

# NYS WORKERS COMPENSATION / DISABILITY RULES

State Agencies are required to verify FOR EVERY PURCHASE (no \$\$ thresholds) that the vendor has the proper NYS Workers Comp/Disability insurance coverage. There are situations where a vendor may be exempt from WC, Disability or both, BUT THESE ARE LIMITED.

Here is the link to a web-site to **check coverage**:

[http://www.wcb.state.ny.us/content/ebiz/icempcovsearch/icempcovsearch\\_overview.jsp](http://www.wcb.state.ny.us/content/ebiz/icempcovsearch/icempcovsearch_overview.jsp)

Workers Comp Board and Dept of Labor also have **debarment lists** we are supposed to check for every order. The link is: <https://dbr.labor.state.ny.us/EDList/searchPage.do>

**RULE #1** - Every New York State entity (vendor) **MUST** provide proof of Workers Comp and Disability (very few exceptions i.e. vendors with no employees).

**RULE #2** - Every out-of-state entity (vendor) **MUST** carry NYS insurances if they have employees working in New York (including independent contractors, installers, sales reps, etc.).

**RULE #3** - Standard Insurance Certificate (ACORD) forms are not acceptable proof of coverage. The vendor must provide the buyer with the specific NYS WCB forms to prove the mandatory insurance coverage is in effect.

**RULE #4** - A screen print of the WCB website showing coverage, by itself, IS NOT sufficient documentation that proper coverage exists.

**RULE #5** - If a vendor is legitimately exempt under the law, it must provide the NYS exemption form for EVERY transaction.

**RULE #6** - Any forms received from vendors must reference the FEIN that matches the FEIN on the purchase order/contract.

Here is a standard statement that can be sent to vendors to explain the Workers Comp and Disability coverage rules:

New York State Workers Compensation Law, Sections 57 and 220, requires State Agencies to ensure, PRIOR to entering into any contract (including POs), that the intended vendor has appropriate NYS workers compensation and disability insurance coverage. Please note, "ACORD" certificate of insurance forms are not acceptable documentation for proof of coverage. A vendor's insurance carrier must provide the vendor with copies of the correct, completed New York State forms to present to the State Agency purchasing agent AND must submit these forms (annually) to the Workers Comp Board so they can be properly recorded. State agencies are prohibited from issuing purchase orders/contracts until the proper forms have been received and verified.

Per the requirements of the law, **ONE** of the following NYS forms is required as proof of **Workers Compensation** coverage:

**C-105.2** (if using a private insurance carrier) OR **U-26.3** (if insured through the NYS Insurance Fund) OR **SI-12** or **GSI-105.2** (if self-insured).

In addition, **ONE** of the following forms is required as proof of **Disability** coverage:

**DB-120.1** (if using a private insurance carrier) OR **DB-155** (if you are self insured).

In the **rare** situation in which a vendor is exempt from either (or both) of these requirements under the law, form **CE-200** (Certificate of Attestation) **MUST** be completed by the vendor on-line at the Workers Comp web-site and submitted to the purchasing agent for verification. A new CE-200 will be required for EVERY purchase order/contract (transactional requirement).