



Nonindustrial Disability Insurance (NDI) provides income for an eligible employee who is disabled from work due to a non-work related medical condition and is suffering wage loss as a result. It is a fringe benefit completely paid for by the State; there are no employee contributions. This program should not be confused with Workers' Compensation or Industrial Disability Leave (IDL) coverage for work-related injuries. The basic provisions of the program are described below. **NOTE:** This handout is a summary of applicable laws and regulations only, and therefore leaves out important details. If statements in this handout differ from legal provisions, any decisions will be based on the law and not this material. The provision of the collective bargaining agreement pertaining to your classification may also supersede the statements in this handout. This material is subject to revision and reissue as legal and other changes occur.

### **ELIGIBILITY**

To be eligible, a CSU employee must be an **active** member of the Public Employees' Retirement System (PERS) or State Teachers' Retirement System (STRS) who is disabled from work and is either:

1. A **full-time permanent or probationary** employee; or
2. A **part-time permanent** employee; or
3. An employee **appointed half time or more for at least one year or one academic year.**

As mentioned above, there must be a wage loss suffered due to the disability. Furthermore, an employee who is **disabled during his/her normal non-work period** is not eligible for NDI payments until they return to work – for example, an academic year employee during the summer quarter off, a ten-month, 10/12 or 11/12 employee, during the non-work period. An AY employee, who is otherwise eligible, is entitled to continuation of NDI benefits during periods designated on the academic calendar as midyear recess or academic holiday.

Determination of the employee's eligibility, disability, and period of disability is made by the State Employment Development Department (EDD) in Sacramento.

### **PAYMENT AND LENGTH OF BENEFITS**

All eligible employees are entitled to a maximum of up to 26 weeks of NDI benefits for any one disability period. The benefits amounts are as follows:

- **Unit 1 (Physicians)** - an amount equal to one-half full pay **not to exceed \$135 per week** for any one disability period.
- **CSUEU (2,4,5,6,7,9), Confidential (C99) and MPP (M80, M98)** - an amount equal to one-half full pay **not to exceed \$250** per week for any one disability period.
- **All other eligible employees** - **\$125 per week** for any one disability period.

An employee who is still disabled after 26 weeks may request a medical leave of absence without pay, retirement, or other options. If the disability continues after 26 weeks and retirement is not an option, the Benefits Analyst in Human Resources (756-5436) should be contacted to arrange for direct payment of insurance premiums.

A temporary employee will not be eligible to receive NDI benefit payments after his/her appointment ending date. In no case shall benefits be payable for any day on or after separation or retirement from state service.

**Return to Work:** You are expected to fully reinstate at the expiration of your approved NDI period. **Any identified work restrictions must be certified in writing by your doctor and submitted prior to your return.** Work restrictions will be reviewed against the essential functions of the job to determine whether or not reasonable accommodation(s) can be made.

**Partial Return to Work:** If an employee receiving NDI benefit payments obtains a medical clearance to return to work on a part-time basis, and is otherwise eligible for NDI and is disabled for four or more hours per day (or a minimum of 50% of their assigned time base), he/she may continue to receive full NDI benefits for the portion of his/her normal work time that he/she cannot work due to the disability. In no case shall the employee receive gross pay (salary plus NDI benefit payments) which exceeds his/her monthly salary.

### **NDI WAITING PERIOD**

There is a seven-day waiting period starting on the first full day of disability for each period of disability before NDI benefit payments can begin. However, if the employee is confined in a hospital or EDD-approved nursing home for one full day, the waiting period may be waived. The waiting period may be served while sick, vacation or other leave credits are being used.

### **USE OF SICK LEAVE, VACATION AND CTO**

An employee must use all accrued sick leave before any NDI benefits may be paid. Use of accrued vacation or CTO credit during a disability is optional. However, if the use of vacation

leave or CTO is elected, all of the accrued time must be used before NDI benefits will be paid.

