

June 18, 2020

# Commissioner Approves WCIRB's Special Regulatory Filing in Response to COVID-19

June 17, 2020 - The California Department of Insurance (DOI) approved the California Workers' Compensation Insurance Rating Bureau's (WCIRB's) proposed regulatory amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan-1995* (USRP) and the *California Workers' Compensation Experience Rating Plan-1995* (ERP) effective July 1, 2020.

Insurance Services  
Risk Management  
Employee Benefits

## Summary of Approved Changes to the USRP and ERP

The proposed amendments permit the temporary use of Classification 8810, *Clerical Office* Employees, when an employee's work has been shifted to be exclusively clerical in nature, and permits payments made to an employee who is performing no duties for the employer to be temporarily excluded from payroll. We recommend that employers keep meticulous records of these changes in preparation for current and future policy audits.

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All claims directly arising from a diagnosis of COVID-19 on or after December 1, 2019 will be excluded from experience rating calculations. Given the California Governor's presumption that COVID-19 is an occupational disease and thereby work related, it is significant that COVID-19 claims are excluded from the experience rating calculation. The thought behind this is that COVID-19 claims in 2020 would not be considered highly predictive of future claim costs. A new reporting code of Catastrophe 12 was added to identify COVID-19 claims.

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The WCIRB is currently updating the USRP and ERP. Once complete, these documents will be posted to the [Filings and Plans](#) section of the WCIRB website. In the interim, the WCIRB has prepared the [July 1, 2020 USRP and ERP Changes Quick Reference Guide](#), summarizing the approved changes to the Commissioner's regulations.

You can review the [Decision and Order in more detail here](#).