



New York State

# DBL & PFL

{ SUMMARY OF HIGHLIGHTS }

JANUARY 1, 2022

**BENEFIT COMPARISON**

PFL EFFECTIVE DATE	01/01/22
PFL BENEFITS DATE	01/01/22
HIGHLIGHTS UPDATE	12/01/21


### LiDAC.com remains committed to providing brokers and their clients with the latest updates on the New York State Paid Family Leave (PFL) Benefit.

- LiDAC has created an informational Series of Articles intended to provide highlights on a number of important topics for brokers and their clients. These Articles are available on LiDAC.com and LiDAC's LinkedIn and Facebook pages.
- The illustration chart below offers a quick comparison highlighting NYS Disability (DBL) and Paid Family Leave (PFL) benefits.
- Registered Brokers can obtain quotes, proposals and bind coverage today on LiDAC.com.
- Learn More: <https://lidac.com/index.php/paid-family-leave/>
- Contact LiDAC Sales: @ 516-482-2696 or Info@LiDAC.com

### BENEFIT COMPARISON

ELIGIBILITY	STATE DISABILITY	PAID FAMILY LEAVE
<p><b>WHO IS COVERED?</b></p>		
<p><b>MINIMUM EMPLOYEES</b></p>	<p>Employers with One (1) or more covered employee(s)</p>	<p>Employers with One (1) or more covered employee(s)</p>
<p><b>EMPLOYEE ELIGIBILITY</b></p>	<p>All active full or part time employees working any time specified by their employer during a normal work week.</p>	<p>All active full or part time employees who maybe regularly scheduled to work for a covered employer in accordance with the PFL law.</p>
<p><b>FULL-TIME EMPLOYEE QUALIFICATIONS</b></p>	<p>An employee regularly scheduled to work at least 4 consecutive weeks for any covered employer(s)</p>	<p>An employee regularly scheduled to work 20 hours or more per week for a minimum of 26 consecutive weeks at their current employer</p>
<p><b>PART-TIME EMPLOYEE QUALIFICATIONS</b></p>	<p>An employee regularly scheduled to work a minimum of 25 work days at any covered employer(s)</p>	<p>An employee regularly scheduled to work less than 20 hours per week for a minimum of 175 days at their current employer</p>
<p><b>PERSONAL OR DOMESTIC EMPLOYEES</b></p>	<p>An employee regularly scheduled to work at least 40 hours a week for 30 or more days in a calendar year for the same employer</p>	<p>An employee regularly scheduled to work at least 40 hours a week for 30 or more days in a calendar year for the same employer</p>
<p><b>ELIGIBILITY CARRY-OVER QUALIFICATION</b></p>	<p>If an employee changes jobs from one (1) covered employer to another, their time worked is carried over. Alternatively, if their previous employer was exempt under the NY Disability law and did not have DBL coverage, the employee then would have to satisfy the qualification period at their new covered employer.</p>	<p>An employee regularly scheduled to work less than 20 hours per week for a minimum of 175 days at their current employer</p>
<p><b>MARRIED COUPLES</b></p>	<p>Not Applicable</p>	<p>An employee and spouse working for independent employers may be eligible for PFL benefits separately. An employee and spouse working for the same employer, may be denied PFL benefits that are requested for the same time period to care for the same family member, bond with a child or military leave.</p>
<p><b>SAME FAMILY MEMBER</b></p>	<p>Not Applicable</p>	<p>Members of the same family working for the same employer, may be denied PFL benefits that are requested for the same time period to care for the same family member, bond with a child or military leave.</p>

BENEFITS & FEATURES	STATE DISABILITY	PAID FAMILY LEAVE
YOUR BENEFITS		
GROUP CLASSES OF EMPLOYERS	In accordance with the NYS DFS and WCB regulations all covered employers are subject to one (1) class regardless of the number of employees.	In accordance with the NYS DFS and WCB regulations all covered employers, subject to the following group classes. A) 49 Lives or less B) 50 to 499 Lives; C) 500 plus Lives
SOLE PROPRIETOR, PARTNERS, MEMBERS OF AN LLP OR OTHER SELF-EMPLOYED	May elect to be covered under New York DBL, subject to carrier underwriting and approval.	May elect to be covered under NY PFL benefits when covered for NY DBL, subject to carrier underwriting and approval and a waiting period of up to 2 years prior to benefits being paid.
EMPLOYEE CONTRIBUTIONS	.5% of the employee weekly wage not to exceed \$.60 per week or \$31.20 annually  Employer may elect to pay all or some of the contribution on behalf of their employees.	.511% of the employee weekly wage not to exceed \$423.71 annually, subject to change by the Department of Financial Services on January 1 <sup>st</sup> of each year.
CONDITIONS FOR DISABILITY OR LEAVE	Employee illness or injury as may be approved by their attending physician	To bond with a newborn, adopted or foster care child during the first 12 months of the event date. To care or assist a family member who may have a serious illness. To care or assist a family member related to military service. To request leave for the purpose of bereavement due to death of a family member.
WAITING PERIOD	Seven (7) Days for Accident Seven (7) Days for Sickness Benefits commence of the 8th day	None, benefits commence of the 1st day of a qualified approved paid family leave.
<b>BENEFITS / DURATION</b>	<b>STATE DISABILITY</b>	<b>PAID FAMILY LEAVE</b>
JANUARY 1, 2019	The Benefit is 50% of an employee average weekly wage (AWW) up to maximum of \$170 per week.	55% of an employee's average weekly wage not to exceed \$1,357.11 or \$746.41 for Up to 10 weeks
JANUARY 1, 2020		60% of an employee's average weekly wage not to exceed \$1,401.17 or \$840.70 for Up to 10 weeks.
JANUARY 1, 2021		67% of an employee's average weekly wage not to exceed \$1,450.17 or \$971.62 for Up to 12 weeks.
JANUARY 1, 2022	The Duration will be 26 weeks in a consecutive 52-week period, less any days taken for any approved Paid Family Leave within the same 52 week period.	67% of an employee's average weekly wage not to exceed \$1,594.57 or \$1,068.36 for Up to 12 weeks.
NOTE		If combined with DBL, not to exceed 26 weeks, in any 52 consecutive calendar week period.
PAID TIME OFF (PTO) OR VACATION TIME	Benefits are not reduced by PTO or Vacation Time, when collecting DBL while on paid vacation.	Benefits may not be payable, if employee is receiving PTO, Vacation Time or Sick Time during the same period of Paid Leave.
MATERNITY / PREGNANCY	Maternity is treated the same as any other disability and eligible for benefits.	Maternity is covered for the care and bonding of a birth child not at the same time as DBL.
OTHER BENEFIT OFFSETS	Benefits may be off-set by salary continuation, sick pay or short term disability benefits as paid by the employer during the same period.	Benefits may be off-set by salary continuation, sick pay or short term disability benefits as paid by the employer during the same period.
JOB PROTECTION	No	YES, for all covered employers with one or more employees (not subject to FMLA)

