

# NUHW FAQ ON CALIFORNIA DISABILITY INSURANCE

If your employer refuses to pay you while you're off the job due to a COVID-19 exposure or illness, you should consider applying for benefits from the California State Disability Insurance (SDI) program. The program may pay you 60 to 70 percent of your regular wages while you're off the job.

## 1. What is the California State Disability Insurance program?

Our state's Disability Insurance program replaces 60-70% of the wages of Californians who cannot work due to illness, injury, or pregnancy. You help fund this program through payroll taxes (it may show up as "CASDI" on your paystub). The program is managed by the California Employment Development Department (EDD).

## 2. Does this program cover workers who must stay at home due to a COVID-19 exposure or illness?

Yes. The program covers workers experiencing lost wages due to staying at home to quarantine or recover from a COVID-19 illness. In fact, after the pandemic hit our state, Governor Newsom issued an executive order that eliminates the one-week unpaid waiting period, which means you can collect disability insurance for the first (and subsequent) weeks that you are off work.

## 3. What kind of proof or documentation is required to be provided by my treating practitioner?

Your doctor or nurse practitioner must submit a medical certification DE 2501 that you have COVID-19 (ICD-10 Code). The certification must include the start date of your illness, your diagnosis or statement of symptoms, and how long your inability to work is expected to last. A state or local health officer can also fill out this form.

You can also qualify for disability insurance benefits if you have been medically quarantined due to exposure to, or potential exposure to, coronavirus. Your quarantine must be certified by a medical professional or public health officer. For example, those who are still allowed to work in essential fields who are sidelined by a quarantine can file for disability insurance and be paid for their first day out of work.

## 4. What if I am caring for a sick family member – am I eligible for disability insurance benefits?

If you are caring for an ill or medically quarantined family member, file a Paid Family Leave claim. Paid Family Leave provides up to six weeks of benefits, extended to eight weeks starting July 1, 2020, to eligible workers who have a full or partial loss of wages because they need time off work to care for a seriously ill family member or to bond with a new child. A family member can be a seriously ill child, parent, parent-in-law, grandparent, grandchild, sibling, spouse, or registered domestic partner.

## 5. How much can I receive through disability insurance?

Disability insurance offers you 60 to 70 percent of your wages, from \$50 to \$1,300 per week for 52 weeks.

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## 6. How do I apply for disability insurance benefits?

You can submit your claim online at EDD's website -- <http://edd.ca.gov>. Here's a video tutorial that walks you through filing a claim online: <https://youtu.be/j7Wn4gBSZxc>.

## 7. Can I apply for disability insurance retroactively?

Submit your claim no later than 49 days after you are absent from work.

## 8. If my application is approved, how quickly will I receive funds from the state?

The California Employment Development Department issues payments within a few weeks of receiving a claim.

## 9. Can my employer require me to use paid time off and sick leave to cover an absence caused by COVID-19, instead of receiving disability insurance?

Your employer cannot require you to use paid sick leave or other paid leave (such as vacation or paid time off) to cover your absence from work due to COVID-19. This is your choice. An employer who forces you to use your paid sick leave for COVID-19 related absences from work violates California's paid sick leave law. You may file a wage claim with the California Labor Commissioner's office, if this is the case.

## 10. Should I also file for workers' compensation?

We also recommend that you file a workers' compensation claim. Governor Newsom issued another executive order stating that essential workers, including healthcare workers, who contract COVID-19 and file a workers' compensation claim, shall be presumed to have contracted the virus at work. This increases the likelihood of a successful workers' compensation claim. Employers may rebut the claim, but the executive order shifts the burden of proof from the employee to the employer. The presumption is eligible for claims of exposure from March 19, 2020 to July 6, 2020.

To support NUHW's members, we've made arrangements with attorneys who specialize in workers' compensation issues to answer questions you may have about filing a claim:

- If you are based in Southern California, including Kern, Ventura, Los Angeles, Orange, San Bernardino, Riverside, and San Diego counties, you can contact the law firm of Ford & Wallach, and ask for Jason Swanson at (213) 380-3140, extension 2209.
- If you are based in Northern California or the Central Valley north of Kern County, you can contact the law firm of Boxer & Gerson and ask for John Harrigan at (510) 918-3500.

If you call, please tell them you are an NUHW member. The consultation is free. If you end up filing a claim, the attorneys would only collect a standard contingency fee (a portion of your workers compensation settlement) if your case is successful.

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