

SUMMARY OF NEW YORK STATE'S TEMPORARY DISABILITY INSURANCE LAW:

What is it?

- A program that provides wage replacement for employees that are disabled by a non-work connected illness or injury, as well as pregnancy.
- The program is overseen by the New York State Workers Compensation Board.

Coverage:

- Benefits are available to an individual that is unable to perform his or her regular job duties or another job offered by the employer at the same wages that the employee is qualified for.
- Benefits become available to an employee after four weeks in a job.
- The employee must wait one week before he or she can begin collecting benefits, and must provide their employer with written certification of the disability from a doctor.
- The law obligates covered employers to provide benefits for their employees.
 - A covered employer is someone that has employed one or more individuals on at least 30 days during a calendar year, or someone that has a personal or domestic employee working in their home at least 40 hours per week.
 - A covered employer does not include the state or local government.
- The employer is liable for disabilities that commence during employment or within 4 weeks after the termination of employment (provided the employee has not left voluntarily).
 - More than 4 weeks after termination of employment, or if an employer fails to secure coverage, benefits are paid by the Special Fund for Disability Benefits.

Benefits:

- A weekly cash benefit equal to 50% of the employee's average weekly wage, or \$170.00, whichever is less. Benefit is calculated based on employee's last 8 weeks of employment.
- Maximum period for obtaining benefits is 26 weeks in a 52-week period.
- No medical benefits are provided.

Funding:

- Covered employers are required to provide coverage to their employees by purchasing an insurance policy through a private insurance carrier or the State, or by self-insuring.
- A covered employer may collect a contribution of 0.5% deducted from the wages paid to an employee, up to \$0.60/week, to offset the cost of providing benefits.

Other States:

- Five states and one territory operate some form of Temporary Disability Insurance. They are New York, New Jersey, California, Rhode Island, Hawaii, and Puerto Rico.
 - California, New Jersey, Rhode Island, and Puerto Rico operate their programs through their employment security programs. Hawaii operates its program through a separate division within its Department of Labor and Industrial Relations.