

First Claim for Nonindustrial Disability Insurance (NDI)

NOTE TO NDI APPLICANTS: KEEP THIS INSTRUCTION & INFORMATION JACKET FOR REFERENCE

To qualify for NDI benefits, you must be:

1. A California State government employee
and
2. Unable to perform your job duties because of a non-work-related disability.
(See "Nonindustrial Disability Insurance Provisions," DE 8502; for details.)

How to complete the NDI claim form, DE 8501:

1. Have your Attendance Clerk or Payroll Officer complete Part A.
2. Complete all items in Part B when you have stopped working due to a disability.
3. Give this claim form to your doctor for completion of Part C. (If you are under the care of an accredited religious practitioner, ask your practitioner to complete and sign a "Practitioner's Certificate," DE 2502, available from any State Disability Insurance office.)
4. Advise your doctor that upon completion of the medical certificate the claim form should be forwarded **ONLY** to the NDI office indicated below.

Note: It is the employee's responsibility to see that this Claim and the Doctor's Certificate are filled out **COMPLETELY** and mailed to the Employment Development Department address listed below. If you do not understand this form, you may call the NDI office or call 1-866-758-9768. If any item is not completed on this form, it may be returned for completion and your benefit payment may be delayed.

If an authorized agent is filing for benefits for a **PHYSICALLY INCAPACITATED, MENTALLY INCAPACITATED, or DECEASED** claimant, contact the NDI office or call 1-866-758-9768 for the required forms and instructions.

MAIL COMPLETED FORM TO: State of California
Employment Development Department
NDI
P.O. Box 2168
Stockton CA 95201-2168

Information Collection and Access

State law requires the following information to be provided when collecting information from individuals:

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| Agency Name: Employment Development Department (EDD) | Title of Official Responsible for Information Maintenance: Manager, EDD Disability Insurance Office |
| Local Contact Person: Manager, EDD Disability Insurance Office | Address and Telephone Number: 528 North Madison, Stockton, CA 95202-1917 1-866-758-9768 |
| Maintenance of the Information is authorized by: California Unemployment Insurance Code, sections 2601 through 3272. California Code of Regulations, title 22, sections 2706-1, 2706-3, 2708.1-1, 2710-1. California Government Code, sections 19878 through 19886.2. | |
| All information requested is mandatory. Consequences of not providing all or any part of the requested information: <ul style="list-style-type: none">• Failure to supply any or all information may cause delay in issuing benefit checks or may cause you to be denied benefits to which you are entitled.• If you willfully make a false statement or representation or knowingly withhold a material fact to obtain or increase any benefit or payment, EDD will disqualify you from receiving benefits any/or services and may initiate criminal prosecution against you.• EDD may require an independent medical examination to determine your initial or continuing eligibility. | |
| Principal purpose(s) for which the information is to be used: <ul style="list-style-type: none">• To determine eligibility for nonindustrial disability insurance benefits.• To be summarized and published in statistical form for the use and information of government agencies and the public. (Your name and identification will not appear in publications.)• To be used to locate persons who are being sought for failure to provide child or spousal support.• To be used by other governmental agencies to determine eligibility for public social services under the provisions of California Welfare and Institutions Code, division 9.• To be used by EDD to carry out its responsibilities under the California Unemployment Insurance Code.• To be exchanged pursuant to California Unemployment Insurance Code, section 322, and California Civil Code, section 1798.24, with other governmental departments and agencies, both federal and state, which are concerned with any of the following:<ol style="list-style-type: none">(1) administration of an unemployment insurance program;(2) collection of taxes which may be used to finance unemployment insurance or disability insurance;(3) relief of unemployed or destitute individuals;(4) investigation of labor law violations or allegations of unlawful employment discrimination;(5) the hearing of workers' compensation appeals;(6) whenever necessary to permit a state agency to carry out its mandated responsibilities where the use to which the information will be put is compatible with the purpose for which it was gathered; or(7) when mandated by state or federal law. Disclosures under California Unemployment Insurance Code, section 322, will be made only in those instances in which it furthers the administration of the programs mandated by that Code.• Pursuant to California Unemployment Insurance Code, sections 1095 2714:<ol style="list-style-type: none">(1) Information may be revealed to the extent necessary for the administration of public social services or to the Director of Social Services or his/her representatives;(2) Claimant identity may be released to the Department of Rehabilitation.• Information shall be disclosed to authorized agencies in accordance with California Unemployment Insurance Code, sections 1095 and 2714. | |
| Under California Civil Code, section 1798.34, you have the right to inspect records maintained on you by the agency unless exempted as described on page C. | |

California Civil Code, section 1798 (The Information Practices Act), imposes conditions on the gathering, maintenance, disclosure, and correction of personal information by public agencies.

