



B U L L E T I N

September 8, 2008

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R.C. 2183

To the Members of the Board

RE: New York Workers Compensation
a. Waiver of Our Right to Recover
from Others Endorsement (WC 00 03 13) – Revision
b. Premium Algorithm
Issued October 1, 2008

The Underwriting Committee of the New York Compensation Insurance Rating Board (NYCIRB) has approved amendments to the (a) Waiver of Our Right to Recover from Others Endorsement (WC 00 03 13) and (b) Premium Algorithm to clarify the fact that the premium charge for the waiver is actually applied to “manual” rather than “total” premium. An issue date of October 1, 2008 is approved for these amendments.

Attached are revised pages AC-1 and WC 00 03 13 which reflect these changes. Note that, as this endorsement is an NCCI endorsement, the effective date of the endorsement does not change and remains April 1, 1984. The revision approved by the New York State Insurance Department reflects only changes in the notes to the endorsement which appears in the Board’s manual pages.

This endorsement is also available via our website at: www.nycirb.org. The website version is downloadable and searchable.

Very truly yours,

Monte Almer

President

WVT:tg
Encl.

WAIVER OF OUR RIGHT TO RECOVER FROM OTHERS ENDORSEMENT

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule. (This agreement applies only to the extent that you perform work under a written contract that requires you to obtain this agreement from us.)

This agreement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

Schedule

Notes:

1. Use this endorsement to waive the company's right of subrogation against named third parties who may be responsible for an injury.
2. The sentence in () is optional with the company. It limits the endorsement to apply only to specific jobs of the insured, and only to the extent that the insured is required to obtain this waiver.
- ★ 3. The company shall as applicable indicate a premium charge of 2% to 10% of the manual premium subject to a minimum charge of \$250 per policy for blanket coverage.
- ★ 4. The company shall as applicable indicate a premium charge of 5% to 10% of the manual premium for each person or organization named above subject to a minimum charge of \$250 per policy for specific coverage.

PREMIUM ALGORITHM

The following algorithm provides an outline of the sequence and calculation procedures for determining New York workers compensation policy premiums.

Sequence of Presentation & / or Calculation *	Statistical Codes	Premium Element Name	Calculation Procedure	
1	Various	Classification	N/A	
2	N/A	Exposure	N/A	
3	N/A	Classification Rate	From carrier's rate manual	
4	None	USL&HW Percentage for Non-F Classes	USL&HW percentage x Non-F class rate	
5	None	Deviation Method 1 (Percentage of rate)	Rate x deviation percentage = carrier rate; not applicable as of 10/1/08	
6	9126, 9127, 9128	Construction Class Territory Differential Premium	Construction class manual premium for commercial work x territory differential in NY WC&EL Manual	
MANUAL PREMIUM			Exposure X Rate / 100 + Line 6	
7	0994, 0998	Outstanding Rate Decrease/Increase	Manual Premium for all classifications x Outstanding Rate Change factor	
8	9803 thru 9816, 9837	Employers Liability Increased Limits Charge, with Workers Compensation	Manual Premium for Non-Subject Employees x Increased Limits Factor	
9	9823 thru 9836	Employers Liability Increased Limits Charge, without Workers Compensation	Manual Premium for the policy x Increased Limits Factor	
10	9817 thru 9822, 9840	Employers Liability Increased Limits Charge - Admiralty or FELA Coverage	Manual Premium for employees subject to Admiralty Law/FELA x Increased Limits Factor.	
11	9848	Employer Liability Minimum Premium Charge	Minimum Premium less Increased Limits Premium if applicable	
12	9850	Extension of Employers Liability Coverage to Additional Interests - Volunteer Firefighters Benefit Law policy	10% of the manual premium of Code 7711 - Volunteer Firefighters.	
13	9851	Extension of Employers Liability Coverage to Additional Interests - Volunteer Ambulance Workers Benefit Law policy	10% of the manual premium of Code 7370 - Volunteer Ambulance Workers.	
★	14	0930	Waiver of Subrogation Premium	2% to 10% of the manual premium at each job or location, subject to a minimum charge of \$15.
15	9664	Deductible Premium Credit (Prior to Experience Rating)	Manual Premium for all classifications (including Outstanding Rate Change) x deductible credit factor for the NYCIRB's small deductible program; as per carrier filing for large deductibles (>= \$100,000)	
16	9037, 9039	Deviation Method 2 (Before Experience Modification)	(Manual Premium for all classifications and statistical codes subject to experience rating) x deviation factor; not applicable as of 10/1/08	