



# Administrative Procedure

Number:	338
Effective:	9/30/85
Supercedes:	
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**Subject:** NONINDUSTRIAL DISABILITY INSURANCE

1.0. PURPOSE:

To establish the policy and procedure to be used in the event of a non-job related injury or illness, pregnancy, childbirth, or related medical condition.

2.0. ORGANIZATIONS AFFECTED:

All employees of the University, excluding auxiliary organization employees.

3.0. REFERENCES:

3.1. Government Code, Sections 19878 through 19885.

3.2. Office of the Chancellor memoranda: TL/BEN79-01 Subject: AWOL Separation after Expiration of NDI Benefits; TL/BEN79-04, Subject: Eligibility of 10/12 Pay Plan Employees; TL/NDI83-01, Subject: Eligibility of AY employees; TL/NDI83-03 and supplement 1, Subject: NDI Administrative Guide; FSA 78-85 and 79-48, Subject: NDI Program-Pregnancy Benefits; FSA 76-71, Subject: Procedures and Guidelines.

3.3. Collective Bargaining Agreements, Subject: Nonindustrial Disability Insurance.

Unit 4 - Article 19.21  
Unit 6 - Article 18.38  
Unit 8 - Articles 17.8 - 17.11  
Unit 9 - Article 20.17

3.4. Cal State L.A. Administrative Procedures, Subjects: Leaves of Absence and Workers Compensation/IDL.

4.0. POLICY:

4.1. In addition to the work-related benefit programs (i.e., Industrial Disability Insurance Leave (IDL) and Workers' Compensation), The California State University offers an insurance program for employees who are temporarily disabled due to conditions not related to the job.

**Approved:**

**Date:**

- 4.2. Eligibility--An employee must have suffered a wage loss in order to be eligible to receive Nonindustrial Disability Insurance benefits and must meet the following conditions:
  - 4.2.1. Be an active PERS member in compensated employment and a permanent/tenured or probationary full-time University employee, or;
  - 4.2.2. Be a permanent part-time or hourly University employee or;
  - 4.2.3. Be an academic employee who is a teaching faculty appointed half time or more for one year of service or one academic year or more and;
  - 4.2.4. Have a disability which has been verified and accepted by the Employment Development Department (EDD) and;
  - 4.2.5. Submit to a medical examination if requested by EDD.
- 4.3. Reinstatement--An employee receiving NDI disability payments shall be considered temporarily separated, and upon recovery from the disability is entitled to reinstatement in the position held at the time the disability began, if the position is still in existence, or to any other comparable existing vacant position for which the employee is qualified provided an appropriate health statement is received from the attending physician.

Employees must submit an attending physician's certification to Human Resource Management indicating that the employee is able to resume full- or part-time duties when intending to return prior to the scheduled return date.
- 4.4. Benefit Amount--An eligible employee may receive benefit payments up to twenty six (26) weeks (182 calendar days) in an amount equal to one-half (1/2) full pay not to exceed \$125 per week for any one disability benefit period.
  - 4.4.1. Eligible employees must serve a seven (7) day waiting period which starts on the first full day of the disability. If the employee is hospitalized for one full day or more the waiting period may be waived.

4.4.2. Reduction of Benefits--NDI disability benefits will be reduced under the following conditions:

- a. If the employee concurrently receives temporary disability payments under Workers' Compensation or a similar state or federal program. The employee will receive only the difference between the NDI benefit and other benefit, if any.
- b. If an employee returns to work on a part-time basis, continues to be disabled for four or more hours in a day and is otherwise eligible for NDI, the employee will receive full benefits for the portion of the normal work time that the employee cannot work due to the disability.

4.4.3. Employees will not accrue University service credit while on NDI. Therefore, no retirement deductions will be made from benefit payments. The State Controller's Office will issue benefit payments less state and federal taxes.

4.5. Sick leave--Generally, an employee must use all accrued sick leave before any NDI benefits may be paid.

4.6. Vacation--Use of accrued vacation during a disability is optional with the employee. If the employee elects to use vacation, all vacation must be used before NDI benefits will be paid. If an employee elects not to use vacation credits, then the accrued time may not be used until the employee returns to active employment. The same policy applies to accrued CTO credits.

5.0. DEFINITIONS:

5.1. Full Pay--Base salary, plus any shift differential, of the employee and subject to retirement contribution on the date the employee goes on disability status.

5.2. Daily Benefit Rate--An eligible employee will receive disability benefit payments equal to one-seventh (1/7) the weekly benefit amount for each full day during which the employee is unemployed due to a qualifying disability. NDI benefit checks will be issued monthly by the State Controller's Office following submission of required documents by the University.

