

WEBINAR SERIES

# New York's Paid Leave Landscape in 2025

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# Today's Presenters



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# Today's Agenda

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- What's New for 2025
- Overview of New York Leave Laws
- Coordinating Leave Types
- Leave Management in Practice
- Compliance Considerations
- Real-World Leave Management

## Webinar Forum

*All participants are muted.*

*Please type questions in the side navigation panel and we will try to address most questions during today's session.*

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# Leave Law Landscape

# What's New in 2025

- Paid Prenatal Leave (PPL) – New!
- Expanded Paid Sick Leave (PSL)
- Increased Paid Family Leave (PFL) Benefits

# Overview of New York Leave Laws

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## Leave Types:

- Paid Family Leave (PFL)
- Paid Sick Leave (PSL)
- Paid Prenatal Leave (PPL)
- Disability Benefits Law (DBL)
- Family and Medical Leave Act (FMLA)
- Americans with Disabilities Act (ADA)
- New York Human Rights Law (NYHRL)



# New York Paid Prenatal Leave

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## **Paid Prenatal Leave (PPL):**

- Starting in 2025
- 20 Hours Employer-Paid Prenatal Leave Per Year
- Covers: prenatal health care appointments, monitoring, treatment, and fertility care during or related to their pregnancy
- Available to all employees - no minimum tenure
- Separate from Sick Leave or PTO





# New York Paid Sick Leave

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## **Paid Sick Leave (PSL):**

- Up to 56 Hours of Paid Sick Leave
- Depending on the size of the employer, 40-56 hrs.
- The employee must be restored to the same position.
- For: Mental or physical illness, injury, or health condition, or their diagnosis, regardless of whether it has been diagnosed or requires medical care at the time of the request for leave, or need for medical diagnosis or preventive care of employees or their family members.
- Accrual: 1 hour for every 30 hours worked
- Annual Usage Caps

# New York Paid Family Leave

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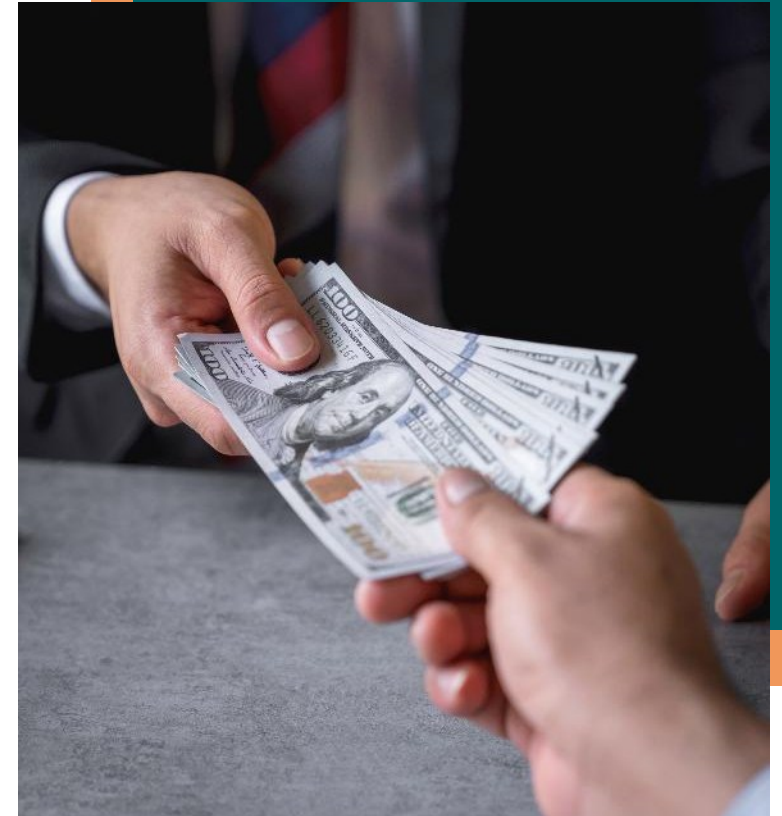
## **Paid Family Leave (PFL):**

- Up to 12 Weeks Paid Leave
- Uses: Bonding, caregiving, military deployment
- Benefit (2025): 67% of Average Weekly Wage (AWW), capped at \$1,177.32/week
- Eligibility: 26 weeks (20+ hrs/week) or 175 days (<20 hrs/week)
- Job protected

# New York Disability Benefits

## Disability Benefits Law (DBL):

- Up to 26 Weeks of Cash Benefits for Disability
- 50% of the employee's average weekly wage for the last eight weeks worked
  - \$170/week standard maximum benefit (enhanced options available)
- Purpose: To replace, in part, wages lost due to injuries or illnesses that do not arise out of or in the course of employment; Off-the-job injuries, pregnancy recovery
- Not job-protected



# Pregnancy and Maternity Leave

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## **DBL + PFL = Maternity Leave**

- Up to 26 weeks of Maternity-related leave
  - 8 weeks Prepartum if medically necessary (DBL)
    - 4 Weeks Prepartum automatically allowed
  - 6–8 Weeks Postpartum (DBL)
  - Then Up to 12 Weeks Bonding Time (PFL)
- Coordination Tip:
  - Employees cannot receive DBL and PFL at the same time.

