



STATISTICAL BULLETIN

January 8, 2010

To Home Office

Attention of Statistical Reporting Department

Re: New York Workers Compensation
Financial Data Calls - 2010

This bulletin and the accompanying attachments constitute the official Call for the reporting of financial and related data in New York for 2010.

Please be advised that the 2010 [Instructions](#) for the New York Financial Data Calls are now available on the Rating Board's website, www.nycirb.org. It is each carrier's responsibility to access these instructions for information regarding the 2010 Calls.

Please also be advised that, at this time, the New York Financial Call Information System (NYFCIS®) is available for the reporting of the 2010 information.

When viewing the 2010 Call instructions, you should especially note the following:

Call Expansion (Call Numbers NY101, NY101D, NY125, NY125D) – In a continuation of previously announced plans to expand these Calls to a total of thirty full years of data, an additional year of data is required in 2010.

Premiums at Designated Statistical Reporting Level (Call Numbers NY101, NY101D, NY125, NY125D) – With the advent of loss costs in New York as of October 1, 2008, Column (1) of the captioned Calls will now be referred to as Premium at Designated Statistical Reporting Level, or DSR Level, in lieu of Premium at Rating Board Level. This is the same designation for this data element that is used in other jurisdictions. DSR Level in New York will refer to premium without the effects carrier rate derivations for policies written prior to October 1, 2008 (the same handling of deviations as in previous calls) and without the effects of carrier loss cost multipliers for those policies effective October 1, 2008 and thereafter. Please read carefully the New York Designated Statistical Reporting Level Guide that is contained in the 2010 Call Instructions.

Expense Constant Premium (Call Numbers NY101, NY101D, NY125, NY125D) – This data element was first requested in 2009 and is only applicable to policy years and calendar-accident years 2008 and subsequent in these Calls. In recognition that some carriers may have difficulty identifying the data element, the reporting of expense constant premium remains optional in 2010.

Advanced Due Date of March 15, 2010 for the Accident Year Financial Data Calls (Call Numbers 125 and 125D) – Because of the short time frame available for the Rating Board to receive, process, edit and compile Financial Call data prior to the statutory filing date, carriers are requested to submit their Accident Year Calls by March 15, 2010. Please note, however, that financial penalties for the late reporting of these Calls will continue to be based on the mandatory due date of April 1, 2010. Nevertheless, all carriers, are encouraged to submit their accident year data by the March 15, 2010 due date.

Acknowledgment Forms – As a reminder, a combined Acknowledgment and No Experience To Report Form has been developed for both the Financial Data Calls and the Special Calls and is contained in the NYFCIS[®]. The form eliminates the need to submit a separate acknowledgment form for every individual Call. This will also allow carriers with no experience to report for a specific Call to provide that information when submitting the Acknowledgment Form. Please note that, in order to have access to the data entry sections in the NYFCIS[®], it is necessary that you first submit the Acknowledgment Form(s).

Templates – Templates in an Excel format are available within the NYFCIS[®] for each of the New York Financial Calls and Special Calls. These will allow for an easier download of data from carrier systems into the NYFCIS[®].

Catastrophe Number 48 Claim Data – Due to the importance of this segment of the loss data, New York's edits, as well as the process of reconciling the Cat 48 claims between Calls and with unit statistical reports will continue in 2010.

Special Claim Calls (Call Numbers NY131, NY132, NY141) – The claim numbers shown on these Calls must be the same as reported on unit statistical reports. However, please note that, to allow the Rating Board to more easily compile and edit this data, the NYFCIS[®] will automatically eliminate any blanks, dashes or other symbols that are entered into the system as part of a claim number.

Special Calls, New 2009 Data Elements (Call Number NY132) – For 2010, policy number, policy effective date and Incurred Defense and Cost Containment Expense (DCCE) continue to be required on an optional basis, for each claim reported. These fields will enable the Rating Board to better edit the reported claims and to measure loss expense relative to these claims.

Enhanced Related Edits – Edits have been introduced for the 2010 Calls that compare currently reported losses and claim counts with the amounts reported in the 2009 Calls. Details can be found in the 2010 Edit portion of the Call instructions.

