

# New York Disability Benefits Law and Paid Family Leave (NY DBL & NY PFL)

Updated as of January 2024

# New York Disability Benefits Law (DBL) and Paid Family Leave (PFL) Basics

## Is my employer required to offer DBL and PFL benefits to employees?

Likely, yes. Currently, private employers with employees working in New York State are required to offer statutory DBL and PFL. Virtually all employers are required to offer these benefits. [Click here](#) for additional information regarding the coverage requirements for DBL and PFL benefits.

NY DBL and PFL benefits may be reimbursed if the employee is receiving employer sponsored benefits for the same reason on the same absence days and reimbursement is requested before benefits are paid to the employee. With each claim, employers are required to verify employment details including if the employer qualifies for reimbursement.

## How is the program funded?

DBL is a combination of employee and employer funding. PFL is 100% employee funded, but employers may choose to fund on behalf of their employees or may take payroll deductions\*.

NY DBL (for 2024)	NY PFL (for 2024)
No more than \$0.60 per week	No more than 0.373% per week up to cap
Max annual contribution: \$31.20	Max annual contribution: \$333.25
0.5% up to cap	0.373% to cap

\*Note: Payroll deduction must start day one of employment, and all contributions must be used towards the program for compliance. Employer cannot use the funds for any other expenses that is not PFL/DBL program administration related.

## How does my employer calculate PFL contribution amounts due for each employee in [2024]?

NY PFL payroll deduction = Wages x .373%. When the **cumulative total** of the employee's contributions reaches **\$333.25** for the 2024 calendar year, the payroll deductions stop. Here is an example:

	Employee A	Employee B	
<b>Annual Salary</b>	\$27,000	\$100,000	
<b>Community Rate for 2024</b>	0.373%	0.373%	
<b>Total Annual Premium</b>	\$100.71	\$333.25 (cap)	
<b>Weekly Payroll Deduction</b>	\$1.94 (assuming no bonus)	Variable Calculation details below:	
		<b>Normal Pay:</b> \$80,000 (or \$1,538/week) <b>Bonus:</b> \$20,000 paid March 1	<b>Cumulative Deduction</b>
		Payroll deductions January 1-February 23 (\$1,538 x 0.373%=\$5.74) = \$5.74/week x 8 weeks=\$45.89	<b>= \$45.89</b>
		Bonus paid March 1 separate check (\$20,000 x 0.373% = \$74.60) = added to amount paid earlier \$74.60 + \$45.89 = \$120.49	<b>= \$120.49</b>

		Payroll Deductions February 26-November 8 (\$1,538 x 0.373%=\$5.74) added \$5.74/week x 37 weeks = \$212.38	= <b>\$332.87</b>
		Payroll deduction November 15 = adjusted due to the maximum annual cap (\$333.25 – 332.87 = 0.38) only \$0.38 payroll deduction Payroll deduction November 18 - December 31 = \$0.00 since Employee B met annual contribution cap	= <b>\$333.25</b>

## DBL/PFL Benefit Details

### Who is eligible for coverage?

NY DBL/PFL benefits are tied to the employer's plan for employees working in the state.

NY DBL	NY PFL
<p>Full time covered employees are eligible for DBL benefits after 4 consecutive weeks of employment. Part time employees are eligible after their 25th day of employment.</p> <p>In general, an employee is a person (including family members) who performs under the supervision, direction, and control of an employer either on or off their premises. This applies whether the worker is:</p> <ul style="list-style-type: none"> <li>• Part-time</li> <li>• Full-time</li> <li>• Temporary</li> <li>• Seasonal</li> <li>• Casual/Day Labor</li> <li>• Leased</li> <li>• Borrowed</li> <li>• Certain unpaid workers - including certain volunteers and family members</li> </ul>	<p><b>Full-time employees:</b> Employees who work 20+ per week eligible after working 26 consecutive weeks with the employer.</p> <p><b>Part-time employees:</b> Employees who work less than 20 hours per week will become eligible after completing 175 days of work with the employer.</p> <p><b>Out-of-state employees/telecommuters:</b> In general, NY PFL is for employees who work in New York, and where you live typically does not matter when determining if you are in New York employment. If an employee is working in New York, his/her employment is considered New York employment. If an employee spends only part of their time working in New York, their coverage status depends on other factors.</p> <p><b>Waiver available if employee will not meet work hour criteria:</b> If a worker will not meet the eligibility criteria listed above, they can sign a waiver to remove the payroll deduction and opt-out of benefits. However, the waiver is void if the employee's schedule changes such that they will meet the eligibility criteria listed above and the employee would be responsible to pay retroactive contributions.</p>
<p>If you are a business owner there are special eligibility rules that apply. <a href="#">Click here for more details.</a></p>	