# Voluntary Paid Parental Leave

## Voluntary Paid Parental Leave (Employer Policy)

- Employer-Defined
- Often job-protected, but varies
- Paid at 100% of pay
- Typically, 6-12 weeks
- For Family Care and Bonding
- May supplement Paid Family Leave

# ADA and NYS Human Rights Law

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## **When Leave Becomes a Reasonable Accommodation:**

- Both laws may require unpaid leave as a reasonable accommodation for a disability.

## **Americans with Disabilities Act (ADA)**

- Federal law
- Enforced by the U.S. Equal Opportunity Commission (EEOC)
- Prohibits employment discrimination based on disability.
- Requires reasonable accommodations in the workplace.

## **New York State Human Rights Law (NYSHRL)**

- State Law
- Enforced by the New York State Division of Human Rights (NYSDHR)
- Prohibits discrimination, harassment, and retaliation in employment based on protected characteristics.





# Family and Medical Leave

## Family and Medical Leave Act (FMLA):

- Federal Leave
- Up to 12 weeks of unpaid, job-protected leave per year.
- Applies to employers with 50+ employees in a 75-mile radius.

### Employee must have:

- Worked for the employer for 12 months
- At least 1,250 hours worked in the past 12 months

### Can be used for:

- Employee's own serious health condition
- Family member's serious health condition
- Bonding with a new child (birth, adoption, foster)
- Military exigency or caregiver leave



# NYC-Specific Obligations

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## **NYC Earned Safe and Sick Time Act (ESSTA):**

- NYC Paid Safe and Sick Leave Law
- Applies to all NYC employers, regardless of size
- 40-56 hours depending on size.
- Use for illness, preventive care, family, and Safe leave (domestic violence, stalking)
- Notice and Recordkeeping Requirements
  - Rights must be provided to new hires on Day 1
  - Retain records of accrual, use, and carryover for 3 years
- Anti-Retaliation Provisions



# Leave Type Comparison Chart

Feature	PFL	FMLA	NYDBL	NYPSL	PPL (New 2025)
Paid?	Paid	Unpaid	Paid	Paid (if applicable, per size threshold)	Paid
Job Protected	Yes	Yes	No	Yes	Yes
Employee's Own Condition	No	Yes	Yes	Yes	Yes (pregnancy only)
Family Care/Bonding	Yes	Yes	No	Yes	No
Employer Size Threshold	All private employers	50+ employees within a 75-mile radius	All private employers	5+ employees or \$1M+ income	All private employers
Duration	12 weeks	12 weeks	26 weeks	40–56 hours	20 hours
Funded By	Employee payroll tax	N/A	Employer (shared cost in some plans)	Employer	Employer



# Leave Management

# Tips for Effectively Managing Leave

## Practical Tips:

- Maintain Clear Leave Policies.
- Communicate Early and Often.
- Distribute Notices and Paperwork Timely.
- Monitor Leave Accruals, Usage, and Return to Work Dates.
- Partner with PrestigePEO to Reduce Administrative Burden.

# PrestigePEO Leave Support

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## Leave Support:

- Contact your Human Resources Business Partner (HRBP) to initiate the leave process.
- File a claim for Disability or Paid Family Leave with PrestigePEO.
  - Carriers: The Standard, MetLife, AFLAC
  - Key Forms: PFL-1, FMLA Eligibility, DBL Packet

# Return to Work

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## Ensure Safe and Compliant Transitions from Leave.

- A **Fitness-for-Duty Form** is often required before the return-to-work date.
  - Recommended for returns from FMLA, PFL (in some instances), ADA leaves, and medical leaves.
- Confirms the employee is cleared to resume work by their healthcare provider.
- Identifies any restrictions or accommodation needs.
- Helps ensure a safe return to work.

# Compliance Considerations

# Leave Coordination Challenges

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## Top Pitfalls:

- Overpayment
- Failure to recognize leave
- Missing Notice Deadlines
- Combining PTO with leave
- Pay Offset Challenges
  - Offsetting is reducing paid leave benefits by other sources of pay during the same period



# Notice Requirements

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## Required Leave Notices for New York Employers:

### **Family and Medical Leave Act (FMLA)**

- Eligibility Notice
- Rights and Responsibilities Notice
- Designation Notice

### **New York Paid Family Leave (NYPFL)**

- Notice of Rights
- Form PFL-1

### **NYC Earned Safe and Sick Time Act (ESSTA)**

- Notice of Rights



# Leave Coordination Challenges

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## Can Different Leave Types Run Concurrently?

