R.C. 2076

To the Members of the Board

RE: New York Workers Compensation
WC 00 03 03C
Employers Liability Coverage Endorsement

The Rates Committee has adopted, and the New York State Insurance Department has approved, effective January 1, 2005, an amendment to the Employers Liability Coverage Endorsement (WC 00 03 03B).

The Employers Liability Coverage Endorsement excludes bodily injury to any member of the flying crew of any aircraft. A review of this endorsement by the National Council on Compensation Insurance revealed that the flying crew exclusion is not found in Part Two—Employers Liability of the Standard Workers Compensation and Employers Liability Insurance Policy. Since the standard policy does not include the flying crew exclusion, it would also be appropriate to remove the exclusion from the Employers Liability Coverage Endorsement.

Attached is WC 00 03 03C which removes the exclusion pertaining to the flying crew of any aircraft.

A revised manual page will be distributed as soon as it is available.

Very truly yours,

Monte Almer

President
EMPLOYERS LIABILITY COVERAGE ENDORSEMENT

This endorsement applies only to work in the states shown in the Schedule.

A. Part One (Workers Compensation Insurance) does not apply to work in a state shown in the Schedule.

B. Part Two (Employers Liability Insurance) applies to work in states shown in the Schedule as though they were shown in Item 3.A. of the Information Page.

C. Part Two (Employers Liability Insurance), C. Exclusions is changed by adding these exclusions.

This insurance does not cover:

* 13. bodily injury to an employee when you are deprived of common law defenses or are subject to penalty because of your failure to secure your obligations under the workers compensation law of any state shown in the Schedule or otherwise fail to comply with that law.

Schedule

States

Notes:

1. Use this endorsement to afford employers liability insurance in any state, including monopolistic state fund states, with the exception of Ohio, where the policy does not provide workers compensation insurance. The states are to be listed in the Schedule. Use the Ohio Employers Liability Coverage Endorsement (WC 34 03 01 B) to afford employers liability insurance in Ohio.

2. The endorsement may be used in New York state only if (1) all employees are excluded from the workers compensation law or all employees have elected not to be subject to the law, and (2) there is no state law or regulation making the use of this endorsement illegal. (See Rule II-B-5 of the Basic Manual.)