

## BULLETIN

December 2, 2009

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R.C. 2220

### To the Members of the Board

**RE: New York Workers Compensation  
Workplace Safety Loss Prevention Incentive Program (WSLPIP)  
Statistical Code Revision – Clarification and Correction**

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This bulletin contains both clarification and correction to R.C. Bulletin #2219 issued by the Board on November 24, 2009.

First, the last page of the attachment to the RC Bulletin 2219 included an incorrect classification code (9846) for the Drug and Alcohol Prevention program. The correct code, as approved by the Insurance Department and described in the cover page of the bulletin, is 9753. Revised statistical plan pages containing the correct code are attached. Also, for your convenience, Department Of Labor rule 60, which describes the new program, can be found at:

<http://www.labor.state.ny.us/formsdocs/wp/CR60.pdf#page=2>

Second, please note that the Drug Free Workplace program, which is a voluntary program administered by the Department of Insurance, is still in place and is different than the mandatory program as promulgated by Rule 60 of the Department of Labor. Thus, credits under this existing program should still be recorded under codes 9841 (prior to experience rating) and 9846 (after experience rating).

Finally, the actual credits under these programs are being developed by the New York State Insurance Department and will be published in an Insurance Department regulation. Once the regulation is issued, the Rating Board will issue a bulletin notifying the carriers about the final credits.

Very truly yours,

Monte Almer

President

**10. Premium Not Subject To Experience Modification—Lines D, E and F**

Report the classification codes and corresponding exposures and rates (if applicable) and premium amounts for those classifications not subject to experience modification.

**a. Aircraft Operation—Passenger Seat Surcharge**

Report the premium charged for this exposure under Code 9108.

**b. Atomic Energy Radiation Exposure**

*Refer to Part I, Item 9.*

**c. Construction Classification Premium Adjustment Program Credit**

Report the premium credit amount as a result of this program under Code 9046.

**d. Drug-Free Workplace Premium Credits**

For policies written in conjunction with a carrier filed Drug-Free Workplace Program, report the premium credit amount under code 9846 when filed not subject to experience rating.

**e. Indemnity and/or Medical Deductible Programs**

*Refer to Item 11 of this Part.*

**f. Managed Care/Preferred Provider Organization Premium Credit**

For policies written in conjunction with a carrier filed and approved Managed Care or Preferred Provider Organization program, report the premium credit amount under code 9874.

**g. Merit Rating Credits/Debits**

For policies with a merit rating factor of .92, report the premium **credit** amount under Code 9885. For policies with a merit rating factor of 1.04 or 1.08, report the premium **debit** amount under Codes 9896 and 9886, respectively. For policies with a merit rating factor of 1.00, report a zero dollar amount under code 9884.

**h. Minimum Premium Policies**

*Refer to Item 13 of this Part.*

**i. Non-Ratable Element Codes**

For classification codes containing non-ratable elements, report the exposure amounts, rates and premium amounts under the associated statistical codes listed in Part VIII.

**j. Rate Deviations (only applicable to policies effective prior to October 1, 2008)**

*Refer to Item 12c of this Part.*

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**★k. Short Rate Penalty Premium**

For policies canceled on a short rate basis, report the additional premium resulting from the application of the Short Rate Cancellation Rule (Rule X.D) in the New York Workers Compensation and Employers Liability Manual under Code 0931.

**★l. Workplace Safety and Loss Consultation Premium Surcharge**

Report the premium surcharge amount as a result of New York's Compulsory Workplace Safety and Loss Consultation Program under Code 9747.

**★m. Workplace Safety and Loss Prevention Incentive Program (WSLPIP)****(1) Drug and Alcohol Prevention Program**

For policies written in conjunction with New York's Drug and Alcohol Prevention Program, report the premium credit amount under code 9753.

**(2) Return-To-Work Program**

For policies written in conjunction with New York's Return-To-Work Program, report the premium credit amount under code 9743.

**(3) Safety Incentive Program**

For policies written in conjunction with New York's Safety Incentive Program, report the premium credit amount under code 9748.

**11. Deductibles**

Report above Line A the premium credit amount for deductible programs under Code 9664 for credits subject to experience rating, i.e., calculated prior to the application of the experience modification. Report on Lines D, E, or F the premium credit amount for deductible programs under Code 9663 for credits not subject to experience rating, i.e., calculated after the application of the experience modification.

**12. Deviations (only applicable to policies effective prior to October 1, 2008)**

If a carrier has received regulatory approval to deviate from Rating Board manual rates, unit statistical reports shall be submitted in accordance with the provisions of this Plan, such that if the approved deviation is applied:

**a. Directly to Rating Board Rates**

Report the authorized (deviated) rates and the resultant premiums in the appropriate columns for each classification.

**b. As a Flat Percentage to the Total Premium Before the Application of Experience Modification**

Report the Rating Board manual rates and the resultant premiums in the appropriate columns for each classification.

Report the premium **credit** adjustment amount resulting from the application of a deviation factor less than 1.00 under Statistical Code 9037. Report the premium **debit** adjustment amount resulting from the application of a deviation factor greater than 1.00 under Statistical Code 9039. Report these statistical codes and corresponding premium amounts above Line A.