



NEW YORK STATE SENATOR

Jeremy Cooney

Senator Cooney, Advocates Give Briefing in Albany on Creating Equity in Leave as Legislature, Governor Negotiate Increase

JEREMY COONEY March 5, 2024

| ISSUE: **DISABILITY FUNDING, MEDICAL, PAID FAMILY LEAVE**



New York's \$170 Weekly Medical Leave Benefit Cap, Unchanged Since 1989, is Lowest Among States with Similar Programs

Rally Called for Equity Between Medical and Paid Family Leave, Currently Capped at More than \$1,100 Per Week

Senator Cooney: Higher Medical Benefits Are Vital To Support New Mothers, Workers Injured off the Job

(ALBANY, NY) – Today, **NYS Senator Jeremy Cooney** was joined by supporters and advocates at the State Capitol where they provided a briefing on efforts to align New York State's antiquated short-term medical leave benefit with the recently increased Paid Family Leave benefit. The rally was held as lawmakers and Governor Kathy Hochul negotiate the budget, which includes a proposal by the governor to increase medical leave and align the benefits of the two programs.

In December, Senator Cooney proposed the [Equity in Leave Act](#), which brings the benefits between the two programs together over four years to create equity between those who are suffering from a disability and those who are caring for them. It also protects workers who go on disability or medical leave from being terminated for doing so.

"For far too long, New York has had a gap in benefits that is leaving behind working families in their time of need," said **Senator Cooney**. "It's time to close this gap and give New Yorkers benefits they can live on while they recover, and I'm proud that there's a vocal group of us in the legislature who agree with the governor that we need to get this done."

"New York's medical leave payments haven't gone up since 1989, but the cost of every aspect of life certainly has," said **Senator Andrew Gounardes**. "These payments help new mothers and workers injured off the job pay for essentials while they get back on their feet. It's time New York follows the lead of other states and raises medical leave payments to reflect the reality of the world we live in today."

"There isn't a single town in New York where a person can live on \$170 per week," said **Senator Sean Ryan**. "Our state's long-outdated cap on temporary disability insurance means that many New Yorkers whom the program is designed to help instead end up staying at work so they can continue to pay their bills. It's time to increase the cap and ensure no one has to put their health at risk just to keep food on their table."

“Our medical leave program In New York is in desperate need of updating,” said **Sherry Leiwant, co-founder and co-president of A Better Balance**. “There are changes in the law that need to be made to ensure that all workers can be protected when they need to take time off to care for themselves or their families. Right now, workers cannot afford to take time off to address their own health needs with medical leave benefits capped at \$170 a week, not enough to pay rent in any part of our state. New Yorkers who manage chronic illness, health crises such as cancer, disabilities, mental health, and more deserve a fair paid leave program. Pregnant workers need to be supported when they need time off to keep their pregnancies healthy. We need a comprehensive approach to reforming medical leave and paid family leave -- and we need it now!”

“Short-term disability benefits are an essential financial protection for working individuals,” said **Max Rodriguez, of the Center of Disability Rights**. “The amount workers receive for this benefit has not been raised since 1989, nor has it been indexed to wage inflation, meaning the amount received today is worth a fraction of what it was worth over 30 years ago. Workers pay into this system and deserve to be compensated fairly. This legislation is a step in the right direction to ensure that individuals have the financial supports they need when they become temporarily disabled.”

