



the work and family legal center

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## FACTSHEET:

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### **Temporary Disability Insurance: A Priority for Women in New York**

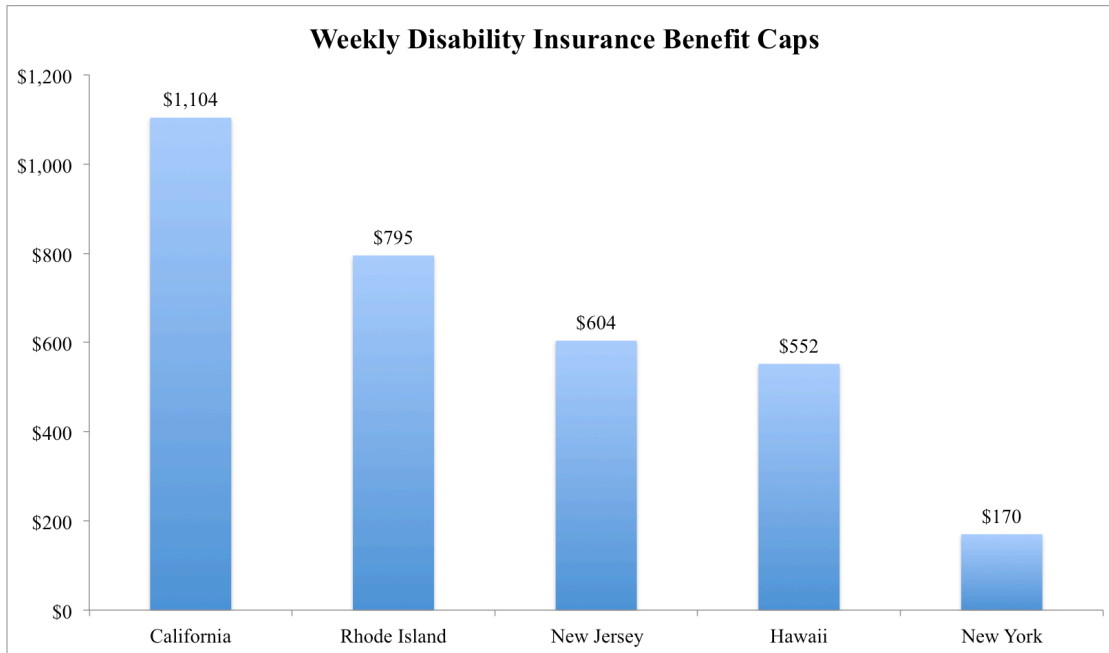
**New York's Temporary Disability Insurance (TDI) program provides support to individuals with an off-the-job illness or injury and is especially important for women. The program must be maintained and expanded in order to continue providing this critical benefit.**

#### **Women Rely on New York's TDI Benefits but More Support is Needed**

- According to the American Academy of Pediatrics and The American Congress of Obstetricians and Gynecologists, women physically need 4-6 weeks after having a baby before returning to a normal work schedule, and attention should also be paid to maternal-infant bonding.<sup>1</sup> New York's TDI program offers financial support for women during this critical time, generally covering women for six weeks after vaginal delivery and eight weeks after a Caesarian section.
- The birth of a child is a time when mothers and families need strong financial support. One quarter of all "poverty spells" start when a new child is born.<sup>2</sup>
- TDI helps women the most. In New Jersey in 2012, roughly 70% of TDI-eligible claimants were women.<sup>3</sup>
- In 2011, nearly 29% of New York's TDI claims were pregnancy-related claims.<sup>4</sup> Comparable numbers are seen in New Jersey and California. Just under 24% of New Jersey TDI claims were pregnancy-related in 2012,<sup>5</sup> and 26% in California in the 2013-14 state fiscal year.<sup>6</sup>

#### **New York's TDI Benefit Rate Is Shockingly Low and Hasn't Been Increased Since 1989**

- New York's TDI benefit amount is extremely low –although it is 50% of an employee's average weekly wages, it is capped at \$170 per week. The TDI benefit cap has not been raised since 1989.<sup>7</sup>
- New York is an extreme outlier, paying by far the lowest benefit of the five states that have disability insurance programs:
  - California pays up to \$1,104 per week (at about 55% of a person's earnings).<sup>8</sup>
  - New Jersey pays up to \$604 per week (at 2/3 of an employee's average weekly wage).<sup>9</sup>
  - Rhode Island pays weekly benefits up to \$795 (equal to 4.62% of a person's wages in the highest quarter of the base period).<sup>10</sup>
  - Hawaii pays benefits up to a maximum of \$552 (at a rate of 58% of an employee's average weekly wages).<sup>11</sup>
- In contrast to TDI, other New York state benefit programs have higher caps and have risen steadily. For example, the weekly cash benefit for Workers' Compensation in New York is 2/3 of the employee's average weekly wage and the maximum amount has risen steadily from \$300 in 1985 to \$844.29 in 2015 for total disability.<sup>12</sup> The benefit cap for Unemployment Insurance, which was most recently raised effective October 2014,<sup>13</sup> is \$420 per week.<sup>14</sup>



<sup>1</sup> American Academy of Pediatrics & The American Congress of Obstetricians and Gynecologists, *Guidelines For Perinatal Care*, (6<sup>th</sup> ed. 2008) p. 172.

