

Adapting to change

What you need to know
about New York Paid
Family Leave

GROUP BENEFITS

2023
Employee Guide



Paid family leave is a mandatory benefit in the state of New York

This guide includes helpful information about what paid family leave 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 and travel for the purpose of securing medication or to arrange care for the family member.

Who counts as a family member:

- Spouse
 - Domestic partner
 - Child
 - Parent
 - Grandparent
 - Grandchild
 - Siblings*
- *as of 1/1/23

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, are eligible conditions.



Bond with a child following a birth or adoption, adoption, or foster care placement

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 adoption 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 to the right.

You can take paid family leave before the 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 a 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 U.S. 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 drafting 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
- **Sibling:** a biological or adopted sibling, a half-sibling or stepsibling.*

*as of 1/1/23

How does paid family leave work?

As an employee, your job is protected during a covered leave, and there's no waiting period for benefits. Your employer must continue health coverage during a paid leave as long as you continue to make 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're eligible for benefits after **26 consecutive weeks** of employment with your current employer.

Part-time

If you work fewer than 20 hours per week, you're eligible for benefits after **175 days** of work with your current 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, illness, or pregnancy.
- You're 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.
- Time taken for statutory disability or paid family leave may impact allowances for the other absence type. Please see details on the next page.

How do paid family leave benefits work?

You can take paid leave either in weekly or daily increments. The 2023 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)

Typically up to 60 days*

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

* Sixty days is the maximum intermittent leave eligibility based on an employee with a five-day average workweek for the eight weeks preceding their leave. The maximum intermittent leave days an employee with a higher or lower average workweek would be eligible for is their average number of workdays per week multiplied by 12.

Benefit amounts are calculated as follows:

Weekly increments

67% of your average weekly wage, up to a maximum of \$1,131.08 per week (67% of the 2023 state average weekly wage of \$1,688.19)

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 of paid leave are expected to increase annually over the next few years. Lincoln will make updates as New York's program design changes.

Impact if you took leave in 2022

If your leave begins in 2023, the 2023 PFL benefit limits will apply. If your leave began in 2022 and continues into 2023, the 2022 benefit limits will apply to the existing leave (as a reminder, PFL benefits were payable at 67% of your average weekly wage — up to \$1,068.36 per week — for up to 12 weeks).

If you request and complete leave in 2022 and request a subsequent leave for either the same or a different covered reason more than three months later in 2023, remaining paid family leave time will be payable according to the 2023 benefit limits.

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 allows for time off to care for or bond with an eligible family member
- Statutory disability allows for 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're eligible for, based on how much you may have already received.

The following scenarios describe how you may receive paid family leave or statutory disability benefits within a rolling 52-week period:



Paid family leave provides up to 12 weeks of leave in a 52-week period.



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. Benefits are payable from one coverage at a time.



If you qualify for both paid family leave and statutory disability at different times within a rolling 52-week period, the combined duration of benefits payable from both coverages cannot exceed 26 weeks.

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 benefits paid to determine your eligibility for new periods of absence. 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 absence programs, such as a short-term disability (STD) 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.



Paid family leave

If You're eligible for leave when:

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



FMLA

You're eligible for leave if:

1. You've worked for your employer for 12 months (need not be consecutive).
2. You've 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																			
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)							
FMLA																	

*Up to eight weeks for a cesarean section.

You aren't 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 are also eligible for FMLA, your FMLA will end at the same time as your statutory disability claim, and you'll need to return to work. When you're ready to begin your paid family leave bonding claim, your remaining FMLA entitlement would run concurrently.

If your employer sponsors an STD plan, and an STD claim is payable at the same time as your paid family leave, Lincoln will issue one payment for your paid family leave benefit and a separate payment for excess benefits you may qualify for under the STD plan.



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 0.455% of your wages, not to exceed \$399.43 for the 2023 calendar year, your employer will outline the cost impact to you.

How do I submit a claim?

Notifying your employer

If you plan to take a qualified paid leave, you're expected to provide notice to your employer 30 days in advance for foreseeable events, or as soon as practicable for unforeseen leaves.

Reporting a claim to Lincoln

Report your paid family leave by calling the intake phone number 866-502-2944 or by filing online at **MyLincolnPortal.com**.

Be prepared to provide:

- Your name
- Social Security number
- Date of birth
- Address
- Contact information
- Your employer name
- Reason for leave
- Estimated leave dates

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

If your claim is for intermittent leave and has been approved, you must notify Lincoln each time you take an intermittent day. Absences may be reported calling the automated phone system or your case manager.

Taxability

Paid family leave benefits are considered taxable nonwage income and are included in your federal gross income. Lincoln will not deduct income taxes from benefit payments. 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 New York Paid Family Leave and statutory disability claim forms, medical records, and documentation

Report your paid family leave claim by phone at
866-502-2944

Claim inquiry

Once your claim is assigned to a leave specialist, you may contact your leave specialist directly for questions about your claim.

You may also log in to **MyLincolnPortal.com** for claim status.

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