## What are the state benefits and what life events can they be used for?

Eligible workers can receive wage replacement benefits for:



NY DBL	NY PFL		
	NY PFL is a rider on an existing NY DBL policy that provides job protection and wage replacement for:		
<b>NY Disability Benefit</b> Employee's own medical need including organ and tissue donations	<b>Child Bonding</b> Including newborn, adoption and foster placement	<b>Family Caregiver</b> When a covered family member has a serious health condition	<b>Military Exigency</b> When a covered family member is called to active service overseas
Up to 26 weeks • 7 day unpaid waiting period applies (minus any PFL time taken)	Up to 12 weeks or 84 days if taken intermittently No waiting period for NY PFL benefits		

## How much of a benefit can an employee receive?

Benefits are paid as a percentage of employee's average weekly wage.

## What should I do if considering taking PFML?

First, read your employer's benefit handbook or reach out to HR to see how to apply for benefits and how the state paid leave program coordinates with their absence and other employer programs. You may need to provide advance notice to your employer of your need for leave, as described below.

Maximum Weekly Benefit (for 2024)	
NY DBL	NY PFL
\$170.00	\$1,151.16
<b>Wage replaced at 50%</b> of the employee's average weekly wage up to the state's cap	<b>Wage replaced at 67%</b> of the employee's average weekly wage up to 67% of the state's average weekly wage (For 2024, the State's average weekly wage is \$1,718.15)

An employee can have more than one benefit each year, but no more than 26 weeks combined PFL and DBL in a 52-week period.

# Leave Request Process

## How do I apply for PFL benefits?

1 Notify employer	2 Apply for benefits	3 Submit supporting documentation	4 Stay connected until your return to work
At least 30 days prior if leave is foreseeable or as soon as employee can if unforeseeable	<ul style="list-style-type: none"> <li>Contact MetLife within 30 days prior or within 30 days after leave starts</li> <li>MetLife can accept claims via web, telephone, or paper claim. Method dependent on your employer's coverage plan</li> </ul>	<ul style="list-style-type: none"> <li>Proof may be required before the claim decision can be made</li> <li>MetLife will make a claim decision within 18 calendar days of receiving all information (or your first day of leave whichever is later)</li> </ul>	Employer and MetLife will need to have employee anticipated return to work date scheduled or an intermittent leave plan on file to efficiently manage the claim

## Coordination with Other Benefits

In general, NY DBL and PFL cannot be taken at the same time.

However, COVID-19 emergency temporary benefits do allow special benefits under DBL and PFL to be taken at the same time. [Click here](#) for more details.

### Can I qualify for more than one benefit?

An employee may qualify for more than one benefit based on the leave reason. Below is a list of common events

Leave reason	NY DBL	NY PFL	FMLA	Company	Other
Employee has complications to pregnancy	Yes	No	Yes	STD	Other laws may apply
Employee has a serious health condition requiring multiple days-weeks-months away from work (including acting as a bone/organ donor)	Yes	No	Yes	STD-continuous or reduced leave schedules Maybe for intermittent leave	Other laws may apply
Employee is injured at work	No	No	Yes	No	Workers Comp
Employee is bonding with a newborn, fostering and/or adopting a child under age 18	No	Yes	Yes	Maybe (Parental/ Bonding leave)	Other laws may apply
Employee needs to care for a grandparent or grandchild with a serious health condition	No	Yes Unless Company PTO, sick leave 100% salary continuation used	Yes	Sick leave, PTO May overlap or replace state paid leave	Other laws may apply

