

State Survey – Mandated Temporary Disability Insurance

State	Name of Program	General Description	Eligibility Requirements	Limitations	Maximum Benefit Amount	Funding Mechanism	Exclusivity of Benefits	Administrator	Appeals
California	State Plan	Provides benefits to workers who cannot work due to nonwork-related illness or injury or pregnancy or childbirth.	(1) are unable to do regular or customary work for at least eight consecutive days; (2) are employed or actively looking for work at the time disability begins; (3) lost wages due to disability or, if unemployed, have been actively looking for work; (4) have earned at least \$300 from which SDI deductions were withheld during a previous period; (5) are under the care and treatment of a licensed physician or accredited religious practitioner during the first 8 days of disability; (6) submit a claim form within 49 days of the date of disability; and (7) receive medical certification from a physician.	(1) not suffering a loss of wages; (2) receipt of UI or paid family leave benefits; (3) disability arises due to commission of a crime that results in a felony conviction; (4) residence in a jail, prison, recovery home, or any other place based on conviction of a crime; (5) receipt of workers' compensation benefits at a weekly rate equal to or greater than the disability insurance rate; and (6) failure to obtain an independent medical examination upon request.	1% 2012 withholding rate; \$95,585 per employee taxable wage limit; \$955.85 maximum amount withheld from employee.	Mandatory employee contribution to SDI through payroll deductions.	Claimants may receive simultaneous coverage from both a state plan and a private plan if employed by two employers.	Employment Development Department – Disability Insurance Branch	CA UI Appeals Board – Office of Appeals
	Voluntary Plan	Provides benefits to workers who cannot work due to nonwork-related illness or injury or pregnancy or childbirth.		(1) late filing of the initial or continued claim; (2) failure to be under the care of a physician; (3) receipt of full wages; (4) receipt of workers' compensation benefits in an amount greater than the disability benefit entitlement; and (5) incarceration or disability due to commission of a crime that results in a felony conviction.	Plan must provide all the benefits of SDI, at least one benefit that is better than SDI, and it cannot cost more than SDI does.	Once a VP is approved, the employer is no longer required to send SDI withholdings to EDD. Instead, the employer holds the contributions in a separate trust fund to pay disability or paid family leave insurance claims and approved expenses. The VP employer pays an assessment to EDD based on the taxable wages of employees participating in the plan and other factors.	Claimants may receive simultaneous coverage from both a state plan and a private plan if employed by two employers.	Employment Development Department – Disability Insurance Branch	CA UI Appeals Board – Office of Appeals

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	Elective Coverage Plan	Covers employers and self-employed persons who are not entitled to receive coverage under the law, but may choose to obtain coverage for temporary disability.	(1) employer or self-employed individual; (2) obtain elective coverage; and (3) meet eligibility requirements of state plan.	(1) 6-month waiting period unless claimant has wage credits from prior covered employment; (2) benefits do not continue if claimant is delinquent on premium payments for coverage; (3) claimant must participate in coverage for at least 2 years; and (4) to remain eligible for continued coverage, must show a minimum profit of \$4,600 per year (may cancel policy if profits fall below this level for 3 consecutive years).	Weekly benefits range from \$51 to \$959; disability insurance benefits may be paid up to a maximum of 39 weeks; paid family leave insurance benefits may be paid for a max. of 6 weeks during a 12-month period.	Employer or self-employed individual elects to pay for coverage.	Benefits paid whether a self-employed person is hurt on or off the job unless the individual also carries workers' compensation coverage; individual may continue to receive income or profits from a business without compromising eligibility to temporary disability insurance benefits or paid family leave benefits.	Employment Development Department – Disability Insurance Branch	CA UI Appeals Board – Office of Appeals
Hawaii	Temporary Disability Insurance Program - Private Plan - Self-insured Plan - Collective Bargaining Agreement	Benefits available to workers that are unemployed and cannot perform work due to nonwork-related sickness or injury.	(1) have at least 14 weeks of Hawaii employment during each of which the claimant was paid for 20 hours or more and earned not less than \$400 in the 52 weeks preceding the first day of disability; (2) be in "current employment"; and (3) not fall into an exempted profession.	(1) nonwork-related injury or illness; (2) inability to perform regular work due to injury or illness; (3) certification from a licensed physician or other medical professional; (4) employment immediately before date suffered injury or illness or disability occurred within 2 weeks of separation from employment; and (5) 90-day claim filing period, subject to a good cause exception that stops after 26 weeks.	Maximum of 26 weeks at rate of 58% of the claimant's AWW up to the maximum weekly benefit amount.	Employer may pay entire cost or may require employee to share in one-half of the premium cost.		Department of Labor and Industrial Relations – Disability Compensation Division	Referee

