

Adapting to change

What you need to know
about New York Paid
Family Leave

GROUP BENEFITS

2021
Employee Guide

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Lincoln Life & Annuity Company of New York
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Paid Family Leave is a mandatory benefit in New York

This guide includes helpful information about what Paid Family Leave (PFL) is, who is eligible and how it coordinates with other leave plans.

What is Paid Family Leave?

New York's Paid Family Leave program provides eligible employees continuous or intermittent paid leave to:



Provide care for a seriously ill family member.

Qualified types of care include:

Physical care, emotional support, visitation, assistance in treatment, transportation, arranging for a change in care, assistance with essential daily living matters and personal attendant services; additionally, travel for the purpose of securing medication or to arrange care for the family member is also eligible.

Who counts as a family member?

Spouse, domestic partner, child, parent, grandparent and grandchild

What counts as a serious health condition?

An illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice or residential healthcare facility; or continuing treatment or continuing supervision by a healthcare provider.



Bond with a child following a birth or adoption, or welcome a child into foster care.

Taking Paid Family Leave to bond with your new baby

You can take Paid Family Leave to bond with your new baby after a birth. Your leave must be completed within 12 months of birth.

Taking Paid Family Leave for adoptions or foster care

You can take Paid Family Leave for adoption or foster care beginning on the date of the placement or in advance as outlined below.

You can take Paid Family Leave before the actual placement or adoption of a child if an absence from work is required as part of the process, such as counseling sessions, appearing in court, consulting with attorneys or doctors representing the birth parent, physical examinations or traveling to another country to complete an adoption.

Regardless of when the leave commences, you must complete your Paid Family Leave within 12 months of the placement of the child.



Attend to family matters if a family member is called to active military duty (military exigency).

You can take Paid Family Leave to attend to family matters if a family member is on active duty, called to active duty status or has been notified of an impending call to active duty in the armed forces of the United States.

Examples of family matters for which you may need time away from work include:

Attending a military event or ceremony, arranging for child care, meeting with an attorney for estate planning or to draft a power of attorney, or meeting with a professional for financial planning.

Family members are defined as:

- **Child**, (biological, adopted, or foster son or daughter, a stepson or stepdaughter, a legal ward, a son or daughter of a domestic partner, or the person to whom you stand in place of a parent)
- **Parent** (biological, foster or adoptive parent, a parent-in-law, a stepparent, a legal guardian or other person who stood in place of a parent to you when you were a child)
- **Grandchild** (a child of your child)
- **Grandparent** (a parent of your parent)

As an employee, your job is protected during a covered leave and there is no waiting period for benefits. Your employer must continue health coverage during a paid leave as long as you continue to make any required healthcare premium contributions.

Am I eligible for Paid Family Leave?

Your eligibility for Paid Family Leave benefits is based on the following:

Full-time

If you work 20 or more hours per week, you are eligible for benefits after **26 consecutive weeks** of employment with your employer.

Part-time

If you work fewer than 20 hours per week, you are eligible for benefits after **175 days** of work with your employer.

The use of vacation, personal, sick or paid time off (PTO) days counts toward eligibility. However, days taken for Statutory Disability do not count toward eligibility.

Eligibility for Paid Family Leave benefits is based on your employment with your current employer (as stipulated by the state of New York). Therefore, eligibility periods met with a prior employer will not count toward meeting eligibility under your current employer's plan with Lincoln.

What are Statutory Disability benefits?

- Statutory Disability benefits are available to employees who are disabled as a result of an injury, sickness or pregnancy.
- You are eligible for this benefit if you work in the state of New York and have worked for any covered employer for four consecutive weeks.
- In general, Statutory Disability benefits provide 50% of your average weekly wage up to \$170 per week.
- There is a seven-day benefit waiting period for benefits to begin, and benefits may be payable for up to 26 weeks.
- As you will see on the following pages, any time you take for Statutory Disability may impact how much time you are eligible to take for Paid Family Leave, and vice versa.

How do Paid Family Leave benefits work?

You can take paid leave either in weekly or daily increments. The 2021 maximums are:

12 weeks

if you take paid leave in **weekly increments**
(for example, to help care for a sick family member for an extended period)

60 days*

if you take paid leave in **daily increments**
(for example, to accompany a sick family member to healthcare appointments)

* Based on the average number of days worked per week for the eight weeks preceding your family leave. If you work an average of three days per week, your maximum number of intermittent days would be 30 for a claim that begins in 2020. In 2021, 60 days only applies for employees with an average work week of 6 or 7 days.

