

# What You Need to Know

About your New York DBL and PFL Benefits



Disability Benefits Law (DBL) and Paid Family Leave (PFL) benefits are both intended to help ensure you continue to receive pay while away from work because of a covered absence. However, these benefits are used for different purposes and it's important for you to understand how the PFL benefit integrates with DBL.

The state of New York requires that covered employers (with one or more employees) provide PFL for eligible employees working in New York State. Disability benefits are still available to you as a covered employee. PFL allows you time off work to care for another family member, while DBL is taken for your own disability. You may not take both PFL and DBL at the same time.

## Disability Benefits Law (DBL)

### Who is eligible?

Covered full-time employees who have worked four consecutive weeks (30 days) or more, or part-time employees who have worked 25 days.

*Note: If you change jobs from one covered employer to another, or take an authorized leave of absence from the same employer, you do not have to meet additional eligibility with your new employer. A full-time employee is also covered for 4 weeks after termination of employment.*

### What is a qualifying event for DBL?

A qualifying event is the inability of an employee, as a result of injury or sickness not arising out of and in the course of an employment, to perform the regular duties of employment or the duties of any other employment which the employer may offer at regular wage and which injury or sickness does not prevent performing. This also includes disability caused by, or in connection with, a pregnancy.

### What are the benefit amounts?

Employees receive up to 50% of their Average Weekly Wage, capped at \$170.00 per week.

### How is DBL funded?

Your employer may deduct 0.5% of wages up to \$0.60/week.

### Is there a waiting period before benefits are paid?

There is a 7-day waiting period during which no benefits are paid.

### How will DBL and the Family Medical Leave Act integrate with PFL?

The maximum amount of time you can take leave under DBL and PFL combined is 26 weeks within a 52-week period. FMLA runs concurrently with PFL.

## Paid Family Leave (PFL)

### Who is eligible?

An employee regularly scheduled for 20 or more hours per week will become eligible for PFL with such employer once employed for 26 consecutive weeks. An employee regularly scheduled for less than 20 hours per week will become eligible on the 175th day of regular employment and may take leave on the first full day following.

*Note: If you change jobs from one covered employer to another, the eligibility period has to be satisfied with the new employer prior to receiving benefits.*

### What is a qualifying event for PFL?

Qualifying events include:

- Bonding with a newborn, adopted or foster child during the first 12 months
- Caring for a family member with a serious health condition. A family member includes: a child, spouse, domestic partner, parent, grandparent, grandchild or parent of a spouse/partner
- Attending to important matters concerning a family member's active military service

*Note: PFL is not available for an employee's own serious health condition or employee's military service.*

### What are the benefit amounts?

Eligible employees receive up to 12 weeks of leave, paid at 67% of the employee's average weekly wage, capped at 67% of the state average weekly wage. In 2022, the maximum benefit is \$1,068.36 (based on a 67% benefit of the state's average weekly wage for 2022).

### Is there a waiting period before benefits are paid?

PFL is payable on the first day of leave.

### How is PFL funded?

In 2022, the premium rate as set by the state of New York is 0.511% of an employee's annual wage, capped at the annualized state wide average weekly wage (\$82,917.64). Based on this calculation, the maximum contribution for an employee is \$423.71/year. New York State requires employees to pay PFL premium.

### Will maternity leave be covered under PFL, DBL or both?

Under PFL, women and men may each take leave for bonding with children under the age of one year. Women may still be eligible for a disability claim benefit under DBL. An employee cannot take PFL and DBL at the same time.

### Is there job security while on PFL?

Similar to the FMLA, individuals taking an approved leave for a covered PFL absence have job protection.

### When do I notify my employer of my leave?

If your leave is foreseeable, you must give 30 days notice to your employer. If 30 days is not practical, you must give notice as soon as possible.

### What if PFL has been utilized in the previous year?

The Employee's PFL benefit is based on the schedule in effect on the first day of leave, until there has been 3 months since the last day of leave. Therefore, employees whose first day of leave was in 2020, would continue to fall under the 2020 benefit schedule until 3 months has passed since the last day of leave. The 52-week lookback applies to employees that took leave in the last year.

