

Background Check Disclosure And Authorization

- Disclosure
- A Summary of Your Rights Under the Fair Credit Reporting Act
- Authorization

Instructions: Please read each page and complete the Background Check Authorization sign and return the Background Check Authorization and with your kit. Retain copies for your records.

BACKGROUND CHECK DISCLOSURES

A consumer report is a type of background check in which information (which may include, but is not limited to, creditworthiness, credit standing, credit capacity, criminal background, driving background, character, general reputation, personal characteristics, and mode of living) about you is gathered and communicated by a consumer reporting agency ("CRA") to **The Guardian Life Insurance Company of America**, its subsidiaries, affiliates or other related entities and/or their successors or assigns (the "Company").

Company may obtain a consumer report on you to be used for "employment purposes" (under applicable law).

[End of Background Check Disclosures.]

ADDITIONAL DISCLOSURES

In addition to the disclosures set forth in the separate Background Check Disclosures form, below please find additional disclosures/notices that may pertain to you. Please note: state disclosures that overlap with the disclosures set forth in the separate Background Check Disclosures form are not repeated in these Additional Disclosures.

All individuals: The Guardian Life Insurance Company of America, and/ or its subsidiaries, affiliates, or other related entities and/ or their successors and/ or assigns (the “Company”), may obtain an investigative consumer report on you to be used for “employment purposes,” including your relationship with the Company. Under federal law, an investigative consumer report is a special type of consumer report in which information (which may include, but is not limited to, creditworthiness, credit standing, credit capacity, criminal background, driving background, character, general reputation, personal characteristics, and mode of living) about you may be obtained by personal (including telephonic) interviews with neighbors, friends, associates, acquaintances, or others. (In California, the term “investigative consumer report” has a slightly different meaning, as explained in the separate California State Law Disclosures (non-credit) (if applicable).) You have a right to request from Company disclosures of the nature and scope of an investigative consumer report and a summary of your rights under the federal Fair Credit Reporting Act. Your request should be made in writing to Company at Agent Contract and Licensing, 6255 Sterner’s Way, Bethlehem, PA 18017 within a reasonable period of time after your receipt of this form. A copy of “A Summary of Your Rights under the Fair Credit Reporting Act” is included below.

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer

reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-567-8688.
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE

You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is

placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:	a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552 b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue NW Washington, DC 20580 (877) 382-4357
2. To the extent not included in item 1 above: a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act. c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations d. Federal Credit Unions	a. Office of the Comptroller of the Currency Customer Assistance Group P.O. Box 53570 Houston, TX 77052 b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480 c. Division of Depositor and Consumer Protection National Center for Consumer and Depositor Assistance Federal Deposit Insurance Corporation 1100 Walnut Street, Box #11 Kansas City, MO 64106 d. National Credit Union Administration Office of Consumer Financial Protection 1775 Duke Street Alexandria, VA 22314
3. Air carriers	Assistant General Counsel for Office of Aviation Consumer Protection Department of Transportation 1200 New Jersey Avenue SE Washington, DC 20590
4. Creditors Subject to the Surface Transportation Board	Office of Public Assistance, Governmental Affairs, and Compliance Surface Transportation Board 395 E Street SW Washington, DC 20423
5. Creditors Subject to the Packers and Stockyards Act, 1921	Nearest Packers and Stockyards Division Regional Office
6. Small Business Investment Companies	Associate Administrator, Office of Capital Access United States Small Business Administration 409 Third Street SW, Suite 8200 Washington, DC 20416
7. Brokers and Dealers	Securities and Exchange Commission 100 F Street NE Washington, DC 20549
8. Institutions that are members of the Farm Credit System	Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090
9. Retailers, Finance Companies, and All Other Creditors Not Listed Above	Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue NW Washington, DC 20580 (877) 382-4357

Colorado individuals only: If the Company obtains information bearing on your credit worthiness, credit standing or credit capacity, it may be because the information is substantially related to the job for which you are being considered/are currently occupying and to evaluate whether you would present an unacceptable risk of theft or other dishonest behavior in the job for which you are being considered/ are currently occupying.

