



DAVID P. WEHNER
CHAIRMAN

STATE OF NEW YORK
WORKERS' COMPENSATION BOARD
DISABILITY BENEFITS BUREAU
100 BROADWAY - MENANDS
ALBANY, NY 12241-0005

THIS AGENCY EMPLOYS AND
SERVES PEOPLE WITH DISABILITIES
WITHOUT DISCRIMINATION.

INFORMATION FOR EMPLOYER
Re: Disability Benefits Law

An employer who has had in New York State employment 1 or more employees on each of at least 30 days in any calendar year shall be a "covered employer" subject to the Disability Benefits Law after the expiration of 4 weeks following the 30th day of such employment. These 30 days of employment need not be consecutive days but must be work days of employment in one calendar year. In addition to the above-stated provisions, effective January 1, 1984, employers of personal or domestic employees in a private home are subject if they employ at least one employee who works 40 or more hours per week for that one employer. (NOTE: Prior to January 1, 1984, employers are subject only if they have 4 or more employees).

An employer who by operation of law becomes successor to a covered employer, or who acquires by purchase or otherwise the trade or business of a covered employer, immediately becomes a covered employer.

A "covered employer" under the law is required to provide for the payment of Disability Benefits to all eligible employees. The employer may comply by purchasing a policy of insurance or by applying to the Chair for approval as a self-insurer with permission to deposit securities or file a surety bond. Insurance may be purchased from any insurance company authorized to write Disability Benefits insurance in this state, including the NY State Insurance Fund, Glendale Technology Park - Bldg.16, 2001 Perimeter Road East, Endicott, NY 13760-7390.

All information pertaining to premium rates, filing of forms or other data in connection with the policy will be supplied by the carrier of the employer's choice. No forms are required by the Workers' Compensation Board nor are any remittances made to the Board. Premiums for the Disability Benefits insurance policies are paid directly to the insurance carrier by the employer.

Benefits that differ from those set forth in the Law may be provided if submitted as an "at least as favorable" Plan and approved by the Chair.

A covered employer is authorized to collect from each employee, through payroll deduction, a contribution of 1/2 of 1% of wages paid, but not in excess of 60 cents per week. However, an employer may waive all employee contributions or, by employee agreement and acceptable to the Chair, arrange for employee contributions in excess of the statutory rate if the amount is reasonably related to the value of the benefits provided. Every covered employer bears the cost of providing benefits in excess of the contributions collected from employees.

Each covered employer must post and maintain conspicuously at the place or places of business a prescribed form, Notice of Compliance, stating the provisions have been made for the payment of Disability Benefits to all eligible employees. Also, effective January 1, 1986, whenever an employee of a covered employer is absent from work due to disability for more than seven consecutive days, the employer shall, within five days thereafter, provide the employee with prescribed Form DB-271, Statement of Rights under the Disability Benefits Law. Both forms may be obtained from your insurance carrier.

Please send requests for further information to the address above.

David P. Wehner
Chairman

**SEE REVERSE FOR IMPORTANT INFORMATION REGARDING NON-PROFIT
RELIGIOUS, CHARITABLE AND EDUCATIONAL INSTITUTIONS**

INFORMATION RE NON-PROFIT RELIGIOUS, CHARITABLE AND EDUCATIONAL INSTITUTIONS

Religious, charitable or educational institutions operating on a non-profit basis are required to obtain disability benefits insurance or to provide disability benefits through approved self-insurance to all of their employees, with exceptions, as noted below, if they employ one or more employees.

The following classes of employees are excluded from mandatory coverage: a duly ordained, commissioned or licensed minister, priest, or rabbi; a sexton; a christian science reader; a member of a religious order.

Also excluded from mandatory coverage are persons engaged in a professional or teaching capacity in or for a "religious, charitable or educational institution"; or an executive officer of an incorporated religious, charitable or educational institution; or persons participating in or receiving rehabilitative services in a sheltered workshop operated by such institutions under a certificate issued by the U.S. Department of Labor; or volunteers in or for such institutions; or recipients of charitable aid from a religious or charitable institution who perform work in or for such institution which is incidental to or in return for the aid conferred, and not under an expressed contract of hire.

The term "religious, charitable or educational institution" means a corporation, unincorporated association, community chest, fund or foundation organized and operated exclusively for religious, charitable or educational purposes, no part of the net earnings of which inure to the benefit of any private shareholder or individual.

Many organizations have sick leave plans, salary continuance arrangements or other disability plans on a voluntary basis or as a result of collective bargaining. Some of these plans may be acceptable as compliance with the Disability Benefits Law, if secured by disability benefits insurance or approved self-insurance. However, it has been found that many of such plans, unless modified, are not acceptable as compliance with the Disability Benefits Law. Where inquiries have been received from employers who wish to qualify their plans as such compliance, Board staff will suggest modifications to make such plans "at least as favorable" as the benefits required by the Disability Benefits Law and acceptable to the Chair. The Board welcomes all such inquiries.

It is suggested that you disseminate this information among your affiliated organizations, if any, informing them of their responsibility under the pertinent sections of the Disability Benefits Law.

Questions in the connection with the acceptability of disability benefit plans or with respect to employer compliance with the Disability Benefits Law should be directed to the Disability Benefits Coverage Section at the address shown on the front of this form.