

What Happens If An Employer Does Not Have Coverage?

Any employer who fails to obtain coverage for disability benefits within 10 days after becoming a covered employer, will be in non – compliance of the Disability Benefits Law and Subject to a fine by the Workers Compensation Board. The fine imposed is typically \$500 plus one – half percent of the Employees payroll for the period of non – compliance. In addition, failure to comply with the Disability Benefits Law is a misdemeanor, and upon conviction May subject the employer to additional fines and/or imprisonment.

If an employee becomes disabled while working for An employer who is in non – compliance, the employee Is entitled to benefits from the Special Fund for Disability Benefits. In addition to any fine imposed On the employer, reimbursement for benefits Paid by the Special Fund, or one percent of the Employers payroll for the period of non – compliance, Whichever is greater, will also be required.

WHAT BENEFITS ARE PAID UNDER DBL?

A disabled employee will receive 50 % of his average weekly wage – based on the last eight weeks- earnings – to a weekly maximum of \$ 170. Benefits are paid beginning with the 8th consecutive day of disability and continue for a maximum of 26 Weeks during any consecutive 52 week period. The Minimum weekly benefit is \$ 20, or the average Weekly wage if less than \$20.

DBL is strictly a plan of partial salary replacement and does not reimburse medical expenses.

If an employee works for two or more employers, he Cannot collect more than the maximum DBL benefit. The benefit payable is in proportion to his earnings from each employer.

**WHO IS
ELIGIBLE
FOR
BENEFITS?**

Most wage earners employed in New York State are eligible if they are working for a covered employer.

Full – time employees who are new to the labor force are eligible after they have worked four consecutive weeks.

Part – time employees who are new to the labor force are eligible on the 25th day of regular employment for each employer. Under the law, part – time is denied as other than the employees’ normal work week. Any part of the day worked is considered a day of employment.

Employees who have been receiving unemployment benefits are immediately eligible, once they begin work provided by prior employer where disability was received.

New employees who have previously established eligibility with another employer are eligible as soon as they begin work, as long as the gap in employment is not more than four weeks.

Personal or domestic employees working at least 40 hours a week in a private home for the same employer.

A spouse working for a sole proprietor or partnership – unless excluded by the employer.

Working college students are eligible for benefits. if they meet the requirements above.

Employees working on a ten month contract (i.e.covered teachers) remain eligible for 4 weeks after the last day worked. Employees working on a 12 month contract remain eligible after the last day worked and continue eligibility as long as they are able to return to work when the new contract begins.

A corporate officer is an employee and will be covered as such, unless he is a nominal officer and receives no wages remuneration for his services.

**WHO IS
NOT
ELIGIBLE
FOR
BENEFITS?**

Certain classes of employees are not eligible for coverage or are excluded from the definition of employee.

Minor children of an employer.

Government, railroad or maritime workers.

Ministers, priests, rabbis, members of a religious Order, sextons or Christian Science readers.

Person engaged in a professional or teaching Capacity in or for non- profit religious, charitable Or educational institution; persons receiving rehabilitative service in a sheltered workshop operated by such institutions under a certificate issued by U.S Department of Labor.

Persons receiving aid from religious, charitable or Educational institutions, who perform work in Return for such aid.

Golf caddies.

Farm laborers.

Daytime students in elementary or secondary School who work part-time during the school year or during regular vacation periods.

An independent contractor.

Partners and proprietors are not considered employees.

Corporatate directors, acting only as such, and not As employees.

Executive officers of any incorporated non-profit, Religious, charitable or educational institution- Defined as President, Vice Present, Secretary Or Treasurer.

An otherwise eligible employee loses his eligibility for benefits after working four weeks in non-covered employment, i.e., working in non – New York employ- ment or for a municipality or government agency.

An employer may voluntarily elect to provide benefits to most excluded class (es) of employees by filing form DB-135 or DB –136, EMPLOYERS APPLICATION FORVOLUNTARY COVERAGE with the Workers' Compensation Board. Upon approval, the employer should notify his insurance carrier

**WHO PAYS
THE
PREMIUM
FOR DBL
COVERAGE?**

DBL premiums may be paid entirely by the employer or jointly by the employer and the employee. However, the employee is not required to contribute more than one-half of one percent of the First \$120 of weekly wages, to a maximum of \$.60 per week.

If an employee works for two or more employers he may request each to adjust his Contributions in proportion to his earnings so the total contribution does not exceed \$.60 per week.

**ARE
EMPLOYEES
NOT
WORKING IN
COVERED BY
DBL?**

In some instances. Eligibility is usually based? On the state in which the employee works. However employees working outside New York are covered some of their service is performed in New York?

1. The employee's base of operations is in New York; or
2. There is no base of operations in any state But the employee is directed and controlled From New York; or
3. The base of operations or place from which Service is directed or controlled is not in any State in which some part of the service performed, and the employee's residence is in New York.

**WHAT
CONSTITUTES
DISABILITY?**

An employee must be prevented from performing his regular duties due to non - occupational Accident or sickness and for which he has not received wages or remuneration. The employee must be certified disabled from working and in the care of a licensed or certified physician, Podiatrist, psychologist, chiropractor, dentist Nurse-midwife.

Disabilities caused by injury or illness as result of War, self-inflicted injury, injury arising from any unlawful Act or from committing a crime are not covered under the law.