



# A Guide to New York's Disability Benefits Law (DBL) & Paid Family Leave (PFL) Law

Frequently Asked Questions

**This guide helps provide an explanation of the New York employer-mandated statutory programs, including information on insurance coverage and services offered.**

### **What is DBL?**

Disability Benefits Law (DBL) is a New York State-mandated disability insurance program designed to provide employees with temporary cash benefits when disabled by an off-the-job injury or illness.

### **What are the employee eligibility requirements under DBL?**

Full-time employees are eligible after completion of four consecutive weeks of employment unless they have previously established their eligibility. Part-time employees are eligible on the 25th day of regular employment unless eligibility was previously established. If an employee is terminated after establishing eligibility, the employee will continue his/her eligibility on the first day of new employment with a new employer, provided that the new employment commences within four weeks after his/her termination. During these four weeks, DBL benefits will be provided by the prior employer unless new employment is established.

If an employee assumes employment for a period in excess of five days, with an employer who is not required to provide DBL benefits, the employee loses eligibility and must reestablish it upon assuming employment with an employer who is required to provide DBL benefits. A terminated employee, who has previously established eligibility and who receives Unemployment Insurance Benefits, is eligible for DBL on the first day of new employment.

An employee, returning to work after an agreed unpaid leave of absence or vacation, is eligible for DBL immediately upon returning to work.

### **What are the benefits payable to employees under DBL?**

The benefit amount payable for Statutory DBL is 50% of an employee's average weekly wages to a maximum of \$170 per week. Higher benefit amounts are payable with Guardian's Enhanced DBL plans.

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- The maximum duration for DBL benefits is 26 weeks.
- Benefits begin on the eighth consecutive day of disability.



### **What is PFL?**

Effective January 1, 2018, Paid Family Leave (PFL) is a New York-mandated insurance program that provides paid, job-protected leave to employees so they can:

- Bond with a newly born, adopted, or fostered child;
- Care for a family member (spouse, domestic partner, child, parent, parent-in-law, grandparent, or grandchild) with a serious health condition; or
- Assist loved ones when a family member (spouse, domestic partner, child, or parent) is deployed abroad on active military duty.

PFL coverage is required to be included under the disability policy New York employers are mandated to carry under DBL.

### **What are the employee eligibility requirements under PFL?**

- Employees with a regular work schedule of 20 or more hours per week are eligible after 26 consecutive weeks of employment preceding the first full day of leave.
- Employees with a regular work schedule of fewer than 20 hours per week are eligible after 175 days worked preceding the first full day of leave.

As with DBL, once employee eligibility requirements are met, the employee remains eligible for the duration of employment, regardless of a change in work schedule.

## What are the benefits payable to employees under PFL?

Year	Maximum Length of Paid Leave	Payable % of Employee's AWW	Maximum Weekly Benefit (% of NYSAWW*)
2021	12 weeks	67%	\$971.61 (67% of NYSAWW - \$1,450.17)
2022	12 weeks	67%	\$1,068.36 (67% of NYSAWW - \$1,594.57)

\*New York State Average Weekly Wage

Benefits are payable as of the first day of a qualified leave event.

### What are employee protections provided under PFL?

- Employees have a right to return to the same or comparable job upon return from PFL.
- Employees are guaranteed continued health insurance while on leave. Employers may require employees to continue to pay their health insurance premium contributions.
- Citizenship and immigration status does not impact eligibility.
- Employers cannot discriminate against employees for taking PFL.

### How does DBL work with PFL?

DBL and PFL cannot be taken at the same time. The total combined disability leave and paid family leave in any 52-week period cannot exceed 26 weeks.

### Who must provide DBL and PFL coverage?

Private employers in New York State who employ one or more employees (not counting the owner) on each of 30 days in any calendar year must provide both DBL and PFL coverages. PFL is administered through an employer's existing DBL policy.

The following are examples for consideration of employees who are NOT required to be covered for DBL and PFL, as outlined by New York Workers' Compensation Law. Additional employee situations may apply. Guardian recommends you seek guidance from your own legal counsel when making employee coverage determinations.

- Minor children of the covered employer

- Daytime students in elementary or secondary school who work part-time during the school year or their regular vacation period
- An independent contractor
- Government, railroad, maritime or farm laborers
- Ministers, priests, rabbis, members of religious, orders, sextons and Christian Science leaders
- Persons engaged in a professional or teaching capacity in or for a non-profit religious, charitable or educational institution
- A volunteer in or for a religious, charitable or educational institution
- A recipient of charitable aid from a religious charitable or educational institution, or one who performs work in, or for, the institution in return for aid
- Golf caddies
- An employee during the first 45 days of "extra employment" (people who are normally not in the labor market but are hired for regular or casual work in the normal course of business for a limited period of time.)
- Executive officer(s) of a one or two-person corporation which has no other eligible employees, and where the executive officer(s) owns all the stock and holds all of the offices of the corporation
- Sole proprietorships and partnerships that do not have any employees.
- Any employee who is receiving or is entitled to receive old-age benefits under Title II of the Social Security Act

