



July 2018

## New York To Expand Paid Family Leave

By Glenn S. Grindlinger

New York's Paid Family Leave requirements are only six months old, but that has not stopped the Legislature from expanding the provisions of New York Paid Family Leave. As we noted in previous [alerts](#), effective January 1, 2018, all New York employers must provide paid family leave to their employees so that employees can bond with a newly born, adopted, or fostered child, care for a family member with a serious health condition, or relieve family pressures when a family member is called to active service.

On June 19, 2018, the last day of the 2018 legislative session, the Legislature passed two bills that expand the parameters of New York's Paid Family Leave Law. The bills await the signature of Gov. Andrew Cuomo, who is expected to sign them into law.

The first bill expands New York Paid Family Leave so that employees can take leave upon the death of a family member. The statute defines "family member" to include the employee's spouse or domestic partner, child or stepchild, parent or stepparent, parent-in-law, grandparent, and grandchild. The bill does not contain any time parameters and presumably an employee could take bereavement leave at any time after the death of a family member and it is uncertain whether an employee can take the leave intermittently or must take it consecutively until the allotment of paid family leave has expired.

By enacting this bill, New York becomes the first state in the nation to mandate a form of bereavement leave, which many employers already voluntarily provide. If signed by the Governor, New York employees can begin taking Paid Family Leave for bereavement purposes beginning on January 1, 2020.

The second bill, called the "Living Donor Protection Act," is designed to encourage organ and tissue donation and is primarily concerned with ensuring that insurance companies do not discriminate or retaliate against individuals who are living organ or tissue donors. Indeed, the Act prohibits health insurance companies from discriminating against an individual by limiting, denying or precluding coverage because the individual has donated organs or tissue to others. The Act also compels the New York Department of Health to provide materials on its website and in printed form detailing the benefits, impact, and importance of organ and tissue donation. The Act also contains a provision directly affecting Paid Family Leave.

The Living Donor Protection Act specifically states that a "serious health condition" includes "transplantation, preparation and recovery from surgery related to organ or tissue donation." Thus, if signed by the Governor, the law will allow employees to take paid family leave to "care" for family members who donate organs. The law will become effective immediately upon the Governor's signature.

Assuming the Governor signs these bills into law, New York employers should update their Paid Family Leave and other leave policies to reflect these changes to state law.

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