Employee needs to care for a grandparent, sibling, grandchild, or affinity family member with a serious health condition	<b>No</b>	<b>Yes</b> Unless Company PTO, sick leave 100% salary continuation used	<b>No</b>	<b>Sick leave, PTO</b> May substitute state paid leave	<b>Other laws may apply</b>
Employee is impacted by family violence (medical or non-medical reason)	<b>Yes-if disabling</b> No-if non-disabling	<b>No</b>	<b>Yes-if medical</b> No-if non-medical	<b>PTO</b> May substitute state paid leave	<b>Other laws may apply</b>
Former employee receiving unemployment (less than 90 days post termination) has a qualifying event	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Unemployment</b>
Former employee not on unemployment (less than 30 days post termination) has a disability	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Other laws may apply</b>

**If my employer has a private plan for parental leave that pays 100% salary for a designated number of weeks how would MetLife coordinate the private plan with the statutory benefit?**

As part of our benefit coordination process, MetLife’s claims team will reach out to the employer to coordinate dates of the company leave that directly overlaps with the state leave (i.e., the company’s parental leave and PFL child bonding). If the employer is seeking reimbursement, per the law, the employer needs to request reimbursement before MetLife has paid the employee.

**If I receive an employer-provided benefit at a different time, can my employer be reimbursed for benefits?**

No. The state guidelines require MetLife to make benefit payments within [18 days] of receiving the completed claim form. Therefore, the employer reimbursement needs to be confirmed at the same time. MetLife will either pay the employee or employer based on these state rules. For an employer to be eligible to receive the NY PFL benefit as reimbursement, the employee MUST apply for NY PFL benefits equivalent to the dates paid under the employer’s private plan so that the benefit payments can be set up to automatically reimburse the employer for the same absence days that the employer is paying the employee.

**Can my employer require employees to use their earned sick or vacation time before using PFL?**

No, an employer cannot require an employee to take other accrued benefits or company provided leave before PFL. If the employer offers, the employee can choose to use other leave to top off their PFL to receive [100%] of their average weekly wage.

**Can an employee elect to end the DBL benefit and then begin the NY PFL sooner as it is a richer plan than DBL?**

Generally, this can take place after the delivery of a baby. The birth mother can switch from a DBL claim to a PFL claim for child bonding. Other claims will be decided on a case-by-case basis. As best practice employers should include on their employee benefit guide how PFL/DBL will interact with other company benefits, so that employees can make an educated decision at claim time.

## What proof or supporting documentation is needed to support a claim?

### For child bonding for a newborn:

- A copy of the child's Birth Certificate, or
- A statement from the child's health care provider stating child's date of birth, or
- A statement from the mother's health care provider stating child's date of birth.

### For child bonding for adoption or foster care placement:

- A copy of court documents finalizing the adoption; or
- Documentation from the child's healthcare provider; or
- Foster and/or adoption agency paperwork containing adoption or placement.
- Please note: If the claimant is not the parent named in the court documents, they may also be asked to provide proof verifying the relationship to the parent in locos named in the court documentation, such as, but not limited to, marriage certificate, civil union, or domestic partnership documentation.

### For leave to care for a family member with a serious health condition, the claimant must provide ONE of the following:

- Certification of a Serious Health Condition form filled out by the claimant and their healthcare provider. It can take two [(2) weeks] or more for the doctor's office to process this paperwork, so the claimant should be sure to submit it to them as soon as possible, or
- A doctor's note, or Attending Physician Statement (APS). Please make sure it includes the same information as the Certification of Serious Health Condition form and the healthcare provider license/registration number.
- Please note: In some cases, a statement confirming the relationship between the covered employee and the family member may also be requested.

### For qualifying military exigency needs, claimants will need to verify their family member's service with one of the following:

- Covered family member's active-duty orders, or
- Letter from the military unit documenting impending call or order to covered duty, or
- Documentation of military leave signed by the approval authority for the military member's rest and recuperation.
- If leave is requested to meet with a third party, such as a school official, counselor, or attorney, the claimant must provide documentation of the meeting that includes:
  - The name, address, and contact information of the individual or entity with whom they are meeting
  - A description of the meeting

## Claims Processing

### What happens if I am out on a NY PFL continuous leave in [2023] which extends into [2024]?

Benefits are locked in based on the first day of absence. A NY PFL claim in [2023] is capped at the [2023] maximum weekly benefit. Therefore, if the claim started in December [2023], even if it will roll into January [2024] absences will be capped at the [2023] maximum weekly benefit.

