

Notably, the new regulations add that employees who work at least 20 hours per week will become eligible for paid family leave after 26 consecutive weeks of work. An employee who works less than 20 hours per week will become eligible for paid family leave on his/her 175th day of employment during a 52-week period.

An employee will be allowed to take up to 8 weeks of paid family leave in 2018 for qualifying reasons, increasing to 12 weeks by 2021. Examples of qualifying reasons include caring for a recently born or adopted child, or caring for a close relative with a serious health condition. Paid family leave is not available for an employee's own illness. An employee cannot be required to use his/her allotted sick and/or vacation leave prior to using paid family leave, but FMLA leave may be required to be taken concurrently.

During paid family leave, an employee will be paid 50% of his/her average weekly wages in 2018, increasing to 67% of his/her average weekly wages by 2021. Benefits will be capped at 50% of the average state weekly wage in 2018, increasing to 67% by 2021.

Beginning July 1, 2017, employers may make a payroll deduction of .126% of an employee's gross weekly wage, not to exceed \$1.65 per week. These payroll deductions will be used to fund the premium of an insurance policy that employers will obtain to cover the paid family leave program. Qualifying employees may begin using this benefit on January 1, 2018. Only employees that will never work long enough in a year to be eligible for paid family leave, such as seasonal workers, may opt-out of the payroll deduction.

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