Connecticut individuals only: If the Company obtains information bearing on your credit worthiness, credit standing or credit capacity, it may be because the information is substantially related to the job for which you are being considered/ are currently occupying and to evaluate whether you would present an unacceptable risk of theft or other dishonest behavior in the job for which you are being considered/ are currently occupying.

Maryland individuals only: If the Company obtains information bearing on your credit worthiness, credit standing or credit capacity, it may be because the information is substantially related to the job for which you are being considered/are currently occupying and to evaluate whether you would present an unacceptable risk of theft or other dishonest behavior in the job for which you are being considered/ are currently occupying.

Massachusetts individuals only: The precise nature and scope of any investigative consumer report (which commonly includes information regarding your character, general reputation, personal characteristics, and mode of living) will be the same types of information described above. You have a right to have a copy of any investigative consumer report upon request from Business Information Group, a Vertical Screen Company, 251 Veterans Way, Warminster, PA 18974, 800-369-2612.

Minnesota individuals only: You have the right to request a complete and accurate disclosure of the nature and scope of any consumer report from Business Information Group, a Vertical Screen Company, 251 Veterans Way, Warminster, PA 18974, 800-369-2612.

Montana individuals only: You have a right to request from Company disclosures of the nature, scope, and substance of any investigative consumer report.

New Jersey individuals only: The precise nature and scope of any investigative consumer report (which commonly includes information regarding your character, general reputation, personal characteristics, and mode of living) will be the same types of information described above. You have a right to have a copy of any investigative consumer report upon request from Business Information Group, a Vertical Screen Company, 251 Veterans Way, Warminster, PA 18974, 800-369-2612

New York individuals only: Company may request or utilize subsequent consumer reports (other than investigative consumer reports) on you throughout your relationship with Company. Upon request, you will be informed whether or not a consumer report was requested, and if such report was requested, informed of the name and address of the CRA that furnished the report. Upon written request, you will be informed whether or not an investigative consumer report was requested, and if such report was requested, the name and address of the CRA to whom the request was made. Your written request should be made to Company at Agent Contract and Licensing, 81 Highland Ave., Bethlehem, PA 18017. You may also contact the Company at 610-807-8000. Upon furnishing you with the name and address of the CRA, you will also be informed that you may inspect and receive a copy of such report by contacting that agency.

**NEW YORK CORRECTION LAW
ARTICLE 23-A**

**LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED
OF ONE OR MORE CRIMINAL OFFENSES**

§750. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

- (1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.
- (2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.
- (3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.
- (4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.
- (5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. Applicability.

The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

- (1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or
- (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption.

- (1) In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:
 - (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
 - (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.

- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
 - (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
 - (e) The age of the person at the time of occurrence of the criminal offense or offenses.
 - (f) The seriousness of the offense or offenses.
 - (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
 - (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.
- (2) In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment.

At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement.

- (1) In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.
- (2) In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

[PLEASE SEE BELOW FOR ADDITIONAL DISCLOSURES THAT MAY APPLY TO YOU]

Oregon individuals only: If the Company obtains information bearing on your credit worthiness, credit standing or credit capacity, it may be because the information is substantially related to the job for which you are being considered/are currently occupying and to evaluate whether you would present an unacceptable risk of theft or other dishonest behavior in the job for which you are being considered/ are currently occupying.

Vermont individuals only: If the Company obtains information bearing on your credit worthiness, credit standing, or credit capacity it will be because the position involves access to confidential financial information.

Washington State individuals only: You have the right, upon written request made within a reasonable period of time after your receipt of this disclosure, to receive from the Company a complete and accurate disclosure of the nature and scope of any “investigative” consumer report we may have requested. You also have the right to request from the consumer reporting agency a written summary of your rights and remedies under the Washington Fair Credit Reporting Act. Any requests under this paragraph to the CRA should be made to Business Information Group, a Vertical Screen Company, 251 Veterans Way, Warminster, PA 18974, 800-369-2612. If the Company obtains information bearing on your credit worthiness, credit standing or credit capacity, it may be because the information is substantially related to the job for which you are being considered/are currently occupying and to evaluate whether you would present an unacceptable risk of theft or other dishonest behavior in the job for which you are being considered/ are currently occupying.

