Workers' Compensation Update: New Law Extends Period for Temporary Disability Payments to Injured Workers

by Juliann Sum

If you get hurt on the job, workers’ compensation temporary disability (TD) benefits are payments you receive if your injury prevents you from earning your usual wages while recovering. Under legislation in 2004, if you were injured on or after April 19, 2004, you could receive TD payments for up to 104 weeks, but in most cases the payments stopped after two years. This was regardless of whether you received the payments continuously over the two years.

Legislation in 2007 extended the ending date. If you are injured on or after January 1, 2008, you may be eligible to receive 104 weeks of TD payments within a five-year period. This new law is beneficial for workers who can return to work part of the time while recovering but whose recovery extends past two years, either because of the kind of injury they have or because of delays in treatment.

Note: The time limits described above do not apply to workers whose injuries involve acute and chronic hepatitis B, acute and chronic hepatitis C, amputations, severe burns, human immunodeficiency virus, high-velocity eye injuries, chemical burns to eyes, pulmonary fibrosis, or chronic lung disease.


The laws governing the ending of TD benefits are in section 4656 of the California Labor Code. To download section 4656, go to www.leginfo.ca.gov (link to: California Law).

Juliann Sum is an attorney with the Labor Occupational Health Program, University of California at Berkeley. For more information about injured workers’ rights and how to prevent job-related injuries and illnesses, go to www.lohp.org.