Thank you in advance for your cooperation in fulfilling New York's data reporting requirements.

Very truly yours,

Martin G. Heagen, CPCU, ARM, WCP, CIDM
Vice President
and Actuary

MH/ab
Encl.

NEW YORK COMPENSATION INSURANCE RATING BOARD STATISTICAL MEMORANDUM

January 8, 2010

To Home Office

Attention of Statistical Department

- Re: I. New York Call for Policy Year Data – Form NY 101, Due March 15, 2010
- II. New York Call for Policy Year Large Deductible Experience – Form NY 101D, Due March 15, 2010
- III. New York Call for Calendar – Accident Year Data Form NY 125, Due April 1, 2010; Optional March 15, 2010
- IV. New York Call for Calendar – Accident Year Large Deductible Experience – Form NY 125D, Due April 1, 2010; Optional March 15, 2010
- V. Call for Workers Compensation Data 2009 Insurance Expense Exhibit Forms NY 222 and NY 223, Due April 1, 2010
- VI. Call for Workers Compensation Data New York Page Statutory Page 14 (Exhibit of Premiums and Losses in the 2009 Annual Statement) Form NY 214, Due April 1, 2010

The above captioned Calls must be completed and received at the Rating Board no later than the specified dates to ensure the timely filing of the Board's annual loss cost revision. **All late and/or erroneous submissions, as well as resubmissions, will be subject to the Data Call Incentive Program.** You should note that **all Calls, i.e., the Policy Year Calls (NY 101 and NY 101D), including Appendices, the Accident Year Calls (NY 125 and NY 125D), including Appendices, Insurance Expense Calls (NY 222 & NY 223) and the Page 14 Call (NY 214) are each subject to the Incentive Program.** Details concerning the specific features of the incentive program can be found in the "Data Calls" section of our website.

The reporting of these Calls in the New York Financial Call Information System (NYFCIS[®]) format via the Internet is **MANDATORY** and is the sole vehicle for reporting aggregate financial data in New York. Consequently, all other forms of submissions (e.g., e-mail, fax and spreadsheet) are not acceptable.

The data to be reported in these Calls must be submitted via Internet by utilizing the New York Financial Call Information System (NYFCIS[®]). An updated NYFCIS[®] is available on the Internet to all member carriers at <http://nyfcis.nycirb.org/>. Please note that the financial data previously submitted by your company as of 12/31/2007 and 12/31/2008 are available on this secure site. The previous data will provide the basis for reasonability checks of the data valued as of 12/31/2009, as well as to serve as the source for the previous year's data required in the current Calls.

In addition, you should especially note that the NYFCIS[®] will automatically perform the calculation for those columns that are comprised of the sums of other columns. This is a non-overrideable feature of the NYFCIS[®].

You are also reminded that blank cells are considered as zeros in the NYFCIS[®]. Unintentional blank cells could impact other columns in the Call, especially those in which the NYFCIS[®] does the calculations.

Furthermore, to ensure data quality and accuracy, data edits are included within the NYFCIS[®]. The specific edits are posted under “NYFCIS[®] Edits for 2010” in the “Data Calls” section of the Rating Board’s website.

If companies have merged during 2009, please contact Ms. Adriana Vera at avera@nycirb.org, or at (212) 697-3535 Ext. 146 for guidance in reporting your 2009 data or to obtain a new Rating Board Carrier ID for the combined entity.

As previously notified, the policy year and accident year Calls (NY 101, NY 101D, NY 125 and NY 125D) are being expanded to add an additional year of data annually until a total of 30 full years of data are obtained.

Please note that Column (1) in the NY 101, NY 101D, NY 125 and NY 125D Calls are now labeled as “Premium at Designated Statistical Reporting (DSR) Level”. For policy years and calendar-accident years 2008 and subsequent, Column (1) is an enterable field and must exclude the effects of carrier rate deviations and loss cost multipliers. Refer to the “Designated Statistical Reporting Guide” in the “Data Calls” section of our website for more specific information.