- 5.3. Disability--Disability includes mental or physical illness and mental or physical injury, including any illness or injury resulting from pregnancy, childbirth, or related medical conditions. An individual shall be deemed disabled on any day in which, because of the employee's nonwork-related physical or mental condition, the employee is unable to perform regular customary work.
- 5.4. Wage-loss Concept--NDI law bases eligibility for benefits on the concept that an employee must have suffered a wage loss in order to receive payments from the program.

6.0. RESPONSIBILITIES:

- 6.1. The employee or an individual authorized to act on the employee's behalf will:
  - 6.1.1. Promptly notify the immediate supervisor in the event of any non-work related disability or injury, including conditions related to pregnancy and childbirth. The employee should communicate to the supervisor (and/or Human Resource Management staff) the reason for applying for NDI and the expected length of time off, if known.
  - 6.1.2. Upon receipt of Nonindustrial Insurance application form, complete the employee portion and have attending physician complete reverse side.
  - 6.1.3. Request the attending physician to mail the form as soon as possible to the Employment Development Department in Sacramento.
  - 6.1.4. Indicate to Human Resource Management staff any voluntary deductions the employee wishes to have canceled while on NDI status.
- 6.2. Supervisors will:
  - 6.2.1. Notify Human Resource Management of an employee's stated non-work related disability or injury, including the condition and expected return date if known, and request that the NDI application form be prepared and sent to the employee or an individual authorized to act on the employee's behalf.
  - 6.2.2. Allow an employee to return to full- or part-time duty prior to the end of the disability period only with Human Resource Management approval.

6.2.3. In the event that an employee requests an extension to the time in excess of the amount awarded by EDD, refer the employee (except Unit 3 employees) to the Division of Human Resource Management. Unit 3 employee leave requests are approved through the Office of the School Dean and Office of the Vice President for Academic Affairs.

6.3. The Division of Human Resource Management will:

- 6.3.1. Provide information concerning an individual employee's rights under NDI, IDL, Temporary Disability, Social Security, and/or PERS retirement options.
- 6.3.2. Complete the appropriate portion of the Nonindustrial Disability Leave application, before mailing the form to the employee or an individual representing the employee.
- 6.3.3. Approve or disapprove requests for early return to duty requests which are accompanied by the attending physician's certification indicating that the employee is able to assume part or full-time duties.
- 6.3.4. Approve or disapprove leave requests following the end of an NDI benefit period submitted by employees (except Unit 3 employees). Assist School Deans and other academic administrators, as requested, in the uniform application of University policy regarding approval of leaves affecting Unit 3 employees following expiration of an NDI benefit period.
- 6.3.5. Discuss the possibility of disability retirement with employees whose disability continues for more than a reasonable time beyond the expiration of the benefit period.
- 6.3.6. Process AWOL separations of employees who are denied a leave without pay and fail to report for duty.
- 6.3.7. Maintain a cumulative record of the number of benefit days for which an employee has been paid and ensure that payments do not exceed the maximum number of days authorized by EDD for a disability benefit period.

7.0. PROCEDURES:

- 7.1. Employees will report any condition, disability, or injury to their immediate supervisor as soon as possible.

- 7.2. Supervisors will inform Human Resource Management and request that the NDI application form be prepared and sent to the employee.
- 7.3. Human Resource Management will complete the upper portion of the NDI application form (Appendix 8.1.) form and deliver or mail to the disabled employee.
- 7.4. The disabled/injured employee or representative will:
  - 7.4.1. Complete the bottom portion of the form.
  - 7.4.2. Have the attending physician complete the reverse side and mail the form to:

Employment Development Department  
Department 217  
P.O. Box 13140  
Sacramento, CA. 95813
- 7.5. The Employment Development Department will:
  - 7.5.1. Determine if the claim is valid and indicate the period of eligibility for NDI benefits.
  - 7.5.2. Authorize Human Resource Management to place the employee on NDI status on the Employment History Database.
- 7.6. Human Resource Management will:
  - 7.6.1. Complete a Staff or Faculty Transaction form authorizing the University Payroll office to place the employee on NDI status.
  - 7.6.2. Submit the NDI application form to the State Controller's Office authorizing benefit payment.
  - 7.6.3. If an employee is released by the attending physician to return to work before the end of the benefit period, the final request for benefit payment will be prepared and submitted immediately to the State Controller's office and EDD.

7.6.4. Submit a Staff or Faculty Transaction form to the University Payroll Office to return the employee to active status.

8.0. APPENDICES:

8.1. NDI Application, Form DE 8501.