Dear,

Yesterday, the Insurance Commissioner announced his approval of United Contractors’ supported special regulatory filing to make rule changes to the California Workers’ Compensation Uniform Statistical Reporting Plan—1995 (USRP) and the California Workers’ Compensation Experience Rating Plan—1995 (ERP).

The most significant portion of the decision was the approval of the regulations that would exclude COVID-19 claims from a contractor’s experience modification rate (EMR). These proposed regulations were of critical importance in protecting contractors from significant increases in their EMR related to COVID-19 incidents. We want to thank everyone that took the time to write a letter in support of the proposed regulations and helped to bring home this victory.

Below is a summary of the approved rules:

Exclude COVID-19 Claims from Experience Rating
Claims arising directly from a diagnosis of COVID-19 with an accident date on or after December 1, 2019, will be excluded from the experience rating calculations of individual employers.

Exclude Payments to Employees Who Continue to Be Paid While Not Working
Payments made to employees who were continue to be paid while not engaged in any work activities will be excluded from reportable payroll. This exclusion will apply during the time California’s statewide stay-at-home order is in place, and for up to 30 days thereafter, if the employee continues not to work.
Allow Assignment of Classification 8810 for Temporary Change in Duties
The temporary assignment of Classification 8810, Clerical Office Employees, will be allowed for employees whose job duties meet the definition of a Clerical Office Employee due to increased work from home. This provision applies while California's statewide stay-at-home order is in place, and for up to 60 days thereafter, if the employee continues to meet the definition of a Clerical Office Employee. However, it does not apply to the payroll of employees whose payroll is otherwise assignable to a standard classification that specifically includes Clerical Office Employees.

Again, thank you to all members who wrote letters in support of these important changes. Your actions made a difference!

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