

|->

Title 22@ Social Security

|->

Division 1@ Employment Development Department

|->

Subdivision 1@ Director of Employment Development

|->

Division 1@ Unemployment and Disability Compensation

|->

Part 2@ Disability Compensation

|->

Chapter 7@ Family Temporary Disability Insurance

3303.1(a)-1 Ready, Willing, and Able and Available to
Section 3303.1(a)-1@ Ready, Willing, and Able and Available to Provide Care or Participate in a Qualifying Exigency
for the Same Period of Time

Provide Care or Participate in a Qualifying Exigency for the Same Period of Time

An individual is not eligible for Family Temporary Disability Insurance benefits on any day that another family member is ready, willing, and able and available to provide care or participate in a qualifying exigency as defined in section 3302.2 of the code during the same period of time in a day that the individual is providing care or participating in the qualifying exigency.

(a)

"Ready, Willing, and Able and Available." (1) Another family member may be ready, willing, and able and available regardless of his or her attachment to the labor market. EXAMPLE 1. Claimant A is employed full time. His brother is unemployed and looking for work. Claimant A's mother requires care for her serious health condition. The brother is not willing to provide the required care. Claimant A may receive Family Temporary Disability Insurance benefits, if otherwise eligible. (2) Another family member may not be ready, willing, and able and available because of a physical or mental disability that substantially limits his or her ability to provide the required care. EXAMPLE 2. Claimant B is employed full time. Her brother is unemployed due to a physical disability. Their seriously ill parent does not want the brother to provide the required care due to his physical limitation. Claimant B may receive Family Temporary Disability Insurance benefits, if otherwise eligible. (3)

Another family member may not be ready, willing, and able and available because of other obligations. EXAMPLE 3. A military member needs to arrange alternative childcare for his daughter. The military member has a mother and a father who are employed full time. The military member's father agrees to arrange alternative childcare for the military member since the mother is taking care of her elderly mother and therefore, is not available. The military member's father may receive Family Temporary Disability Insurance benefits, if otherwise eligible.

(1)

Another family member may be ready, willing, and able and available regardless of his or her attachment to the labor market. EXAMPLE 1. Claimant A is employed full time. His brother is unemployed and looking for work. Claimant A's mother requires care for her serious health condition. The brother is not willing to provide the required care.

Claimant A may receive Family Temporary Disability Insurance benefits, if otherwise eligible.

(2)

Another family member may not be ready, willing, and able and available because of a physical or mental disability that substantially limits his or her ability to provide the required care. EXAMPLE 2. Claimant B is employed full time. Her brother is unemployed due to a physical disability. Their seriously ill parent does not want the brother to provide the required care due to his physical limitation. Claimant B may receive Family Temporary Disability Insurance benefits, if otherwise eligible.

(3)

Another family member may not be ready, willing, and able and available because of other obligations. EXAMPLE 3. A military member needs to arrange alternative childcare for his daughter. The military member has a mother and a father who are employed full time. The military member's father agrees to arrange alternative childcare for the

military member since the mother is taking care of her elderly mother and therefore, is not available. The military member's father may receive Family Temporary Disability Insurance benefits, if otherwise eligible.

(b)

"Same period of time in a day."(1) No more than one care provider may claim benefits for providing care in any eight-hour period and no more than three in a 24-hour period. Determining whether another family member may be ready, willing, and able and available during the same period of time in a day depends on the care requirements of the care recipient as determined by the physician or practitioner treating the care recipient. EXAMPLE 1. The doctor certifies that the care recipient requires care eight consecutive hours per day. The care recipient has three children who establish claims to receive Family Temporary Disability Insurance benefits to provide care for her. Only one of the three claimants may receive benefits, if otherwise eligible, because only one is needed to provide the care recipient with eight consecutive hours of care per day. EXAMPLE 2. The doctor certifies that the care recipient requires 24-hour care. The care recipient has three children who establish claims to receive Family Temporary Disability Insurance benefits to provide care for her. All three of the claimants may receive Family Temporary Disability Insurance benefits, if otherwise eligible. A maximum of three claimants may receive benefits for providing care during eight-hour shifts within a 24-hour period, if otherwise eligible. Each of the children will provide eight hours of care to provide the required 24-hour care for their mother. EXAMPLE 3. The doctor certifies that the care recipient requires 24-hour care. The care recipient has five children, Claimant A, Claimant B, Claimant C, Claimant D, and Claimant E, who establish claims to receive Family Temporary Disability Insurance benefits to provide care for her. Only three of the five claimants may receive Family

