

# New York Disability Benefits Law and Paid Family Leave

(NY DBL & NY PFL)

Updated as of November 2024

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# New York Disability Benefits Law (NY DBL) and New York Paid Family Leave (NY PFL) Overview

## What is New York Disability Benefits Law (NY DBL) and New York Paid Family Leave (NY PFL)?

New York Disability Benefits Law (NY DBL) is a NY benefit program that lets you ask for wage replacement benefits if you need time off from work due to a non-work-related injury or illness. New York Paid Family Leave (NY PFL) is required to be included under NY DBL policy and offers paid leave for family-related matters such as bonding with a new child, caring for a family member who has a serious health condition, or handling a qualifying military exigency.

## Is my employer required to offer NY DBL and NY PFL benefits to employees?

Yes, private employers are required to offer these benefits if they have at least one employee working in New York State on each of at least 30 days in any calendar year.

There are some specific coverage requirements for DBL and PFL benefits that can be found on the [New York State Employer Benefits Coverage Requirements website](#).

## Am I eligible for coverage?

Almost all employees working in NY for a covered employer are eligible for benefits.

| NY DBL   | NY PFL*   |
|--|---|
| <ul style="list-style-type: none"><li>• If you are a full-time employee, you are eligible after 4 weeks of consecutive employment.</li><li>• If you are a part-time employee, you are eligible after your 25th day of employment.</li></ul>  | <ul style="list-style-type: none"><li>• If you work 20+ hours per week, you are eligible after working 26 consecutive weeks.</li><li>• If you work less than 20 hours per week, you are eligible after completing 175 days of work.</li></ul> |
| <p>Please note:</p> <ul style="list-style-type: none"><li>• If you are self-employed or a business owner, there are special eligibility rules that apply. <a href="#">Click here</a> for more details.</li><li>• If you are an out-of-state employee or telecommuter: NY PFL is mainly for people who work in New York. Usually, where you live doesn't matter when deciding if your job counts as New York employment. If you work in New York, your job is considered New York employment. If you only work in New York part of the time, whether you're covered depends on other factors.</li></ul> |   |

\*If you do not meet the eligibility criteria, you can sign a waiver to remove the payroll deduction and opt out of benefits. However, if your schedule changes and you become eligible later, you will be responsible for paying retroactive contributions.

### How is the program funded?





NY DBL is a combination of employee and employer funding. NY PFL is 100% employee funded, but employers may choose to contribute or deduct from payroll.\* The state of NY annually updates the wage cap and deduction rates, which determine the premium amounts due for each employee.

| NY DBL (for 2025)                | NY PFL (for 2025)                      |
|----------------------------------|--|
| No more than \$0.60 per week     | No more than 0.388% per week up to cap |
| Max annual contribution: \$31.20 | Max annual contribution: \$354.53      |
| 0.5% up to cap                   | 0.388% to cap                          |

\*Payroll deduction must start day one of employment, and all contributions must be used towards the program for compliance. Employers cannot use the funds for any other expenses that are not DBL/PFL program administration-related.

### What are the state benefits and what life events can they be used for?

You can receive wage replacement benefits if you need to take time off for certain reasons, such as:\*

| NY DBL  | NY PFL   |  |  |
|---|--|--|--|
|  <p><b>Own Serious Health Condition*</b><br/>Your own medical need (including organ and tissue donations)</p> |  <p><b>Child Bonding</b><br/>Including newborn, adoption, and foster placement</p> |  <p><b>Family Caregiver</b><br/>When a covered family member has a serious health condition</p> |  <p><b>Military Exigency</b><br/>When a covered family member is called to active service overseas</p> |
| <b>Benefit Duration</b>   |  |  |  |
| Up to 26 weeks  | Up to 12 weeks<br>(84 days if taken intermittently)  |  |  |
| <b>Waiting Period</b>   |  |  |  |
| 7 days unpaid   | None   |  |  |

\*If you are pregnant, you are eligible for DBL benefits 4 weeks before your due date and 6-8 weeks after giving birth.