[PLEASE SEE BELOW FOR ADDITIONAL DISCLOSURES THAT MAY APPLY TO YOU]



Post where readily accessible to job applicants and employees.

CITY AND COUNTY OF SAN FRANCISCO

EDWIN M. LEE, MAYOR

NOTICE TO JOB APPLICANTS AND EMPLOYEES

San Francisco Fair Chance Ordinance

Police Code, Article 49

Starting August 13, 2014, the Fair Chance Ordinance (San Francisco Police Code, Article 49) requires employers to follow strict rules regarding the use of arrest and conviction records in hiring and employment decisions. The ordinance covers job applicants and employees who would be or are performing work in whole, or in substantial part, in San Francisco and applies to employers who have 20 or more employees (regardless of the employees' locations).

Certain matters are off-limits. An employer may *never* ask about, require disclosure of, or consider: an arrest not leading to a conviction (other than an unresolved arrest that is still undergoing criminal investigation or trial); participation in a diversion or deferral of judgment program; a conviction that has been expunged or made inoperative; any determination in the juvenile justice system; a conviction more than 7 years old; and a criminal offense other than a felony/misdemeanor. Matters that are off-limits cannot be used by the employer for any reason at any stage of the hiring process.

An employer cannot ask about an individual's conviction history or unresolved arrests at the start of the hiring process. This includes through a job application form, informal conversation, or otherwise.

A mandatory interactive process for matters not off-limits. Only after a live interview has been conducted, or a conditional offer of employment made, is the employer allowed to ask about an individual's conviction history (except as to matters that are off-limits) and unresolved arrests. Only those convictions and unresolved arrests that *directly relate* to the individual's ability to do the job may be considered in making an employment decision.

Before the employer may take an adverse action such as failing/refusing to hire, discharging, or not promoting an individual based on a conviction history or unresolved arrest, the employer must give the individual an opportunity to present evidence that the information is inaccurate, the individual has been rehabilitated, or other mitigating factors. The individual has seven days to respond, at which point the employer must delay any adverse action for a reasonable time and reconsider the adverse action. The employer must notify the individual of any final adverse action.

Evidence of rehabilitation include satisfying parole/probation; receiving education/training; participating in alcohol/drug treatment programs; letters of recommendation; and age at which the individual was convicted. *Mitigating factors* include coercion, physical or emotional abuse, and untreated substance abuse/mental illness, that contributed to the conviction.

Preemption. Where federal or state law imposes a criminal history requirement that conflicts with a requirement of the Fair Chance Ordinance, the federal or state law will apply.

No Retaliation. An employer may not take an adverse action against an applicant or employee for exercising their rights under the ordinance or cooperating with the Office of Labor Standards Enforcement OLSE.

If you need more information, or wish to report an employer that you believe has violated this ordinance, please contact the OLSE at 415-554-5192 or email FCE@sfgov.org.

9/14

OFFICE OF LABOR STANDARDS ENFORCEMENT

City Hall, Room 430 1 Dr. Carlton B. Goodlett Place San Francisco CA 94102-4685 Tel. (415) 554-6235 Fax (415) 554-4791

CALIFORNIA
STATE LAW DISCLOSURES
(Non-Credit)

For California individuals only: Under California law, an “investigative consumer report” is a consumer report in which information on a consumer’s character, general reputation, personal characteristics, or mode of living is obtained through any lawful means. In connection with your relationship (i.e., for “employment purposes”) with **The Guardian Life Insurance Company of America** its subsidiaries, affiliates or other related entities and/or their successors or assigns (the “Company”) it may obtain an investigative consumer report (as defined under California law). With respect to any investigative consumer report from an investigative consumer reporting agency (“ICRA”), Company may investigate background information about you, including but not limited to obtaining a criminal record report, obtaining information about your character, general reputation, personal characteristics and mode of living, verifying references, work history, your social security number, your educational achievements, licensure, certifications, driving records, and other information about you, including interviewing people who are knowledgeable about you. The results of this report may be used as a factor in making decisions regarding your relationship with the Company. The source of any investigative consumer report (as this term is defined under California law and as explained more fully above) .will be Business Information Group, a Vertical Screen Company, 251 Veterans Way, Warminster, PA 18974, 800-369-2612. Information regarding Business Information Group’s privacy practices can be found at <https://www.bigreport.com/privacy-policy/>.

