

## THE NYS PAID FAMILY LEAVE ACT

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In April of this year, Governor Cuomo signed into law the Paid Family Leave Act enabling workers with up to 12 weeks of paid leave a year to care for a seriously ill family member or newborn, or address issues from a family member's military service. The law will apply to all employees who are covered by the state's temporary disability insurance law, regardless of their employer's size, and who have been employed for 26 or more consecutive weeks.

While this was great news for all employees, those employed in the construction industry were less than thrilled as they were initially excluded from being able to take advantage of the benefit due to intermittent layoffs and employment with multiple employers. On June 16, 2016, Assemblymember Pamela Harris (D-Brooklyn) announced legislation she authored to extend the paid family leave program to include employees in the construction industry. As quoted on her website, Harris says, "Passing paid family leave was a huge victory for families across New York State, but unfortunately, many construction workers may not qualify for it due to the temporary nature of the work in the building trades industry. My bill will fix this and help ensure these workers can take time off to care for a loved one."

The family leave benefits, which become effective on January 1, 2018, will initially provide a maximum of 8 weeks of leave during any 52-week period and provide for payment of 50% of the employee's average weekly wages (not to exceed 50% of the state's average weekly wage) during that time. These benefits will gradually increase until January 1, 2021, when the length of the benefit period will be capped at 12 weeks and the payment of benefits will be capped at 67% of the employee's average weekly wages (not to exceed 67% of the state's average weekly wage). Paid leave will be funded entirely through a nominal payroll deduction on employees, so it costs businesses - both big and small - nothing.

Under Harris' bill, construction workers who have worked 26 of the past 39 weeks for one or more employers covered by a collective bargaining agreement would qualify for paid family leave. This expanded measure would include employees who work in construction, demolition, reconstruction, excavation, rehabilitation, repairs, renovations, alterations or improvements.

For more information about this act and other issues within the construction industry, contact Steven Goldstein, CPA, PFS, Partner of Grassi & Co., at [sgoldstein@grassicpas.com](mailto:sgoldstein@grassicpas.com).