Expense Constant Premium has been included in the NY 101, NY 101D, NY 125 and NY 125D Calls. The expense constant premium represents the amount of premium earned by the application of expense constants for policies effective on and after October 1, 2008. In recognition that some carriers may be unable to report premium from expense constants at this time, this field is optional for 2010.

As a result of the terrorist attacks on September 11, 2001, a separate reporting of losses and expenses for claims that have been designated as Catastrophe Number 48 cases is also required with this Call. Individual forms (NY 101 Appendix, NY 101D Appendix, NY 125 Appendix and NY 125D Appendix) are provided on the NYFCIS[®] web site for the reporting of this data. *Please also note that, although the Catastrophe Number 48 claims are to be separately reported, all of these losses must also be included in the data reported on the customary policy year and accident year form, as well as on the Special Call for Large Loss and Catastrophe Claim Data (NY 131).* **The NYFCIS[®] edits the Catastrophe Number 48 submissions to ensure that the data reported in the Appendices and in the NY 131 are in balance for each carrier.**

In addition, as a further consequence of the September 11, 2001 terrorist attacks, claims that have been designated as Catastrophe Number 87, ***MUST BE EXCLUDED***, from the Policy Year Calls (NY 101 and NY 101D) and the Accident Year Calls (NY 125 and NY 125D). *However, all of the claims designated as Catastrophe Number 87, irrespective of size, **must be reported** on the Special Call for Large Loss and Catastrophe Claim Data (NY 131).*

The other instructions and exhibits contained in the current Call are essentially the same as those included in last year’s Call and are posted in the “Data Calls” section of the Rating Board’s website. Nevertheless, the following items should be specifically noted:

1. In recognition that some of the Board’s members may have absolutely no data to report for certain New York Calls, this year’s Call Acknowledgement Form also contains check boxes to indicate no experience and has been included as a standard Call form. **This form must be completed and submitted via the Internet to the Rating Board prior to the Call(s) due dates. Carriers that do not submit the Acknowledgement Form cannot access the data entry sections of the NYFCIS[®]. Carriers that do not check the ‘no experience’ box for a Call(s) are expected to submit all of the required Call forms.**
2. Experience from policies written with a large deductible (generally deductibles of \$100,000 or greater) under a large deductible program approved by the New York State Insurance Department must be *excluded* from both the Call for Policy Year Data (Form NY 101) and the Call for Calendar-Accident Year Data (Form NY 125). The reporting of this experience is required on the New York Calls for Large Deductible Experience (Forms NY 101D and NY 125D). Companies with approved large deductible programs should reference the specific

reporting instructions for these Calls.

3. The Calls for Large Deductible Experience must be submitted on a **gross** (prior to deductible) basis. In the context of these Calls, gross reporting refers to standard premium *prior* to the application of deductible credits. Furthermore, with respect to losses, both paid loss and all case reserves are to be reported on a first dollar basis, i.e., as if no deductible applied. Beginning in 2010, IBNR may be reported on a net or gross of deductible basis. **Failure to provide the data on a gross basis will constitute an INCOMPLETE Call and will result in fines under the Rating Board's Data Call Incentive Program.**
4. In cases of late, questionable, or erroneous submissions, the actuarial staff will be telephoning carriers requesting original submissions, explanations, or corrections. **Failure to promptly respond to these inquiries will result in fines being levied under the Data Call Incentive Program.** Please note that, because of the strict statutory timeframes under which the Board's annual loss cost filing must be made, written communication on these matters is not possible.
5. New York Statutory Page 14 of the Annual Statement must be provided via NYFCIS[®]. A hard copy submission of this data is not acceptable. A mandatory Reconciliation Form (Form NY 225) is included in the NYFCIS[®] in order to reconcile the data reported on Forms NY 101 and NY 125 with the data shown on New York Statutory Page 14.
6. The New York State Assessment and the New York Security Fund Surcharge, collected as separate identifiable policy charges by carriers, must be *EXCLUDED* from the premium amounts reported in the Calls for Policy Year Data (Forms NY 101 and NY 101D) and the Calls for Accident Year Data (Forms NY 125 and NY 125D). These amounts are included on the Reconciliation Page (NY 225).
7. Premium amounts emanating from the terrorism surcharge (Code 9740) and the natural disaster and catastrophic industrial accidents surcharge (Code 9741), and collected from policyholders, must be *EXCLUDED* from all premium amounts reported for NY 101, NY 101D, NY 125 and NY 125D. Separate lines are included on the Reconciliation Page (NY 225) for the recording of these calendar year 2008 premium amounts.
8. Reporting of Defense & Cost Containment Expense is *mandatory* on the Policy Year and Accident Year Calls for policy and accident years beginning with 1994. Please note that, beginning with experience subsequent to January 1, 1998, the NAIC adopted a new definition of defense & cost containment expense (DCCE), which will likewise apply to the experience reported in this Call as of that date. The same manner in which each carrier is applying the new DCCE definition (either on a calendar year or accident year basis) on its Schedule P should be utilized when reporting DCCE in the Calls for Policy Year Data (Forms NY101 and NY 101D) and the Calls for Accident Year Data (Forms NY 125 and NY 125D).
9. It should be especially noted that a data element that fails one of the internal system edits contained in the NYFCIS[®] may prevent the submission of the entire Call. Your careful attention to the accuracy of the data entries is therefore essential.
10. There is an automatic feature in the NYFCIS[®] for use in obtaining a forgotten or lost password for entry into the system. Please use this new feature in lieu of contacting the Rating Board for this information.
11. Carriers that submit unacceptable data will be excluded from the ratemaking database and will subsequently be reported to the New York State Insurance Department when the loss cost filing documents are prepared.

