

July 15, 2011

CIRCULAR LETTER TO ALL MEMBER COMPANIES

Re: Workers Compensation Insurance

NCCI Item B-1422-Revisions to Miscellaneous Values Payroll Determination Formula for Codes 7370, 9178, 9179 and 9186 and Revisions to Basic Manual Appendix F

The North Carolina Rate Bureau has adopted and the North Carolina Commissioner of Insurance has approved the adoption of changes to ***NCCI's Basic Manual for Workers Compensation and Employers Liability Insurance***. These changes have been approved with an effective date of April 1, 2012.

It is mandatory that this filing be adopted by all carriers, including carriers that do not elect to adopt the Loss Cost filing effective April 1, 2012.

The approved changes: (1) revise the average weekly wage used in the payroll determination formula for Codes 7370, 9178 and 9179; (2) create a State Payroll Determination Formula Table 2 in the ***NCCI's Basic Manual*** Appendix F; (3) eliminate the weekly maximum payroll limitation for Code 9186.

The attached circular provides a more detailed explanation of the changes.

Contact the Information Center at 919-582-1056 or via email at wcinfo@ncrb.org, if you require additional information.

Sincerely,

Sue Taylor

Director of Insurance Operations

ST:dms

C-11-5

FILING MEMORANDUM

ITEM B-1422—REVISIONS TO MISCELLANEOUS VALUES PAYROLL DETERMINATION FORMULA FOR CODES 7370, 9178, 9179, AND 9186 AND REVISIONS TO BASIC MANUAL APPENDIX F

PURPOSE

This item:

1. Revises the average weekly wage used in the payroll determination formula for Code 7370—Taxicab Company for employee-operated vehicles and leased or rented vehicles
2. Revises the average weekly wage used in the payroll determination formula for Code 9178—Athletic Sports or Park: Noncontact Sports, and Code 9179—Athletic Sports or Park: Contact Sports
3. Eliminates the weekly maximum payroll limitation for Code 9186—Carnival, Circus, or Amusement Device Operator—Traveling—All Employees & Drivers
4. Creates State Payroll Determination Formula Table 2 in NCCI's *Basic Manual for Workers Compensation and Employers Liability Insurance* Appendix F

BACKGROUND

Code 7370—Taxicab Company

Item B-1144, effective October 1, 1978, established Code 7370 for taxicab drivers. Additionally, the item introduced an alternate premium base of a fixed amount per vehicle, per policy period for such operations when verifiable payroll records are not available. The basis of premium for each employee-operated vehicle per policy year was established to be 150% of the state's average annual wage based on the latest available CPS (Current Population Survey) wage data. In cases where the vehicle is leased or rented, the basis of premium (per vehicle, per policy year) was established to be an additional 100% of the state's average annual wage based on the latest available CPS wage data.

NCCI has determined that the SAWW (State Average Weekly Wage) should be used in the basis of premium formula for Code 7370 instead of the average weekly wage based on CPS wage data. The SAWW is the weekly wage used by the state in determining benefits. Using the SAWW in the payroll determination formula better aligns the indemnity benefits being paid with the premium charged.

Code 9178—Athletic Sports or Park: Noncontact Sports, and Code 9179—Athletic Sports or Park: Contact Sports

Item B-1149, effective November 1, 1979, established a formula to calculate the weekly maximum payroll limitation for Codes 9178 and 9179. The weekly maximum payroll limitation formula is based on four times the average weekly wage in most states. The average weekly wage is currently based on the state's CPS wage data.

NCCI has determined that the SAWW should be used in the formula to calculate the weekly maximum payroll limitation for Codes 9178 and 9179 instead of being based on a state's CPS wage data. The SAWW is the weekly wage used by the state in determining benefits. Using the SAWW in the payroll determination formula better aligns the indemnity benefits being paid with the premium charged.

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Code 9186—Carnival, Circus, or Amusement Device Operator—Traveling—All Employees & Drivers

Item B-1149, effective November 1, 1979, established a formula to calculate the weekly maximum payroll limitation for Code 9186. The weekly maximum payroll limitation formula is based on four times the average weekly wage in most states. The average weekly wage is currently based on the state's CPS wage data. NCCI recently surveyed numerous carriers writing traveling carnivals, circuses, and amusement device operators and has determined that the weekly maximum payroll limitation is no longer necessary.

PROPOSAL

This item proposes to:

1. Revise the average weekly wage used in the payroll determination formula for Code 7370 to use the SAWW instead of a state's CPS wage data. The formula is used in the absence of verifiable payroll records.
2. Revise the average weekly wage used in the payroll determination formula for Codes 9178 and 9179. The weekly maximum payroll limitation will be based on the SAWW instead of a state's CPS wage data.