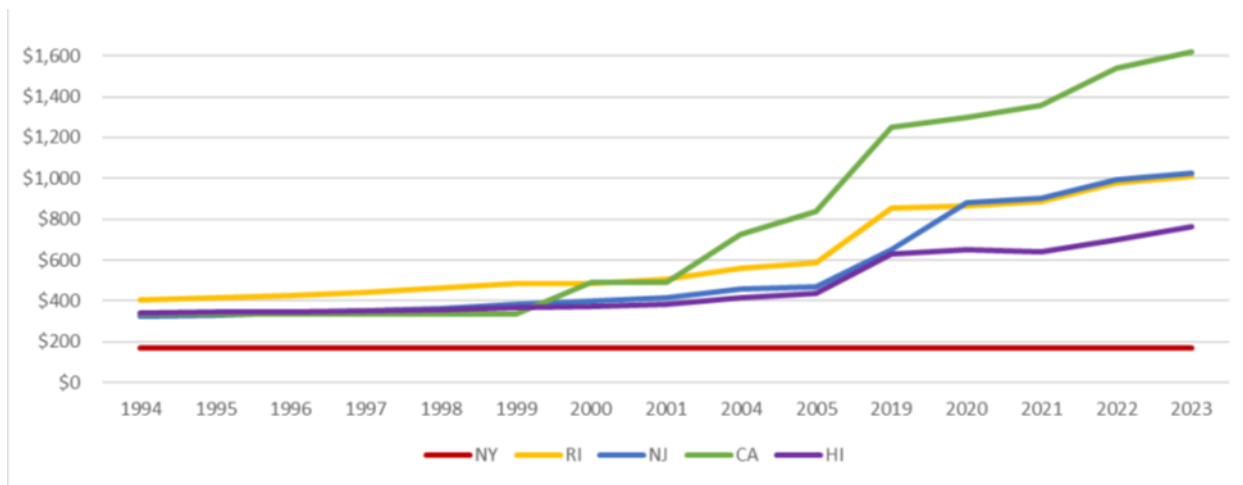
“For too long, New Yorkers have had to make the almost impossible choice between their health and their financial security, due to the state’s inadequate temporary disability benefits,” **Gabriel San Emeterio, Senior Fellow and Co-founder of Strategies for High Impact**. “Without appropriate support, New Yorkers risk permanent damage and decline, particularly if they continue to work beyond their energy capacity without adequate, scheduled rest or forgo ongoing medical treatments and appointments due to inadequate leave, as is often the case for people with Long COVID, ME/CFS and other energy-limiting chronic diseases. All New Yorkers, not just those with private benefits or especially supportive employers,

deserve adequate Temporary Disability Insurance benefits.”

Currently, payments through New York’s worker disability program are capped at \$170 per week, a level that has remained stagnant since 1989. Utilization rates demonstrate that the current system disproportionately impacts women pre and post birth who make up more than 30% of disability benefit recipients, as well as workers injured off the job and those who have become ill. Benefits for Paid Family Leave, which support the individuals who care for the disabled, are capped at more than \$1,100 per week.

For new mothers, this inequity often means that while New York intends to provide them with up to 20 weeks of paid leave, data shows that more than 40% of them forgo the low-paying disability benefits, cutting their time with their new child by as much as eight weeks. Women who experience a stillbirth can only receive \$170-a-week in disability benefits and are unable to utilize the higher-paying Paid Family Leave benefit. As a result, women facing complications in a pregnancy are often forced to choose between following a doctor’s advice to take time off and prioritizing their health or continuing to work in order to pay the bills. For Black women, this can ultimately be a choice between life and death – Black women are three times more likely to die while giving birth than white women in New York State.

Data released by Senator Cooney in December showed that while other states have acted to increase their disability benefit caps, New York’s inaction has led it to fall far behind. To date, 12 states, including New York, have programs that provide for disability benefits, with four more set to provide these benefits in 2026. Of these states, New York is the only one that has set a lower benefit for disability benefits than Paid Family Leave.



When New York last raised the cap on disability benefits in 1989, the average annual wage, according to the New York State Department of Labor, was \$27,303. In 2021, the latest data available, it was \$87,786, a 222 percent increase. Instead, at \$170 per week, they're maxed out at the equivalent of a full-time wage of \$4.25 per hour while the state's minimum wage in 2022 ranged between \$14.20 and \$15 per hour, depending on location.

Meanwhile, in 2023, Paid Family Leave was capped at \$1,131 per week. Under this system, a new mother who has a cesarean section and is recovering from surgery is entitled to a maximum of \$170 per week, while their partner is eligible for up to \$1,131 per week for caring for the newborn's mother. By contrast, mothers in states outside of New York are earning between \$765 and \$1,619 per week while recovering from giving birth.

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