To assist you in the accurate completion of the 2010 Financial Data Calls, the detailed General Reporting Instructions for 2010 have been posted on the Internet in the Actuarial Department's "Data Call" section of the Rating Board's website, <http://www.nycirb.org>.

Kindly **acknowledge immediately** your receipt of this announcement by completing and submitting the appropriate acknowledgment form that is included in the NYFCIS®. Failure to submit the acknowledgment form will preclude access to the system for the reporting of this important data.

If we can assist you with actuarial related questions regarding these data reporting requirements, please do not hesitate to contact Adriana Vera at (212) 697-3535 Ext. 146, or email us at nyfcis@nycirb.org.

Technical concerns or Internet related issues can be addressed by accessing the appropriate email links on the NYFCIS® website.

Very truly yours,

Martin G. Heagen

Martin G. Heagen, CPCU, ARM, WCP, CIDM
Vice President
and Actuary

MH/ab

NEW YORK COMPENSATION INSURANCE RATING BOARD

STATISTICAL MEMORANDUM

January 8, 2010

To Home Office

Attention of Statistical Reporting Department

Re: New York Call for Workers Compensation Data - Form NY 131
Individual Large Loss & Catastrophe Claim Data, as of December 31, 2009
Due April 1, 2010

The reporting of individual large losses and catastrophe claims (only Cat Code 48 and Cat 87 at this time) is required in conjunction with the 2010 New York Financial Data Calls valued as of 12/31/2009. This data is due at the Rating Board no later than **April 1, 2010**, which coincides with the due date for the New York Accident Year Calls (NY125 and NY125D). This Call, which is similar to the countrywide Call #31 (NCCI), requires carriers to report detailed **individual claim information** on large losses and catastrophic events in order to develop improved methods and procedures for the handling of these types of losses in aggregate ratemaking. Note, especially, that **every claim that has been designated with Catastrophe Number 48 or 87, relating to the terrorism attacks of September 11, 2001, must be reported in this Call, irrespective of claim size. The NYFCIS[®] contains edits that verify that the number of Catastrophe Code 48 claims and loss amounts balance to those reported in the Appendices of the NY 101, NY 101D, NY 125 and NY 125D.**

The requested data **must** be submitted using the Rating Board's New York Financial Call Information System, NYFCIS[®], a web-based application for the submission of all New York financial, and related, data. Hardcopy, email and spreadsheet submissions are not acceptable. The NYFCIS[®] can be accessed at <http://nyfcis.nycirb.org>. Your company's NYFCIS[®] administrator can assist you in obtaining access to this reporting system. The NY 131 Call can be found under the heading 'Special Claim Calls – Data Entry' within the NYFCIS[®]. If you have questions regarding the use of the NYFCIS[®], please read the instructions that are provided on the website.

