



March 31, 2023

**VIA SERFF**

The Honorable Trinidad Navarro  
Insurance Commissioner  
Department of Insurance  
State of Delaware  
1351 West North Street, Suite 101  
Dover, DE 19004

Attention: Tanisha Merced, Deputy Insurance Commissioner

RE: **DCRB Filing No. 2302 Proposed Effective July 1, 2023  
Revisions to Delaware Statistical Plan Manual**

Dear Commissioner Navarro and Deputy Commissioner Merced:

On behalf of the members of the Delaware Compensation Rating Bureau, Inc (DCRB), is a submission of a filing with proposed revisions to the Delaware Statistical Plan Manual (Statistical Plan). These revisions are proposed to become effective at 12:01 a.m. on July 1, 2023.

As the stay-at-home order was lifted and businesses have returned to operating in a more normal fashion, DCRB is proposing amendments to the Statistical Plan Manual. These proposals will establish an end date to the amendments made for COVID-19. The proposed effective date of the changes is July 1, 2023, which corresponds to the National Council on Compensation Insurance (NCCI) proposed effective date of their own sunseting of COVID-19 related provisions.

This filing proposes to establish an end date of June 30, 2023 for the following:

- **Statistical Code 1212, Paid Furloughed Employees.** This code became effective March 1, 2020 and allowed carriers to report payments to furloughed employees who continued to receive payments during a temporary layoff or any involuntary leave and were not performing any work duties for an employer.
- **Catastrophe Code 12.** Claims applicable and/or attributable to Coronavirus Disease 2019 (COVID-19) with accident dates of December 1, 2019 and subsequent.
- **Estimated Audit Code Exception.** Estimated Audit Code could be reported as “N” if final premium based on audited exposure could not be reported due to federal, state and/or



local emergency orders, laws, or regulations issued due to the COVID-19 pandemic which impact an employer's staffing or business operations. This exception was effective March 1, 2020.

Attached to this filing letter is a document which contains the proposed revisions that are displayed using standard "track changes," allowing you to track the newly inserted language. We have also included a final version without the "mark-up". Each section of the Statistical Plan is identified and if items remain unchanged, it is noted.

We respectfully ask for your review of this filing as expeditiously as possible. DCRB staff will be pleased to respond to any questions you or your office may have concerning these proposals.

Sincerely,

William V. Taylor  
President

Enclosures:  
Proposed Delaware Statistical Plan Manual Pages Effective July 1, 2023

**DELAWARE STATISTICAL PLAN MANUAL**  
*Proposed Effective July 1, 2023*

**INTRODUCTION** remains unchanged.

**SECTION I** remains unchanged.

**SECTION II - REPORTING REQUIREMENTS**

Items **A and B** remain unchanged.

Item **B** Exposure Information

Item Numbers **1 through 8** remain unchanged

**9. Miscellaneous Statistical Codes**

**a. thru f.** remain unchanged.

g. Paid Furloughed Employees – Code 1212

Paid furloughed employees means employees who continue to receive payments during a temporary layoff or an involuntary leave and are not performing any work duties for an employer. Effective March 1, 2020, payments by any employer or any public governmental entity to paid furloughed employees as a result of federal, state, and or/local emergency orders, laws or regulations, issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations must be reported to Statistical Code 1212 – Paid Furloughed Employees. Such payments do not include any appropriated funds or loans received by an employer as authorized by an law or regulations, or public governmental entity, that are used by an employer specifically to retain or hire working employees.

Code 1212 may be used as a Statistical Code to report the payments only. If a carrier is unable to report this experience as a statistical code, please contact the DCRB to discuss reporting requirements.

Payments reported to Code 1212 are excluded from premium only if the employer keeps separate, accurate and verifiable records.

For any claims attributable to an employee occurring prior to or after a temporary layoff or an involuntary leave, report losses to the classification for work normally performed by the employee that corresponds to the employee's payroll. No claim can be reported to Code 1212 – Paid Furloughed Employees.

Code 1212 will be applicable for new, renewal and in-force policies effective at 12:01 a.m. on March 1, 2020 through 11:59 p.m. on June 30, 2023. The expiration date of this code will be determined at a later date as circumstances warrant in consultation with Delaware regulatory authorities.

Item Number **10** remains unchanged.

**DELAWARE STATISTICAL PLAN MANUAL**  
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Item **C** Loss Information

Item Numbers **1 through 10** remain unchanged.