FMLA + PFL = 

DBL + PFL = 

## Can Different Leave Types Be Used Back-to-Back?

- It depends on the type of leave, how it is designated, and the underlying qualifying reason.
- FMLA and NYPFL must run concurrently and cannot be stacked for the same qualifying event, such as bonding.

# PFL & FMLA Run Concurrently

## PFL & FMLA Comparison Chart:

<u>Topic</u>	<b>Paid Family Leave (PFL)</b>	<b>Family and Medical Leave Act (FMLA)</b>
<b>Benefits</b>	<ul style="list-style-type: none"><li>• <b>PAID</b></li></ul>	<ul style="list-style-type: none"><li>• <b>UNPAID</b></li></ul>
<b>Coverage</b>	<ul style="list-style-type: none"><li>• Most private employers</li><li>• Public employers may opt in</li><li>• One or more employees</li></ul>	<ul style="list-style-type: none"><li>• Public and private employers</li><li>• 50 or more employees in a 75-mile radius</li></ul>
<b>Eligibility</b>	<ul style="list-style-type: none"><li>• After 26 consecutive weeks of employment if regularly working 20 or more hours per week</li><li>• After 175 days worked if regularly working less than 20 hours per week</li></ul>	<ul style="list-style-type: none"><li>• 12 months of employment</li><li>• 1,250 hours of work in the 12-month period preceding leave</li></ul>
<b>Reason for Leave</b>	<ul style="list-style-type: none"><li>• Employees cannot use for own serious health condition</li><li>• Can be used to care for a child of any age</li></ul>	<ul style="list-style-type: none"><li>• Employee can use for own serious health condition</li><li>• Can only be used to care for a child if the child is under 18 years old, or “incapable of self-care because of a mental or physical disability”</li></ul>
<b>Length of Leave</b>	<ul style="list-style-type: none"><li>• Only in full-day increments</li></ul>	<ul style="list-style-type: none"><li>• Hourly basis</li></ul>
<b>Paid Time Off</b>	<ul style="list-style-type: none"><li>• Employers cannot require employees use paid time off while on PFL</li></ul>	<ul style="list-style-type: none"><li>• Employers can compel an employee to use paid time off while on FMLA</li></ul>

# What is Job Protection?

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## **Job Protection:**

When an employee takes approved leave under a law or policy that grants job protection, the employer is legally required to restore the employee to the same or an equivalent position with the same pay, benefits, and working conditions upon their return from leave.

- Case Example: An employee is out on PFL bonding leave for 3 months.
  - The employer must restore the employee to the same position upon their return to work and cannot terminate or alter the employee's job status during or in retaliation for taking job-protected leave.

# Job Protection Comparison

Which New York Leave Types Are Job-Protected?

Leave Type	Job Protected?	Paid?	For
NY PFL	✓	✓	Bonding, Caregiving, Military
NY PSL	✓	✓	Short-term illness, preventive care
NY PPL	✓	✓	Prenatal appointments
DBL	✗	✓	Off-the-job injury/illness
FMLA	✓	✗	Own serious health condition, caregiving

# Key Takeaways

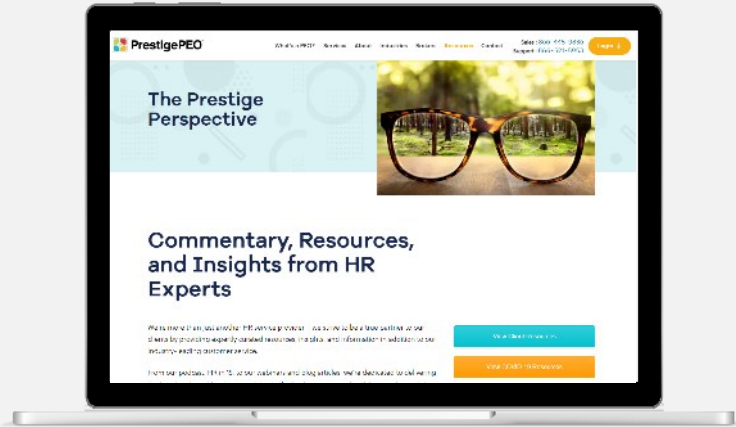
# Key Takeaways

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## Key Takeaways:

- ✓ Align internal policies and practices with relevant federal, state, and local laws.
- ✓ Respond promptly and professionally when an employee requests or discusses time off.
- ✓ Document all leave-related communications, notices, and approvals related to leave.
- ✓ Collaborate with HR and legal experts to ensure compliance.
- ✓ Manage the leave process clearly and confidently.

# Questions / Comments / Discussion?



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