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Strengthening and Updating Paid Family and Medical Leave: [S2821/A4053](#)

Bill Explainer

S2821/A4053 makes key updates to transform New York’s paid family leave and temporary disability insurance program into a truly modern paid family and medical leave program that works for all workers, ensuring that pregnant workers can take time off work to keep themselves and their pregnancies healthy, workers with disabilities can stay attached to the workforce while addressing their health needs, and that all workers are truly able to care for themselves and their families without sacrificing their economic security.

What would the bill actually do?

Section 1. Medical leave.

Clarifies that leave can be taken for purposes of medical treatment for a serious medical condition.

Section 2. Expanded family definition.

Expands the definition of “family member” to include other blood relatives not already covered and chosen family (defined as someone with whom the employee has a “close association” that is “the equivalent of a family relationship”).

Section 3. Increased portability.

Ensures that the employment requirements to qualify for paid family leave match those used for temporary disability insurance, such that an employee can qualify for paid family leave after four weeks of work in qualified employment. Provides that workers maintain previously established eligibility for paid family leave as they switch jobs, matching the rules for temporary disability insurance.

Section 4. Protections against interference and retaliation.

Provides that it is unlawful for an employer to interfere with an employee’s ability to exercise their rights to paid family leave or temporary disability insurance, including by failing to complete the necessary paperwork or threatening to penalize an employee for taking leave, including by reporting or threatening to report an employee’s suspected citizenship or immigration status.

Section 5. Reinstatement following leave.

Ensures that an employee who takes leave due to their own serious health need, like an employee who takes paid family leave, is entitled to return to their job following leave.

Section 6. Continuation of health insurance.



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Ensures that an employee who takes leave due to their own serious health need, like an employee who takes paid family leave, is entitled to keep their employer-provided health insurance while on leave.

Section 7. Modernized benefit levels.

Beginning January 1, 2025, updates benefit levels for both paid family leave and temporary disability insurance by:

- Eliminating the outdated \$170/week cap on benefits for temporary disability insurance
- Moving both paid family leave and temporary disability benefits to a progressive wage replacement system, in line with modern paid family and medical leave laws in other states, which provides that workers receive 90% of their average weekly wages up to 50% of the statewide average weekly wage and 67% of their average weekly wages above that, up to an overall cap of 67% of the statewide average weekly wage.

Section 8. Benefits during unemployment.

Beginning January 1, 2025, guarantees that paid family leave benefits will be available during unemployment on the same terms as temporary disability benefits are available during unemployment.

Section 9. Improved opt-in for self-employed workers.

Clarifies that self-employed workers may purchase paid family leave and temporary disability insurance coverage and that, if they do so, they will be eligible for benefits no later than four weeks after purchasing such a policy, and must pay into the program for at least one year.

Section 10. Vital documents.

Specifies that materials related to temporary disability insurance and paid family leave are “vital documents,” which, in turn, means that they must be translated into the twelve most common non-English languages spoken by limited-English proficient individuals in New York State..

Sections 11, 12, and 13. Gender-neutral language.

Adds “chair” as an alternative to “chairman” into the relevant definitions.

Section 14. Severability.

Specifies that if any provision of the act is found to be invalid, the remainder of the act will remain valid.

Section 15. Effective date.

Sets an effective date sixty days after the bill becomes law.

Additional Resources

- [Building the Paid Family and Medical Leave New Yorkers Need](#)
- [Fact Sheet: Building the Paid Family and Medical Leave New Yorkers Need Will Help Vulnerable Communities](#)