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WCIRB Wire Alert

WCIRB Governing Committee Approves Special Regulatory Filing in Response to COVID-19

Oakland CA, April 17, 2020 – Earlier today, in response to the impact of the coronavirus disease 2019 (COVID-19) pandemic on California employers and workers, the Workers' Compensation Insurance Rating Bureau of California (WCIRB) Governing Committee voted unanimously to make a special regulatory filing to the California Insurance Commissioner. The Committee's vote authorized the WCIRB to file rule changes to the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* (USRP) and the *California Workers' Compensation Experience Rating Plan—1995* (ERP). The changes, if approved by the Insurance Commissioner, would:

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.

This is a high-level summary of the proposed regulatory changes. For additional detail, please see today's Governing Committee presentation, available on the [Committee Documents](#) page in the [Filings and Plans](#) section of the WCIRB's website and through the following link:

- [WCIRB Governing Committee Meeting Presentation – April 17, 2020](#)

Refer to the April 14, 2020 WCIRB Classification and Rating Committee minutes for the proposed changes the WCIRB plans to file:

- [WCIRB Classification and Rating Committee Meeting Minutes – April 14, 2020](#)

The WCIRB expects to submit this special regulatory filing to the California Department of Insurance (CDI) early next week. The CDI will schedule a public hearing to consider the filing, and once the Notice of Proposed Action and Notice of Public Hearing are issued, the WCIRB will post a copy in the [Filings and Plans](#) section of the WCIRB website.



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