## Benefit Calculation

### How much of a benefit can I receive?

The benefit amount you receive is based on your average weekly pay and NY’s current maximum weekly benefit, which the state of NY updates yearly.

| Maximum Weekly Benefit (for 2025)     |   |
|---------------------------------------|---|
| NY DBL                                | NY PFL                                  |
| 50% of your weekly pay up to \$170.00 | 67% of your weekly pay up to \$1,177.32 |

You can use more than one benefit each year, but no more than 26 weeks combined DBL and PFL in a 52-week period.

### What should I do if I am thinking of taking PFML?

Start by checking your employer’s benefits handbook or talking to Human Resources. They can tell you:

- How to apply for benefits
- How the leave works with other paid time off options such as sick pay or vacation time
- How it works with the other programs your employer offers that may overlap with PFML

## Filing for Benefits

### How do I file for benefits?

| 1 Notify your employer  | 2 Apply for benefits   | 3 Submit supporting documentation  | 4 Stay connected until you return to work   |
|---|--|--|---|
| <ul style="list-style-type: none"> <li>• At least 30 days before your leave.</li> <li>• If your leave is unforeseeable, notify as soon as you can.</li> </ul> | <ul style="list-style-type: none"> <li>• Contact your claim administrator within 30 days before or 30 days after leave starts.</li> <li>• MetLife can accept claims via web, telephone, or paper claim. The method is dependent on your employer’s coverage plan.</li> </ul> | <ul style="list-style-type: none"> <li>• Proof may be required before the decision can be made.</li> <li>• MetLife will make a claim decision within 18 calendar days of receiving all information (or the first day of leave, whichever is later).</li> </ul> | <ul style="list-style-type: none"> <li>• MetLife and your employer will need to have your anticipated return to work date scheduled or an intermittent leave plan on file to efficiently manage the claim.</li> </ul> |

### Coordination with other benefits

Specific details on benefit coordination can be found in your employer’s benefit handbook or by contacting your Human Resources department. Some benefits, like vacation days, can be used together with NY DBL and NY PFL. However, in most cases, you cannot take NY DBL and NY PFL at the same time. NY DBL and NY PFL can be taken right after each other, but for no more than 26 weeks combined in a 52-week period.

New York State has temporarily implemented emergency COVID-19 programs that do allow for DBL and PFL to be taken at the same time. Learn more about [New York Paid Leave for COVID-19](#) (due to expire 7/31/25).

## Can I qualify for more than one benefit?

You may qualify for more than one benefit based on the reason for your leave. Some common events are:

| Leave reason   | NY DBL                                  | NY PFL  | FMLA                                | Company  | Other                 |
|--|---|---|-------------------------------------|--|-----------------------|
| You have complications due to pregnancy  | Yes                                     | No  | Yes                                 | Short-Term Disability (STD)  | Other laws may apply  |
| You have a serious health condition requiring multiple days/weeks/months away from work (including acting as a bone/organ donor) | Yes                                     | No  | Yes                                 | STD-continuous or reduced leave schedules<br><br>No intermittent leave | Other laws may apply  |
| You are injured at work  | No                                      | No  | Yes                                 | No   | Workers' Compensation |
| You are bonding with a newborn, fostering, and/or adopting a child under age 18  | No                                      | Yes   | Yes                                 | Maybe<br>(Parental/Bonding leave)                                      | Other laws may apply  |
| You need to care for a grandparent or grandchild with a serious health condition   | No                                      | Yes<br>Unless Company PTO, sick leave 100% salary continuation used | Yes                                 | Sick Leave, PTO<br>May overlap or replace state paid leave             | Other laws may apply  |
| You need to care for a grandparent, sibling, grandchild, or affinity family member with a serious health condition               | No                                      | Yes<br>Unless Company PTO, sick leave 100% salary continuation used | No                                  | Sick Leave, PTO<br>May overlap or replace state paid leave             | Other laws may apply  |
| You are impacted by family violence (medical or non-medical reason)  | Yes-if disabling<br>No-if non-disabling | No  | Yes-if medical<br>No-if non-medical | PTO<br>May substitute state paid leave                                 | Other laws may apply  |
| You are a former employee receiving unemployment (less than 90 days post-termination and have a qualifying event)                | No                                      | No  | No                                  | No   | Unemployment          |
| You are a former employee not on unemployment (less than 30 days post-termination) and you have a disability                     | Yes                                     | No  | No                                  | No   | Other laws may apply  |