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New Jersey	State Plan	Benefits available due to nonwork-related illness or disability.	(1) develop or obtain a nonwork-related illness or injury within 14 days of the termination of employment; (2) have worked at least 20 calendar weeks in covered employment; and (3) have earned \$145 or more or earned \$7,300 or more during the 52 weeks before the week the individual became disabled.	(1) disabilities that do not exceed 7 days in length; (2) exhaustion of the 26-week benefit period; (3) initiation of disability beyond the 14-day window; (4) failure to be under the medical care of a legally licensed physician or other qualifying medical personnel; (5) self-infliction of disability; (6) discharge from employer due to gross misconduct; (7) receipt of wages for work after the beginning of the disability period; (8) receipt of wages and benefits in excess of regular weekly wages immediately prior to onset of the disability; and (9) failure to exhaust administrative sick leave in covered government employment.	26 weeks at 2/3 of AWW up to the maximum weekly benefit amount (\$572); the total allowable benefit amount is determined based on the lesser of 1/3 of total wages in NJ covered employment paid during the base year or 26 times the weekly benefit amount.	Employer assessments and (possibly) employee contributions; no budget appropriation.	WC benefits for PPD or PTD previously incurred; family temporary disability leave and UI leave may be taken before or after; receipt of certain concurrent public or private benefits reduces the amount of benefits; may be entitled to temporary disability benefits if lower settlement of WC case.	New Jersey Department of Labor and Workforce Development – Division of Temporary Disability Insurance	Appeal Tribunal
	Private Plan	Benefits available due to nonwork-related illness or disability.	Eligibility requirements must be no more restrictive than those under the state plan.	Eligibility requirements must be no more restrictive than those under the state plan.	Weekly benefits payable must be at least equal to those under the state plan.	Employer assessments and (possibly) employee contributions; no budget appropriation.	WC benefits for PPD or PTD previously incurred; family temporary disability leave and UI leave may be taken before or after; receipt of certain concurrent public or private benefits reduces the amount of benefits; may be entitled to temporary disability benefits if lower settlement of WC case.	New Jersey Department of Labor and Workforce Development – Division of Temporary Disability Insurance	Claims Review Unit

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	Disability During Unemployment Program	Benefits available due to nonwork-related illness or disability.	(1) unemployed for more than 14 days and become totally unable to work due to nonwork-related illnesses or disabilities;(2) eligible for UI benefits, except for ability to work; (3) be under the care of a physician or other medical personnel; (4) file a claim within 30 days unless good cause; (5) have worked at least 20 calendar weeks in covered employment; and (6) have earned \$145 or more or earned \$7,300 or more during the 52 weeks before the week that the disability began.	(1) illnesses or disabilities that are work related; (2) illnesses or disabilities that begin during employment or within 14 days after the termination of employment; (3) disability period of less than 7 consecutive days; (4) failure to meet UI qualification standards, except for the ability to work; (5) voluntary quitting employment, termination due to misconduct or gross misconduct, refusal of suitable work, or fraud; (6) performance of work for remuneration or profit; (7) participation in a labor dispute that would disqualify an individual from receiving UI benefits; and (8) self-infliction of injury.	Maximum of 26 weeks at a rate of 60% of AWW up to the maximum weekly benefit amount (\$611); dependency allowances may help claimants reach maximum benefit amount.	Employer assessments and (possibly) employee contributions; no budget appropriation.	Maximum that a claimant can collect in both UI and DDU benefits is one and one-half times the maximum benefit amount on the underlying claim.	New Jersey Department of Labor and Workforce Development – Division of Temporary Disability Insurance	Appeal Tribunal
New York	New York State Insurance Fund - Private Plan - Self-insured Plan	Benefits available due to nonwork-related illnesses or injuries or pregnancy.	Claimant must be an employee or recent employee of a covered employer for at least 4 consecutive weeks and may not receive remuneration for work.	Coverage not required for certain types of employees.	Statutory – ½ the AWW of the employee, up to a maximum weekly claim benefit of \$170 for 26 weeks; Enriched – up to five times statutory coverage, as selected by the employer, for 26 weeks.	Employer assessments and (possibly) employee contributions up to 0.5% of employee's wage (maximum of \$.60 per week).	May not receive remuneration or profit from work; may not receive UI benefits concurrently; may receive Social Security Retirement Benefits concurrently.	New York State Workers' Compensation Board	Disability Benefits Bureau
Rhode Island	Temporary Disability Insurance Program	Benefits available to workers that are unemployed and cannot perform work due to nonwork-related illness or injury.	(1) receive certification from a qualified health care provider or medical practitioner of inability to perform customary and regular work duties; (2) be unemployed due to sickness for at least 7 consecutive days; and (3) have been paid at least \$8,880 in either base period or an alternative base period, subject to a limited exception.		Maximum of 30 full weeks at a rate of 4.62% of the wages paid in the highest quarter of base period; effective 7/1/12, \$69 is the minimum and \$736 is the maximum benefit rate.	Employee payroll deductions.	May receive benefits even while collecting wages; may not receive UI or workers' compensation benefits concurrently.	Department of Labor and Training	Board of Review (not part of Department of Labor and Training)

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Puerto Rico	Seguro Incapacidad No Ocupacional (SINOT) - State Plan - Private Plan	Benefits available to workers that are unemployed and cannot perform work due to nonwork-related illness or injury.	(1) be unable to work due to a car accident or nonjob-related illness or injury; (2) be treated by a licensed physician or chiropractor; and (3) have received wages of at least \$150 in covered employment during the base year.		Maximum of 26 weeks; minimum weekly benefit of \$12 or a maximum weekly benefit of \$113; benefits offered under private plans must be at least as generous as benefits offered under the state plan.	Employer assessments and (possibly) employee contribution.	May not receive UI benefits concurrently.	Department of Labor and Human Resources	