Under California Civil Code section 1786.22, you are entitled to a visual inspection of files maintained on you by an ICRA, as follows:

- (1) In person, if you appear in person and furnish proper identification, during normal business hours and on reasonable notice. A copy of your file shall also be available to you for a fee not to exceed the actual costs of duplication services provided;
- (2) By certified mail, if you make a written request, with proper identification, for copies to be sent to a specified addressee. An ICRA complying with requests for certified mailings under the California Code shall not be liable for disclosures to third parties caused by mishandling of mail after such mailings leave the ICRA;
- (3) A summary of all information contained in your files and required to be provided by the California Code shall be provided to you by telephone, if you have made a written request, with proper identification for telephone disclosure, and the toll charges, if any, for the telephone call are prepaid by you or charged directly to you.

“Proper Identification” means information generally deemed sufficient to identify you, which includes documents such as a valid driver’s license, social security account number, military identification card, and credit cards. Only if you cannot identify yourself with such information may the ICRA require additional information concerning your employment and personal or family history in order to verify your identity.

The ICRA will provide trained personnel to explain any information furnished to you and will provide a written explanation of any coded information contained in files maintained on you. This written explanation will be provided whenever a file is provided to you for visual inspection.

You may be accompanied by one other person of your choosing, who must furnish reasonable identification. An ICRA may require you to furnish a written statement granting permission to the ICRA to discuss your file in such person’s presence.

BACKGROUND CHECK AUTHORIZATION

(Please Print)	
Name: First _____	Middle _____ Last _____
List any other names used (nickname, maiden/married last names): _____	
Social Security Number _____	Date of Birth _____ Sex M ☐ F ☐
Street Address _____	
City _____	State _____ Zip _____

To the extent permitted by applicable state law, I hereby consent to and authorize **The Guardian Life Insurance Company of America**, its subsidiaries, affiliates or other related entities and/or their successors or assigns (the "Company"), to procure consumer report(s), criminal background check(s), consumer credit report(s), investigative consumer report(s) (as defined by the federal Fair Credit Reporting Act), and/or investigative consumer report(s) (as defined by applicable California state law), on my background from a consumer reporting agency ("CRA") or from an investigative consumer reporting agency ("ICRA"), as described in the **Background Check Disclosures**, the **Additional Disclosures**, and the **California State Law Disclosures** (each of which I have received separately from the Company). I have reviewed and understand the information, statements, and notices in the **Background Check Disclosures**, the **Additional Disclosures**, and the **California State Law Disclosures**, as well as this **Background Check Authorization**. My authorization remains valid throughout my relationship with the Company, such that, to the extent permitted by applicable law, I agree Company can procure additional consumer report(s), criminal background check(s), and/or investigative consumer report(s) (as defined by federal law) during my relationship without providing additional disclosures or obtaining additional authorizations. Except as otherwise prohibited by applicable law, I consent to and authorize the Company to share this information within the Company and/or with others (e.g. broker dealers, general agencies, etc.) and/or their agents, for business reasons, including but not limited to offering or providing Company products.

☐ **For California, Minnesota, or Oklahoma individuals only:** If you would like to receive from the CRA, the ICRA, or the Company (as applicable) a copy of the report that Company may procure, please check this box.

Signature _____ Date _____



The Guardian Life Insurance Company of America
The Guardian Insurance & Annuity Company, Inc.
Agent Contracting & Licensing
6255 Sterner's Way Bethlehem, PA 18017

THE GUARDIAN INSURANCE & ANNUITY COMPANY, INC.