1. **Right to inspect and correct:** California Civil Code, section 1798.34, gives you the right to inspect any personal records maintained about you by the Employment Development Department. Section 1798.34 also gives you the right to obtain a hardcopy of your file. Section 1798.35 permits you to request that the record be corrected if you believe that it is not accurate, relevant, timely, or complete.
2. **Exemptions:** Certain limited types of information that would generally be considered personal are exempt from disclosure to you:
 - (a) Medical or psychological records where knowledge of the contents might be harmful to the subject (Civil Code, § 1798.40);
 - (b) Records of active criminal, civil, or administrative investigations (Civil Code, § 1798.40);
 - (c) Names of individuals submitting letters of reference (Civil Code, § 1798.38).
3. **Appeal rights:** If you are denied access to records which you believe you have a right to inspect or if your request to amend your records is refused, you may file an appeal in writing with the EDD Disability Insurance Office whose address is shown on page B.

Federal Privacy Act. The Employment Development Department requires disclosure of Social Security account numbers on a mandatory basis to comply with California Unemployment Insurance Code, sections 1253 and 2627; with California Code of Regulations, title 22, sections 1085, 1088, and 1326; with Code of Federal Regulations, title 20, part 604; and with U.S. Code, title 8, §§ 1621, 1641, and 1642.

Health Insurance Portability and Accountability Act. Federal law requires that we obtain a separate authorization and signature that permits your doctor to provide medical information regarding your claim. EDD collects medical and health information in accordance with Code of Federal Regulations, title 45, part 164.

What is Nonindustrial Disability Insurance? Nonindustrial Disability Insurance (NDI) is a program funded by state government employers to provide partial wages to those state government employees not covered by State Disability Insurance who experience a loss of wages due to a non-work-related disability.

Coverage

No employee contributions, enrollment fees, or medical examinations are required in order to be covered.

NDI benefits are available to permanent or probationary full-time, part-time, or intermittent employees in "compensated employment" (in pay status and not separated by a formal leave of absence) who are members of the Public Employees' Retirement System (PERS) or the State Teachers' Retirement System (STRS).

Permanent part-time and intermittent employees must have the equivalent of six monthly compensated pay periods of service in the 18 months immediately preceding the pay period in which the disability begins. Such employees are eligible on a prorated basis.

Employees of the California State University appointed half-time or more for one year of service or one academic year or more are also covered.

NDI coverage is also provided to employees who are excluded from collective bargaining and to full-time, permanent part-time, or intermittent officers or employees of the State Legislature who are not members of the civil service.

Eligibility

NDI benefits are payable to covered employees who cannot perform their regular or customary work and suffer a wage loss because of a non-work-related mental or physical disability, including disability due to pregnancy.

There is a waiting period of either seven or ten days according to employment status and/or provisions of collective bargaining agreements. All or part of the waiting period may be waived under certain circumstances. Such circumstances include being confined in a hospital or nursing home or any circumstance specified in an applicable collective bargaining agreement.

Benefits are not payable:

- For any day of entitlement to temporary workers' compensation benefits or industrial disability leave. EXCEPTION: If the weekly rate for such benefits is less than the weekly NDI rate, the difference can be paid.
- For any day wages are received in the form of sick leave, vacation, compensatory time off, or catastrophic leave.
- For any day Unemployment Insurance benefits are received.
- For any day on and after separation or retirement from state service. It is permissible to delay the effective date of a disability retirement until NDI benefits are exhausted.

Retirement Credit. You will not earn PERS or STRS service credit while you are receiving NDI. State employer contributions to your retirement account will not be made while you are receiving NDI.

Benefit Amounts

NDI provides up to \$250.00 per week for 26 weeks (182 days). The weekly benefit amount and rules regarding use of leave credits vary according to employment status and/or collective bargaining agreement. Enhanced NDI benefits are provided to employees who participate under the State's Annual Leave Program (ALP) in the amount of 50% of gross pay that may be supplemented with leave credits up to 100%.

State and federal taxes will be withheld from NDI benefits. Voluntary deductions such as health insurance premiums, credit union loans, savings accounts, bonds, parking fees, health insurance premiums, etc., will automatically be deducted from NDI benefits unless cancelled by the employee. If the employee continues health insurance premium deductions, the State's employer contribution will also continue.

Benefit Payment Process

The NDI office within the Employment Development Department (EDD) determines eligibility and authorizes benefit payments. The employer's personnel office then must request the State Controller or paying agent to issue benefit payments to the disabled employee. Benefits are paid monthly.

Once benefits are authorized by NDI/EDD, inquiries concerning payment status, weekly rates, payment amounts, deductions, etc., should be directed to the employee's attendance clerk or personnel office.

Questions concerning eligibility for benefits should be directed to the NDI office at 1-866-758-9768. Any determination of eligibility made by the NDI office may be appealed before an administrative law judge by writing to the NDI office to request a hearing.

Requirements and Responsibilities

NDI claimants may be required to submit to an examination in order to determine physical or mental disability. Fees for such examinations are paid the State.

NDI claimants are responsible for filing claims promptly and accurately. It is a violation of the California Unemployment Insurance Code to willfully make a false statement or to knowingly conceal a material fact in order to obtain benefits.