

# Family and Medical Leave in New York (NY)

All New York State employers must provide eligible employees with job-protected paid family leave (PFL). The following chart explains [the law](#) and its requirements in detail.

<b>Who Pays for PFL?</b>	While employers must purchase a PFL insurance policy, <b>policy premiums are paid by employees</b> . For 2022, employers may deduct 0.511% of the weekly wage, up to an annual cap of \$423.71. For 2023, the rate is decreased to 0.455% of the weekly wage, and the annual cap is decreased to \$399.43.
<b>Which Employees Are Eligible for PFL?</b>	<ul style="list-style-type: none"><li>• Employees regularly working <b>20 or more hours per week</b> become eligible after having worked <b>26 or more consecutive weeks</b>.</li><li>• Employees that regularly work <b>fewer than 20 hours per week</b> become eligible after the <b>175th day worked</b>.</li></ul>
<b>Which Life Events Qualify for PFL?</b>	<ul style="list-style-type: none"><li>• Providing care for a child/stepchild (and anyone for whom the employee has legal custody), spouse, parent, stepparent, parent-in-law, grandparent, grandchild, (sibling, effective Jan. 1, 2023) or domestic partner with a serious health condition;</li><li>• Birth, adoption, or fostering a child;</li><li>• A spouse, domestic partner, child, or parent being on or notified of impending active military duty; or</li><li>• Certain coronavirus (COVID-19)-related reasons.</li></ul>
<b>How Long Can an Employee Be Out on PFL?</b>	Eligible employees are entitled to up to 12 weeks of PFL in any 52-week period at <b>67%</b> of their average weekly wage, capped at 67% of the state average weekly wage. In 2022, the weekly benefit cap is \$1,068.36; in 2023 it is \$1,131.08.
<b>Must Employees Provide Notice When Using PFL?</b>	Yes. An employee generally must provide at least <b>30 days'</b> advance notice before leave is to begin if the qualifying event is foreseeable. When the approximate timing of the qualifying event and need for leave is not foreseeable, an employee must provide notice as soon as practicable.
<b>Must an Employer Maintain an Employee's Health Benefits While he or she is out on PFL?</b>	Yes, and employees must continue paying premiums as they did before taking PFL.
<b>Is an Employee Entitled to Return to his or her Position Upon Return from PFL?</b>	Yes, an employee is entitled to be restored to the position of employment he or she held when the leave commenced, or to be restored to a comparable position with comparable employment benefits, pay, and other terms and conditions of employment.
<b>Are Employers Required to Post or Provide Employees with Notices about PFL?</b>	Yes. An employer generally must: <ul style="list-style-type: none"><li>1. If it maintains written guidance for employees concerning employee benefits or leave rights (e.g., in an employee handbook), include information concerning PFL in that guidance. All other employers must provide written guidance to each of their employees concerning employee rights and obligations under PFL, including information on how to file a PFL claim. Model language is <a href="#">available</a> for employers to use and customize based on their PFL</li></ul>

	<p>policies and procedures.</p> <ol style="list-style-type: none"><li>2. Provide the <a href="#">Statement of Rights for Paid Family Leave</a> to employees when they take PFL or take time off from work for a PFL-qualifying life event, but have not requested PFL.</li><li>3. Upon securing PFL insurance, obtain Form PFL-120 from their insurance carrier or licensed agent and display it in a conspicuous location in the workplace.</li></ol>
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**Additional requirements and exceptions to the information above may apply.** For more information, please contact the [New York State PFL Program](#).

**Please Note:** The state laws summaries featured on this site are for general informational purposes only. In addition to state law, certain municipalities may enact legislation that imposes different requirements. State and local laws change frequently and, as such, we cannot guarantee the accuracy or completeness of the information featured in the State Laws section. For more detailed information regarding state or local laws, please contact your state labor department or the appropriate local government agency.