To: The Members of the Board

Issue Date: October 1, 2012

In accordance with authorization of the New York Compensation Insurance Rating Board’s Underwriting Committee, and approval by the New York State Department of Financial Services, we hereby issue updated language contained on Page P-3 of the New York Workers Compensation and Employers Liability Manual with regard to ‘Incorrect Underwriting.’

This update contains two separate changes to Page P-3, Part F of the Administrative Rules and Procedures section of the Manual. The first change refers to section F.2., ‘Complaints,’ where it will now indicate that the carrier has up to thirty (30) days, rather than (10) days, after receiving the Board’s notification of a policy criticism, to submit (file) a copy of a rewritten policy or correcting endorsement. This follows the current Board practice for compliance in this and similar situations.

The second change on this page refers to section F.3. ‘Changes.’ This topic deals with changes to policy information. Within this narrative, the term ‘application’ is mentioned and referenced a few times. For purposes of clarity, and to reflect the actual intention being conveyed, the Manual will now reflect the word ‘request’ in those places previously referring to ‘application.

Attached is a copy of the updated page P-3, of the NY WC & EL Manual. It is also reflected in an updated version of the Manual which is available via our website at: www.nycirb.org.

Very truly yours,

Monte Almer

President
2. Complaints

Complaints of incorrect underwriting shall be investigated by the Rating Board provided the insured or its representative has submitted a written statement of facts providing the name of the insured, name of the carrier and details of the complaint. If an investigation proves the policy was incorrectly written, the carrier must file a copy of a rewritten policy or correcting endorsement, with the Rating Board, within thirty (30) days after notification of the required changes.

If any person wishes to appeal a Rating Board decision concerning the application of a manual rule or procedure, a written request for further review can be submitted to the Rating Board. Refer to Item F.1. for Incorrect Underwriting and to Item M. of this section for further explanation of the Appeal Process.

3. Changes

No request to change a classification(s) for a risk on the grounds that the risk has been improperly classified shall be considered by the Rating Board unless the request is filed directly with the Rating Board, by the insured, its representative or by the carrier during the policy term with respect to which the request is made or within twelve (12) months after the expiration thereof.

G. RATING INFORMATION

Experience Rating Worksheet

On each risk where the Rating Board has determined an experience modification, a notice of the modification with the detailed worksheet shall be issued by the Rating Board and made available to the authorized carrier. A copy of the data underlying the experience rating as well as any inspection reports may be furnished upon request. A copy of the rating worksheet data will be furnished to any member carrier or broker requesting same upon written authorization from the insured authorizing the Rating Board to release this information.

H. GENERAL INFORMATION

1. Bulletins and Circulars

Matters of general information, amendments to this manual and rulings of the Rating Board are distributed to members and subscribers in circular letters and bulletins.

2. Digest of Rulings and Interpretations

The Rating Board publishes a Digest of Rulings and Interpretations as part of this manual. The Digest includes manual rules and procedures and classification assignments and contains rulings and interpretations for the convenience and guidance of the members of the Rating Board. Many of the items in the Digest have previously been published in Rating Board bulletins and are reprinted in the Digest for easier reference.