**11. Catastrophe Number (Cat. No.)**

Any accident resulting in two or more reported claims must be reported as a catastrophe. In reporting catastrophes, all claims (compensable as well as non-compensable and contract medical) resulting from this accident shall be designated by placing the numeral "1" in the column captioned Cat. No. opposite each claim. If there is more than one catastrophe under the policy, each succeeding catastrophe should be designated by means of a separate serial number "2", "3", etc., up to and including "10". After the number "10" is assigned the next number in the sequence will reprocess to number "1". Numbers "11" through "99" are reserved for ISO or WCIO assigned catastrophe codes. A separate series of catastrophe numbers shall be used for each policy.

EXCEPTIONS:

a.) Report Catastrophe Code Number 48 for all claims directly arising from the commercial airline hijackings of September 11, 2001 and the resulting subsequent events with accident dates of September 11, 2001 through September 14, 2001.

b.) Report Catastrophe Number 87 for all occupational diseases claims emanating from the rescue, recovery and clean-up operations at the World Trade Center site that were undertaken between September 11, 2001 and September 12, 2002, as defined in Article 8-A of the New York Workers' Compensation Law (Chapter 446 of the Laws of 2006).

c.) Report Catastrophe Code Number 12 for claims applicable and/or attributable to Coronavirus Disease 2019 (COVID-19) with accident dates of December 1, 2019 and through subsequent June 30, 2023.

Note: Catastrophe Code Number 48 and 87 will apply to both single and multiple claims.

Item Numbers **12 through 24** remains unchanged.

Item **D** remains unchanged.

**SECTION III** remains unchanged

**SECTION IV – CODES**

Item **A** Codes Common to Premium and Losses

Item Numbers **1 thru 5** remain unchanged

**6. Policy Conditions**

**a. thru c.** remain unchanged.

d. Estimated Audit Code  
"Y" = Exposures expressed on the unit report are estimated.

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"N" = Exposures expressed on the unit report are the result of an audit.

"U" = Insured has refused or not responded to requests to provide carrier with access to books and records. Audit has been closed as uncooperative. Exposures expressed on unit report are estimated.

Notes:

(1) When the Exposure on the 1<sup>st</sup> report includes Code 9757, report the Estimated Audit Code as "U" in the applicable Policy Conditions, Estimated Audit Code field. If subsequent to reporting Statistical Code 9757, and the final policy premium is determined in accordance with the Basic Manual rules, the statistical code and its accompanying charge must be removed. Additionally, the Estimated Audit Code must be changed to "N" and the exposure and premium must reflect the final audit.

(2) If final premium based on audited exposure cannot be reported due to federal, state and/or local emergency orders, laws, or regulations issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations report the applicable exposure and premium in the class code(s) and the Estimated Audit Code as an "N". This code is effective March 1, 2020. The expiration date of this rule will be ~~determined at a later date as circumstances warrant in consultation with Delaware regulatory authorities.~~ [11:59 p.m. on June 30, 2023.](#)

**e. thru g.** remain unchanged.

Item **B thru D** remain unchanged.

