

BULLETIN

March 4, 2009

Contact: William V. Taylor
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R.C. 2199

To: The Members of the Board

RE: **New York Workers Compensation
WC & EL Manual - Carrier Endorsement Filing Procedure
Effective February 24, 2009**

Following authorization from the Underwriting Committee of the New York Compensation Insurance Rating Board, and approval of the New York State Insurance Department, we are pleased to announce a new set of procedures on the filing of Carrier Endorsement(s). The new procedures have been incorporated into the New York Workers Compensation & Employers Liability Manual and the effective date for their use is February 24, 2009.

The new process modifies the rules and requirements regarding carrier instructions on filing and submitting carrier specific policy endorsement forms. The new rules provide a streamlined process on the filing requirements for 'standard endorsement' forms. Standard endorsement forms having no deviations or changes, and conforming to the requirements stipulated by the Rating Board, would not require filing prior to use. The approach is often referred to as an 'auto adopt' filing methodology.

The new carrier filing process is reflected in modified procedures and requirements contained in the WC & EL Manual. The revised pages are as follows: Administrative Rule on Page P-1, Item D, point 2a1; Page P-5, Item L, point 2, second paragraph; and the cover page for Part 4 (Four), Policy Forms & Authorized Endorsements. These revised pages are provided with this bulletin.

The amendments and pages noted in this bulletin are also included in an updated version of the New York Workers Compensation & Employers Liability Manual which is available via our website at: www.nycirb.org.

Very truly yours,

Monte Almer

President

WVT:tg
Encl.

ADMINISTRATIVE RULES AND PROCEDURES

A. GENERAL

The New York Workers Compensation and Employers Liability Manual which contains rules and procedures, classifications and loss costs has been adopted by the New York Compensation Insurance Rating Board to govern the underwriting of Workers Compensation and Employers Liability Insurance, Voluntary Compensation Insurance and Employers Liability Insurance in the State of New York. This manual does not apply to any insurance under Article 9 of the Workers' Compensation Law of the State of New York (Chapter 600 of the Laws of 1949).

B. DEFINITIONS

1. Rating Board

The term "Rating Board" as used in this manual refers to the New York Compensation Insurance Rating Board organized under the provisions of Section 2313 of the New York Insurance Law.

2. Department

The term "Department" as used in this manual refers to the Superintendent of Insurance and the New York State Insurance Department.

C. APPROVAL

This manual has been filed with the Department by the Rating Board on behalf of its members and has been approved by the Department pursuant to the provisions of Section 2305 of the Insurance Law.

D. FILING REQUIREMENTS

1. Policies and Renewal Certificates

Copies of all policy Information Pages and renewal certificates shall be filed with the Rating Board within thirty (30) days after the effective date of the policy. In addition, proof of coverage must be filed, in the electronic format, with the State of New York Workers' Compensation Board within thirty (30) days after the effective date of the policy. *Refer to K.1. below.*

2. Endorsements

a. Except as noted in (1) and (2) below, a copy of every endorsement affected coverage in New York State shall be filed with the Rating Board within thirty (30) days after issue. It is not necessary, however, to file a copy of any endorsement which does not require the insertion of any information relating to coverage on the endorsement provided:

- ★ (1) Specimen copies of carrier specific endorsements have previously been filed with and approved by the Rating Board (refer to P-5, Item L2, and Part Four of this Manual); and
- (2) The identification number and title or authorized symbol of the endorsement is shown on the Information Page which was filed with the Rating Board.

Note: If an employer has obtained insurance with another carrier and the effective date of coverage is prior to the expiration of the time stated in the cancellation notice, the cancellation shall be effective as of the effective date of the other coverage.

2. Reinstatements

When a policy has been terminated by cancellation or has expired, the policy shall not be reinstated or renewed by certificate. Coverage may be afforded only upon issuance of a new policy. If, however, a notice of cancellation has been mailed to the insured, as provided by statute, the policy may be reinstated at any time before the effective date of the cancellation as shown in the notice. If a policy is to be reinstated before the effective date of cancellation, electronic notification of such reinstatement must be sent to the Chair of the Workers' Compensation Board.

