

---

# Hughes Hubbard & Reed

## New York to Extend Paid Family Leave to Include Bereavement Leave

### Client Advisories

Hughes Hubbard & Reed LLP • A New York Limited Liability Partnership  
One Battery Park Plaza • New York, New York 10004-1482 • +1 (212) 837-6000

Attorney advertising. Readers are advised that prior results do not guarantee a similar outcome. No aspect of this advertisement has been approved by the Supreme Court of New Jersey. For information regarding the selection process of awards, please visit <https://www.hugheshubbard.com/legal-notices-methodologies>.

---

**June 28, 2018** - On June 20, 2018, the New York State Legislature passed an amendment to the New York Paid Family Leave Act's ("PFL") definition of "Family Leave" to add those employees taking leave for bereavement upon the death of a family member. The stated purpose of the amendment is to allow employees to take bereavement leave in one of two ways: (1) to take paid family leave for bereavement after the sudden death of a family member; or (2) to allow those who were already taking paid family leave to care for a sick family member to use the remaining time for bereavement when the family member dies. The amendment will not immediately impact employers' PFL programs. Once signed into law, the bereavement leave amendment will only become effective January 1, 2020.

Most employees who work for private-sector employers in New York are eligible for benefits under the PFL. Employees who work a regular schedule of 20 hours or more per week are eligible after 26 consecutive weeks of employment with the employer, while those working fewer than 20 hours are eligible after 175 days of work, which need not be consecutive.

The PFL, which went into effect this year, currently provides job protection, continued health insurance coverage, and paid time off to those who are: (1) bonding with a child during the first 12 months after the child's birth or placement with employee for adoption or foster care; (2) caring for a family member with a serious health condition; or (3) attending to a qualifying exigency when a military spouse, child or parent is on covered active duty or is called to active duty status.

Under the PFL, a family member is defined as a spouse, domestic partner, parent, grandparent, grandchild, child, stepchild, parent-in-law and stepparent, and anyone for whom the employee has legal custody. The bereavement leave amendment would not alter the statute's definition of a family member.

Effective January 1, 2020.

## Related People



**Ned H. Bassen**

## Related Areas of Focus

Employment & Unfair Competition