

New York University

UNIVERSITY POLICIES

Title: Statutory Short-Term Disability Benefits Policy & Procedure – New York
Effective Date: January 1, 2018
Supersedes: N/A
Issuing Authority: Executive Vice President
Responsible Officer: Human Resources

Statement of Policy

New York University (“NYU” or “the University”) provides statutory short-term disability benefits to eligible employees in accordance with the New York Disability Benefits Law and applicable regulations (hereinafter, “NYDBL”). As set forth below, this Policy and Procedure outlines the eligibility requirements for benefits, the conditions for receiving benefits, the process for requesting benefits, and other related provisions.

To Whom the Policy Applies

Employees who work for NYU in New York are eligible to receive statutory short-term disability benefits, provided that they: (i) are *not* Faculty (full-time or part-time), Professional Research Staff, or Graduate Employee Adjuncts *and* (ii) otherwise meet the length of service requirements set forth in the NYDBL.

Note: For eligible employees covered by a collective bargaining agreement (“CBA”), please also refer to the applicable CBA for any provisions on statutory short-term disability benefits. Nothing set forth in this Policy shall be construed to impede, infringe, or diminish the rights and benefits afforded under a CBA. Should this Policy conflict with any of the provisions of a CBA, the CBA shall prevail.

Policy and Procedures

Benefit Entitlement

Statutory short-term disability benefits are payable* for any non-work related injury or illness (including disability due to pregnancy), beginning with the eighth (8th) consecutive day of disability,** up to a maximum of twenty-six (26) weeks of disability during fifty-two (52) consecutive weeks.

*Benefits payments are 50 percent of an employee’s average weekly wage,^ but may not exceed the maximum benefit allowed under the NYDBL (currently, \$170 a week). ^*Note:* The employee’s average weekly wage is based on the eight (8) weeks immediately prior to the employee’s disability; however, if counting the last week in which the disability began lowers the benefit rate, it is not included in determining the average weekly wage.

**A “day of disability” means any day on which the employee was prevented from performing work because of disability and for which he or she has not received his or her regular remuneration.

Procedure for Requesting Benefits

1. An employee seeking statutory short-term disability benefits may report a claim with Lincoln Financial, the University’s NYDBL provider, up to 30 days in advance of a planned disability absence, or as soon as the employee is aware that he or she will be absent for 4 or more consecutive days. The employee may report a claim through one of the following means: online (using MyLincolnPortal® at <https://www.mylincolnportal.com/>); telephonically (at 888-339-6830); or paper (by completing the form available [here](#)). First time users of the MyLincolnPortal online must register using Company Code NEWYORKUNIV.

**Note.* An employee will not begin to receive statutory short-term disability benefits until the employee has exhausted his or her available paid sick leave.

***Note.* An employee taking leave under another University policy while receiving statutory short-term disability benefits must also follow the procedures set forth in that policy.

2. Upon receipt of the claim, a case manager at Lincoln Financial will establish three points of contact with the employee, NYU, and the treating physician(s). The information gathered as part of this process will be used to make an initial decision on the claim.

3. If the claim is approved, the employee will be informed accordingly, and a case manager at Lincoln Financial will contact the treating physician(s) and employee on an ongoing basis to determine continued eligibility for benefits and/or to coordinate a successful return to work.

4. If the claim is denied, Lincoln Financial will inform the employee accordingly.

Health Insurance

An employee who receives health insurance from the University is entitled to the continuation of that group health insurance coverage while receiving statutory short-term disability benefits as if he or she had continued to work. The employee must continue to make any normal contributions to the cost of the health insurance premiums.

Other University Leaves

Paid Sick Leave. As noted above, an employee will not begin to receive statutory short-term disability benefits until the employee has exhausted his or her available paid sick leave.

FMLA Leave/Disability Accommodation Leave. When eligible, statutory short-term disability benefits will run concurrently with leave taken: (i) for an employee’s serious health condition under the Family and Medical Leave Act (FMLA), or (ii) as a disability accommodation under the Americans with Disabilities Act (ADA) and equivalent federal, state, and local laws.

Scheduled Holidays/University Closures. Unless otherwise provided under University policy or a CBA, an employee will not receive pay for a scheduled holiday or University closure where he or she is exclusively receiving short-term disability benefits.

NY Paid Family Leave. An employee may not receive both disability benefits under the NYDBL and family leave benefits under the New York Paid Family Leave Law (“PFL”) for the same period of time. Moreover, an employee who is eligible for both disability benefits under the NYDBL and family leave under the PFL during the same period of 52 consecutive calendar weeks shall not receive more than 26 total weeks of disability and family leave benefits during that period of time.

Long Term Disability Benefits. An employee may be eligible for long-term disability benefits in accordance with the terms of the applicable plan.

Return to Work

An employee seeking to return to work after receipt of statutory short-term disability benefits may be required to provide Leave Management and/or the appropriate Human Resources Officer/Business Partner (“HRO”) with written confirmation from his or her medical provider of his or her ability to return to work. Such documentation shall, at a minimum, identify the date the employee is cleared to return to work and whether the employee has any restrictions (including the basis for and duration of such restrictions).

If the employee has restrictions, Leave Management and/or the appropriate HRO will refer the employee to the Office of Equal Opportunity (OEO) to address the prescribed restrictions, in accordance with applicable law and University procedure.

Anti-Retaliation

An employee cannot be discharged, or discriminated against, for filing a claim for statutory short-term disability benefits.