

State Disability Insurance (Temporary Disability Benefits)

YOUR LEGAL RIGHTS

1. What is State Disability Insurance (“SDI”)?

SDI is designed to protect people from wage loss when they are unable to perform their regular work due to illness or injury. Both physical and mental injuries or disabilities are covered under the SDI program. A person is eligible for coverage if she cannot do her regular work and is unemployed when she applies for benefits.

2. Who is eligible for disability payments?

Almost all workers in California are covered by the program. If you earned more than \$300 during your base period, you should be eligible for SDI.

Employees in certain jobs are not covered, such as casual workers, domestic workers making less than \$1000 per quarter, in-home supportive services, election campaign workers, independent contractors and student workers working for their school.

3. What is the base period?

The base period is a 12-month period beginning about 18 months from the date on which you file your SDI claim. To determine the base period for a claim, use the following table:

If you file your claim in:	Your base period is the year ending the previous:
January, February, March	September 30
April, May, June	December 31
July, August, September	March 31
October, November, December	June 30

For example, if you applied for SDI on January 1, 2007, your base period would be October 1, 2005 through September 30, 2006.

4. How much am I eligible to receive from SDI?

Benefits range from \$50 to \$840 per week for up to 52 weeks, depending on the length of the temporary disability.

5. Can I collect unemployment insurance benefits at the same time I’m collecting SDI?

No.



6. If I'm injured on the job, am I eligible to collect SDI?

No, if you're injured on the job, you should qualify for coverage under Workers' Compensation insurance benefits. (See our Fact Sheet titled "**Workers' Compensation: Temporary Disability Benefits**" for more information.) If the amount of money paid to you from your workers' compensation benefits is less than your SDI benefits would be, then your SDI benefits should cover the difference. Also, if your employer disputes your entitlement to workers' compensation benefits, you should apply for SDI benefits until the dispute is settled.

7. I am self-employed. Does the SDI Program cover me?

SDI does not cover self-employed people unless they choose to be covered by the law. To be covered see § 704-708.5 of the California Insurance Code.

8. Am I eligible for SDI benefits if I am undocumented, or was undocumented during my base period?

You cannot be denied benefits because you are or were undocumented if you are otherwise qualified. You paid into the program through paycheck deductions, and have the right to collect your benefits.

9. How long can I receive SDI benefits?

You can receive benefits for up to one year from the date you apply. If your disability continues past one year, you may be eligible for Social Security Disability or Supplemental Security Income. You should check with your local Social Security office for more information about these programs.

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in California. Yet because laws and legal procedures are subject to frequent change and differing interpretations, the Legal Aid Society - Employment Law Center cannot ensure the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

For further information about your employment rights, please call:

The Workers' Rights Clinic

415-864-8208 (SF Bay Area) or **866-864-8208** (Toll Free in CA)

The Workers' Rights Clinic is a project of The Legal Aid Society - Employment Law Center, a non-profit organization focusing on the employment-related legal rights of low-income workers and providing free legal information on a wide range of employment-related problems.