



Injured off the Job? A Guide to Disability Benefits



**Workers'
Compensation
Board**

In New York, for-profit employers and many not-for-profit employers are required to carry disability insurance. It pays you temporary cash benefits if you can't work because you were injured or became ill outside your employment. In other words, the injury or illness happened off-the-job.

CASH BENEFITS

The benefit is 50% of your average weekly wage, up to a maximum of \$170 a week. The average weekly wage is based on the eight weeks prior to the last day worked. Benefits are paid for up to 26 weeks of disability during 52 consecutive weeks. Benefits are subject to Social Security taxes.

There is a seven-day waiting period; benefits begin on the eighth consecutive day of disability. The first benefit payment is due within four business days after the 14th day of disability, or four business days after receipt of the claim, whichever is later. Benefits are payable every two weeks during the period of disability.

Employers must give eligible workers a **Statement of Rights - Disability Benefits Law (Form DB-271S)** within five days of learning that the worker is disabled.

Your right to benefits may be affected if you quit your job for reasons unrelated to the disability.

PREGNANCY

Disability can occur at any time during pregnancy or after childbirth. Expectant or new mothers may collect disability benefits while on maternity leave, assuming they are otherwise eligible. A physician or certified nurse midwife must certify disability with medical reports. Sometimes an insurer may ask for more detailed medical information for extensive disabilities.

Bonding with a newborn is one of the qualifying events for Paid Family Leave benefits. However, you cannot receive both disability and Paid Family Leave benefits at the same time. Visit ny.gov/PaidFamilyLeave or call **(844) 337-6303** for more information about Paid Family Leave.

PREMIUMS AND COVERAGE

An employer may collect up to 60 cents a week from its employees to offset the disability insurance premium. The contribution is up to one-half of one percent of wages, up to 60 cents a week.

UNEMPLOYMENT INSURANCE AND DISABILITY

If you are unemployed, you cannot collect Unemployment Insurance benefits and disability benefits for the same period of time. If you are receiving Unemployment Insurance benefits and become disabled between four and 26 weeks after ending employment, you are eligible for disability benefits from the first day of disability. However, you are eligible only if you can't collect Unemployment Insurance benefits because an injury or illness prevents you from seeking employment. File a **Notice and Proof of Claim for Disability Benefits (Form DB-450)** directly with the Workers' Compensation Board.

SUPPLEMENTAL DISABILITY PLANS

Your employer may offer a supplemental disability insurance plan. Supplemental plans have different benefits than those required under the mandatory (or statutory) insurance described here. Since the plans can vary, please contact the insurer directly to learn about the benefits available to you.

RESTRICTIONS

You cannot receive disability benefits if you are working. Disability insurance does not cover medical care. Benefits are not payable for disability periods due to elective surgery.

Prospective employers may not ask you about your disability claims before hiring you.

HOW TO FILE A CLAIM

1. File Notice and **Proof of Claim for Disability Benefits (Form DB-450)** with your employer or insurance carrier within 30 days of becoming disabled. This form is available at wcb.ny.gov.

Keep a copy to submit again if your claim is not paid promptly.

If you file late, you may not be paid for any disability period more than two weeks before the date the claim is filed. Late filings may be excused if you can show that it wasn't reasonably possible to file earlier. No benefits are payable if you file more than 26 weeks after your disability begins.

2. Your health provider must complete **Part B of Form DB-450, Health Care Provider's Statement.**

OTHER CIRCUMSTANCES

- **Rejected Claim:** If your claim is rejected, you have the right to request a review of the rejection. Submit your request to the Disability Benefits Bureau at the Workers' Compensation Board at the address below.

If you're still disabled and your benefits stop before you receive 26 weeks, you have the right to submit a request for review to the Disability Benefits Bureau. Further benefits will be paid if a claim is determined proper and valid. Where necessary, the Board will obtain additional information and may hold a hearing on your claim.

- **Auto Accident:** You may receive disability benefits for an injury incurred in an auto accident. No-fault benefits may be reduced pending eligibility for disability benefits.
- **Social Security Benefits:** If you're still working and receiving Social Security retirement benefits, you may be eligible for disability benefits. However, if you're receiving Social Security disability benefits, and you also file a claim for NYS disability benefits, you will receive the larger of the two benefits, not both.

For example, if your Social Security disability benefit is \$400, and your NYS disability benefit is \$170, you will only receive \$400.

LANGUAGE ASSISTANCE

The Board will translate documents into any language you need. It will also provide an interpreter for your hearing, always at no cost to you. Please call **(877) 632-4996** to arrange translation or interpretation.

For more information, visit: wcb.ny.gov

For questions about your disability benefits claim, call: (877) 632-4996

Please send requests or other correspondence about your claim to:

Workers' Compensation Board / Disability Benefits Bureau
328 State Street
Schenectady, NY 12305

The New York State Workers' Compensation Board protects the rights of employees and employers by ensuring the proper delivery of benefits to those who are injured or ill, and by promoting compliance with the law. To learn more about the Workers' Compensation Board, visit wcb.ny.gov.

