

3254-1 Minimum Required Provisions for a Voluntary Plan

Section 3254-1@ Minimum Required Provisions for a Voluntary Plan

To be approved by the department a voluntary plan must meet each of the following minimum provisions and in addition provide to the employees covered thereby rights greater than those provided in Chapter 2 of Part 2 of the code:

(a)

Each voluntary plan must provide weekly rates of benefit payments such that each individual covered may be eligible to a weekly rate equal to or greater than the weekly rate for which the individual would be eligible under the Disability Fund but for his inclusion in the voluntary plan.

(b)

Each voluntary plan must provide to each individual covered not less than the same number of disability benefit periods to which he would otherwise be entitled under the code and must also provide a maximum total amount of benefits such that each individual covered may be entitled during a disability benefit period to benefits in a total amount and for a maximum period equal to or greater than that which would be payable from the Disability Fund but for his or her inclusion in the voluntary plan.

(c)

No voluntary plan may impose restrictions on or exclusions from eligibility for benefits in respect to individuals covered by such plans so as to deny benefits which would be payable to the individual from the Disability Fund but for his or her

inclusion in the voluntary plan.

(d)

Except as provided in Sections 3254(h) and 3260 of the code, no voluntary plan may require payments by the employees of contributions (including amounts designated as premiums) for disability benefits in amounts greater than would be required of such individuals if they were covered by the Disability Fund.

(e)

Each voluntary plan, in addition to the other requirements of the code and these regulations, must provide for daily accrual of benefits to each individual covered. For each uninterrupted period of disability the individual shall receive not less than he or she would have received under the Disability Fund for such period of disability.

(f)

Each employee covered by a voluntary plan shall be furnished either an individual certificate or a copy of a written or printed statement which the department has found accurately and fully states the essential features of the rights and benefits (including ineligibility and disqualification provisions) to which the employee is entitled under the plan.

(g)

The voluntary plan shall state the disability insurance benefits provided and the contributions payable by the employees separately from those pertaining to other benefits (such as medical care, life, hospitalization, etc.), which may be offered with the plan.

(h)

The filing of a claim for unemployment compensation disability benefits under an approved voluntary plan shall establish a disability benefit period for

unemployment compensation disability benefits as provided in the code and this part. If an individual is paid disability benefits under a voluntary plan for a period with respect to which he or she could not file a valid claim because of insufficient wages in his or her base period, the amount of such benefits shall not be deducted from the amount of unemployment compensation disability benefits to which he or she may be entitled at a later time when his or her base period includes sufficient wages to permit him or her to file a valid claim for unemployment compensation disability benefits; provided that any benefit payment under a voluntary plan during a period of disability shall establish a disability benefit period as provided in the code and this part if for the day for which such a payment is made the individual at that time has sufficient wages in his or her base period to permit the filing of a valid claim.