**Employees do not accrue vacation credits, sick leave, or retirement credit during an NDI benefit period. Time spent in an NDI leave normally will not count as part of any required probationary period or as qualifying service for a salary service increase (SSI), where applicable. However, NDI leave may count toward the accumulation of seniority points depending on collective bargaining unit.**

#### **PAYMENT OF BENEFITS & PAYROLL DEDUCTIONS**

***PLEASE NOTE: Disability pay is a benefit and not a wage. After NDI benefit authorization is received from EDD, Payroll Services will process documentation to initiate NDI payments through the State Controller's Office. Disability pay is issued by the State Controller's Office on or about the 10<sup>th</sup> of each month after the regular pay cycle.*** NDI payments are subject to Federal and State income taxes and Social Security taxes. PERS or STRS retirement contributions are **not** deducted because employees **do not earn retirement service credit** while on NDI leave. All voluntary deductions such as health, dental, vision and life insurance premiums, tax sheltered annuity and charitable contributions, credit union payments and parking fees will automatically be deducted from the NDI check as long as the net NDI payment is large enough to cover these deductions, unless such benefits are cancelled by the employee in a timely manner.

#### **MATERNITY LEAVE BENEFITS**

Sick leave and NDI benefits are available to female employees for maternity leave purposes, but only for the period of disability as determined by the attending physician and authorized by the EDD (normally 6-8 weeks following a normal birth). The NDI regulations stated above also apply to maternity disabilities.

#### **CATASTROPHIC LEAVE PROGRAM**

An employee who accrues sick and/or vacation leave credits may elect to receive leave donations from co-workers if she/he has a catastrophic illness or injury and has exhausted all CTO, vacation and sick leave available for use during the absence. Contact the Disability Programs Analyst in Human Resources for details

#### **NDI AND OTHER DISABILITY BENEFITS**

##### **Workers' Compensation Temporary Disability IDL/TD:**

Employee's whose workers' compensation claim is being delayed and are losing time from work, may apply for NDI benefits until a determination is made on their workers' compensation claim.

**SDI (State Disability Insurance):** Cal Poly does not participate in SDI; however, some employees may be eligible to receive SDI benefits concurrently with NDI benefit payments if they paid into SDI under a prior employer. If you think you may be eligible for SDI benefits, contact EDD directly for an application (866-758-9768).

#### **APPLICATION PROCEDURES**

Contact the Disability Programs Analyst in Human Resources to begin the application process. There are three sections of the NDI Application to be completed. Human Resources will work with Payroll Services to complete the Employer Information section; employee completes the Applicant section and then delivers the application to the treating physician for certification of disability. The physician mails or FAXes the form directly to the EDD. EDD will make the determination of eligibility and notify the employee and Disability Programs Analyst in Human Resources. The Disability Programs Analyst authorizes Payroll Services to issue an NDI benefit payment.

If the disability continues longer than the physician first anticipated, extensions up to the maximum period may be granted.

Because several steps are involved in the NDI application approval process, there is usually a lag between the beginning of a period of disability and receipt of the first NDI payment. If you anticipate a disability, i.e., surgery or birth of a child, you should contact the Disability Programs Analyst as soon as possible but no later than the day before the start of the disability period. ***It is the employee's responsibility to follow-up with the treating physician to ensure the NDI application has been submitted to EDD as quickly as possible.***

#### **For additional information, please contact:**

Shelly Giesmann  
Disability Programs Analyst-Specialist  
Human Resources  
Administration Building 01, Room 110

Phone (805) 756-5395 • Fax (805) 756-5483

Email: [sgiesman@calpoly.edu](mailto:sgiesman@calpoly.edu)

#### **Direct Pay of Benefits:**

To arrange direct pay of benefits, please contact the Human Resources Benefits line:

Telephone: (805) 756-5436

Email: [humanresources@calpoly.edu](mailto:humanresources@calpoly.edu)

*Revised 05/24/2018*