

# Labor & Employment Law Alert: Paid Family Leave Notice Requirements

Although we covered PFL requirements extensively at our recent annual Labor and Employment Symposium, as we approach the New Year we would like to remind private sector employers that New York's requirement that they provide Paid Family Leave (PFL) will begin on January 1, 2018. Most organizations have already modified their disability insurance coverage to include PFL coverage. While obtaining such coverage is a critical first step toward compliance, employers must also remember their obligation to distribute written notice to employees regarding PFL.

Employers are required to provide employees notice of PFL in two ways. First, if a company maintains written guidance regarding employee benefits, such as an employee handbook, information regarding PFL and employee obligations under PFL must be included in that written guidance. Most organizations already have an employee handbook. That handbook must be updated by January 1, 2018 to include language that adequately addresses PFL.

If an organization does not have an employee handbook or other written policies addressing employee benefits, the employer still must provide written guidance to employees describing their rights and obligations under PFL. Employers can satisfy this requirement by issuing a standalone PFL policy to all employees. Employers using this approach should have their employees sign and date an acknowledgment of receipt indicating they received the policy on or before January 1, 2018.

Second, employers are required to display written notice of PFL rights in a form prescribed by the Chair of the New York State Workers' Compensation Board ("NYSWCB"). In layman's terms, this means that employers must display a poster approved by the NYWCB regarding PFL. Like other required postings, the poster must be displayed in plain view in a conspicuous location where it may be easily viewed by all employees and job applicants. The NYWCB has published on its website a Statement of Rights that appears to be the required poster. When we attempted to confirm that, however, by calling the NYS PFL Employer Helpline, we were advised that a separate poster would be issued by the disability insurance carrier. For now, and until further guidance is issued by the NYWCB, we suggest that employers post the Statement of Rights.

Please note that PFL is mandatory for nearly all private sector employers. However, most public sector employers, such as the State of New York, school districts, towns, cities and other municipalities, are presently exempt and not mandated to provide PFL. Public sector employers may choose to voluntarily participate in PFL and must also bargain upon demand with their unions, if any, over whether to participate in PFL and other related issues.

Employers are encouraged to consult with our Labor and Employment attorneys in developing PFL policies and compliance strategy.

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