### Can NY PFL be taken intermittently?

Yes, NY PFL can be taken in full day increments as requested by a qualified claimant.

### What is the difference between a recurrent claim and a new claim?

The PFL claim is considered 'recurrent' if, (1) the employee files for a NY PFL absence within 3 months of a prior claim, (2) the claim reason is the same, and (3) there are still benefits available on the prior claim.

**Scenario 1:** An employee took 6 weeks of NY PFL in 2023, starting November 19 through December 31 to bond with their new child. On February 1, the employee requests leave for the same reason as the earlier claim. Because the claim is for the

same claim reason and it is within 3 months of the original claim, it is treated as a recurrent claim. The 2023 benefit applies for the remaining 6 weeks of the NY PFL claim.

**Scenario 2:** An employee took 6 weeks of NY PFL in 2023, starting November 19 through December 31 to bond with their new child. On February 1, the employee requests leave for a new reason – to care for their mother who needs care after cancer surgery. Because the claim is for a different qualifying reason, the employee will need to file a new claim. A 52-week lookback is performed showing 6 weeks of PFL used. 12 weeks minus 6 weeks already taken = 6 weeks of PFL available for the new February claim.

### **Can an employee who is out on maternity leave in the fall of 2023 wait until 2024 to take NY PFL child bonding to get the enhanced benefits?**

Yes, under NY PFL law, covered employees can take PFL for bonding with a new child at any time within the first 12 months of the child's birth, adoption, or foster care placement.

### **Should a NY PFL claim be filed for half days similar to FMLA absences?**

No. FMLA allows the employee to take off partial days under certain circumstances, but PFL only allows for full days of intermittent leave. If the employee asks for a partial PFL day, the leave will be denied because the law requires a full day of leave.

### **Why does the law say the employee must give a 30-day advance notice of foreseeable leave?**

The 30-day advance notice requirement is for the employee to alert their supervisor/employer that they will be absent. This may help with staffing and identify back up training to cover while the employee is out for an extended period. There is no requirement for the insurance claim to be submitted early.

### **What if a claim is denied?**

If a claim has been denied, the claimant may reach out to MetLife to have the claim reconsidered, especially if the claimant has new information to support their claim. If, after a second review and the claim is still denied, the claimant may file an appeal with the state. The denial letter will provide the appeal filing instructions.

## **General Tax Questions**

### **Are benefit taxable?**

**DBL:** Traditionally, if an employee pays the premiums with after-tax dollars, the benefits they receive are tax free; if the employer funds the benefit, benefits are taxable.

**PFL:** According to the Tax Notice published by the state (Tax Notice No N-17-12) PFL benefits are taxable, regardless of whether the employee or employer funds the benefit. Benefits paid to the employee is recorded on a Form 1099-MISC.

### **Are taxes automatically withheld?**

**DBL:** Yes

**PFL:** No. Taxes will not automatically be withheld from benefits, but employees can request voluntary tax withholding. They simply need to submit a W-4S tax form to the claims team and taxes can be withheld.

### **Are contributions after or before tax?**

**PFL:** Employee PFL contributions must be deducted on an after-tax basis. Pretax contributions are not allowed. Employers can choose to pay all or a portion of the employee's PFL contribution; however, employer PFL contributions are not required.

### **How does my employer report payroll contribution?**

Your employer will report employee contributions on Form W-2 using Box 14 – state disability insurance taxes withheld.

### **How are wages defined for contribution 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.



## Resources



**Need more information visit:**

The MetLife PFML [website](#) regarding state mandated benefits.

**NY State Resources:**

For the NY DBL website, [click here](#).

For the NY PFL website, [click here](#).

**For details regarding your coverage, contact your MetLife Representative.**

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