<sup>2</sup> Bryce Covert, *Too Often, a New Baby Brings Big Debt*, *The Nation*, May 15, 2012, available at <http://www.thenation.com/article/167897/too-often-new-baby-brings-big-debt>.

<sup>3</sup> New Jersey Department of Labor and Workforce Development, *Family Leave Insurance & Temporary Disability Insurance Programs*, Annual Report for 2012, p. 5, available at [http://lwd.dol.state.nj.us/labor/forms\\_pdfs/tdi/FLI%20and%20TDI%20Annual%20Report%202012.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/FLI%20and%20TDI%20Annual%20Report%202012.pdf). No comparable numbers were readily available for New York.

<sup>4</sup> Fiscal Policy Institute, *Reform of New York's Temporary Disability Insurance Program and Provision of Family Leave Insurance: Estimated Costs of Proposed Legislation*, p. 10, available at <http://fiscalpolicy.org/wp-content/uploads/2014/06/Reform-of-NY-TDI-and-FLI.pdf>.

<sup>5</sup> New Jersey Department of Labor and Workforce Development, *Family Leave Insurance & Temporary Disability Insurance Programs*, Annual Report for 2012, p. 6, available at [http://lwd.dol.state.nj.us/labor/forms\\_pdfs/tdi/FLI%20and%20TDI%20Annual%20Report%202012.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/FLI%20and%20TDI%20Annual%20Report%202012.pdf).

<sup>6</sup> State of California Employment Development Department, *State Disability Insurance Statistical Information (2006-2014)*, available at [http://www.edd.ca.gov/Disability/pdf/qdsdi\\_DI\\_Program\\_Statistics.pdf](http://www.edd.ca.gov/Disability/pdf/qdsdi_DI_Program_Statistics.pdf).

<sup>7</sup> N.Y. Workers' Comp. Law § 204(2) (2013).

<sup>8</sup> State of California Employment Development Department, *Disability Insurance (DI) and Paid Family Leave (PFL) Weekly Benefit Amounts*, available at [http://www.edd.ca.gov/pdf\\_pub\\_ctr/de2588.pdf](http://www.edd.ca.gov/pdf_pub_ctr/de2588.pdf); State of California Employment Development Department, *Quick Statistics* available at [http://www.edd.ca.gov/about\\_edd/Quick\\_Statistics.htm](http://www.edd.ca.gov/about_edd/Quick_Statistics.htm).

<sup>9</sup> State of New Jersey Department of Labor and Workforce Development, *Benefit Calculations – State Plan Employer*, available at [http://lwd.dol.state.nj.us/labor/tdi/employer/state/sp\\_emp\\_benefit\\_calculations.html](http://lwd.dol.state.nj.us/labor/tdi/employer/state/sp_emp_benefit_calculations.html).

<sup>10</sup> RI Department of Labor and Training, *Temporary Disability Insurance Frequently Asked Questions*, available at <http://www.dlt.ri.gov/tdi/tdifaqs.htm>.

<sup>11</sup> State of Hawaii Disability Compensation Division, *About Temporary Disability Insurance*, available at <http://labor.hawaii.gov/dcd/home/about-tdi/>; State of Hawaii Department of Labor and Industrial Relations, *2015 Maximum Weekly Wage Base and Maximum Weekly Benefit Amount* (Dec. 1, 2014).

<sup>12</sup> New York State Workers' Compensation Board, *Workers' Compensation Cash Benefits*, available at <http://www.wcb.ny.gov/content/main/onthejob/CashBenefits.jsp>; New York State Workers' Compensation Board, *New Maximum Weekly Benefit Rate Effective July 1, 2015*, [http://www.wcb.ny.gov/content/main/SubjectNos/sn046\\_761.jsp](http://www.wcb.ny.gov/content/main/SubjectNos/sn046_761.jsp).

<sup>13</sup> Press Release, N.Y. State Department of Labor, Governor Cuomo Announces Benefit Rate Increase for Unemployment Insurance Claimants (Sept. 17, 2014), available at <http://labor.ny.gov/pressreleases/2014/september-17-2014.shtm>.

<sup>14</sup> New York State Department of Labor, Unemployment Insurance, *Before You Apply For Unemployment: Frequently Asked Questions*, available at <http://www.labor.ny.gov/ui/claimantinfo/beforeyouapplyfaq.shtm>.