



Legislation Text

File #: Res 0867-2025, **Version:** A

Res. No. 867-A

Resolution calling on the New York State Assembly to pass, A.84, and the Governor to sign, S.172/A.84, which would provide for annual increases of the weekly Temporary Disability Insurance payments from January 1, 2026 through January 1, 2030, so that such payments achieve parity with weekly payments available for those on Paid Family Leave.

By The Speaker (Council Member Adams) and Council Members Farías, Louis, Banks, Lee, Hanif, Brewer, Zhuang and Gutiérrez

Whereas, According to A Better Balance, temporary disability insurance (TDI), sometimes called disability benefits (DB), gives an employee the right to partial wage replacement while that employee is unable to work due to an off-the-job illness or injury, including pregnancy-related disabilities; and

Whereas, The State's workers compensation law currently caps TDI payments at a weekly amount of \$170, an amount that has not risen since it came into effect on May 1, 1989; and

Whereas, Paid family leave (PFL), according to A Better Balance, gives an employee the right to partial wage replacement while caring for a seriously ill or injured family member, bonding with a new child, or addressing certain military family needs; and

Whereas, Under the State's Workers Compensation Law, an employee on PFL may receive, as of January 1, 2021, up to 67 percent of the New York State average weekly wage, currently capped at \$1,177.32 per week; and

Whereas, According to A Better Balance, roughly one-third of TDI claims across the state are for pregnancy related needs, including stillbirth, time off to ensure a healthy pregnancy, time off to deal with pregnancy complications, and time off to recover from birth; and

Whereas, The TDI program itself acknowledges the presumption of need during pregnancy, entitling

workers to four weeks of leave before a due date, and six to eight weeks following birth, depending on delivery method, without any further demonstration of serious illness; and

Whereas, According to Count the Kicks, there are, on average, 1,326 stillbirths in New York State (State) a year, a rate of 6.12 per 1,000 live births; and

Whereas, The New York City Department of Health and Mental Hygiene (DOHMH) defines a spontaneous termination of pregnancy (STOP) as the death of a fetus at any point during the pregnancy, including miscarriages, stillbirths, and fetal demises; and

Whereas, According to DOHMH's 2022 Summary of Vital Statistics, there were a total of 5,240 STOPS in 2022, compared to 99,459 live births, in New York City; and

Whereas, Employees who are pregnant, who for some reason will not care for the child or children after birth, or whose child is stillborn are not eligible for PFL and can only receive the much lower TDI payment; and

Whereas, To address this disparity in aid, State Senator Jessica Ramos and State Assembly Member Michaele C. Solages introduced S.172/A.84, legislation which would annually increase TDI payments from January 1, 2026 until January 1, 2030 until TDI payments reach parity with PFL payments; and

Whereas, This bill would also temporarily expand the definition of PFL to include leave taken by an employee in the six weeks immediately following a stillbirth until TDI payments reach parity with PFL payments; and

Whereas, S.172 has passed the State Senate and A.84 is currently sitting in committee in the State Assembly; and

Whereas, This legislation would ensure that anyone who experiences the pain of a stillbirth, and further, any employee who may miss work due to a temporary disability, receives the benefits that they deserve, and benefits that will allow them to survive with dignity until they are able to return to work; now, therefore, be it Resolved, that the Council of the City of New York calls on the New York State Assembly to pass, A.84,

and the Governor to sign, S.172/A.84, which would provide for annual increases of the weekly Temporary Disability Insurance payments from January 1, 2026 through January 1, 2030, so that such payments achieve parity with weekly payments available for those on Paid Family Leave.

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