



Everything you need to know about New York statutory disability

2026 employee guide



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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? In fact, the state of New York Workers' Compensation Board mandates that employers based in New York and elsewhere provide disability insurance to employees working in the state. The state's disability program is known as Disability Benefits Law and 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 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. 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, 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 within four weeks of leaving a company, 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 a covered employer four weeks after they've 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 working for your current employer, or if you were receiving 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:

1. The regular duties of their own employment
2. The duties of any other employment which 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.



Program requirements stipulated by the state of New York include:

- There is a seven-day benefit waiting period for injury or sickness.
- The benefit is equal to 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.
- Maternity benefits are payable for six weeks for normal delivery and eight weeks for delivery by cesarean section.

Your employer will confirm your specific benefits.

Am I required to contribute toward the cost?

Employers are not 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 60 cents 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

allows time off to recover from your own injury or illness



Paid family leave

allows time off to care for or bond with an eligible family member

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 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 would qualify for, your employer is entitled to receive that benefit from Lincoln. No benefit will be payable to you in this instance. You'll 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're qualified 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 FMLA leave, the leaves will run concurrently, during which 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 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

Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
	Statutory disability leave*						Paid family leave													
	FMLA																			

Example 2

Week	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
	Paid family leave																		
	FMLA																		

Example 3

Week	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 and 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 are also eligible for FMLA leave, your FMLA leave 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 will 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.

Administrative details

Paid family leave is a rider to the New York Statutory Disability policy. Lincoln administers both coverages in a single plan that complies with current state regulations. Paid family leave coverage isn't available as a standalone plan or to workers outside of New York.

Billing

Lincoln bills \$0.432 per \$100 of monthly covered payroll for New York paid family leave. Employers must calculate covered payroll for insured employees and populate aggregate covered payroll on the billing template. Employers have an option to be billed monthly in arrears or quarterly in arrears.

Employers should remit premium based on an employee's actual covered payroll for the billed month [(actual covered payroll x \$0.432)/\$100]. The covered payroll is the equivalent of the employee's gross wages within the billed month. An employee's covered payroll may differ monthly based on a variable work schedule or receipt of other income, such as overtime, bonuses, or commissions.

Employers commonly align paid family leave premium remittance with their payroll by remitting premium based on deductions taken during the billed month. If an employer pays on a weekly or biweekly basis and remits in this manner, the company will need to ensure that an extra deduction is remitted in any month with an extra pay period. To calculate covered payroll for the billed month using this method, an employer should total the gross wages for each paycheck issued in the billed month, multiply the total gross wages by the \$0.432 billed rate, and then divide by \$100. See examples in the following chart.

Sample paid family leave premium calculation:		Biweekly deduction	Monthly covered payroll (assumes two equal payments in the month)	Monthly premium*
Sample paid family leave premium calculation	\$50,000 (\$961.54/week)	\$1,923 (\$50,000/26 pays)	\$3,846 (\$1,923 X 2)	\$16.61 (\$3,846 X \$0.432)/\$100)
Employee B	\$75,000 (\$1,442.31 /week)	\$2,885 (\$75,000/26 pays)	\$5,769 (\$2,885 X 2)	\$24.92 (\$5,769 X \$0.432)/\$100)

* This calculation must be done every month to account for differences in an employee's gross earnings among pay cycles and to account for months that have an extra pay cycle. Deductions should be made up to the maximum of \$411.91 per year.

Billing best practices:

- Paid family leave and statutory disability are self-billed as separate coverages with separate rates within the same billing template.
- Regardless of the payroll deduction and billing method selected, employers must ensure they don't remit more than the \$411.91 annual deduction cap for any given employee for paid family leave. Once an employee has reached this deduction level for the year, the employer shouldn't take additional deductions for the remainder of the calendar year.
- Within the paid family leave section, employers must provide male lives, aggregate monthly covered payroll for male employees, female lives, and aggregate monthly covered payroll for female employees, which is required by the state. Lincoln is required to provide this information.
- **Paid family leave and statutory disability premium must be remitted at the same time. A completed Lincoln billing template or employer report containing all required fields must accompany the payment for Lincoln to reconcile and apply the payment.**

How do I submit a claim?

Statutory disability is a 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 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 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

Report your statutory disability claim by calling the intake phone number 877-321-1139 or by filing online at LincolnFinancial.com.



Be prepared to provide:

- Your name
- Social Security number
- Birthdate
- Address
- Contact information
- Your employer name
- Reason for leave
- Estimated leave dates

Once a claim is received, we'll assign a claims specialist who will review the claim and contact you and/or your employer to gather additional information needed. Your claims specialist will also assess claims you may have submitted for STD.

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 by calling the automated phone system or your claims specialist.

Taxability

The proportion of premium deducted from your paycheck on an after-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

To submit New York Paid Family Leave and statutory disability claim forms, medical records, and documentation, report your paid family leave claim by phone at: **877-321-1139**



Claims 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 LincolnFinancial.com for claim status.



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