

LABOR AND EMPLOYMENT LAW

INFORMATION MEMO

NOVEMBER 3, 2021

Changes to New York Paid Family Leave

PFL Expanded to Include Siblings

On Nov. 1, 2021, Governor Kathy Hochul [signed a bill into law](#) amending the definition of family member for purposes of the New York Paid Family Leave Benefits Law (PFL) to include biological or adopted siblings, half-siblings and step-siblings. This amendment takes effect on Jan. 1, 2023. Currently, family members for purposes of PFL include a child, parent, grandparent, grandchild, spouse and domestic partner.

Employers should be mindful of this change should eligible employees need time off from work to care for siblings with a serious health condition.

Intermittent PFL Entitlement Clarified

In addition to the expanded definition of family member, the Workers' Compensation Board adopted a revised regulation on Oct. 6, 2021, clarifying the amount of intermittent PFL available to employees working more than five days per week. This regulation takes effect on Jan. 1, 2022 and is not retroactive.

Currently, qualified employees may take up to 12 weeks of PFL in a 52-week period. When using PFL intermittently, the maximum amount of PFL that an eligible employee may take is calculated based on the average number of days the employee works per week times 12, up to a maximum of 60 days per year for employees working at least five days per week. For example, an employee who works five days a week is entitled to 60 days of PFL to use intermittently in a 52-week period (five days per week times 12 weeks).

The revised regulation removes the 60-day cap, and, in doing so, permits employees who work more than five days per week to take additional intermittent PFL. Therefore, employees who work six days per week will be entitled to 72 days of PFL to be used intermittently in a 52-week period, and employees who work seven days per week will be entitled to 84 days of PFL to be used intermittently in a 52-week period.

Although the revised regulation only impacts those who work more than five days per week, it significantly increases the available amount of intermittent leave for affected employees. Employers who have employees working more than five days per week are advised to be mindful of this change in regulations when working with the insurance carriers or administering PFL to their employees.

If you have any questions about these changes or other aspects of PFL, please contact [Kerry Langan](#), [Theresa Rusnak](#) or the Bond attorney with whom you are regularly in contact.