ADMINISTRATION	STATE DISABILITY	PAID FAMILY LEAVE
WHAT ABOUT?		
FAMILY LEAVE WAIVER	Not Applicable	<p>Employers must offer a waiver form when;</p> <ul style="list-style-type: none"> <li>• An employee is regularly scheduled to work 20 hours or more per week, but less than 26 consecutive weeks; Or</li> <li>• An employee is regularly scheduled to work less than 20 hours per week and they will work less than 175 days in a 52 consecutive week period.</li> </ul>
OUT OF STATE EMPLOYEES	Employers may elect to extend their NY DBL coverage on behalf of their employees in other non-statutory states, subject to carrier underwriting rules and approval in accordance with NYSWCB guidelines.	Employers <u>may not</u> extend their NY PFL coverage on behalf of their employees in other non-statutory states in accordance NY Department of Financial Service & NYSWCB guidelines.
REQUIRED DOCUMENTATION	Covered employers will maintain the following: Policy Contract, Certificate of Insurance, Posting Notice, Claims Forms and Bulletins.	Covered employers will maintain the following: Policy Contract, Certificate of Insurance, Posting Notice, Claims Forms and Bulletins.
EMPLOYER CLAIM REIMBURSEMENT	Yes, the employer may request to be reimbursed, when an employee on disability is paid salary continuation.	Yes, the employer may request to be reimbursed, when an employee on disability is paid salary continuation.
POLICY PREMIUM FUNDING METHOD	Fully Insured or Self Insured (ASO)	Fully Insured or Self Insured (Must be Funded the Same as NY DBL)
FAMILY MEDICAL LEAVE (FMLA)	Employers with 50+ employees: benefits run concurrently.	Employers with 50+ employees: benefits run concurrently.
COLLECTIVELY BARGAINED EMPLOYEES	A covered employer shall be relieved of providing NYDBL under WCB Law, if their employees are covered under a collective bargaining agreement.	A covered employer shall be relieved of providing NYDBL under WCB Law, if their employees are covered under a collective bargaining agreement.
SOCIAL SECURITY AND MEDICARE	Benefits paid to an employee as a result of a disability are subject Social Security and Medicare (FICA) withholding.	PFL benefits paid to an employee may not be subject to Social Security and Medicare (FICA) taxes.
STATE INCOME TAX	Benefits paid to an employee as a result of a disability are income taxable, subject to the amount of contributions paid by the employer.	PFL benefits will be exempt and may not be, subject to New York State income taxation.
FEDERAL INCOME TAX	Benefits paid to an employee as a result of a disability are income taxable, subject to the amount of contributions paid by the employer.	PFL benefits are treated similar to unemployment compensation, subject to Federal income tax. Ask your tax advisor.

### IMPORTANT

This benefit comparison is provided for illustrative purposes highlighting some of the criteria as may be applicable to the NYS DBL and PFL Law, effective January 1st, 2018. LiDAC and its representatives make no representations as to the complete applicable eligibility, benefits, durations, rates, limits, terms and conditions and or other related details as may be required under the NYS DBL and PFL Law. Specific details related to these benefits may change based on New York State review, approval and release of regulatory guidelines applicable to eligible covered employers, employees and/or insurance companies, who are subject to the NY PFL law. The highlights contained in this illustration should not be interpreted as legal, tax or accounting advice. Brokers and employers should consult with their legal counsel or tax advisor for a final determination.

For additional information and or assistance on The New York Paid Family Leave and / or The NY Statutory DBL, please contact LiDAC representative @ 516-482-2696 or info@LiDAC.com



New York State

PAID FAMILY LEAVE

POWERED BY

**LiDAC**

OUR TECHNOLOGY IS YOUR FUTURE

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