The complete detailed instructions for the reporting of the individual large loss and catastrophe claim data can be found in the 'Data Call' section of the Rating Board's website, www.nycirb.org.

In addition, you are advised that the Board of Governors of the Rating Board has authorized the application of the New York Data Call Incentive Program to this request for individual claim data. A copy of this program is attached for your reference. To avoid financial penalties, the data must be submitted on or before the due date of April 1, 2010.

Kindly **acknowledge immediately** your receipt of this Call by submitting the appropriate acknowledgment form via the NYFCIS[®]. For questions regarding this Call, please do not hesitate to email us at nyfcis@nycirb.org.

Very truly yours,

Martin G. Heagen

Martin G. Heagen, CPCU, ARM, WCP, CIDM
Vice President
And Actuary

Encl

NEW YORK COMPENSATION INSURANCE RATING BOARD

MEMORANDUM

January 8, 2010

To Home Office

Attention - Statistical Department

Re: New York Call for Section 32 Claim Data, Form NY 132 - Due June 1, 2010

In its July 15, 2004 Opinion & Decision regarding the Rating Board's 2004 rate revision filing, the New York State Insurance Department ordered that the Rating Board conduct a study for the purpose of quantifying the savings realized from claim settlements made under Section 32 of the Workers' Compensation Law which was amended in 1996 as part of a reform initiative. The results of this study are critical to the continuing ability of the Rating Board to obtain adequate loss costs for its members in the state of New York.

In light of the above, a Special Call was first issued in August 2004, and annually thereafter, which required the submission of individual Section 32 claim information. At this time, the Rating Board is requesting an update to the previously submitted information, and is requiring that you submit your individual claim experience for all claims settled under Section 32, with each claim valued as of December 31, 2009. Cumulative loss amounts as of the current valuation date for claims closed as of any prior accounting period **MUST BE** reported for as many accident years as there are settlements.

Please note that the Insurance Department has requested that the Rating Board report all carriers that fail to respond to this Call in a complete and timely manner.

The requested data **must** be submitted using the Rating Board's New York Financial Call Information System, NYFCIS[®], a web-based application for the submission of all New York financial, and related, data. Hardcopy, email and spreadsheet submissions are not acceptable. The NYFCIS[®] can be accessed at <http://nyfcis.nycirb.org>. Your company's NYFCIS[®] administrator can assist you in obtaining access to this reporting system. This Call (NY 132) can be found under the heading 'Special Claim Calls – Data Entry' within the NYFCIS[®]. If you have questions regarding the use of the NYFCIS[®], please read the instructions that are provided on the website.

Please note that the three data elements, originally added to this Call in 2009, continue to be required. The policy number and policy effective date under which each claim is incurred is being requested, as well as the defense and cost containment expense incurred for each claim. At this time, these fields are optional for 2010, but you are encouraged to report the new elements if at all possible at this time. The instructions for these new data elements and the complete detailed instructions for the reporting of the individual Section 32 claim data can be found in the Data Calls section of the Rating Board's website, www.nycirb.org.

In addition, you are advised that the Board of Governors of the Rating Board has authorized the application of the New York Data Call Incentive Program to this request for Section 32 claim data. A copy of this program is attached for your reference. To avoid financial penalties, the data must be submitted on or before the due date of June 1, 2010.

Kindly **acknowledge immediately** your receipt of this Call by submitting the appropriate acknowledgment form via the NYFCIS[®]. Questions regarding this Call should be emailed to us at nyfcis@nycirb.org.

Very truly yours,

Martin G. Heagen

Martin G. Heagen, CPCU, ARM, WCP, CIDM
Vice President and Actuary

Encl

NEW YORK COMPENSATION INSURANCE RATING BOARD STATISTICAL MEMORANDUM

January 8, 2010

To Home Office

Attention - Statistical Department

Re: New York Call for Employers Liability Data, Form NY 141 - Due August 31, 2010

In order to evaluate the impact of the unlimited liability feature of Part Two of the Workers Compensation and Employers Liability Policy in New York, as well as to provide a closer examination of the development of third-party claims, a Call for Employers Liability losses was instituted by the Rating Board in 1979. Although some action to limit third-party cases was taken by the legislature in 1996, the potential of future legislation to further limit or totally eliminate third-party over actions has maintained the importance of this Call.

