

2023 State Disability Benefit Laws Highlight

| 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/ | State fund, self-insured or private plans 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 .9% of the first \$153,164 of annual wages; maximum employee contribution of \$1,378.48 (effective 1/1/2023) | 50% of cost but not more than 0.5% of weekly wages, to a maximum of \$6.59 per week (effective 1/1/23) | No employee contributions for the 2023 calendar year | 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 | 1.1% of first \$81,500 of annual wages up to maximum of \$896.50 (effective 7/1/2022) |
| Employer contributions required | Optional, may elect to pay all or part of employee amount | At least 50% of cost | 0.1% maximum subject wages (\$41,100 effective 1/1/2023) | 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 \$260 in earnings each week; or \$13,000 of annual earnings in the base year 2023 | 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 \$14,700; or at least \$2,450 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 \$4,900 |
| 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 |
| Minimum weekly benefit | \$50 | \$14 | N/A | \$20, or average weekly wage, whichever is less | \$12 (non-agricultural) | \$114, plus greater of \$10 or 7% of weekly benefit per dependent child to age 18, or over 18 if handicapped. Maximum of five children |

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| Maximum weekly benefits | \$1620 (effective 1/1/2023) | \$765 (effective 1/1/23) | \$1,025 effective January 1, 2023 | \$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 | \$1007 (As of 7/1/2022), plus greater of \$10 or 7% of benefit per dependent child (up to 5) under age 18 (or over 18 if handicapped); max of \$1,359 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 |
| 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 |

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| 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> |