

STATE OF NEW YORK  
WORKERS' COMPENSATION BOARD

**NOTICE OF ELECTION TO VOLUNTARILY EXCLUDE SPOUSE FROM COVERAGE  
PURSUANT TO SECTION 212, SUBDIVISION 5 OF THE DISABILITY BENEFITS LAW**

**INSTRUCTIONS:**

Sole-proprietorships, regular partnerships, individual trustees, individual receivers and legal representatives may be eligible for spousal exemptions. **Corporations, LLCs, LLPs, LPs, PLLCs, PLLPs, RLLCs, RLLPs, Joint Ventures, associations, unions, and nonprofits are NOT eligible for spousal exemptions.**

1. If the employer has other employees and disability coverage through an insurance policy, complete and file this form with the insurance carrier.
2. If the employer has no other employees or is an approved self-insurer, complete and file this form with the Disability Benefits Bureau, 100 Broadway-Menands, Albany, NY 12241-0005.

To:

TAKE NOTICE that under the provisions of Section 212, subdivision 5 of the New York Disability Benefits Law the employer named below elects to exclude his or her spouse named below from coverage under the New York Disability Benefits Law. If the employer provides disability benefits to his or her employees through an insurance policy, such exclusion will be applicable with respect to all policies issued to the employer by the above named insurance carrier as long as it shall continuously insure the employer.

Name of employer \_\_\_\_\_

Unemployment Insurance Employer Registration No. \_\_\_\_\_

Address of Employer \_\_\_\_\_

Name of Spouse Excluded from Policy \_\_\_\_\_

Social Security No. of spouse \_\_\_\_ -- \_\_\_\_ -- \_\_\_\_

Date \_\_\_\_\_ By \_\_\_\_\_

Telephone No. (\_\_\_\_) \_\_\_\_\_

**NOTE: THIS ELECTION IS FINAL AND BINDING UPON THE SPOUSE NAMED IN THIS NOTICE  
UNTIL REVOKED BY THE EMPLOYER.**

SEE REVERSE SIDE FOR COPY OF RELEVANT PORTION OF SECTION 212,  
SUBDIVISION 5 OF THE DISABILITY BENEFITS LAW.

## **Section 212, Subdivision 5 of the New York Disability Benefits Law**

Section 212, Subdivision 5.

"A spouse who is an employee of a covered employer shall be deemed to be included in the employer's disability benefits insurance contract or covered by a certificate of self-insurance or a plan under section two hundred eleven of this article, unless the employer elects to exclude such spouse from the coverage of this article. Such election shall be made by any such employer filing with the insurance carrier, or the chair of the workers' compensation board in the case of self-insurance, upon a form prescribed by the chair, a notice that the employer elects to exclude such spouse named in the notice from the coverage of this article. Such election shall be effective with respect to all policies issued to such employer by such insurance carrier as long as it shall continuously insure the employer. Such election shall be final and binding upon the spouse named in the notice until revoked by the employer."