

**State of New York
WORKERS' COMPENSATION BOARD**

THIS AGENCY EMPLOYS AND SERVES
PEOPLE WITH DISABILITIES WITHOUT
DISCRIMINATION.

**NOTICE OF ELECTION OF AN INCORPORATED RELIGIOUS, CHARITABLE, EDUCATIONAL,
OR U.S. WAR VETERANS ORGANIZATION TO BRING EXECUTIVE OFFICERS UNDER THE
COVERAGE OF THE NEW YORK WORKERS' COMPENSATION LAW**

To: **NEW YORK STATE INSURANCE FUND
DOCUMENT CONTROL CENTER – NEW BUSINESS
1 WATERVLIET AVENUE EXTENSION
ALBANY, NY 12206**

**THIS ELECTION IS EFFECTIVE
AS OF THE DATE FILED WITH
THE INSURANCE CARRIER**

TAKE NOTICE that under the provisions of Sec. 54, subd. 6, of the New York Workers' Compensation Law as amended, the corporation named below has elected to bring its executive officers described herein under the coverage of the New York Workers' Compensation Law with respect to all policies issued to the corporation by the insurance carrier named above.

Name of Corporation _____

Address _____

Incorporated Under the Laws of the State of _____

This is an incorporated (strike out designations not applicable) religious, charitable, educational, U.S. war veterans organization.

| NAMES AND ADDRESSES OF EXECUTIVE OFFICERS INCLUDED IN POLICY | |
|--------------------------------------------------------------|-------------|
| Name _____ | Title _____ |
| Address _____ | |
| Name _____ | Title _____ |
| Address _____ | |
| Name _____ | Title _____ |
| Address _____ | |
| Name _____ | Title _____ |
| Address _____ | |

Attach additional sheets if necessary

I, _____, Secretary of the herein named corporation, certify that the above election to include the executive officers as described above, was duly made at a meeting of the Board or other executive body of the corporation duly authorized to take such action, and was entered upon the minutes of the corporation.

Name of Corporation _____ Date _____

**CORPORATE
SEAL ***

By _____ Tel. No. _____
Signature of Secretary

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

PLEASE NOTE

This form applies only to the executive officers here certified and should be sent at once to the insurance carrier. A new Form U-431 or Workers' Compensation Board Form C-105.3 must be filed whenever new or additional executive officers are included or when insurance carrier is changed. This election remains in effect until thirty days after notice of revocation of election is filed with the Chair, Workers' Compensation Board, the insurance carrier and each executive officer concerned. For copy of Sec. 54, subd. 6, of the law see reverse side.

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

§54.
Subd.6.

- a. Insurance of officers of corporations. Every executive officer of a corporation shall be deemed to be included in the compensation insurance contract or covered under a certificate of self-insurance unless that person is an unsalaried executive officer of a not-for-profit corporation or unincorporated association and such corporation or association elects to exclude that person from the coverage of this chapter. Such election to exclude such person shall be made in writing on a form prescribed by the chair and filed with the insurance carrier. Such election shall be effective with respect to all of the policies issued to the corporation or association by such insurance carrier as long as it shall continuously insure the corporation or association, provided that written notice of the continuation of the election to exclude any or all executive officers is given to the corporation or association with each renewal notice of the policy. 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. Any executive officer whose corporation or association files an election not to be included under this chapter shall be deemed not to be an employee within the intent of this chapter; however, if not excluded, such officers and their dependents shall be entitled to compensation as provided by this chapter.
- 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 seven hundred fifteen 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.
- c. 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 seven hundred fifteen of the business corporation law and who is the executive officer of a corporation that has no other persons who are employees required to be covered under this chapter shall be deemed to be excluded from coverage under this chapter unless such officer elects to be covered. Such coverage may be effected by obtaining an insurance policy or in the case of self-insurance by the corporation submitting a form prescribed by the chair of the workers' compensation board, giving notice that the corporation elects to bring the executive officer of such corporation named in the notice within the coverage of this chapter.
- 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.
- e. 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 such 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 that has no other persons who are employees required to be covered under this chapter shall be deemed to be excluded from coverage under this chapter unless one or both officers elect to be covered. Such coverage may be effected by obtaining an insurance policy or, in the case of self-insurance, by the corporation submitting a form prescribed by the chair of the workers' compensation board, giving notice that the corporation elects to bring one or both executive officers of such corporation named in the notice within coverage of this chapter.
- f. Notwithstanding the provisions of paragraph a of this subdivision or any other provision of this chapter, any executive officer of a religious, charitable or educational corporation and the officers of a municipal corporation, and officers of any post or chapter of organizations of veterans of any war of the United States may be brought within the coverage of the insurance contract as if they were employees by any such corporation filing with the insurance carrier, upon a form prescribed by the chair of the workers' compensation board, a notice that the corporation elects to bring one or more executive officers of such corporation named in the notice within 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. If such election is revoked, it shall be in writing on a form prescribed by the chair and filed with the chair and with the insurance carrier and a copy thereof furnished to each officer as to whom such revocation is applicable, upon a form prescribed by the chair. Such revocation shall not be effective until thirty days after such filing. The estimation of the wage values of executive officers within the coverage of the insurance contract shall be reasonable and separately stated and added to the valuation of the payrolls upon which the premium is computed.
- g. The executive officers brought within the coverage of the insurance contract, and the dependents of any such executive officers, including executive officers of religious, charitable or educational corporations and officers of municipal corporations, and officers of any post or chapter of organizations of veterans of any war of the United States that have elected to bring their officers within the coverage of the policy, shall have the same rights and remedies as any employee and shall be entitled to compensation and medical care as provided by this chapter, and the insurance carrier shall be liable therefor and for payments into the special funds provided in this chapter as in the case of an employee. The executive officers who may be brought within the coverage of an insurance contract shall include an officer of a corporation who at all times during the period involved between them owns all of the issued and outstanding stock of the corporation and holds all of the offices pursuant to paragraph (e) of section seven hundred fifteen of the business corporation law or 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 such corporation and hold all such offices and who is the executive officer or who are the executive officers of a corporation that has no other persons who are employees required to be covered under this chapter.
- h. Any officer or officers, elective or appointive, of a municipal corporation or other political subdivision of the state complying with the provisions of group nineteen of subdivision one of section three of this chapter shall be deemed executive officers subject to the provisions of this subdivision.