

ELECTIVE COVERAGE FOR EMPLOYERS AND SELF-EMPLOYED INDIVIDUALS

Under the provisions of the California Unemployment Insurance Code (CUIC), employers may elect Unemployment Insurance (UI) and State Disability Insurance* (SDI) or only Disability Insurance (DI) coverage for themselves. Self-employed individuals, who are not employers, may only elect SDI coverage for themselves.

Qualifying employers include sole proprietors, partnerships, co-ownerships, the managing members of a Limited Liability Company (LLC) treated as a sole proprietor for federal income tax purposes, and any member of an LLC treated as a partnership for federal income tax purposes. One or any number of general partners may elect to be covered (only the general partners in a Limited Partnership [LP] and a Limited Liability Partnership [LLP] may elect coverage). In a co-ownership, a spouse electing coverage must participate in the management and control of the business. A spouse working in a co-ownership who does not participate in its management and control is an exempt family employee, not an employer or self-employed individual. For more information on elective coverage for exempt family employees, refer to the Information Sheet: *Specialized Coverage (DE 231SC)*.

A table describing the types of individuals eligible for elective coverage, the types of coverage available, and the forms required to apply for coverage is shown on page 2 of this form.

Elective Coverage Requirements

- Requests must be in writing, filed with and approved by the Employment Development Department (EDD).
- Coverage must remain in effect for two complete calendar years unless the individual meets the criteria for early termination under [Section 704.1 of the CUIC](#).
- Termination requests must be in writing, filed with the EDD on or before January 31st, and will be effective January 1st of the year filed (if more than two complete calendar years since coverage was elected).

Applying for Elective Coverage

If you have any questions regarding your eligibility, contact the Disability Insurance Elective Coverage (DIEC) Unit at 916-654-6288.

To obtain an application, access the EDD's website at www.edd.ca.gov/Payroll_Taxes/Forms_and_Publications.htm or contact the Taxpayer Assistance Center at 888-745-3886.

*Includes Paid Family Leave (PFL).

If **ANY** of the following "Conditions for Denial of Coverage" exists, the election will not be approved ([Section 704 of the CUIC](#)):

- The intent is to discontinue the business within eight calendar quarters (two years).
- The regular trade, business, or occupation of the employing unit or self-employed individual is seasonal in its operation.
- The employing unit or self-employed individual has failed to make a return or pay contributions within the time required by the CUIC, and there are unpaid contributions owing to the EDD by the employing unit or self-employed individual.
- The entity or individual requesting the election has been convicted within the last eight consecutive calendar quarters (two years) of violations specified in [Chapter 10 of the CUIC \(beginning with Section 2101\)](#).
- The individual is not normally and continuously engaged in a regular trade, business, or occupation.
- The self-employed individual is currently unable to perform his or her regular and customary work due to injury or illness.
- The major portion of the self-employed individual's remuneration is not derived from his or her trade, business, or occupation.
- The self-employed individual is unable to provide a copy of his or her [Internal Revenue Service \(IRS\) Schedule SE](#), as reported on or before April 15 of the preceding year, showing a net profit of at least \$4,600 or to certify to an average net profit of at least \$1,150 per quarter, since becoming self-employed or for the preceding four quarters, whichever period is less.
- A prior elective coverage agreement has been terminated by the EDD or by means of a written application for termination and the individual has not completed a waiting period of 18 consecutive months from the date of termination.

The EDD may terminate an elective coverage agreement if any of the "Conditions for Denial of Coverage" exists or if **ANY** of the following conditions for termination exists:

- The self-employed individual reports a net profit of less than \$4,600 on his or her [IRS Schedule SE](#) for a third consecutive year.

- The employing unit or self-employed individual, or a representative thereof, is found to have filed a false statement in order to be considered eligible for elective coverage.
- The individual's participation in the management and control of the business ceases.

ADDITIONAL INFORMATION

For further assistance, please contact the Taxpayer Assistance Center at 888-745-3886 or visit the nearest Employment Tax Office listed in the *California Employer's Guide* (DE 44) and on the EDD's website at www.edd.ca.gov/Office_Locator/. Additional information is also available through the EDD's no-fee payroll tax seminars and online courses. View the in-person and online course offerings on the EDD's website at www.edd.ca.gov/Payroll_Tax_Seminars/.

The EDD is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Requests for services, aids, and/or alternate formats need to be made by calling 888-745-3886 (voice) or TTY 800-547-9565.

ELECTIVE COVERAGE AND WHO CAN ELECT

Individuals to Be Covered	UI and DI	DI Only	UI Only	Forms Required
Individual who is an <u>employer</u> *	Offered under Section 708(a) of the CUIC .	Offered under Section 708(b) of the CUIC .	Not offered	DE 1378A - (UI and DI) DE 1378DI - (DI only)
Self-employed individuals	Not offered	Offered under Section 708.5 of the CUIC .	Not offered	DE 1378DI

*The term *employer* includes:

- A sole proprietor.
- One or any number of general partners in a partnership, including an LP and an LLP.
- The managing member of an LLC treated as a sole proprietorship for federal income tax purposes.
- Any member of an LLC treated as a partnership for federal income tax purposes.
- A spouse who, with his or her spouse, participates in the management and control of a business that is community property.

This information sheet is provided as a public service and is intended to provide nontechnical assistance. Every attempt has been made to provide information that is consistent with the appropriate statutes, rules, and administrative and court decisions. Any information that is inconsistent with the law, regulations, and administrative and court decisions is not binding on either the Employment Development Department or the taxpayer. Any information provided is not intended to be legal, accounting, tax, investment, or other professional advice.