

**COMPARISON OF
TEMPORARY DISABILITY INSURANCE LAWS IN OTHER STATES**

	California (Temporary Disability Insurance)	California (Paid Family Leave)	Hawaii (Temporary Disability Insurance)	New Jersey (Temporary Disability Insurance)	New York (Disability Benefits)	Rhode Island (Temporary Disability Insurance)
Relevant Statutes	Unemp. Ins. Code §§ 2601 et seq. Enacted in 1946	Unemp. Ins. Code §§ 3300 et seq. Enacted in 2002	Haw. Rev. Stat. § 392-1 et seq. Enacted in 1969	N.J. Stat. Ann. § 43:21-25 et seq. Enacted in 1948	N.Y. Work. Comp. Law § 200 et seq. Enacted in 1949	R.I. Gen. Laws Ch. 28-39 through 28-41 Enacted in 1942
Responsible Agency	California Employment Development Department, Disability Insurance Office.	California Employment Development Department, Paid Family Leave Office.	Department of Labor and Industrial Relations, Disability Compensation Division.	Department of Labor and Workforce Development, Temporary Disability Insurance Division.	Workers' Compensation Board, Disability Benefits Bureau.	Department of Employment and Training, Temporary Disability Insurance.
Purposes	Individual's own non- work-related disability.	Birth, adoption, or foster care placement. Sickness or injury of child, spouse, parent or domestic partner. (SB 727, which is awaiting action by the Governor, would add the following: grandparents, grandchildren, parents-in- law, and siblings.)	Individual's own non- work-related disability.	Individual's own non- work-related disability.	Individual's own non- work-related disability.	Individual's own non- work-related disability.

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Eligible Employees	<p>Employees of covered employers who earned at least \$300 in the base period.</p> <p>Examples of excluded employees include: railroad employees; some employees of non-profit agencies; employees who claim religious exemptions; and most government employees.</p>		<p>Employees who have been employed for at last 14 weeks, who have been paid for at least 20 hours or more in each of those weeks, and who have earned not less than \$400 in the 52 weeks preceding the first day of disability.</p> <p>Examples of excluded employees include: federal employees; certain domestic workers; and certain family employees.</p>	<p>Employees who have established at least 20 base weeks, which means they earned at least 20 times the minimum wage rounded up to the nearest \$1 (\$143 in 2007) in each of those weeks.</p> <p>Alternatively, employees who have earned at least 1,000 times the minimum wage, rounded up to the nearest \$100 (\$7,200 in 2007) in the 52 weeks before the week in which the disability commenced.</p>	<p>Employees with 4 or more consecutive weeks of employment.</p> <p>Examples of excluded employees include: railroad, maritime, and farm laborers; part-time domestic workers; one or two corporate officers of corporations with no other employees; and certain employees of religious, charitable, or educational institutions.</p>	<p>Employees who earned at least 200 times the minimum hourly wage (currently \$1,480) in one quarter in the base period and at least 400 times that wage (currently \$2,960) in the base period, and whose base period wages are at least 1.5 times high quarter wages.</p> <p>Alternatively, employees who earned at least 3 times the total minimum amount above (currently \$8,880) in the base period.</p>
Covered Employers	Employers with payrolls in excess of \$100 per calendar quarter.		Most employers.	Employers subject to unemployment compensation coverage, including the state, but excluding certain other government entities.	Employers with 1 or more employees on each of at least 30 days in a calendar year, but not government employers. (Note that the employer becomes covered four weeks after the 30 th day.)	Employers subject to unemployment compensation coverage, but not governmental entities.
Coverage Options	<p>Options are:</p> <ul style="list-style-type: none"> State insurance plan Voluntary plan 	<p>Options are:</p> <ul style="list-style-type: none"> State insurance plan Voluntary plan 	<p>Options are:</p> <ul style="list-style-type: none"> Private insurance plan Self-insurance plan Collective bargaining agreement that contains benefits at least as favorable as required by state law 	<p>Options are:</p> <ul style="list-style-type: none"> State insurance plan Private insurance plan Self-insurance plan Union welfare fund 	<p>Options are:</p> <ul style="list-style-type: none"> Private insurance plan Self-insurance plan 	<p>Option is:</p> <ul style="list-style-type: none"> State insurance plan

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Financing	Employees only.		Employers may finance the entire cost or employers and employees may share the cost.	Employees and employers.	Employers are allowed, but not required to collect contributions from employees to offset the cost of providing benefits.	Employees only. Employers must withhold contributions from wages and transmit contributions to the TDI fund.
Amount of Premium	<p>The combined employee contribution rate for temporary disability insurance and paid family leave is set according to formula, and is capped at 1.5%.</p> <p>In 2007:</p> <ul style="list-style-type: none"> • The combined contribution rate is 0.6%. • The taxable wage base is \$83,389. • The maximum combined contribution per employee is \$500.33. 		If employer and employees share the cost, employer may deduct from wages one-half the premium cost but not more than 0.5% of the employees' weekly wages up to the maximum set by the Department.	<p>Employee contribution is 0.5% of wages up to the taxable wage base (\$26,600 in 2007).</p> <p>Employer contribution varies from 0.10% to 0.75% of wages up to the taxable wage base (\$26,600 in 2007). Contribution rates vary based on the employer's experience rating.</p>	If an employer collects contributions from employees, the amount collected may be up to 0.5% of wages, but generally not more than 60 cents per week.	Employee contribution is the contribution rate (1.3% in 2007) times wages up to the taxable wage base (\$52,100 in 2007).
Amount of Benefits	Weekly benefit is 55% of employee's average weekly wage up to an annually adjusted maximum amount (currently \$882).		Weekly benefit is 58% of employee's average weekly wage, but not more than the maximum benefit payable (\$476 per week in 2007).	Weekly benefit is 2/3 of employee's average weekly wage up to a maximum of 53% of the state average weekly wage (\$502 in 2007).	Weekly benefit is 1/2 of employee's average weekly wage, but not more than statutory maximum of \$170 or less than statutory minimum of \$20 per week.	Weekly benefit is 4.62% of employee's highest calendar quarter wages in the base year, not to exceed 85% of the state average weekly wage for the preceding year (\$652 as of 7/1/2007), plus dependent allowance of \$10 or 7% of weekly benefit, whichever is greater, for up to 5 qualifying dependents.

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Duration of Benefits	Up to 52 weeks.	Up to 6 weeks.	Up to 26 weeks.	Up to 26 weeks. Maximum total benefit payable is 1/3 of total wages in base year.	Up to 26 weeks.	Up to 30 weeks. Total benefits may not exceed 36% of base period wages in any benefit year, not including dependent allowance.
Waiting Period	7 days.		7 consecutive days.	7 days. If benefits are paid for 3 consecutive weeks, benefits are also payable for the first 7 days.	7 consecutive days.	7 consecutive days. If the disability continues for an additional 21 days, the employee is may receive benefits for the 7-day waiting period.

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Prepared By: Jill Reinmuth, Office of Program Research
360-786-7134 or reinmuth.jill@leg.wa.gov