

## Client Alert

### **Bereavement Leave Newest Addition to New York's Paid Family Leave Law**

August 24, 2018 – Following our [previous alert](#) regarding the New York Paid Family Leave Benefits Law (“NYPFL”) earlier this year, the state legislature recently passed an amendment on June 20, 2018 adding “bereavement leave” as a qualified reason for leave under the NYPFL. The amendment will provide eligible employees with up to 10 weeks of partially-paid, fully-protected leave beginning on January 1, 2020 following the death of a family member. The amendment received significant bipartisan support and now awaits Governor Cuomo’s signature.

The NYPFL went into effect on January 1, 2018 and grants job protection, continued health insurance and paid time off to bond with a newly born, adopted or fostered child (within the last 12 months), care for a family member with a serious health condition, or assist a loved one when a family member is deployed abroad on active military service. The amendment will now allow employees to take bereavement leave after the death of a family member, or, for those employees already taking paid family leave to care for a sick family member, use the remaining time for bereavement upon the death of that family member. The NYPFL defines a family member as a spouse, domestic partner, parent, grandparent, grandchild, child, stepchild, parent-in-law and stepparent, and anyone for whom the employee has legal custody. This definition would apply equally for purposes of bereavement leave.

Like other paid family leave benefits, bereavement leave will be available to both full-time and part-time employees. Full-time employees, or those who are scheduled to work 20 or more hours per week, become eligible for benefits after 26 consecutive weeks of work. Part-time employees, or those who are scheduled to work less than 20 hours per week, become eligible for benefits after 175 days worked in one 52-week period. Eligible employees will be required to provide notice of bereavement leave “as soon as practicable.” A death certificate shall serve as proper written notice or proof of need of leave, and must be provided by the employee within thirty (30) days after the commencement of such leave.

As we noted in our previous alert, compensation to employees for paid family leave will be funded exclusively through payroll deductions. By the time the bereavement leave amendment would take effect, in 2020, eligible employees will earn 60% of their average weekly wage (“AWW”), subject to a statutory cap (referenced as New York State’s Average Weekly Wage

(“SAWW”), currently at \$1,305.92 per week). This coverage will increase up to 67% or the statutory cap by 2021, as set forth in the Benefits table below.

**Bereavement Leave Benefits Through 2021, as Part of NYPFL**

<b>Year</b>	<b>Maximum Weeks of Leave</b>	<b>Benefit</b>
2020	10 weeks	60% of employee’s AWW, up to 60% of SAWW
2021	12 weeks	67% of employee’s AWW, up to 67% of SAWW

If you require any additional information concerning the New York Paid Family Leave and Benefits Law, or about any other employment-related issues, please review our previous alert or contact:

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