

State Disability Benefit Laws Highlight



Updated for July 2021

Jurisdiction	California	Hawaii	New Jersey	New York	Puerto Rico	Rhode Island
Type of law	State fund and private plans – former automatic if latter not elected by employer or with consent, by employee Website: SDI Online	All private plans; fully-insured or self-insured (no state fund or plan) Website: labor.hawaii.gov	State fund and private plans – former automatic if latter not elected by employer and, if contributory; by majority of employees Website: https://myleavebenefits.nj.gov/worker/tdi/	Competitive between state fund and private plans – former automatic if latter not elected by April 30 - to be effective July 1. Contributory plans require majority employee consent Website: wcb.ny.gov	Competitive between state fund and private plans – former automatic if latter not elected by April 30 - to be effective July 1. Contributory plans require majority employee consent Website: trabajo.pr.gov/sinot.asp	State fund only – no private plans allowed in substitution Website: dlt.ri.gov/tdi/
Type of private plans	Insured and self-insured plans exceeding state fund standards	Insured and self-insured plans equal to or exceeding statutory requirements and continuation of certain existing plans (collective bargaining)	Insured and self-insured plans equaling or exceeding state fund standards, and continuation of certain other existing plans	Insured and self-insured plans equaling or exceeding statutory requirements and continuation of certain existing plans	Insured and self-insured plans equal to or exceeding statutory requirements and continuation of certain other existing plans	None
Employee contributions	State or private; not more than 1.2% of the first \$128,298 of annual wages; maximum employee contribution of \$1,539.58 (effective 1/1/2021)	50% of cost but not more than 0.5% of weekly wages, to a maximum of \$5.51 per week (effective 1/1/21)	0.47% of maximum subject wages (\$138,200 effective 1/1/2021), or \$649.54 maximum	0.5% of employee's wages, but not in excess of \$.60 weekly	0.6% of taxable wages, up to \$9,000 (\$54.00) The contribution may be shared with employer. Employee contributions cannot be more than employer contributions	1.3% of first \$74,000 of annual wages up to maximum of \$962 (effective 7/1/2021)
Employer contributions required	Optional, may elect to pay all or part of employee amount	At least 50% of cost	0.5% maximum subject wages (\$36,200 effective 1/1/21)	Balance of cost	0.6% of taxable wages, up to \$9,000 The contribution may be shared with employer but employer must pay more than employee	None
Employers covered	Employers of one or more employees that pay \$100 in payroll in any quarter – same as unemployment compensation Employers of domestic employees and with a quarterly payroll of \$750 or more	Employers of one of more employees working 20 or more hours per week; employers of domestic employees and with a quarterly payroll of \$225 or more	Employers of one or more employees that pay \$1,000 or more in total wages – same as unemployment compensation	Employers of one or more employees on each of at least 30 days in one calendar year	Employers of one or more employees on any day in current or previous calendar year	Employers of one or more employees in the State of Rhode Island who earn more than \$1,000 per calendar quarter

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Employee excluded	Certain employees of certain non-profit organizations, railroad and government employees, real estate salesmen, and others	Certain domestic workers, insurance agents, real estate sales persons paid solely on commission basis and other categories specifically excluded in the law	Certain farm laborers, domestic servants, railroad employees, real estate salesmen, certain government employees, and others	Certain elementary and high school day students, casual employees, employee of non-profit organization, and others	Certain domestic workers, students employed by school or college, government or non-profit organization employees, and others	Certain domestic workers, students employed by school or college, disabled people employed through a supported employment program, employees of certain non-profit organizations, government employees, and others
Religious exemptions	Members of any sect, etc., which depends upon prayer for healing in the practice of religion, upon filing waiver of benefits	None	Members of any sect, etc., which depends upon prayer or other spiritual means for healing, upon filing waiver of benefits	Members of a religious order which depends upon prayer or other spiritual means for healing, upon filing waiver of benefits	None	Members of any sect, etc., which depends upon prayer or other spiritual means for healing, upon filing waiver of benefits
Statutory eligibility requirements	Earnings in base year of not less than \$300, from which state disability insurance (SDI) taxes were withheld	Remuneration for at least 20 hours for at least 14 weeks, and wages of at least \$400 during the 52 weeks immediately preceding disability	Either 20 weeks of work in covered employment during base year with earnings of at least \$172 in earnings each week; or \$8,600 of annual earnings in the base year	Generally, four consecutive weeks of covered employment, not necessarily with current employer	Base year earnings of \$150 in covered employment	Either base year earnings of \$12,600; or at least \$2,100 in one of the base period quarters and base period wages of at least 1½ times the highest quarter earnings and total base period wages of at least \$4,200
How benefits are computed	Computed over a 12-month basis period divided into quarters. Benefit is approximately 60 or 70% (depending on income) of wages earned prior to claim start date.	58% of average weekly wage of \$26 or more to next highest dollar	85% of average weekly wage capped at 70% of the state average weekly wage.	50% of average weekly wage for last eight weeks worked, subject to maximum of \$170 (unchanged since 5/1/89)	65% of average weekly wage, subject to a maximum of \$113 (unchanged since 7/1/85)	4.62% of highest quarter wages in base period; subject to a maximum of 85% of statewide average of employees covered by Employment Security Act

