



Workers' Compensation Board

ANDREW M. CUOMO
Governor

ROBERT E. BELOTEN
Chair

To: Members of Mercantile Self-Insurance Trust (“Mercantile” or “Trust”)

Re: **Instructions on Completion of Deficit Assessment Contractual Agreement and Information on Hardship Application**

Please follow the instructions below for the completion and return of the Deficit Assessment Contractual Agreement (DACA) and payment on or before forty five (45) calendar days from the date on the enclosed invoice.

1. Please review all documents carefully. If necessary, please consult with such individuals as you deem necessary (i.e., officers of corporation, partners, attorney, etc.).
2. Determine if you are eligible to file an Application for Hardship Payment Plan. You are **not** eligible to file an Application for Hardship Payment Plan if both of the following criteria apply:
 - Your average monthly receipts are MORE THAN your average monthly expenses plus the minimum monthly assessment installment that you are eligible to make under the terms of **Attachment A**.
 - Your ratio of current assets to current liabilities is MORE THAN 2 to 1.
3. If you are eligible to file an Application for Hardship Payment Plan, you should:
 - Check the applicable box entitled “Hardship” in Payment Plan Options, **Attachment A** to the DACA.
 - Follow the instructions in # 4 below after determining what minimum monthly assessment installment that you are eligible to make under the terms of **Attachment A** if the hardship is not granted.
4. If you are not eligible to file an Application for Hardship Payment Plan, you should:
 - Review Attachment A – Payment Plan Options and choose one of the payment plan options available to you (please note that a 95% lump sum payment option is available).
 - Once you have chosen one of the payment plan options available, check that option in the applicable box on **Attachment A**.
 - Review Attachment B – Schedule 5 to the deficit reconstruction and annex it to the DACA after **Attachment A**.
 - Print the name of your company in the caption box at the top of page one of the DACA as set forth on the February 05, 2016 invoice and **Attachment A** from the WCB.
 - Sign (must be signed by an individual authorized to bind the member) and print signatory’s name and title and the date signatory signed and have the DACA notarized.
 - Do not make any stray marks or cross out any language contained in the DACA unless previously authorized in writing by WCB.
 - Make a check out to “Mercantile Self-Insurance Trust” for the first payment due.
 - Make a copy of the DACA, the Attachments and the check for your records.
 - Send the signed DACA with Attachments and the check for the first payment to:

NCA Comp, Inc.
Rand Building, Suite 700
14 Lafayette Square
Buffalo, New York 14203

Note that the documents referred to in #4 above must be received by NCA Comp, Inc. on or before March 23, 2016 which is forty five (45) calendar days from the date of the February 05, 2016 member invoice.

Please note that failure to properly complete and return the signed DACA with the proper remittance (i.e., check in the amount of the first payment due) on or before forty five (45) calendar days from the date of the attached invoice will cause the assessment against you to be considered in default status.

Any assessment in default status is subject to enforcement and collection as authorized by law and WCB reserves the right to pursue all remedies to enforce and collect the outstanding debt, including referring this matter to the attorney general's office for collection.

Please be advised that, unless otherwise provided by contract, statute or regulation, the failure to pay any assessment and/or outstanding debt outside of the time that the payment is due will result in the imposition of interest on the unpaid balance, and the failure to pay the assessment and/or outstanding balance within ninety days of receipt thereof will result in the imposition of an additional collection fee charge of twenty-two percent of the outstanding debt, plus interest, as provided by State Finance Law Sections 18.4 and 18.5 and/or the imposition of a judgment, pursuant to Workers' Compensation Law §26, in the amount of unpaid claims expenses.