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THE STATE INSURANCE FUND

199 CHURCH STREET, NEW YORK, N.Y. 10007-1100

NOTICE TO CORPORATIONS WITH ONE OR TWO EXECUTIVE OFFICERS WHO OWN ALL OF THE CORPORATION'S STOCK

Section 54, Subdivision 6 of the Workers' Compensation Law permits a corporation the option to exclude Workers' Compensation benefits for its executive officers under the following conditions:

(1) the corporation must have only one or two executive officers, regardless of whether such officers are active or inactive;

(2) the officers or the two officers collectively must at all times own all of the issued and outstanding stock of such corporation and each officer must own at least one share of stock in the corporation; and

(3) all officers must hold all of offices pursuant to paragraph (e) of Section 715 of the Business Corporation Law.

If your corporation meets the conditions listed above:

(a) and your corporation does not employ any other persons besides executive officers, the corporation at its option may cancel its policy, provided there are no other entities with employees covered under the policy. To cancel your policy, check Box A and sign your name on the enclosed form.

(b) and your corporation does not employ any other persons besides executive officers, but there is another entity with employees covered under the policy, the policy must be maintained. The executive officer(s), however, may delete coverage for this corporation (and therefore eliminate coverage and premium for the corporation's officers). To delete coverage for the corporation, check Box B and sign the enclosed form.

(c) but your corporation employs persons besides one or two executive officers, the corporation can choose to exclude coverage for the executive officer(s). Complete and return the enclosed form U-619(C-105.51). If there are two executive officers, both officers must sign the form.

Before making any decision regarding whether or not you wish to exclude coverage for benefits for your corporation's executive officer(s), please carefully consider the valuable coverage afforded by Workers' Compensation insurance.

IF YOU DO NOT MEET THE ABOVE CONDITIONS OF IF YOU WISH TO MAINTAIN COVERAGE FOR YOUR CORPORATION'S EXECUTIVE OFFICERS, THEN DISREGARD THIS NOTICE.

Underwriting Department

Encl : U-619

State of New York
WORKERS' COMPENSATION BOARD

NOTICE OF ELECTION OF A CORPORATION WHICH IS REQUIRED TO HAVE COVERAGE FOR ITS EMPLOYEES UNDER THE NEW YORK STATE WORKERS' COMPENSATION LAW TO EXCLUDE THE SOLE SHAREHOLDER-OFFICER OR ONE OF THE TWO OR BOTH EXECUTIVE OFFICERS-SHAREHOLDERS OF THE CORPORATION FROM SUCH COVERAGE

To: _____

_____

_____

TAKE NOTICE that under the provisions of Section 54, subdivision 6, of the Workers' Compensation Law as amended, the corporation named below elects to exclude the executive officer(s) named below from coverage under the New York State Workers' Compensation Law with respect to all the policies issued to the corporation by the insurance carrier named above.

Name of Corporation _____

Address of Corporation _____

Incorporated Under the Laws of the State of _____

Type: ☐ One-person corp. ☐ Two-person corp. (A two-person corporation may elect to exclude **one or both** executive officers, provided that between them they own all the stock in the corporation, and that each officer owns **at least one share of stock**.)

ExecutiveOfficer(s) to be Excluded from Policy
1. Name _____ Title _____
2. Name_____ Title _____

CERTIFICATION

USE FOR ONE-PERSON CORPORATION

I, _____ (Name), certify that I am the sole executive officer of the above-named corporation; that I have been since _____ (Date) the sole owner of all issued and outstanding stock of the corporation and hold all the offices pursuant to paragraph (e) of Section 715 of the Business Corporation Law. (Affix corporate seal below, if you have one.)

_____ _____ _____
Signature of Officer | Date | Telephone No.

USE FOR TWO-PERSON CORPORATION

We, _____ (Name), _____ (Title) and _____ (Name), _____ (Title) certify that we are the two executive officers of the above-named corporation, having been duly appointed by corporate resolution; that we have been since _____ (Date) the sole owners of all issued and outstanding stock and that each of us owns at least one share of stock of the corporation, and that we hold all of the offices pursuant to paragraph (e) of Section 715 of the Business Corporation Law. (Affix corporate seal below, if you have one.)

_____ _____ _____
Signature of Officer | Date | Telephone No.

_____ _____ _____
Signature of Officer | Date | Telephone No.

THIS ELECTION IS FINAL AND BINDING UPON THE OFFICER(S) NAMED UNTIL REVOKED BY THE CORPORATION.

CORPORATE SEAL*

See reverse side for relevant portions of Sec. 54, subd. 6 (WCL) and Sec. 715, Par. (e) of the Business Corporation Law.

*If the corporation does not have a seal, check here ☐

Section 54, Subdivision 6 of the New York State Workers' Compensation Law

b. An executive officer of any corporation who at all times during the period involved owns all of the issued and outstanding stock of the corporation and holds all of the offices pursuant to paragraph (e) of section 715 of the business corporation law and who is the executive officer of a corporation having other persons who are employees required to be covered under this chapter shall be deemed to be included in the compensation insurance contract or covered under a certificate of self-insurance unless the officer elects to be excluded from the coverage of this chapter. Such election shall be made by the corporation filing a notice that the corporation elects to exclude the executive officer of such corporation named in the notice from coverage of this chapter. Such election shall be filed with the insurance carrier or the chair in the case of self-insurance upon a form prescribed by the chair of the workers' compensation board. Such election shall be effective with respect to all policies issued to such corporation by such insurance carrier as long as it shall continuously insure the corporation and shall be final and binding upon the executive officer named in the notice until revoked by the corporation in accordance with paragraph a of this subdivision.

d. Any two executive officers of a corporation who at all times during the period involved between them own all of the issued and outstanding stock of the corporation and hold all such offices, provided, however that each officer must own at least one share of stock, who are the executive officers of such corporation having other persons who are employees required to be covered under this chapter shall be deemed to be included in the compensation insurance contract or covered under a certificate of self-insurance unless one or both the officers elect to be excluded from the coverage of this chapter. Such election shall be made by any such corporation filing a form prescribed by the chair of the workers' compensation board with the insurance carrier or the chair in the case of self-insurance giving notice that the corporation elects to exclude one or both of the executive officers of such corporation named in the notice from the coverage of this chapter. Such election shall be effective with respect to all policies issued to such corporation by such insurance carrier as long as it shall continuously insure the corporation and shall be final and binding upon the executive officers as named in the notice until revoked by the corporation. If such election is revoked, it shall be in writing on a form prescribed by the chair and shall be filed with the chair and the insurance carrier. Such revocation shall not be effective until thirty days after such filing.

Section 715, Paragraph (e) of the Business Corporation Law

Any two or more offices may be held by the same person, except the offices of president and secretary. When all of the issued and outstanding stock of the corporation is owned by one person, such person may hold all or any combination of offices.