In light of the above, the Rating Board is requiring that you submit your Employers Liability experience for the latest twenty eight accident years (from 1982 through 2009), all valued as of December 31, 2009. Please note that all claims, including those that have been closed, are required to be reported in this Call.

The requested data **must** be submitted using the Rating Board's New York Financial Call Information System, NYFCIS[®], a web-based application for the submission of all New York financial, and related, data. Hardcopy, email and spreadsheet submissions are not acceptable. The NYFCIS[®] can be accessed at <http://nyfcis.nycirb.org>. Your company's NYFCIS[®] administrator can assist you in obtaining access to this reporting system. This Call (NY 141) can be found under the heading 'Special Claim Calls – Data Entry' within the NYFCIS[®]. If you have questions regarding the use of the NYFCIS[®], please read the instructions that are provided on the NYFCIS[®] website.

Please note that an additional data element is being requested beginning this year. For all claims, the status of each claim as either open, closed or reopened has been added to the Call. The details regarding this new data element, as well as instructions for the entire NY 141 Call can be found in the Data Calls section of the Rating Board's website, www.nycirb.org.

In addition, you are advised that the Board of Governors of the Rating Board has authorized the application of the New York Data Call Incentive Program to this request for employers liability claim data. A copy of this program is attached for your reference. To avoid financial penalties, the data must be submitted on or before the due date of August 31, 2010.

Kindly **acknowledge immediately** your receipt of this Call by submitting the appropriate acknowledgment form via the NYFCIS[®]. Questions regarding this Call should be emailed to us at nyfcis@nycirb.org.

Very truly yours,

Martin G. Heagen

Martin G. Heagen, CPCU, ARM, WCP, CIDM
Vice President
And Actuary

NEW YORK COMPENSATION INSURANCE RATING BOARD
200 East Forty-Second Street, New York, New York 10017
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gvega@nycirb.org

George A. Vega
Vice President
Finance & Administration

January 8, 2010

Dear Sir or Madam:

Re: Call for New York Direct Written Premium
Calendar Year 2009 – Form NY115
Due April 1, 2010

Under the provisions of the Constitution of this Board, you are requested to file a Statement of the total direct written premium, at full Board rate/loss cost level, for the Workers Compensation and Employers Liability Insurance on all risks insured by your company in New York State during calendar year 2009.

Each member of a group of companies operating under the same management must file a separate report, showing only the written premiums and adjustments on its own business.

This statement is necessary for the following purpose:

1. To determine the amount of the Board expense chargeable to each member and subscriber for calendar year 2009, and;
2. To furnish a basis for the levy of assessment during portions of 2009 and 2010.

The requested data must be submitted using the Rating Board's New York Financial Call Information System, NYFCIS[®], a web-based application for the submission of all New York financial data. Hardcopy, email or spreadsheet submissions are not acceptable. The NYFCIS[®] can be accessed at <http://nyfcis.nycirb.org>. The detailed instructions for the reporting of the written premium data can be found in the Data Reporting section of the Rating Board's website, www.nycirb.org.

If you have questions regarding the reporting requirements or the use of the NYFCIS[®], please do not hesitate to email us at nyfcis@nycirb.org.

In addition, you are advised that the Board of Governors of the Rating Board has authorized the application of the New York Data Call Incentive Program to this request for written premium data. A copy of this program is attached for your reference. To avoid financial penalties, the data must be submitted on or before the due date of April 1, 2010.

Thank you for your cooperation.

Very truly yours,
George A. Vega
Vice President

DATA REPORTING

NEW YORK DATA CALL INCENTIVE PROGRAM

The timely and accurate submission of carrier data enables the Rating Board to effectively fulfill its mission as the designated data collection organization for workers compensation in New York.