Section I: Individual Agent Appointment Kit

Please complete Agent Data Form in full

Agent Data FormPage 2

Section II: Appendices

NOTICE: All of the forms listed in Section II below arePages 3
to be retained by the agent, including a copy of this
Instruction page

Circular Letter No. 8 (NY Licensee only) Pages 4

Forward applicable pages in Section I to:

Mail	The Guardian Life Insurance Company of America The Guardian Insurance & Annuity Company, Inc. Agent Contracting & Licensing (AC&L) 6255 Sterner's Way Bethlehem, PA 18017
Email	GIAC_Licensing@glic.com
Fax	610-807-8940

The Guardian Insurance & Annuity Company, Inc.

Contracting & Licensing Questions	Acl@glic.com - 888-600-1700
GIAC Customer Service Questions	888-482-7342
GIAC Commission Questions	Giac_comms@glic.com – 888-482-7342
Sales & Marketing for Annuities	800-650-6505

If there is a pending broker dealer or representative change to be processed please notify giac_comms@glic.com once the writing code confirmation is received



The Guardian Life Insurance Company of America
The Guardian Insurance & Annuity Company, Inc.
Agent Contracting & Licensing
6255 Sterner's Way Bethlehem, PA 18017

AGENT DATA FORM

Name of Agent (As it appears on insurance license):

Social Security Number

Date of Birth

Please check one

☐

Male

☐

Female

CRD Number

Resident & Business Information

Resident Address:

Street

City

State

Zip Code/County

Telephone Number

Cell Number

Email Address

Business Address:

Street

City

State

Zip Code/County

Telephone Number

Fax Number(s)

Email Address

Appointment Requests

List State(s) in which to be appointed

If Florida non-resident licensee, please list the
county where you wish to be appointed

Broker/Dealer Information

Broker/Dealer Name

600 Highway 169 S, ste 1410 Minneapolis MN 55426

Street Address

City

State

Zip Code

Broker/Dealer Contact Name

Telephone Number

Fax Number

5-Digit Branch Code

By signing below, I acknowledge the following:

I understand that pursuant to an agreement between my broker-dealer and The Guardian Insurance & Annuity Company, Inc. (GIAC), I am authorized to sell certain GIAC products and any compensation due me from such sales will be paid by GIAC to my broker-dealer. I agree that I will look to and seek such compensation only from my broker-dealer. In connection with the sale of GIAC products, I agree to comply with applicable federal and state laws, FINRA rules, and the policies and procedures of GIAC and its affiliates.

Writing Agent Signature

NY CIRCULAR LETTER (NY LICENSEES ONLY)



STATE OF NEWYORK
INSURANCE DEPARTMENT
160 WEST BROADWAY
NEWYORK NEWYORK 10013-3393

SALVATORE R. CURIALE, SUPERINTENDENT OF INSURANCE

Circular Letter No. 8
July 11, 1991

ALL INSURANCE AGENTS AND BROKERS

PLACEMENT OF HEALTH INSURANCE COVERAGE WITH UNLICENSED AND UNAUTHORIZED MULTIPLE EMPLOYER WELFARE ARRANGEMENTS.

Since the release of Circular Letter No. 7 (1978) and Circular Letter No. 7 (1977), the Insurance Department has received additional inquiries as to whether purported "comprehensive health plans" offered by Multiple Employer Welfare Arrangements ("MEWAs") which provide major medical type benefits to employees residing in New York State on a self-funded basis can be sold in this state.

The term "MEWA" is defined in the Employee Retirement Income Security Act, Public Law 93-406, ("ERISA") to mean an employee welfare benefit plan, or any other arrangement (other than an employee welfare benefit plan), which is established or

maintained for the purpose of offering or providing any welfare benefit to the employees of two or more employers *including one or more self-employed individuals), or to their beneficiaries. However, the term "MEWA" does not include any such plan or other arrangement which is established or maintained (i) pursuant to one or more collective bargaining agreements or (ii) by a rural electric cooperative.

It is the position of this Department that the selling of the above major medical type benefits constitutes the doing of an insurance business in this state under the New York Insurance Law, and only a licensed insurer or an organization specifically exempt from such licensing requirement may offer such insurance coverage of benefits in this state.