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Minimum weekly benefit	\$50	\$14	N/A	\$20, or average weekly wage, whichever is less	\$12 (non-agricultural)	\$107, plus greater of \$10 or 7% of weekly benefit per dependent child to age 18, or over 18 if handicapped. Maximum of five children
Maximum weekly benefits	\$1,357 (effective 1/1/2021)	\$640 (effective 1/1/21)	\$903 effective January 1, 2021	\$170 (unchanged since 5/1/89)	\$113 (non-agricultural) \$55 (agricultural) There is a death benefit of \$4,000; also dismemberment benefits of \$2,000 to \$4,000	\$978 (As of 7/1/2021), plus greater of \$10 or 7% of benefit per dependent child (up to 5) under age 18 (or over 18 if handicapped); max of \$1,320 with dependents)
Maximum duration	52 weeks for disability leaves	26 weeks for any disability or within a benefit year	26 weeks with respect to any one period of disability	26 weeks	26 weeks for any disability or in any 52-week period	30 weeks
Waiting period	7 days	7 days	7 days for each disability, but if benefits are payable for 3 consecutive weeks, then benefits become payable with respect to the first 7 days	7 days for each disability	7 days for each disability, if hospitalized during first 7 days, benefits begin on first day of hospitalization	No waiting period. Must be unemployed for at least 7 days due to non-job-related illness or injury
Maternity benefits	Pregnancy-related disabilities treated as any other illness	Pregnancy-related disabilities treated as any other illness	Pregnancy-related disabilities treated as any other illness	Pregnancy-related disabilities treated as any other illness	First 8 weeks: employer paid leave at full salary per Working Mothers Act; includes adopted children under the age of 5; regular SINOT benefits thereafter	Pregnancy-related disabilities treated as any other illness

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Effect of continued pay from employer during disability	Can still receive disability benefits for each day of disability in amount which, together with wages, does not exceed 1/7 of regular weekly wage immediately prior to disability, depending on type of wages received	No disqualification from benefits, but salary continuance may be used as part of compliance with benefit provisions of the law	Reduces benefits if benefits plus continued employer pay exceed regular weekly wages	Generally, sick pay and benefits may be received simultaneously	Reduces benefit if combined total would exceed wages. Provision under state plan for benefit payment to employer if full pay continues	Generally, sick pay, vacation pay or benefits from an additional disability policy may be received simultaneously
Penalty for non-compliance	Penalties vary based on type: 15% of late contributions for underpayment or late payment, and up to \$20,000 and prison for fraud	\$100 per employee per day for not maintaining disability coverage	\$10/day for each day of late reporting up to \$500, or 25% of contributions due; Interest on late contributions; penalties of up to \$1,000 or imprisonment for false statements	½ of 1% of employer's payroll plus \$500 for each period of non-compliance; employer is liable for greater of total value of any disability claims or 1% or employer's payroll during non-compliance	For misrepresentation or false statements – fines up to \$1,000 and imprisonment of up to 1 year	½ of 1% per month and penalties of \$25 for late filing, and 10% for failure to make contributions to the fund. Employer is liable for any contributions not withheld from the employee on a timely basis.
Notice requirements	Notice must be posted in a prominent location easily seen by employees <u>Notice to Employees (DE1858)</u>	Each employer must post a printed or typewritten notice in a conspicuous place or places that the employer has obtained insurance to provide for the payment of disability benefits required by law. <u>Notice to employees</u>	Every employer shall post notices to the employees whether the employer is required to participate in a temporary disability benefits program, whether the employer participates in a state plan or private plan. Private plan notices are obtained from the insurance company. State plan notices are obtained from the <u>state</u> .	Each employer shall post a Notice of Compliance for Disability Benefits, supplied by the employer's insurance carrier.	Employers must post a notice of <u>Temporary Non-Occupational Disability Insurance</u>	Employers must post the Rhode Island <u>Unemployment Insurance and Temporary Disability Insurance Law Poster</u>