To encourage member carriers to satisfy their obligations to report the requested Call information in an accurate and timely manner, the New York Data Call Incentive Program (NYDCIP) applies as set forth below.

This program shall apply to ***each*** of the following annual Financial Calls for data: Policy Year Call (Form NY 101), Policy Year Large Deductible Call (Form NY 101D), Accident Year Call (Form NY 125), Accident Year Large Deductible Call (Form NY 125D) and Appendices to each of the aforementioned Calls. In addition, the reporting of the Insurance Expense Exhibit data (Forms NY 222 and 223), Statutory Page 14 (Form NY 214) and the Data Reconciliation (Form NY 225) are also included in the NYDCIP. Furthermore, the Special Calls for Individual Large Loss and Catastrophe Claims (Form NY 131), Individual Section 32 Claims (Form NY 132), Individual Employer Liability Claims (Form NY 141) and the Call for Individual Carrier Direct Written Premium (Form NY 115) are likewise subject to the NYDCIP.

For the purpose of this program, any Call that is submitted later than the Call due date will be considered a late submission. A submission will be considered late and charges will accrue for each Call until the Call is received.

Resubmissions of a previously submitted Call, whether voluntary by the carrier or required by the Rating Board as a result of its review of the submission, are subject to the provisions of the NYDCIP.

The financial penalties imposed by the NYDCIP consist of four parts – an amount for late submissions based on the number of days late and a carrier's market share; an amount for errors made by the carrier on the experience submitted; a charge for failure of a carrier to respond to Rating Board inquiries; and a resubmission charge.

Penalty Formula

The total charge for overdue and incorrect reporting of financial data will be calculated as follows:

$$A = (N \times \$100) + [(S \times B \times 100) \times \$250] + [(S \times C \times 100) \times \$500] + E + P + L$$

Where, A = Total Penalty Charge

B = 1 to 10 business days late

C = 11 + business days late

N = Total number of business days late

S = Market share equal to the proportion of the carrier's direct written premium to the total New York workers compensation written premium (excluding The State Insurance Fund) for the period t-2 (where t equals the current calendar year). Source data is NY 115 – Call for Direct Written Premium.

E = Error Correction Charges:

- (1) No charge for an error(s) that is found by the Rating Board but is correctable without further carrier involvement.

- (2) \$150 flat charge for each error found by the Rating Board that needs to be corrected by the carrier and is resubmitted to the Rating Board within 5 business days after the carrier has been notified of the error.
- (3) A \$250 flat charge per day for each error not corrected and resubmitted within 5 business days from the date that the carrier was notified by the Rating Board of the error.
- (4) \$500 flat charge that results from the carrier's data being excluded from the annual loss cost filing due to either a failure to report a Call or significant errors in the submitted data. Erroneous submissions are also subject to the basic daily charges until corrected.

P = \$150 per day flat charge for each day after 5 business days that a carrier fails to respond to a Rating Board data inquiry (phone call, email, letter), whether or not a correction is required.

L = Resubmission Charge per Call (\$150)

The maximum penalty for *each* Call under this program will be \$2,500 or 0.1% of the carrier's calendar year written premium, whichever is greater (not to exceed \$30,000 per Call).

Appeal Process

If a carrier objects to a fine amount that has been imposed, it can appeal the application of the NYDCIP.

To be considered for review, a written request explaining the reason(s) for the appeal must be submitted to the Actuarial Department of the Rating Board within 30 days of the date on the invoice that was sent by the Rating Board to the carrier.

Once the written appeal is received, the following action will be taken:

- A staff member will acknowledge receipt of the appeal and inform the carrier that its appeal will be reviewed.
- The Rating Board will review the appeal of the carrier and, within 30 days, grant the carrier's request or sustain the original fine(s) and/or report card grades.
- The carrier, if not satisfied with the staff decision, may then request, in writing, a reconsideration of the decision, or a conference with the Rating Board staff to resolve any differences. This request should contain supporting documentation and be addressed directly to the Rating Board's Vice-President & Actuary for resolution.
- If all of the above fails to resolve the issue(s), then an appeal directly to the President of the Rating Board may be made.