The Department understands that certain self-funded MEWAs claim that they are exempt from the requirement of licensing and conformance to the New York Insurance Law because of the provisions of ERISA.

Based on a review of the applicable provisions of ERISA, it is the position of this Department that except as discussed below, ERISA exemption does not apply to self-funded MEWAs. Accordingly, all self-funded MEWAs must be licensed to do an insurance business in this state. It should be noted that, upon referral by this Department, the Attorney General commenced an injunctive action against one such program and its sponsors and obtained a Temporary Restraining Order and Decision that the program did in fact conduct an insurance business in violation of the Insurance Law. *Corcoran v. Empire Benefit Plans, Inc.*, N.Y. Sup. Ct, Albany Co., (June 13, 1989).

Any licensee of this Department who solicits, negotiates or effectuates any coverage on behalf of an unlicensed or unauthorized self-funded MEWA would be subject to disciplinary action for having violated Sections 2110, 2117 and 2112 and other applicable provisions of the Insurance Law, and to the penalties provided therein which include suspension or revocation of all insurance licenses held and/or the imposition of monetary penalties.

Any other person who acts on behalf of an unlicensed or unauthorized self-funded MEWA in this state would be subject to monetary penalties for having violated Sections 1102, 2117, and 2122 of the Insurance Law.



The Guardian Life Insurance Company of America
The Guardian Insurance & Annuity Company, Inc.
Agent Contracting & Licensing
6255 Sterner's Way Bethlehem, PA 18017

The Department recognized that certain self-funded multiple employer programs which are established or maintained (i) pursuant to one or more collective bargaining agreements, (ii) by rural electric cooperatives, or (iii) by trades or businesses under common control may be exempt from the requirements of obtaining a license and other provisions of the Insurance Law by virtue of ERISA preemption.

However, we believe that our licensees should exercise caution when they are approached to provide services on behalf of any self-funded multiple employer program. Licensees should be suspicious when the coverage is offered to unaffiliated or unrelated parties and provides for profit-making opportunities. We note that the exemption from insurance regulation under ERISA is not intended to apply to insurance programs masquerading as employee benefit plans. If an insurance agent or broker is approached to provide services on behalf of a self-funded multiple employer program and is unsure as to whether the program is exempt from the requirement of licensing, such licensee may submit all relevant documents to the Department for review. Placement of such coverage pending Insurance Department review may expose licensees to the liabilities of the type herein above mentioned.

Licensees of this Department who provide services to self-funded ERISA exempt plans are hereby cautioned not to misrepresent the nature of their services as being within the scope of their insurance licenses. The public relies upon Department licensees, acting in their professional capacity, to evaluate their insurance needs and to secure appropriate insurance coverage. It is the position of this Department that licensees are responsible for making full and complete disclosure in writing when they are not acting within the scope of their license. In addition, licensees should disclose in writing that the self-funded ERISA exempt plan does not operate under the supervision or jurisdiction of the New York State Insurance Department and that the insurance type benefits are not provided or guaranteed by a licensed insurer and are not subject to the minimum standards or mandated benefits provisions of the Insurance Law. Licensees should retain signed and dated copies of such written disclosure for a period of not less than five years.

As a final matter, agents and brokers should consider their potential liability under the fiduciary responsibility provisions in ERISA before agreeing to provide services on behalf of self-funded multiple employer programs. Agents and broker may be held personally liable for the payment of benefits or for other losses incurred resulting from the failure to discharge their duties solely in the interest of and for the exclusive benefit of plan participants and their beneficiaries or from similar failures by co-fiduciaries and, in addition may be liable for other penalties for activities or transactions which are prohibited. Furthermore, a licensee's involvement with a fraudulent or financially unsound arrangement, including programs which charge excessive fees, may reflect negatively on the competence and trustworthiness of such licensee.

Receipt of this letter must be acknowledged in writing to Mr. John Mansfield, Supervising Insurance Examiner, New York State Insurance Department, 160 West Broadway, New York New York 10013.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Salvatore R. Curiale', written over a light blue rectangular background.

SALVATORE R. CURIALE, SUPERINTENDENT OF INSURANCE