

June 4, 1952

SUBJECT: INSURANCE

WITHDRAWN

TO ALL INSURANCE COMPANIES LICENSED TO WRITE BENEFITS UNDER DISABILITY BENEFITS LAW, CHAPTER 600, LAWS OF 1949.

Chapter 315, Laws of 1952, effective March 28, 1952, eliminated the former relief of carrier liability, as to disabilities commencing within the first four weeks after termination of covered employment, in the event of employment in non-covered employment beyond one day, and now continues the obligation of the carrier despite non-covered employment within such four-week period of not more than five days.

An Industry Committee working in cooperation with the Workmen's Compensation Board devised the attached amendments to advisory forms A, B, E, F, G, J and I. The language set out in these amendments is approvable by this Department. All forms and endorsements must be filed with and approved by the Policy Bureau at the Albany office of the New York Insurance Department.

(Signed) JOSEPH F. MURPHY

Deputy Superintendent of Insurance

ATTACHMENT

AMENDMENT OF INSURANCE AGREEMENT II

It is agreed that Insuring Agreement II of the policy is amended to read as follows:

This policy applies only to disability commencing during the policy period or, with respect to an (insured person)⁵ whose employment terminates during the policy period, to disability commencing within four weeks after termination of employment and prior to the earlier of (a) the sixth day during such four weeks on which he performs any work for remuneration or profit and (b) the first day after such termination on which he performs any work for remuneration or profit in employment with an employer, other than the (policyholder)², who is a covered employer under the Disability Benefits Law. (The policy period shall commence on the date and hour stated in Item 2 of the (declarations)³ and shall continue until this policy is cancelled as provided herein.)⁷

NOTES: The reference notes issued in connection with Advisory Form A apply to the foregoing,

If the word "employer" is substituted for the word "policyholder" in the first sentence in the phrase "other than the policyholder", the word "the" in that phrase should be changed to "this".

Amendment of ADVISORY FORM B
May 1, 1952

(AMENDMENT OF INSURING AGREEMENT)

(It is agreed that this policy is amended by substituting for the corresponding provision in the policy the following:)

This policy provides benefits only

(a) for a disability which commences during the continuance of this policy, or,

(b) with respect to any employee whose employment with an Employer (named herein) terminates during the continuance of this policy, for a disability which commences within four weeks after such termination of employment and prior to the earlier of (i) the sixth day during such four weeks on which the employee performs any work for remuneration or profit and (ii) the first day after such termination on which the employee performs any work for remuneration or profit in employment with an employer, other than an Employer (named herein), who is a covered employer under the Disability Benefits Law.

NOTE: Caption and introductory language may be amended to conform to the requirements of the company's policy form.

Amendment of ADVISORY FORM

May 1, 1952

AMENDMENT OF PARAGRAPH 7

In its application to insurance with respect to the Disability Benefits Law, Paragraph 7 of the Policy is amended to read:

This agreement shall apply only to disability commencing during the Policy Period limited and defined as such in Item 2 of the Declarations or, with respect to an employee whose employment terminates during the Policy Period to disability commencing within four weeks after such termination of employment and prior to the earlier of (a) the sixth day during such four weeks on which he performs any work for remuneration or profit and (b) the first day after such termination on which he performs any work for remuneration or profit in employment with an employer, other than this Employer, who is a covered employer under the Disability Benefits Law.

Amendment of ADVISORY FORM F

May 1, 1952

(AMENDMENT OF NEW YORK DISABILITY BENEFITS RIDER)

(It is agreed that the New York Disability Benefits Rider issued for attachment to the policy is amended by substituting for the third paragraph of the provision therein captioned: "Compliance With Disability Benefits Law of the State of New York" the following:)

The provisions of the two preceding paragraphs apply only

(a) to a disability which commences during the continuance of this rider, or,

(b) with respect to any employee whose employment with an Employer (named in this policy) terminates during the continuance of this rider, to a disability which commences within four weeks after such termination of employment and prior to the earlier of (i) the sixth day during such four weeks on which the employee performs any work for remuneration or profit and (ii) the first day after such termination

on which the employee performs any work for remuneration or profit in employment with an employer, other than an Employer (named in this policy), who is a covered employer under the Disability Benefits Law.

