[COMPANY LETTERHEAD]

[DATE]

**Re: New York State Paid Family Leave Benefits Law**

Dear [COMPANY] Employee:

Effective January 1, 2018, employees will be eligible for Paid Family Leave as permitted under the New York Paid Family Leave Benefits Law. After this date, eligible part-time and full-time employees may take Paid Family Leave under certain conditions, including: (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 activity duty (or has been notified of an impending call or order to active duty) in the armed forces of the United States.

Paid Family Leave will phase in over 4 years with a gradually increasing benefit amount and duration, as depicted below.

|  |  |  |  |
| --- | --- | --- | --- |
| **Effective Date** | **Maximum Length of Paid Leave** | **Amount of PFL Benefits (expressed as % of the employee’s average weekly wage (AWW))** | **Maximum Amount of PFL Benefits Payable (expressed as % of the NY AWW)** |
| January 1, 2018 | 8 weeks | 50% | 50% |
| January 1, 2019 | 10 weeks | 55% | 55% |
| January 1, 2020 | 10 weeks | 60% | 60% |
| January 1, 2021 | 12 weeks | 67% | 67%  |

Additionally, the cost of Paid Family Leave benefits is to be paid for by the employee via payroll deduction. Beginning on [DATE],[[1]](#footnote-1) the Company will be deducting a very small percentage of your average weekly wages to fund Paid Family Leave benefits, as is permitted by law. The deduction rate, which is set by New York State and which is the same for everyone, is 0.126% of

each employee’s weekly wage with a weekly wage cap of $1,305.92. The maximum contribution is $1.65 each week. For example, if an employee’s weekly wage amounts to $1,000.00, the maximum payroll deduction for Paid Family Leave would be $1.26 for that week. For employees who make more than the state’s average weekly wage of $1,305.92, the Paid Family Leave deduction will be capped at $1.65 per week (0.126% of $1,305.92).

We will be developing a more detailed Paid Family Leave policy in the future to further inform you about the process for taking Paid Family Leave.

Sincerely,

[NAME]

[TITLE/POSITION]

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, or James Beyer at (585) 419-8674 / 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. [NOTE TO EMPLOYERS: Because the authorization for deducting a percentage of employee wages is found in the current *proposed* regulations (i.e. not in the law, and not in any finalized regulations), the employer would need to wait to take the permissible deduction until the regulations become final.] (Remove this footnote prior to sending to employees) [↑](#footnote-ref-1)