

# WCIRB Wire

## WCIRB Submits Special Regulatory Filing in Response to COVID-19

Today, the Workers' Compensation Insurance Rating Bureau of California (WCIRB) submitted a special regulatory filing to the California Insurance Commissioner. This filing contains proposals to address the coronavirus disease 2019 (COVID-19) pandemic, including amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* and *California Workers' Compensation Experience Rating Plan—1995* to:

### **Exclude COVID-19 Claims from Experience Rating**

Claims arising directly from a diagnosis of COVID-19 with an accident date on or after December 1, 2019, would be excluded from the experience rating calculations of individual employers. Since the occurrence or non-occurrence of COVID-19 workers' compensation claims incurred by an employer is unlikely to be a strong predictor of that employer's future workers' compensation claim costs, the inclusion of such claims in an experience modification calculation would not meet the intended goal of experience rating.

### **Exclude Payments to Employees Who Continue to Be Paid While Not Working**

Payments made to employees who are continuing to be paid while not engaged in any work activities would be excluded from reportable payroll. This exclusion would apply while California's statewide stay-at-home order is in place and for up to 30 days thereafter if the employee continues not to work. Excluding this payroll recognizes the extraordinary circumstances resulting from the stay-at-home order and the fact that employees not engaged in work activities have virtually no work-related exposure.

### **Allow Assignment of Classification 8810 for Temporary Change in Duties**

The temporary assignment of Classification 8810, *Clerical Office Employees*, would be allowed for employees whose job duties meet the definition of a Clerical Office Employee. This provision would apply while California's statewide stay-at-home order is in place and for up to 60 days thereafter if the employee continues to meet the definition of a Clerical Office Employee, but does not apply to the payroll of employees whose payroll is otherwise assignable to a standard classification that specifically includes Clerical Office Employees.

The proposals contained in the filing have been submitted to the Commissioner for approval and may be viewed or downloaded from the Regulatory and Pure Premium Rate Filings page in the Filings and Plans section of the WCIRB website and at the following link:

- [WCIRB Special Regulatory Filing](#)

The WCIRB website will be updated to provide a copy of the Notice of Proposed Action and Notice of Public Hearing once it is received from the California Department of Insurance. Upon receipt of the Commissioner's Decision, the WCIRB will post the Decision on its website.

The WCIRB will submit its annual Regulatory Filing in June 2020 and its annual Pure Premium Rate Filing in August 2020, each of which will take effect January 1, 2021.

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