The SAWW will be reviewed prior to each state's loss cost/rate filing and adjusted in the payroll determination formulas according to any indicated change in wage level. The *Basic Manual* Miscellaneous Values page for each state will contain the calculated dollar values.

This item further proposes to:

3. Establish State Payroll Determination Formula Table 2 in *Basic Manual* Appendix F, which provides the state payroll determination formulas for the proposed changes.
4. Eliminate the weekly maximum payroll limitation for Code 9186.

Alabama, Alaska, Florida, Kansas, Mississippi, Missouri, and Montana State-Specific

No changes are being proposed to the average weekly wage used in the formula for the weekly maximum payroll limitation for Codes 9178 and 9179 because the SAWW is currently used. Appendix F displays the current formula.

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Arizona State-Specific

It is proposed that:

- The basis of premium for Code 7370 and the weekly maximum payroll limitation for Codes 9178 and 9179 be revised to use Arizona's Maximum Monthly Wage (MMW)
- The executive officer weekly minimum and maximum payroll limitation in State Payroll Determination Formula Table 1 be revised to clarify the amounts are based on Arizona's Minimum and Maximum Monthly Wage
- The partners/sole proprietor payroll determination in State Payroll Determination Formula Table 1 and *Basic Manual* Rule 2-E-3 be revised to remove the word assumed from monthly wage

Connecticut State-Specific

It is proposed that the weekly maximum payroll limitation for Codes 9178 and 9179 be revised to be equal to the SAWW multiplied by two instead of the current fixed value. The SAWW is the weekly wage used by the state in determining benefits. Using the SAWW in the formula will allow the payroll amount to be inflation sensitive compared to the current fixed value.

District of Columbia State-Specific

It is proposed that the partners/sole proprietor payroll determination and the executive officer weekly minimum and maximum payroll limitation in State Payroll Determination Formula Table 1 be revised to clarify that the amounts are based on the District Average Weekly Wage (DAWW)

Louisiana State-Specific

It is proposed that the weekly maximum payroll limitation for Codes 9178 and 9179 be revised to be equal to the SAWW multiplied by three instead of the current fixed value. The SAWW is the weekly wage used by the state in determining benefits. Using the SAWW in the formula will allow the payroll amount to be inflation sensitive compared to the current fixed value.

Nevada State-Specific

No changes are being proposed to the current Nevada maximum payroll limitation formula for Codes 9178 and 9179.

Oklahoma State-Specific

It is proposed that the weekly minimum payroll limitation for Codes 9178, 9179, and 9186 be eliminated to be consistent with all other states. Additionally, no changes are being proposed to the average weekly wage used in the formula for the weekly maximum payroll limitation for Codes 9178 and 9179 because the SAWW is currently used. Appendix F displays the current formula.

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Oregon State-Specific

It is proposed that a footnote be added to the partners/sole proprietor payroll determination in State Payroll Determination Formula Table 1 indicating that a transition program is applicable. Upon completion of the state transition program, NCCI will remove the footnote reference from Appendix F.

Virginia State-Specific

It is proposed that:

- The Virginia state-specific phraseology for Code 9186 be eliminated
- The Virginia *Scopes*[®] *Manual* be updated to remove non-Virginia state cross-references
- Upon completion of the state transition program for the partners/sole proprietor payroll determination in State Payroll Determination Formula Table 1, as implemented in Item B-1420, NCCI will remove the footnote reference from Appendix F.

IMPACT

It is anticipated that the overall statewide premium impact of this item is negligible. Using the SAWW in the formula will be consistent with the SAWW used for determination of indemnity benefits.

Connecticut State-Specific

It is proposed that Connecticut revise the weekly maximum payroll limitation for Codes 9178 and 9179 to be equal to the SAWW multiplied by two. Since the formula-based payroll amount differs significantly from the current fixed amount, NCCI will adjust the initial and subsequent loss cost/rate of Codes 9178 and 9179 until all of the experience reflects the proposed SAWW data. Rating values, which will be based on the final NCCI proposed loss cost/rate, will be calculated according to the standard procedure.

District of Columbia, Illinois, and Indiana State-Specific

It is proposed that the average weekly wage used to calculate the maximum payroll limitation for Codes 9178 and 9179 be revised to be equal to the SAWW. Since the SAWW differs significantly from the CPS wage, NCCI will adjust the initial and subsequent loss cost/rate of Codes 9178 and 9179 until all of the experience reflects the proposed SAWW data. Rating values, which will be based on the final NCCI proposed loss cost/rate, will be calculated according to the standard procedure.

