**Paid Family Leave Policy[[1]](#footnote-1)**

Effective January 1, 2018, [EMPLOYER] will provide paid leave (up to a certain percentage of your weekly wages) to eligible employees pursuant to New York’s Paid Family Leave Benefits Law.

**Eligibility**

To be eligible, employees must: (i) regularly work 20 or more hours per week and be employed for at least 26 consecutive workweeks preceding the first full day family leave is taken; or (ii) regularly work less than 20 hours per week and be employed for at least 175 days preceding the first full day leave is taken.

**Permissible Purposes for Leave**

Eligible employees will be entitled to paid time away from work (i) to care for a family member with a serious health condition, (ii) to bond with a child after birth or placement for adoption or foster care within the first 12 months after the birth or placement, or (iii) because of any qualifying exigency arising from the fact that an employee’s spouse, domestic partner, child or parent is on active duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

**Notice of Need for Paid Family Leave**

An employee must provide at least 30 days advance notice before leave is to begin if the qualifying reason for leave is foreseeable. When not foreseeable, the employee must provide notice as soon as practicable under the facts and circumstances and within the time prescribed by our usual and customary notice requirements. Failure to provide timely notice may result in leave being delayed or denied.

**Certification**

Eligible employees who wish to take paid leave must comply with applicable certification requirements any may be required to provide additional documentation (such as copies of military orders), as permitted by law.

**Use of Other Leave and Interplay**

To the extent permitted by law, employees may elect to charge all or part of their paid family leave time to unused vacation days and receive full pay. In such case, [EMPLOYER] will seek reimbursement from the carrier out of any family leave benefits due prior to the carrier's payment of such family leave benefit to you.

[Paid family leave will run concurrently with leave taken pursuant to the Family and Medical Leave Act (with the exception of leave taken due to the employee’s own health condition).][[2]](#footnote-2)

**Job and Benefits Protection**

Leave taken under this policy is job protected. Thus, [EMPLOYER] must generally restore an employee who returns from leave to the same or a comparable position. While on leave, employees will continue to receive existing health insurance coverage, provided that they continue to pay their share of health insurance premiums. You may lose coverage retroactively to the date an unpaid premium was due (upon proper notice from our carrier) if you fail to pay your portion of the premium in a timely fashion.

**Limitations and Rules Related to Use of Paid Family Leave**

Paid family leave may only be taken in full day increments, unless otherwise provided by law.

Disability leave and paid family leave may not be used at the same time. You will not be entitled to paid family leave if your family leave combined with disability benefits previously received exceeds 26 weeks during the same 52 consecutive calendar weeks.

**Funding of Paid Family Leave Benefits**

In accordance with state law, paid leave benefits are funded through payroll deductions at a prescribed amount from each eligible employee. Employees who are ineligible for paid family leave will be given the option of filing a waiver of benefits, exempting them from payroll deductions, as permitted by law.

Please see the Office Manager if you have any questions about this benefit or how to apply. Refer to the actual plan document and summary plan description for additional information about this benefit. Those documents are controlling.

This document was prepared by the firm of Harris Beach PLLC.  It is only a sample document, and does not constitute legal advice, or substitute for advice of counsel on specific matters, including whether the Paid Family Leave Benefits Law will apply to a particular company or whether this document should be customized before use.

For more information, please contact Harris Beach labor attorneys Scott Piper at (585) 419-8621 /  [spiper@harrisbeach.com](mailto:spiper@harrisbeach.com), or James Beyer at (585) 419-8674 / [jbeyer@harrisbeach.com](mailto:jbeyer@harrisbeach.com).

Harris Beach is a full-service law firm with offices throughout New York state, including Rochester, Buffalo, Albany, Ithaca, Melville, New York City, Saratoga Springs, Syracuse, Uniondale and White Plains, as well as New Haven, Connecticut and Newark, New Jersey.



1. Covered employers with unionized workforces should consult legal counsel prior to implementing or attempting to implement a Paid Family Leave Policy (Note: this footnote should be removed prior to distribution to employees) [↑](#footnote-ref-1)
2. Include this sentence only if your company is subject to the FMLA (i.e. if your company employees 50 or more employees) (Note: this footnote should be removed prior to distribution to employees) [↑](#footnote-ref-2)