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Time to grieve paid bereavement benefits — Governor Cuomo vetoes bill to expand New York Paid Family Leave Benefits Law

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Those expecting an expansion of the New York State Paid Family Leave Benefits Law (“PFL”) to permit employees to receive PFL benefits during a bereavement leave may be in a state of mourning, at least for now.

On December 28, 2018, New York Governor Andrew Cuomo vetoed a bill, which, if signed into law, would have permitted employees to use the paid leave benefits provided for in the PFL for the purpose of bereavement due to the death of a family member. As we previously reported, the bill, which the New York State Assembly passed in June 2018, would have permitted employees to request up to 12 weeks of PFL benefits to mourn the death of a “family member” as that term is broadly defined in the PFL.¹

In vetoing the bill, Governor Cuomo cited concern that including bereavement as a permissible reason to request PFL benefits would necessitate an increase in the amount of employee contributions needed to fund the cost of PFL benefits. Employers should be aware, however, that Governor Cuomo’s decision to veto this bill does not mean that paid bereavement benefits are dead and buried. Indeed, in a statement following his decision to veto the bill, Governor Cuomo stated that “[t]here may be ways to implement such a program without such a huge fiscal impact on workers.”

While the issue of whether employers must offer paid bereavement benefits has been put to rest for now, the legislature could possibly attempt to draft a similar bill that would allay Governor Cuomo’s concerns about increasing the cost of PFL contributions. Given that Governor Cuomo has not firmly opposed the idea of supporting legislation that would require paid bereavement benefits, employers should continue to monitor proposed and pending legislation in the event that another bill requiring such benefits makes its way to Governor Cuomo’s desk for his signature.

¹ A link to our December 12, 2018 alert regarding this topic is available [here](#).

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