Additionally, this item proposes to revise the average weekly wage used in the payroll determination formula for Code 7370 to be equal to the SAWW. To minimize the impact this may have on individual insureds, NCCI is proposing to implement a transition program. Initially, the change in the payroll determination amount will be limited to an increase of 20% over the prior year's amount. Once the payroll determination amount reaches the payroll calculated by the formula, it will be set equal to the applicable formula.

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IMPLEMENTATION

In order to implement this item, the attached exhibits detail the changes required in NCCI's *Basic Manual*:

- **Exhibit 1** contains the changes required to Appendix F
- **Exhibit 2** contains the changes required to Part Two—Classifications for Code 9186
- **Exhibit 3** contains state-specific items

This item is applicable to new and renewal, voluntary and assigned risk, policies. This item will become effective concurrently with each state's approved rate/loss cost filing effective on or after October 1, 2011. For example, this item will be effective January 1, 2012 for approved rate/loss cost filings that have a January 1, 2012 effective date. Similarly, this item will be effective July 1, 2012 for approved rate/loss cost filings that have a July 1, 2012 effective date.

The following chart shows the proposed effective dates for each state:

State	Proposed* Effective Date
Alabama	March 1, 2012
Alaska	January 1, 2012
Arizona	January 1, 2012
Arkansas	July 1, 2012
Colorado	January 1, 2012
Connecticut	January 1, 2012
District of Columbia	November 1, 2011
Florida	January 1, 2012
Georgia	March 1, 2012
Hawaii	This item will be implemented in Hawaii's loss cost filing proposed to be effective January 1, 2012. The effective date will be determined upon regulatory approval of the individual carrier's election to adopt this change.
Idaho	January 1, 2012
Illinois	January 1, 2012
Indiana	January 1, 2012
Iowa	January 1, 2012
Kansas	January 1, 2012

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State	Proposed* Effective Date
Kentucky	October 1, 2011
Louisiana	May 1, 2012
Maine	January 1, 2012
Maryland	January 1, 2012
Mississippi	March 1, 2012
Missouri	All rate changes related to this filing are proposed to be effective January 1, 2012 for the voluntary and assigned risk market.
Montana	July 1, 2012
Nebraska	February 1, 2012
Nevada	March 1, 2012
New Hampshire	January 1, 2012
New Mexico	January 1, 2012
North Carolina	April 1, 2012
Oklahoma	January 1, 2012
Oregon	January 1, 2012
Rhode Island	June 1, 2012
South Carolina	July 1, 2012
South Dakota	July 1, 2012
Tennessee	March 1, 2012
Utah	December 1, 2011
Vermont	April 1, 2012
Virginia	April 1, 2012
West Virginia	November 1, 2011

* Subject to change

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EXHIBIT 1
BASIC MANUAL—2001 EDITION
APPENDIX F

STATE PAYROLL DETERMINATION FORMULAS

Appendix F provides the state special payroll determination formulas for ~~partners/sole proprietor and the executive officer weekly minimum and maximum payroll limitation formula~~ the following:

- Partners and Sole Proprietor Payroll Determination
- Executive Officer Weekly Minimum and Maximum Payroll Limitation
- Code 7370 Employee-Operated Vehicle and Leased or Rented Vehicle Payroll Basis (used in the absence of verifiable payroll records)
- Code 9178 and Code 9179 Weekly Maximum Payroll Limitation

STATE PAYROLL DETERMINATION FORMULA TABLE 2

State	Effective Date	Code 7370 Payroll Basis		Code 9178 and Code 9179 Weekly Maximum Payroll Limitation ¹	Comments
		Employee-Operated Vehicle ¹	Leased or Rented Vehicle ¹		
AK	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 2$	
AL	3/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
AR	7/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
AZ	1/1/2012	$MMW \times 12 \times 1.5$	$MMW \times 12$	$MMW \times 12/52 \times 4$	Refer to the Arizona Miscellaneous Values for the applicable Monthly Maximum Wage (MMW).
CO	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
CT	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 2$	
DC	11/1/2011	$\frac{DAWW \times 52}{x 1.5^2}$	$DAWW \times 52^2$	$DAWW \times 4$	
FL	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 3$	
GA	3/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
HI	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
IA	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	

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EXHIBIT 1 (CONT'D)
BASIC MANUAL—2001 EDITION
APPENDIX F
STATE PAYROLL DETERMINATION FORMULA TABLE 2 (Cont'd)