Benefit amounts are calculated as follows:

Weekly increments

67% of your Average Weekly Wage, up to a maximum of \$971.61 per week (67% of the 2021 State Average Weekly Wage of \$1,450.17)

Daily increments

same formula as weekly, but prorated by the average number of days worked per week during the eight weeks preceding a paid leave

Benefit amounts and maximum lengths of paid leave are expected to increase annually over the next few years based on how the state of New York designed the program.

Impact if you took leave in 2020

If your leave begins in 2021, the 2021 Paid Family Leave benefit limits will apply. If your leave began in 2020 and continues into 2021, the 2020 benefit limits will apply to the existing leave (as a reminder, PFL benefits were payable at 60% of your average weekly wage — up to \$840.70/week — for up to 10 weeks).

However, any remaining PFL time would be payable according to the 2021 benefit limits if you requested and completed leave in 2020 and requested subsequent leave in 2021 for the same reason (and the leaves are separated by more than three months). The same would apply if you took leave in 2020 and requested leave in 2021 for a different, covered leave reason.

How does NY Paid Family Leave coordinate with other programs I may be entitled to?

Paid Family Leave and Statutory Disability

Lincoln provides a single plan that combines Paid Family Leave and Statutory Disability. Simply stated:

- Paid Family Leave lets you take time off to care for or bond with an eligible family member.
- Statutory Disability lets you take time off to recover from your own injury or illness.

Paid Family Leave and Statutory Disability share a maximum duration of 26 weeks within a rolling 52-week period. Lincoln looks at the 52 weeks before you became disabled or your date of leave to assess the benefit amount you are eligible for, based on how much you may have already received. The following scenarios describe how you may receive Statutory Disability or Paid Family Leave benefits within a rolling 52-week period:



Paid Family Leave provides up to 12 weeks of leave in a 52-week period (in 2021).



Statutory Disability provides up to 26 weeks of leave in a 52-week period.



You cannot take both Paid Family Leave and Statutory Disability at the same time, meaning you can only receive benefits from one coverage at a time.



If you qualify for both Paid Family Leave and Statutory Disability at different points within a rolling 52-week period, the combined duration of benefits payable from both coverages cannot exceed 26 weeks. In addition, Paid Family Leave benefits are capped at 12 weeks for claims that are initiated at any point in 2021.

Your eligibility for benefits is always assessed based on a rolling 52-week period. If you have taken leave or disability for multiple reasons, Lincoln will look back at the amount of benefits payable for either type of absence to determine your eligibility for new periods of leave or disability. Examples may include having a baby two years in a row, taking leave at different points for the same or a different reason, or being on Paid Family Leave and later becoming disabled.

Paid Family Leave and company-paid leave

Your employer may sponsor other programs, such as a short-term disability plan or a parental leave program, which may impact your Paid Family Leave benefits. Lincoln will assess the benefits from these types of programs to determine your eligibility for Paid Family Leave benefits.

Paid Family Leave and the Family and Medical Leave Act (FMLA)

FMLA and Paid Family Leave are different. You are not required to qualify for one to qualify for the other. However, because these programs are similar, your leave may qualify you for both FMLA and Paid Family Leave at the same time. When this happens, you will use available FMLA and Paid Family Leave concurrently for that period. There are multiple factors that determine your eligibility for FMLA. Follow guidelines outlined by your employer in understanding how that program impacts you. Eligibility differences:



Paid Family Leave

If you work full-time (20+ hours per week as defined by the state), you are eligible after 26 consecutive weeks of employment with your employer; if you work part-time (fewer than 20 hours per week as defined by the state), you are eligible after 175 work days of employment with your employer.



FMLA

You are eligible for leave, provided

1. You have worked for your employer for 12 months (need not be consecutive)
2. You have worked 1,250 hours in the 12 months preceding a leave, and
3. You work in a location with 50 or more employees within 75 miles at the time your leave is requested.

