

NYS Workers' Compensation and Disability Benefits Coverage

Workers' Compensation Requirements in New York State

To assist state and municipal entities in enforcing WCL §57, businesses requesting permits, licenses or seeking to enter into contracts must provide ONE of the following forms to the entity issuing the permit or entering into a contract:

- [Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage \(CE-200\)](#); or
- [Certificate of Workers' Compensation Insurance \(C-105.2\)](#) (the business' insurance carrier will send this form to the government entity upon request) Please Note: The State Insurance Fund provides its own version of this form, the U-26.3; or
- [Certificate of Worker's Compensation Self-Insurance \(SI-12\)](#) (the business calls the Board's Self- Insurance Office at 518-402-0247); or
- [Certificate of Group Worker's Compensation Self-Insurance \(GSI-105.2\)](#) (the business' Group Self- Insurance Administrator will send this form to the government entity upon request).

Effective September 9, 2007, all out-of-state employers with employees or subcontractors working in New York State are required to carry a full, statutory New York State workers' compensation insurance policy.

An employer has a full, statutory New York State workers' compensation insurance policy when New York is listed in Item "3A" on the Information Page of the employer's workers' compensation insurance policy. Please contact the Board's Bureau of Compliance at 1-866-298-7830 if you have any questions regarding these requirements.

Please note: If all work for the permit, license or contract is done outside of New York and no employees of the out-of-state business work in the state, New York State-specific coverage is not required and the employer may be able to file Form CE-200.

Disability Benefits Coverage Requirements

To assist state and municipal entities in enforcing Sec. 220 Subd. 8 of the New York State Disability Benefits Law, businesses requesting permits, licenses or seeking to enter into contracts must provide one of the following forms to the government entity issuing the permit, license or entering into a contract:

- [Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage \(CE-200\)](#); or
- [Certificate of NYS Disability Benefits Insurance \(DB-120.1\)](#) (the business' disability benefits carrier will send this form to the government entity upon request)
- [Certificate of NYS Disability Benefits Self-Insurance. \(DB-155\)](#) (businesses that are self-insured in NYS for disability benefits insurance should call the Workers' Compensation Board's Self-Insurance Office at (518) 402-0247 to obtain this form.)

Please note: New York State statutory disability benefits (DB) insurance coverage is totally different from and is not included in New York State workers' compensation insurance coverage. Statutory New York State disability benefits insurance covers employees for an off-the-job accident, injury or illness and pays half an employee's weekly wage, up to \$170 per week, for up to 26 weeks.

An out-of-state employer needs a New York State disability benefits insurance policy if the employer employs one or more individuals on each of at least 30 days in a calendar year in New York State. To be eligible for a disability benefits exemption using Form CE-200, an out-of-state **employer** must not have one or more individuals working on each of at least 30 days in a calendar year in New York. *(Independent contractors are not considered to be employees under the Disability Benefits Law.)*

If you have any additional questions regarding workers' compensation coverage requirements, please call the Bureau of Compliance at (866) 298-7830

Obtaining Workers' Compensation and Disability Benefits Insurance

It may be appropriate to check the yellow pages, contact your insurance broker, carrier or agent, check with your trade association, or conduct additional research to find the most appropriate insurance coverage for your company. In addition, a workers' compensation policy may be obtained from the NYS Insurance Fund by calling 1-888-875-5790 and a disability benefits insurance policy may be obtained from the NYS Insurance Fund by calling 1-866-697-4332.

If Claiming Exemption from NYS State Workers Compensation and Disability, Certification is required. Please go to www.wcb.ny.gov/content/ebiz/wc_db_exemptions/requestExemptionOverview.jsp to request exemption.