State	Effective Date	Code 7370 Payroll Basis		Code 9178 and Code 9179 Weekly Maximum Payroll Limitation ¹	Comments
		Employee- Operated Vehicle ¹	Leased or Rented Vehicle ¹		
ID	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
IL	1/1/2012	$\frac{SAWW \times 52}{x 1.5^2}$	$SAWW \times 52^2$	$SAWW \times 4$	
IN	1/1/2012	$\frac{SAWW \times 52}{x 1.5^2}$	$SAWW \times 52^2$	$SAWW \times 4$	
KS	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
KY	10/1/2011	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
LA	5/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 3$	
MD	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
ME	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
MO	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW$	
MS	3/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 5 \times 0.6667$	
MT	7/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 1.5^3$	
NC	4/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 2$	
NE	2/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
NH	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	
NM	1/1/2012	$\frac{SAWW \times 52}{x 1.5}$	$SAWW \times 52$	$SAWW \times 4$	

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EXHIBIT 1 (CONT'D)
BASIC MANUAL—2001 EDITION
APPENDIX F
STATE PAYROLL DETERMINATION FORMULA TABLE 2 (Cont'd)

State	Effective Date	Code 7370 Payroll Basis		Code 9178 and Code 9179 Weekly Maximum Payroll Limitation ¹	Comments
		Employee-Operated Vehicle [†]	Leased or Rented Vehicle [†]		
NV	3/1/2012	Minimum (Fixed Wage, SAWW x 52 x 1.5)	Minimum (Fixed Wage, SAWW x 52)	Refer to NRS 616B.622	Refer to the Nevada Miscellaneous Values for the applicable fixed wage.
OK	1/1/2012	SAWW x 52 x 1.5	SAWW x 52	SAWW x 4	
OR	1/1/2012	SAWW x 52 x 1.5	SAWW x 52	SAWW x 4	
RI	6/1/2012	SAWW x 52 x 1.5	SAWW x 52	SAWW x 4	
SC	7/1/2012	SAWW x 52 x 1.5	SAWW x 52	SAWW x 4	
SD	7/1/2012	SAWW x 52 x 1.5	SAWW x 52	SAWW x 4	
TN	3/1/2012	SAWW x 52 x 1.5	SAWW x 52	SAWW x 4	
UT	12/1/2011	SAWW x 52 x 1.5	SAWW x 52	SAWW x 4	
VA	4/1/2012	SAWW x 52 x 1.5	SAWW x 52	SAWW x 2	
VT	4/1/2012	SAWW x 52 x 1.5	SAWW x 52	SAWW x 4	
WV	11/1/2011	SAWW x 52 x 1.5	SAWW x 52	SAWW x 4	

¹ Rounded to nearest \$100.00

² Subject to transition program. Refer to the current state NCCI Technical Supplement to Advisory Loss Costs/Rates circular for additional information.

³ Rounded to nearest \$1.00

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EXHIBIT 2
BASIC MANUAL—2001 EDITION
PART TWO—CLASSIFICATIONS

AMUSEMENT

9180 **Device Operation NOC—Not Traveling & Drivers.** Includes ticket sellers or collectors and applies to the operation and maintenance of merry-go-rounds, swings, roller coasters, and similar amusement devices not otherwise classified.

9186 **Device Operator, Carnival, or Circus—Traveling—All Employees & Drivers.** ~~The entire payroll of all employees shall be included in calculating premium, subject, however, to the maximum average weekly wage per employee shown in the state rate pages under Miscellaneous Values as “Maximum Payroll.”~~

9016 **Park or Exhibition Operation & Drivers.** Applies to the operation by owners or lessees and includes musicians and box office employees. Operation or maintenance of amusement devices to be separately rated.

The two foregoing classifications (Codes 9180 and 9016) do not apply to amusements, exhibitions, or other operations separately classified in this manual (such as bathhouses, billiard halls, boat livery, bowling lanes, garages, restaurants, retail stores, theaters) whether operated by the owner or lessee of the exhibition or amusement park or through independent concession.

9186 **CARNIVAL, CIRCUS, OR AMUSEMENT DEVICE OPERATOR—TRAVELING—ALL EMPLOYEES & DRIVERS.**

~~The entire payroll of all employees shall be included in calculating premium, subject, however, to the maximum average weekly wage per employee shown in the state rate pages under Miscellaneous Values as “Maximum Payroll.”~~

9186 **CIRCUS, CARNIVAL, OR AMUSEMENT DEVICE OPERATOR—TRAVELING—ALL EMPLOYEES & DRIVERS.**

~~The entire payroll of all employees shall be included in calculating premium, subject, however, to the maximum average weekly wage per employee shown in the state rate pages under Miscellaneous Values as “Maximum Payroll.”~~