Taking time off to bond with a child following a birth

Here is an example of how Paid Family Leave could coordinate with other leave plans following the birth of a child:

Example 1 – Baby is born																	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Statutory Disability Leave*						Paid Family Leave											
Family and Medical Leave Act (FMLA)																	

Example 2 – Baby is born																	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Paid Family Leave																	
Family and Medical Leave Act (FMLA)																	

Example 3 – Baby is born																	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
Statutory Disability Leave*										Paid Family Leave (taken within 12 months of birth; remaining FMLA runs concurrently)							
Family and Medical Leave Act (FMLA)																	

*Up to eight weeks for a cesarean section.

You are not required to follow a set sequence for a maternity claim. You may opt to:

- Take Statutory Disability for the birth and Paid Family Leave for bonding immediately following the Statutory Disability claim.
- Forgo Statutory Disability altogether to take Paid Family Leave only for bonding.
- Take Statutory Disability for the birth and Paid Family Leave for bonding at a later point, as long as it is completed within 12 months of the birth. If you elect this option and you are also eligible for FMLA, your FMLA will end at the same time as your Statutory Disability claim and you will need to return to work. When you are ready to begin your Paid Family Leave bonding claim, your remaining FMLA entitlement would run concurrently.

If your employer sponsors a short-term disability (STD) plan and an STD claim would be payable at the same time as your Paid Family Leave, Lincoln would issue one payment for your PFL benefit and any excess benefits you may qualify for under the STD plan as a separate payment.



How much does Paid Family Leave cost?

An employee-funded benefit

The state of New York designed the Paid Family Leave program to be 100% funded by employee payroll deductions. While the state set the cost of the coverage at 0.511% of your wages, not to exceed \$385.34 for the 2021 calendar year, your employer will outline the cost impact to you.

How do I submit a claim?

Providing notice to your employer

If you plan to take a qualified paid leave, you are expected to provide notice to your employer 30 days in advance for foreseeable events, or as soon as practicable for unforeseen leaves. Contact your employer to request the appropriate claim form. Once you complete the employee section of the claim form, you should request your employer to complete the employer section of the form. Once your claim form is complete, you are then responsible for submitting the claim form to Lincoln.

Reporting a claim to Lincoln

Claim forms can be requested from your employer. You can submit your completed Paid Family Leave claim form through one of our convenient methods below:



Email: DisabilityClaims@LincolnFinancial.com



Phone: 800-423-2765



Fax: 877-843-3950



Mail: Lincoln Life & Annuity Company of New York
P.O. Box 2609
Omaha, NE 68103-2609

If reporting by phone, please be prepared to provide the following: your name, Social Security number, date of birth, address, contact information, your employer name, policy number, reason for leave and estimated dates of leave.

Once a claim has been received, we will assign a claim examiner who will review the claim and contact you and/or your employer to gather any additional information needed. Your claim examiner will also assess claims you may have submitted for Statutory or short-term disability.

If you are claiming Paid Family Leave for maternity immediately after a Statutory Disability claim concludes, you may do so without submitting a Paid Family Leave claim form. Your claim examiner can gather necessary information over the phone to initiate the Paid Family Leave claim on your behalf.

Once your claim has been approved for intermittent leaves, you must notify Lincoln within two business days each time you take an intermittent day of leave. These days may be conveniently reported 24/7 via Lincoln's automated phone system, 800-423-2765.

Taxability

If Paid Family Leave benefits are paid to you, they will be considered taxable, nonwage income included in your federal gross income. Lincoln will not deduct income taxes from benefit payments unless you submit a voluntary tax-withholding request. At year-end, Lincoln will issue a Form 1099-M directly to you reflecting the benefits paid during the applicable year.

We're here to help

Claim submission

Submission of Statutory Disability and New York Paid Family Leave claim forms, medical records and documentation

Email: DisabilityClaims@LincolnFinancial.com

Phone: 866-STD-CALL (866-783-2255)

Fax: 877-843-3950

Mail: Lincoln Life & Annuity Company of New York
P.O. Box 2609
Omaha, NE 68103-2609

Intermittent time for approved claims may be reported 24/7 via Lincoln's automated phone system.

Claim inquiry

Claim status and general claim questions

Email: Claims@LincolnFinancial.com

Phone: 800-423-2765

Fax: 877-843-3950

Web: LincolnFinancial.com (Lincoln4Benefits portal)

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