## How are claims reported?

Claims should be reported directly to Guardian in one of the following ways:

### DBL Claims

#### Mail:

State Disability Claims  
P.O. Box 14332  
Lexington, KY 40512

Fax: 610 807 2953

#### DBL Claims Inquiries:

Email: [State\\_Disability\\_Claims@glic.com](mailto:State_Disability_Claims@glic.com)  
Phone: 800 268 2525

### PFL Claims

Mail: Guardian Life Insurance Company of America  
P.O. Box 981578  
El Paso, TX 79998

Fax: 610 807 2950

#### PFL Claims Inquiries:

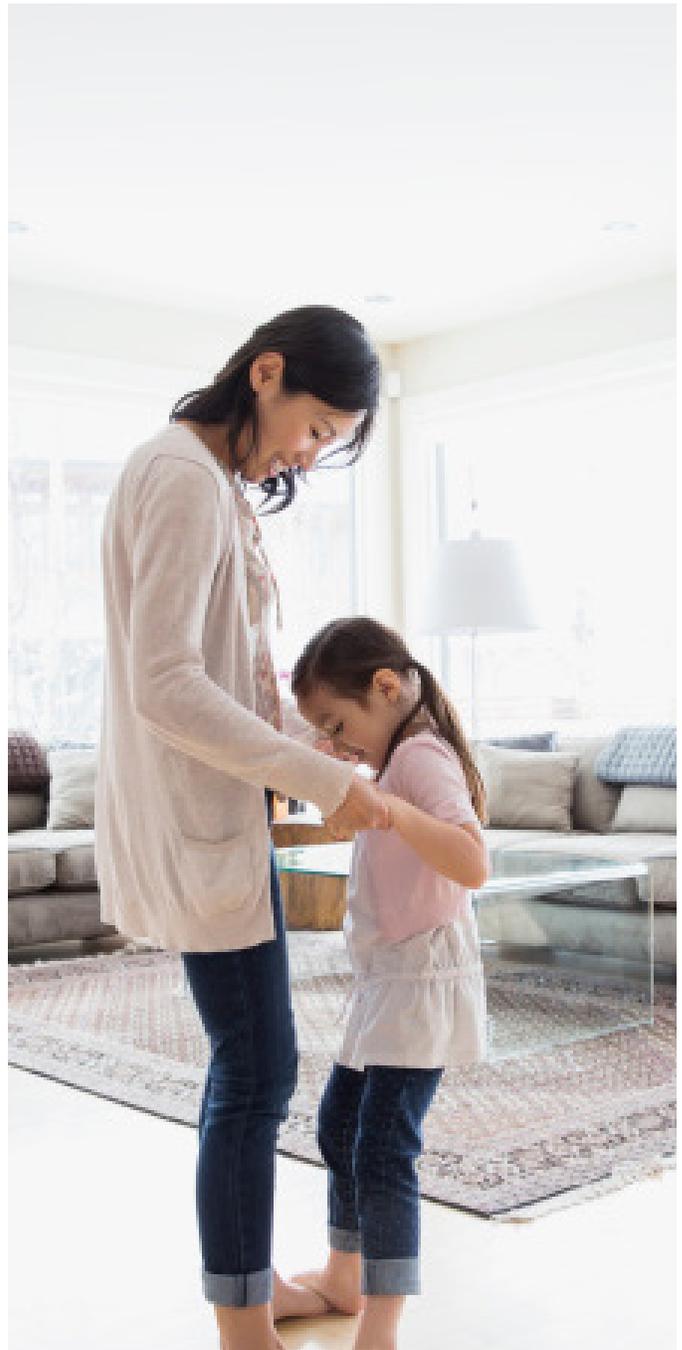
Email: [Paid\\_Family\\_Leave@glic.com](mailto:Paid_Family_Leave@glic.com)  
Phone: 800 268 2525

#### Electronically via GuardianAnytime.com:

Click on "Contact Us (Secure)" at the top of the page

#### Where can I find more information regarding DBL and PFL?

- **DBL:**  
[wcb.ny.gov/content/main/DisabilityBenefits/employee-disability-benefits.jsp](http://wcb.ny.gov/content/main/DisabilityBenefits/employee-disability-benefits.jsp)
- **PFL:**  
[paidfamilyleave.ny.gov/2022](http://paidfamilyleave.ny.gov/2022)
- **Guardian PFL page:**  
[guardianlife.com/absence-management/nypfl-law](http://guardianlife.com/absence-management/nypfl-law)



**The Guardian Life Insurance Company of America**  
New York, NY

[guardianlife.com](http://guardianlife.com)

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