Temporary Disability Insurance benefits for the same care recipient for the same period of time, if otherwise eligible. Claims are processed, if all applicable eligibility criteria are met, in the order which they are received. Claimants A, C, and E establish claims with the department and are found eligible before Claimants B and D establish claims. Therefore, Claimants B and D are initially denied Family Temporary Disability Insurance benefits. If Claimants B and D are otherwise eligible, and the care recipient criteria are still met, they may establish a claim for benefits as A, C, and E are no longer ready, willing, and able and available to provide care. (2) No more than one care provider may claim benefits for participating in a qualifying exigency related to a military member in any eight-hour period and no more than three care providers in a 24-hour period may claim benefits for participating in a qualifying exigency related to a military member. Determining whether another family member may be ready, willing, and able and available during the same period of time in a day depends on the qualifying exigency, as specified by the claimant. EXAMPLE 4. A military member needs to make legal arrangements. Both his domestic partner and mother are willing to make such arrangements. Only one family member may receive Family Temporary Disability Insurance benefits for the same care recipient for the same period of time. EXAMPLE 5. A military member has a father who is incapable of self-care and requires supervision on a 24-hour basis. The military member has a wife, daughter, son, and a mother who are willing to provide care on an urgent basis. The four family members establish claims to receive Family Temporary Disability Insurance benefits to provide care for the military member's father. Three of the four claimants may receive Family Temporary Disability Insurance benefits for the same care recipient for the same period of time, if otherwise eligible. Claims are processed in the order they are received. The wife, daughter,

and mother of the care recipient are found eligible before the son establishes his claim. Therefore, the son is initially denied Family Temporary Disability Insurance benefits. The son may establish a claim for benefits only if one of the first three eligible family members is no longer ready, willing, and able and available to provide the required care. Only three claimants may receive Family Temporary Disability Insurance benefits to provide care for the military member's father during eight-hour shifts each within a 24-hour period, if otherwise eligible.

(1)

No more than one care provider may claim benefits for providing care in any eight-hour period and no more than three in a 24-hour period. Determining whether another family member may be ready, willing, and able and available during the same period of time in a day depends on the care requirements of the care recipient as determined by the physician or practitioner treating the care recipient. EXAMPLE 1. The doctor certifies that the care recipient requires care eight consecutive hours per day. The care recipient has three children who establish claims to receive Family Temporary Disability Insurance benefits to provide care for her. Only one of the three claimants may receive benefits, if otherwise eligible, because only one is needed to provide the care recipient with eight consecutive hours of care per day. EXAMPLE 2. The doctor certifies that the care recipient requires 24-hour care. The care recipient has three children who establish claims to receive Family Temporary Disability Insurance benefits to provide care for her. All three of the claimants may receive Family Temporary Disability Insurance benefits, if otherwise eligible. A maximum of three claimants may receive benefits for providing care during eight-hour shifts within a 24-hour period, if otherwise eligible. Each of the children will provide eight hours of care to provide the required 24-hour care for their mother. EXAMPLE 3. The doctor certifies that the care recipient requires 24-hour care. The care recipient has five children, Claimant A, Claimant B, Claimant C, Claimant D, and

Claimant E, who establish claims to receive Family Temporary Disability Insurance benefits to provide care for her. Only three of the five claimants may receive Family Temporary Disability Insurance benefits for the same care recipient for the same period of time, if otherwise eligible. Claims are processed, if all applicable eligibility criteria are met, in the order which they are received. Claimants A, C, and E establish claims with the department and are found eligible before Claimants B and D establish claims. Therefore, Claimants B and D are initially denied Family Temporary Disability Insurance benefits. If Claimants B and D are otherwise eligible, and the care recipient criteria are still met, they may establish a claim for benefits as A, C, and E are no longer ready, willing, and able and available to provide care.

(2)

No more than one care provider may claim benefits for participating in a qualifying exigency related to a military member in any eight-hour period and no more than three care providers in a 24-hour period may claim benefits for participating in a qualifying exigency related to a military member. Determining whether another family member may be ready, willing, and able and available during the same period of time in a day depends on the qualifying exigency, as specified by the claimant. EXAMPLE 4. A military member needs to make legal arrangements. Both his domestic partner and mother are willing to make such arrangements. Only one family member may receive Family Temporary Disability Insurance benefits for the same care recipient for the same period of time. EXAMPLE 5. A military member has a father who is incapable of self-care and requires supervision on a 24-hour basis. The military member has a wife, daughter, son, and a mother who are willing to provide care on an urgent basis. The four family members establish claims to receive Family Temporary Disability Insurance benefits to provide care for the military member's father. Three of the four claimants may receive Family Temporary Disability Insurance benefits for the same care recipient for the same

period of time, if otherwise eligible. Claims are processed in the order they are received. The wife, daughter, and mother of the care recipient are found eligible before the son establishes his claim. Therefore, the son is initially denied Family Temporary Disability Insurance benefits. The son may establish a claim for benefits only if one of the first three eligible family members is no longer ready, willing, and able and available to provide the required care. Only three claimants may receive Family Temporary Disability Insurance benefits to provide care for the military member's father during eight-hour shifts each within a 24-hour period, if otherwise eligible.