

New York

DBL: www.wcb.ny.gov/content/main/DisabilityBenefits/lp_disability-benefits.jsp

PFL: www.ny.gov/programs/new-york-state-paid-family-leave



Date law enacted	Disability Benefit Law (DBL): Start Date: 1949 Paid Family Leave (PFL): Start date: 1/1/2018
Annual updates due	September
Benefits can be used for	DBL is disability insurance that can be used for a worker's own serious off-the-job illness or injury. PFL can be used to (1) bond with a child within one year of the child's birth or placement in foster care or adoption; (2) care for a family member with a serious health condition; or (3) address a family member's military exigency.
Type of law	Competitive between state fund and private plans — employer must choose.
Funding source	Employer required to provide benefits or obtain insurance coverage — like Workers' Compensation, but employees responsible for the cost.
Types of private plans	Insured and self-insured plans equaling or exceeding statutory requirements and continuation of certain existing plans.
Limitations upon right to establish private plans	None
Employee contributions	DBL: 0.5% of employee's wages, but not more than \$.60 weekly. (\$31.20 annually) PFL: 0.511% of employee's weekly wage and is capped at an annual maximum of \$423.71 in 2022. PFL coverage is paid 100% by employees.
Employer contributions required	DBL: Balance of cost; PFL: No contribution
Employers covered	Employers of one or more on each of at least 30 days in one calendar year.
Employees excluded	Certain elementary and high school day students, casual employees, employees of non-profit organizations and others referenced in the statute.
Religious exemptions	Members of a religious order which depends upon prayer for healing or other spiritual means upon filing waiver of benefits.
Employee eligibility requirements	DBL: generally, 4 consecutive weeks of covered employment, not necessarily with current employer. PFL: employees with a regular work schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment. Employees with a regular work schedule of less than 20 hours per week are eligible after 175 days worked.
How benefits are computed	DBL: 50% of average weekly wage, subject to a maximum of \$170. PFL: 67% of average weekly wage of \$1,594.57.

New York (continued)

Minimum weekly benefits	DBL: \$20, or average weekly wage, whichever is less PFL: \$100 or average weekly wage, whichever is less
Maximum weekly benefits	DBL: \$170 (unchanged since 5/1/89) PFL: \$1,068.36
Maximum duration	Combined DBL/PFL: 26 weeks PFL: 12 weeks
Waiting period	DBL: 7 days for each disability PFL: none
Maternity benefits	Pregnancy-related disabilities treated as any other illness.
Effect of continued pay from employer during disability	Generally, sick pay and benefits may be received simultaneously, though benefits may be reduced by other income benefits received. Cannot receive PFL and DBL at same time.
State sick leave mandate	Yes. Beginning 9/30/2020, employees began to accrue sick leave at a rate of one hour for every 30 hours worked. Employees can start to take the leave 1/1/2021. 100+ Employees: Employers with 100 or more employees must provide up to 56 hours of paid sick leave per calendar year. 5-99 Employees: Employers with 5-99 employees must provide up to 40 hours of paid sick leave per calendar year. 0-4 Employees: If net income is \$1 million or less, employer must provide up to 40 hours of unpaid sick leave. If net income is greater than \$1 million, employer must provide up to 40 hours of paid sick leave.
State program benefits financed by	Assessment on insurance companies, self-insurers, state insurance fund and existing plans, without limit.
Post-employment	DBL: 4 weeks; PFL: None
Job protection	DBL: No; PFL: Yes
Family leave covered relatives	Child, parent, parent-in-law, spouse, grandchild, grandparent, or domestic partner (registration not required).
Definition of wages used for contributions and benefits	“Wages” means the money rate at which employment with a covered employer is recompensed under the contract of hiring with the covered employer and shall include the reasonable value of board, rent, housing, lodging, or similar advantage received.
Benefit taxation	DBL: If the employee pays all or a portion of premium with before-tax dollars, the benefit is subject to taxes. PFL: Yes. Benefits paid to the employee is recorded on a 1099-misc.