Everything you need to know about New York statutory disability

An employee guide



Lincoln Life & Annuity Company of New York

For use in New York only.

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Statutory disability is a mandatory benefit in New York

Did you know that New York is one of only a few states that requires employers to provide benefits coverage to employees for off-the-job injuries or illnesses? 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, known as Disability Benefits Law, is often referred to as statutory disability or state disability.

Review this guide for more 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 illness.

Am I eligible for statutory disability?

Most employees working in New York must be covered under their employer's New York statutory disability plan. However, the state makes exceptions for some employee types. Your employer will advise you if you're eligible for coverage. If your employee type is covered under the plan, there's 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 you're eligible, 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 working for another covered employer during the four weeks post-termination, you'll 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 employing 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 working for your current employer, or if you received unemployment benefits before your employment began, you're eligible for coverage immediately.



How do statutory disability benefits work?

Statutory disability benefits are payable if you meet eligibility requirements 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 either:

- The regular duties of their own employment
- The duties of any other employment which the employer may offer at regular wages, and which injury or sickness doesn't 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.

Program requirements stipulated by the state of New York:

- There's a seven-day benefit waiting period for injury or sickness.
- The benefit equals 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. For more information, refer to the statutory disability and paid family leave section on Page 5.

Your employer will communicate your specific benefits to you.

Am I required to contribute toward the cost?

Employers aren't required to withhold deductions from their employees to pay for the statutory disability premium. However, they have the option to withhold 0.50% of the first $120 of weekly wages, up to $0.60 per week. Your employer will notify you if deductions from your paycheck include contributions to the cost of statutory disability coverage.



Coordination with other leave plans

Statutory disability and paid family leave

Lincoln Financial provides a single plan that combines New York statutory disability and paid family leave. The plan coordinates both benefits.



Statutory disability
provides time off to recover from your own injury or illness

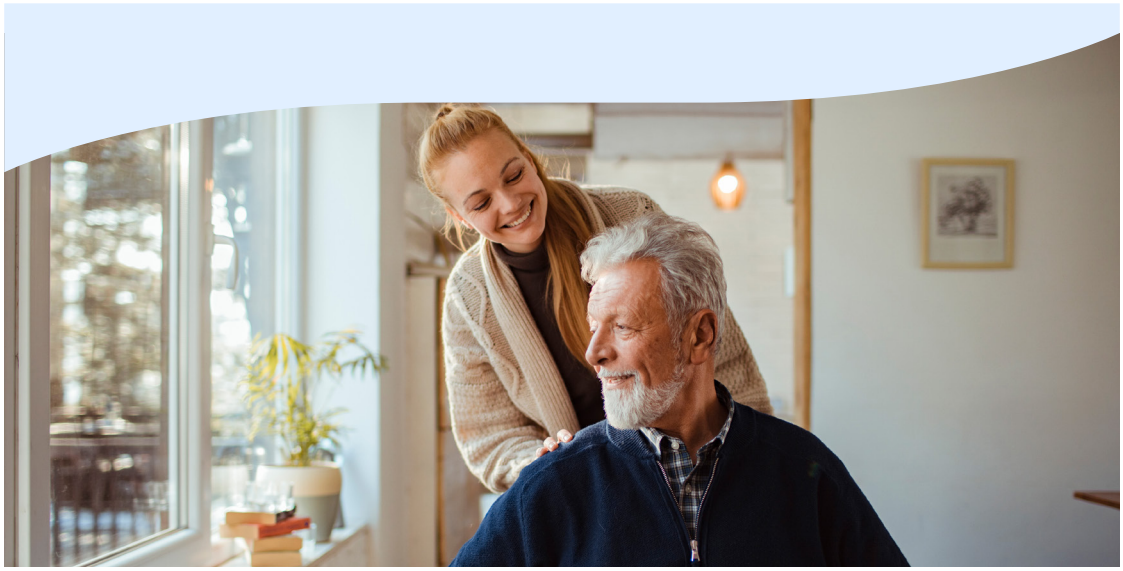


Paid family leave
provides time off to care for or bond with an eligible family member

Here are a few things to keep in mind about coordinating benefits:

- Statutory disability provides up to 26 weeks of leave in a 52-week period.
- Paid family leave provides up to 12 weeks of leave in a 52-week period.
- You cannot take both paid family leave and statutory disability at the same time.
- 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. 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've been on disability leave more than one time within the 52 weeks, 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 (STD) 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 you're disabled and your employer continues your wages at a level equal to or greater than the statutory disability benefit you'd would qualify for, your employer is entitled to receive that benefit from Lincoln. No benefit would be payable to you in this instance. You'll 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 you qualify for under the statutory disability plan, Lincoln will issue remaining benefit payments to you directly once your employer stops paying your wages.

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 the FMLA, the leaves will run concurrently. During the period in which they run concurrently, your job will be protected.

Statutory disability and STD

If you're covered under an STD plan sponsored by your employer and administered by Lincoln, we'll assess your eligibility for STD 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.

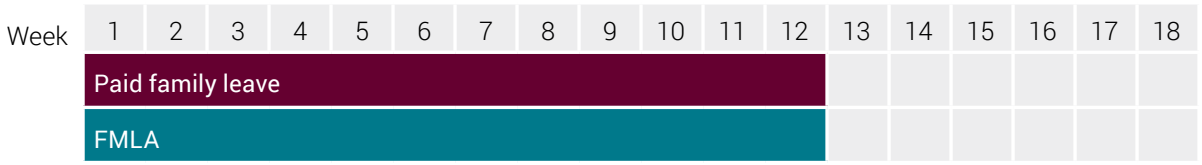
Taking time off to bond with a child following a birth

Here are examples of how statutory disability and paid family leave may coordinate following the birth of a child:

Example 1



Example 2



Example 3



* NY statutory disability is standardly payable for up to six weeks for a normal vaginal delivery and 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's completed within 12 months of the birth. If you choose this option and you're 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, 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 a separate payment for excess benefits you may qualify for under the STD plan.

How do I submit a claim?

Statutory disability is part of Lincoln's integrated claims model, and our team is here to help you every step of the way.

If you have a claim, it's important that you file it with your employer or with Lincoln within 30 days of the first day of disability. That's because a claim submitted after this period may be considered a late filing and may be subject to delayed 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 day a complete proof of claim is received and Lincoln confirms your eligibility, or the completion of the first week of disability following the day benefits begin (provided proof of claim and eligibility have been received), whichever is later.

Reporting a claim to Lincoln

You can request a statutory disability claim form from your employer and submit your completed 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 you're reporting your claim by phone, please be prepared to provide your name, Social Security number, birthdate, address, contact information, employer name, policy number, occupation, last day worked, diagnosis, and physician's contact information.

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

If you're 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 specialist can gather the necessary information over the phone to initiate the paid family leave claim on your behalf.

Taxability

The 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	Submitting statutory disability and New York paid family leave claim forms, medical records, and documentation **Phone:** 866-STD-CALL (866-783-2255) **Email:** DisabilityClaims@LFG.com **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 questions **Phone:** 800-423-2765 **Email:** Claims@LFG.com **Fax:** 877-843-3950 **Mail:** LincolnFinancial.com

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