## **If my employer has a private plan for parental leave that pays 100% salary for a designated number of weeks, how would MetLife coordinate the private plan with the NY PFL benefit?**

As part of MetLife's benefit coordination process, MetLife's claims team will reach out to your employer to coordinate dates of the company leave that directly overlap with the state leave (e.g., the company's parental leave and PFL child bonding). If your employer is seeking reimbursement, per the law, your employer needs to request reimbursement before MetLife has paid you.

## **If I receive an employer-provided benefit at a different time, can my employer be reimbursed for NY DBL/PFL benefits?**

No. NY DBL and PFL benefits can only be reimbursed if:

- 1) You are receiving employer-sponsored benefits for the same reason and on the same absence days.
- 2) Employer reimbursement is requested before benefits are paid out to you.

MetLife is required to make benefit payments within 18 days of receiving the completed claim form, and any employer reimbursement must be confirmed at the same time.

## **Can my employer require employees to use their earned sick or vacation time before using PFL?**

No, an employer cannot require you to take other accrued benefits or company-provided leave before PFL. If the employer offers, you can choose to combine your other leave with your PFL benefits to receive 100% of your average weekly wage.

## **Can I elect to end the DBL benefit and then begin the NY PFL sooner?**

Generally, this can take place after the delivery of a baby. The birth mother can switch from a DBL claim to a PFL claim for child bonding. Other claims will be decided on a case-by-case basis. You can consult your employer's benefit handbook or contact your Human Resources department for more information.

# **Documentation Requirements**

## **What proof or supporting documentation is needed to support a claim?**

You must provide specific documents for each claim you make. It is important to submit your paperwork to your doctor as soon as you can. It might take the doctor's office two weeks or more to process your claim. In some cases, a statement confirming the relationship between you and the family member may also be requested.



### **For child bonding with a newborn:**

- A copy of the child's birth certificate, or
- A statement from the child's healthcare provider stating child's date of birth, or
- A statement from the mother's healthcare provider stating child's date of birth



### **For child bonding for adoption or foster care placement:**

- A copy of court documents finalizing the adoption, or
- Documentation from the child's healthcare provider, or
- Foster and/or adoption agency paperwork containing adoption or placement

If you are not the parent named in the court documents (in loco parentis), you may also be asked to provide proof verifying your relationship to the in loco parentis named in the court documentation. This could be a marriage certificate, civil union papers, or something showing you are in a domestic partnership.



### **For leave to care for a family member with a serious health condition, you must provide ONE of the following:**

- Certification of a Serious Health Condition form filled out by you and your family member's healthcare provider, or
- A doctor's note or Attending Physician Statement (APS) that includes the same information as the Certification of Serious Health Condition form and the healthcare provider's license/registration number

Please note: In some cases, a statement confirming the relationship between the covered employee and the family member may also be requested.



**For qualifying military exigency needs, you will need to verify your family member's service with ONE of the following:**

- Covered family member's active-duty orders, or
- Letter from the military unit documenting impending call or order to covered duty, or
- Documentation of military leave signed by the approval authority for the military member's rest and recuperation
- If leave is requested to meet with a third party, such as a school official, counselor, or attorney, you must provide documentation of the meeting that includes:
  - The name, address, and contact information of the individual or entity with whom you are meeting
  - A description of the meeting

## Coverage and Claims

### Who is a covered employee?

In general, a covered NY employee is a person (including family members) who performs under the supervision, direction, and control of an employer, either on or off their premises. This applies to these types of workers:

- Part-time
- Full-time
- Temporary
- Seasonal
- Casual/day labor
- Leased
- Borrower
- Certain unpaid workers (including certain volunteers and family members)

### Who is a covered family member?

A covered family member can be your spouse, domestic partner, child/stepchild, parent/stepparent, parent-in-law, sibling, grandchild, grandparent, or anyone for whom you have legal custody.

