

Adapting to change

What employees need to know about
New York Statutory Disability



2021 Employee Guide

Statutory Disability is a mandatory benefit in New York

The state of New York Workers' Compensation Board mandates that employers based in New York and elsewhere provide disability insurance to employees working in New York. The state's disability program is known as Disability Benefits Law (DBL) and is often referred to as Statutory Disability or State Disability.

This guide includes helpful information about what statutory disability is, how it coordinates with other benefits and what you need to know about qualifying for coverage.

What is statutory disability?

New York's mandated statutory disability program provides disability benefits for employees who are unable to work due to a non-work-related injury or sickness.

Am I eligible for statutory disability?

Most employees working in New York must be covered under their employer's New York statutory disability plan. The state makes exceptions for some employee types. Your employer will advise you if you are eligible for coverage. For employee types covered under the plan, there is no minimum number of hours you must work per week or minimum level of wages you must earn to meet eligibility, and you cannot waive your right to be covered.

Once eligibility is met, your coverage will remain in-force for the duration of your employment and may continue for up to four weeks after your employment ends. If you begin to work for another covered employer during the four weeks post-termination, you will be terminated from your prior employer's plan immediately.

When do I become eligible?

To qualify for benefits you must have worked for four consecutive weeks for a covered employer.

An employer is considered covered four weeks after they have employed one or more employees working in New York for any 30-day period in a calendar year.

If you worked for a different covered employer for four consecutive weeks immediately before employment began with your current employer, or you were receiving unemployment benefits before your employment began, you are eligible for coverage immediately.



How do statutory disability benefits work?

Statutory disability benefits are payable if you meet eligibility and satisfy the following definition of disability:

Disability means the inability of an employee, as a result of injury or sickness not arising out of and in the course of employment, to perform:

1. the regular duties of his or her own employment; or
2. the duties of any other employment that the employer may offer at regular wages, and which injury or sickness does not prevent the employee from performing.

During unemployment, disability means the inability to perform the duties of any employment for which the employee is reasonably qualified by training and experience.

Minimum benefits required by the state of New York:



Seven-day benefit waiting period for injury or sickness



50% of an employee's average weekly wages, up to \$170 per week



Benefits are payable for up to 26 weeks within a 52-week period (this duration is shared with New York Paid Family Leave). See additional detail in the statutory disability and paid family leave coordination section.



Maternity benefits are payable for six weeks for normal delivery and eight weeks for a cesarean section.

Your employer will communicate your specific benefits to you.

Am I required to contribute toward the cost?

Employers are not required to withhold deductions from their employees to pay for statutory disability premium. However, they have the option to withhold half of 1% of the first \$120 of weekly wages, up to \$0.60 per week. Your employer will notify you if premium is being deducted from your paycheck to go toward the cost of statutory disability coverage.

Coordination with other leave plans

Statutory disability and paid family leave

Lincoln provides a single plan that combines New York statutory disability and paid family leave. Simply stated:

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

Here are a few things to keep in mind regarding the coordination of benefits:



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

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Paid family leave provides up to 12 weeks of leave in a 52-week period (for claims that commence in 2021).



You cannot take both paid family leave and statutory disability at the same time.

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Statutory disability and paid family leave have a shared duration, meaning your eligibility for disability and paid family leave at different points within the same rolling 52-week period is limited to a total of 26 weeks of payable benefits. In 2021, paid family leave benefits are capped at 12 weeks.

Your eligibility for benefits is always assessed based on a rolling 52-week period. If you have been on disability leave more than one time, Lincoln will review the amount of benefits payable for statutory disability and paid family leave to determine your eligibility for new periods of leave or disability. Examples may include taking Short-term Disability for the birth of a child two years in a row, taking leave at different points for the same or different reasons, or being on paid family leave and later becoming disabled.



Statutory disability and company-paid sick leave

Per New York Workers' Compensation regulations, if your employer continues your wages while you are disabled at a level equal to or greater than the statutory disability benefit for which you would qualify, your employer is entitled to receive that benefit from Lincoln. No benefit would be payable to you in this instance. You will still be required to apply for statutory disability benefits even if your employer receives reimbursement.

Keep in mind, if your employer continues wages for a shorter period than the amount for which you are qualified under the statutory disability plan, Lincoln will issue any remaining benefit payments to you directly once your wages are no longer continued by your employer.

Statutory disability and the Family and Medical Leave Act

Your own serious health condition is an eligible leave reason under the Family and Medical Leave Act (FMLA). When you qualify for statutory disability and FMLA, they will run concurrently. During the period in which they run concurrently, your job will be protected.



Statutory disability and short-term disability

If you are covered under a short-term disability plan sponsored by your employer and administered by Lincoln, we will assess your eligibility for short-term disability benefits if you become disabled. If you qualify for benefits under both plans, Lincoln will coordinate the application process, ongoing claims management and claim payments under both coverages.



Taking time off to bond with a child following a birth

Here is an example of how statutory disability and paid family leave may coordinate following the birth of a child:

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

*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 plan, benefits under that plan would be payable at the same time as your statutory disability. Lincoln would issue one payment for your statutory disability benefit and another separate payment for any excess benefits you may qualify for under the short-term disability plan.

How do I submit a claim?

Statutory disability is a part of Lincoln's Integrated Claims model.

It is important that claims are submitted in a timely manner. Claims should be filed with your employer or with Lincoln within 30 days of the first day of disability. A claim submitted after this period may be considered a late filing and may be subject to a delay in payment or denial, per New York Workers' Compensation regulations. When a claim is deemed a late filing, retroactive payments will be limited to two weeks before the claim was received. Claims received more than 26 weeks from the first day of disability may be denied.

The first benefit payment is payable within four business days of the later of: (a) the day a complete proof of claim is received and Lincoln confirms your eligibility, or (b) the completion of the first week of disability following the day benefits begin (provided proof of claim and eligibility have been received).



Reporting a claim to Lincoln

Claims forms can be requested from your employer. You can submit your completed statutory disability claim form through one of our convenient methods below:

Email: DisabilityClaims@LFG.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

If reporting your claim by phone, please be prepared to provide the following: your name, Social Security number, date of birth, address, contact information, your employer's name, policy number, your occupation, last day worked, diagnosis and physician's contact information.

Once a claim has been received, we will assign a claims examiner who will review the claim and contact you, your employer and your physician to gather any additional information needed.

If you are claiming paid family leave for maternity immediately after your statutory disability claim concludes, you may do so without submitting a paid family leave claim form. Your claims examiner can gather necessary information over the phone to initiate the paid family leave claim on your behalf.



Taxability

The same proportion of premium deducted from your paycheck on a post-tax basis, if any, will determine the proportion of disability benefits that will be nontaxable. For example, if your payroll deductions total 25% of the disability premium, 25% of the benefit will be nontaxable. If your employer pays the cost of statutory disability coverage in full, 100% of your benefit will be taxable.

We're here to help

Claims Submission

Submission of statutory disability and New York paid family leave claim forms, medical records and documentation

Email: DisabilityClaims@LFG.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

Claims Inquiries

Claims status and general claims questions

Email: Claims@LFG.com

Phone: 800-423-2765

Fax: 877-843-3950

Web: LincolnFinancial.com (Lincoln4Benefits portal)

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