

A Partnership Including
Professional Corporations
1850 K Street, N.W.
Washington, DC 20006-2296
202-887-8000
Facsimile 202-778-8087

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Including the practice formerly carried on by Lee, Toomey & Kent

Evan M. Migdall
Attorney at Law
202-778-8033

August 31, 1999

Michael Marinelli, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Supplement to AOR
1999-20

Re: Advisory Opinion Request - EQUIPAC

Dear Mr. Marinelli:

This is in response to your request for additional information in connection with the advisory opinion request submitted on June 11, 1999 regarding the basis upon which life insurance agents who represent the Equitable Life Assurance Society of the United States ("Equitable") participate in the company's employee benefit programs and are subject to FICA withholding.

Equitable's agency force is comprised of two classes of agents. The first group consists of agents who are classified as "full time life insurance salespersons." For Federal tax purposes, these are statutory employees for which Equitable is required to withhold and pay FICA taxes with respect to their earnings.

The agents in this first group constitute the majority of Equitable's sales force and participate in the pension, profit-sharing, and health plans generally on the same terms as other Equitable employees, but with some minor differences with respect to levels of contribution and/or years of service required for coverage.

There are slight differences, however, with respect to the participation of these agents in Equitable's short-term and long-term disability coverage and eligibility for the company's flexible spending (health and dependent care accounts). Specifically, while other employees are immediately eligible for these plans and receive short-term disability coverage at no cost, full time life insurance salespersons are not eligible until their third year of service and are required to contribute towards the cost of their short-term disability coverage. In addition, while other employees must only prove that they have been disabled for five days before receiving benefits, these agents must wait thirty days.

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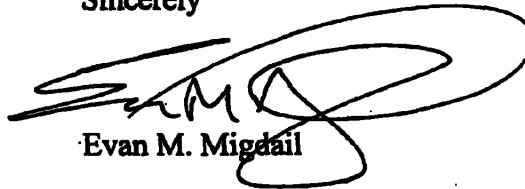
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Michael Marinelli, Esq.
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The second smaller group of agents do not qualify as statutory employees and are classified instead as independent contractors. These agents are therefore not subject to any form of tax withholding and do not participate in Equitable's benefit plans.

I hope this information is responsive to your request. Please contact me if you need any additional information.

Sincerely

A handwritten signature in black ink, appearing to read "Evan M. Migdail", with a large, stylized flourish at the end.

Evan M. Migdail