### Can NY PFL be taken intermittently?

Yes, NY PFL can be taken in full day increments if you are qualified and put in a request.

### What is the difference between a recurrent claim and a new claim?

The PFL claim is considered 'recurrent' if (1) the employee files for a NY PFL absence within 3 months of a prior claim, (2) the claim reason is the same, and (3) there are still benefits available on the prior claim.

**Scenario 1:** An employee took 6 weeks of NY PFL in 2024, starting November 19 – December 31 to bond with their new child. On February 1, the employee requests leave for the same reason as the earlier claim. Because the claim is for the same claim reason and it is within 3 months of the original claim, it is treated as a recurrent claim. The 2024 benefit applies for the remaining 6 weeks of the NY PFL claim.

**Scenario 2:** An employee took 6 weeks of NY PFL in 2024, starting November 19 – December 31 to bond with their new child. On February 1, the employee requests leave for a new reason – to care for their mother who needs care after cancer surgery. Because the claim is for a different qualifying reason, the employee will need to file a new claim. A 52-week lookback is performed showing 6 weeks of PFL used. 12 weeks minus 6 weeks already taken = 6 weeks of PFL available for the new February claim.

### Should a NY PFL claim be filed for half days similar to FMLA absences?

No. FMLA allows you to take off partial days under certain circumstances, but PFL only allows for full days of intermittent leave. If you ask for a partial PFL day, the leave will be denied because the law requires a full day of leave.

### Why does the law say the employee must give a 30-day advance notice of foreseeable leave?

The 30-day advance notice requirement requires you to alert your supervisor/employer that you will be absent. This can help with coordinating staffing and back-up training to cover for you while you are out on leave.



### What if my claim is denied?

If your claim has been denied, you can reach out to MetLife to have the claim reconsidered, especially if you have new information to support your claim. Following MetLife's decision on your request for reconsideration, you may file an appeal with the state. Appeal filing instructions can be found in the claim denial letter you received.

## General Tax Information

### Are benefits taxable?

**DBL:** Traditionally, if an employee pays the premiums with after-tax dollars, the benefits they receive are tax-free; if the employer funds the benefit, benefits are taxable.

**PFL:** According to the Tax Notice published by the state (Tax Notice No N-17-12), PFL benefits are taxable, regardless of whether the employee or employer funds the benefit. Benefits paid to the employee are recorded on a Form 1099-MISC.

### Are taxes automatically withheld?

**DBL:** Yes

**PFL:** No. Taxes will not automatically be withheld from benefits, but employees can request voluntary tax withholding. They simply need to submit a W-4S tax form to the claims team and taxes can be withheld.

### Are contributions after or before tax?

**PFL:** Employee PFL contributions must be deducted on an after-tax basis. Pre-tax contributions are not allowed. Employers can choose to pay all or a portion of your PFL contribution; however, employer PFL contributions are not required.

### How does my employer report payroll contributions?

Your employer will report your contributions on Form W-2 using Box 14 – state disability insurance taxes withheld.

### How are wages defined for contribution and benefits?

“Wages” refers to the amount of money you receive for working for a covered employer (an employer that provides or is required to provide certain benefits or insurance coverage). This amount is based on the employment contract between you and the covered employer.

In addition to money, “wages” also includes the reasonable value of other benefits you may receive, such as board, rent, housing, lodging, or similar advantage received.

In simpler terms, “wages” includes both the money you earn and the fair value of other benefits you receive from your employer as part of your employment agreement.

## Resources



**Need more information? Visit:**

The MetLife PFML [website](#) regarding state-mandated benefits.

**NY State resources:**

For NY State DBL resources, please [click here](#).

For NY State PFL resources, please [click here](#).

For details regarding your coverage, contact your MetLife Representative.

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