3. Notice of Intention Not to Renew

As provided by statute, no insurer shall refuse to renew a policy unless notification has been sent to the employer, by registered or certified mail, and has also been filed electronically with the Chair of the Workers' Compensation Board at least thirty (30) days prior to the expiration of the policy.

Note: Insurers must also send the Rating Board copies of notices of cancellation and notices of reinstatements which have been filed with the Chair of the Workers' Compensation Board.

L. NEW YORK ENDORSEMENTS

1. Forms—Where Found

Part Four of this manual—Policy Forms and Authorized Endorsements—contains copies of the standard Workers Compensation and Employers Liability Insurance Policy, Volunteer Firefighters' Benefit Law Policy, Volunteer Ambulance Workers' Benefit Law Policy, Information Page, and all endorsement forms approved for use in New York (both countrywide and New York special endorsements).

Also included are certain standardized forms accepted in New York for use to provide or amend insurance under the United States Longshore and Harbor Workers' Compensation Act, Admiralty Laws or the Federal Employers' Liability Act. All forms which are approved for use in New York may be obtained by contacting the National Council on Compensation Insurance, Director of Publications Services, 901 Peninsula Corporate Circle, Boca Raton, FL 33487.

The title of each form available for use in New York is shown in the Alphabetical List of Endorsements in Part Four.

2. Forms—Standard

- ★ The forms shown in Part Four are standard forms approved for use in New York.
- ★ The company may use its own attachment clause and method of execution, i.e. use of Carrier Form Numbers. Endorsements which use custom form numbers are not required for filing with NYCIRB. However, any deviation, modification, or customization of any standard form, whether national or NY specific, requires specific filing and approval from the NYCIRB.

PART FOUR

POLICY FORMS AND AUTHORIZED ENDORSEMENTS*

Copies of the Standard Workers Compensation and Employers Liability Insurance Policy, the New York Volunteer Ambulance Workers' Benefit Law Policy and the New York Volunteer Firefighters' Benefit Law Policy are provided in this section. Also included are Information Page notes.

The endorsements which appear on the following pages are for use in connection with the standard provisions Workers Compensation and Employers Liability Policy with the following exceptions:

| FORM NUMBER | SUMMARY TITLE | USE WITH |
|--------------------|---------------------------------------|-----------------|
| WC 31 06 04 | VFBL Group Insurance Exclusion | VFBL Policy |
| WC 31 06 05 | VFBL Group Insurance Coverage | VFBL Policy |
| WC 31 06 06 | VFBL Premium Discounts | VFBL Policy |
| WC 31 06 07 | VFBL Extension of Employers Liability | VFBL Policy |
| WC 31 06 08 | VAWBL Premium Discounts | VAWBL Policy |
| WC 31 06 09 | VAWBL Group Insurance Exclusion | VAWBL Policy |
| WC 31 06 10 | VAWBL Group Insurance Coverage | VAWBL Policy |

CPL = Comprehensive Personal Liability Policy
VFBL = Volunteer Firefighters' Benefit Law Policy
VAWBL = Volunteer Ambulance Workers' Benefit Law. Policy

- ★ All endorsements have a numbering standard format. The layout is as follows: WC ## ## ##. Endorsements listed as WC 00 ## ## are nationwide endorsements promulgated by the National Council on Compensation Insurance (NCCI). Endorsements listed as WC 31 ## ## are NYCIRB promulgated specific endorsements.
- ★ The company may use its own attachment clause and method of execution, i.e. use of Carrier Form Numbers. Endorsements which use custom form numbers are not required for filing with NYCIRB. However, any deviation, modification, or customization of any standard form, whether national or NY specific, requires specific filing and approval from NYCIRB.

No deviation from the text of any authorized endorsement shall be made unless permitted by the explanatory notes thereunder.