NOTE: Caption and introductory language may be amended to conform to the requirements of the company's policy form.

Amendment of ADVISORY FORM G
May 1, 1952

AMENDMENT OF NEW YORK DISABILITY BENEFITS SUPPLEMENT

It is agreed that Insuring Agreement II of the New York Disability Benefits Supplement issued for attachment to the policy is amended to read as follows:

This supplement applies only to disability commencing during the supplement period or, with respect to an employee whose employment with this Employer terminates during the supplement period, to disability commencing within four weeks after such termination of employment and prior to the earlier of (a) the sixth day during such four weeks on which he performs any work for remuneration or profit and (b) the first day after such termination on which he performs any work for remuneration or profit in employment with an employer, other than this Employer, who is a covered employer under the Disability Benefits Law.

Amendment of ADVISORY FORM J
May 1, 1952

(AMENDMENT OF NEW YORK DISABILITY BENEFITS RIDER)

(It is agreed that the New York Disability Benefits Rider issued for attachment to the policy is amended by substituting for the corresponding provision therein the following:)

The company agrees to pay benefits as provided by this policy with respect to any (insured person)¹ who is entitled to receive benefits under the provisions of the Disability Benefits Law because of employment within any class stated above while this rider applies thereto. (Any such (insured person)¹ whose employment terminates during the continuance of this rider shall notwithstanding any cancellation of this policy, continue to be an (insured person)¹ until the earlier of (a) the sixth day during the four weeks following such termination of employment on which such (insured person)¹ performs any work for remuneration or profit and (b) the first day after such termination of employment on which such (insured person)¹ performs any work for remuneration or profit in employment with an employer, other than the (policyholder)⁴, who is a covered employer under the Disability Benefits Law, but not beyond four weeks after such termination of employment)². (With respect to any such (insured person)¹ whose employment terminates during the continuance of this rider, notwithstanding any cancellation of this policy, the company agrees to pay, in lieu of all other benefits provided by this policy, the disability benefits which such (insured person)¹, because of employment within any class stated above while this rider applies thereto, is entitled to receive under Section 204 of the Disability Benefits Law for disability commencing within four weeks after such termination of employment and prior to the earlier of (a) the sixth day during each four weeks on which he performs any work for remuneration or profit and (b) the first day after such termination of employment on which he performs any work for remuneration or profit in employment with an employer, other than the (policyholder)⁴ who is a covered employer under the Disability Benefits Law)².

NOTES: The reference notes issued in connection with Advisory Form J apply to the foregoing.

If the word "employer" is substituted for the word "policyholder" in the second sentence in the phrase "other than the policyholder", the word "the" in this phrase should be changed to "this".

Caption and introductory language may be amended to conform to the requirements of the company's policy form.

Amendment of ADVISORY FORM I

May 1, 1952

(AMENDMENT OF NEW YORK DISABILITY BENEFITS RIDER)

(It is agreed that the New York Disability Benefits Rider issued for attachment to the policy is amended by substituting for the corresponding provision therein the following:)

This rider provides benefits only

(a) for a disability which commences during the continuance of this rider, or,

(b) with respect to any employee whose employment with an Employer (named in this policy) terminates during the continuance of this rider, for a disability which commences within four weeks after such termination of employment and prior to the earlier of (i) the sixth day during such four weeks on which the employee performs any work for remuneration or profit and (ii) the first day after such termination on which the employer performs any work for remuneration or profit in employment with an employer, other than an Employer (named in this policy), who is a covered employer under the Disability Benefits Law.

NOTE: Caption and introductory language may be amended to conform to the requirements of the company's policy form.