**SECTION V** remains unchanged.

**SECTION VI** remains unchanged.

**SECTION VII** remains unchanged.

**SECTION VIII** remains unchanged.

**SECTION IX** remains unchanged.

**SECTION X- PREMIUM ALGORITHM (See attached)**

**DELAWARE STATISTICAL PLAN MANUAL**  
*Proposed Effective July 1, 2023*

**Premium Calculation Algorithm**

Line #	Item Name	Associated Statistical Code	Line #	Source & Derivation
(1)	Classification	xxxx	(1)	Carrier value
(2)	Exposure	xxxx	(2)	Risk characteristic
(3)	Carrier Rating Value	xxxx	(3)	Carrier value
(4)	Classification Manual Premium		(4)	(2)/100x(3) if classification has payroll exposure. Special procedures apply to non-payroll classes
(5)	Total Policy Manual Premium		(5)	Sum of (4) for all classifications on the policy
(6)	Employer Liability Increased Limits Factor	xxxx	(6)	Carrier value
(7)	Employer Liability Increased Limits Premium Charge		(7)	(5)x[(6) expressed as a decimal]
(8)	Minimum Premium Employer Liability Increased Limits	9848	(8)	Carrier value
(9)	Minimum Premium Employer Liability Increased Limits Premium Charge	9848	(9)	[(8)-(7)] if (7)<(8) and (6) >0, otherwise zero
(10)	Subject Deductible Credit Percentage	9664	(10)	Carrier value
(11)	Subject Deductible Premium Credit	9664	(11)	[(5)+(7)+(9)]x[(-10) expressed as a decimal]
(12)	Waiver of Subrogation Charge	0930	(12)	Carrier value - subject to experience modification
(13)	Waiver of Subrogation Premium	0930	(13)	Value from Line (12)
(14)	Total Subject Premium		(14)	[(5)+(7)+(9)+(11)+(13)]
(15)	Experience Modification	9898	(15)	Zero for non-experience-rated risks
(16)	Modified Premium		(16)	(14)x(15)
(17)	Merit Rating Credit Factor	9885	(17)	Zero if Merit Rating Credit does not apply
(18)	Merit Rating Credit	9885	(18)	(14)x[(-17) expressed as a decimal]
(19)	Merit Rating Neutral Factor	9884	(19)	Zero whether Merit Rating Neutral Adjustment (no credit or debit) does or does not apply
(20)	Merit Rating Neutral Adjustment	9884	(20)	(14)x[(19) expressed as a decimal]
(21)	Merit Rating Debit Factor	9886	(21)	Zero if Merit Rating Debit does not apply
(22)	Merit Rating Charge	9886	(22)	(14)x[(21) expressed as a decimal]
(23)	Premium After Experience Modification or Merit Rating		(23)	(16) if Experience-Rated, [(14)+(18)+(20)+(22)] if Merit-Rated, (14) if Non-Rated
(24)	Non-Ratable Classifications	xxxx	(24)	Carrier Value
(25)	Non-Ratable Classifications Exposure		(25)	Portion of payroll exposure subject to Non-Ratable Classifications
(26)	Non-Ratable Classification Rating Value	xxxx	(26)	Carrier Value
(27)	Non-Ratable Classification Premium		(27)	(25)/100x(26) [based on applicable Non-Ratable Classification exposure]

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**Premium Calculation Algorithm**

Line #	Item Name	Associated Statistical Code	Line #	Source & Derivation
(28)	Workfare Program Employees Exposure (PA)	0982	(28)	Number of person weeks. A partial workweek for any worker to be counted as 1 person week.
(29)	Workfare Program Employees Rating Value (PA)	0982	(29)	Carrier Value
(30)	Workfare Program Employees Premium (PA)	0982	(30)	(28) x (29)
(31)	Non-Ratable Classification Premium Total		(31)	Sum of all (27)+(30) premiums
(32)	Non-Ratable Classification Increased Limits Factor	xxxx	(32)	Carrier value
(33)	Non-Ratable Classification Increased Limits Premium Charge	xxxx	(33)	(31)x [ (32) expressed as a decimal]
(34)	Minimum Premium Non-Ratable Classification Increased Limits	9848	(34)	Carrier value
(35)	Minimum Premium Non-Ratable Classification Increased Limits Premium Charge	9848	(35)	[(34)-(33)] if (33) < (34) and (32) > 0, otherwise zero
(36)	Premium Before Schedule Rating		(36)	(23)+(31)+(33)+(35)
(37)	Schedule Rating Plan Adjustment Factor	9887/9889	(37)	Carrier value - use 9887 for schedule credits and 9889 for schedule debits
(38)	Schedule Rating Plan Premium Adjustment	9887/9889	(38)	(36)x[(37) expressed as a decimal]. For schedule credits Line (38) will be negative
(39)	Certified Safety Committee Credit Factor (PA)	9890	(39)	Credit applies if insured is certified.
(40)	Certified Safety Committee Premium Credit (PA)	9890	(40)	[(36)+(38)]x[(-39) expressed as a decimal]
(41)	Workplace Safety Program Credit Factor (DE)	9880	(41)	Credit applies if insured qualifies
(42)	Workplace Safety Program Premium Credit (DE)	9880	(42)	[(36)+(38)]x[(-41) expressed as a decimal]
(43)	Construction Classification Premium Adjustment Program Credit Factor	9046	(43)	Based on wage level(s), application to rating organization
(44)	Construction Classification Premium Adjustment Program Premium Credit	9046	(44)	[(36)+(38)]x[(-43) expressed as a decimal]
(45)	Drug-Free Workplace Factor	9846	(45)	Carrier value
(46)	Drug-Free Workplace Credit	9846	(46)	[(36)+(38)+(42)+(44)]x[(-45) expressed as a decimal]
(47)	Managed Care Factor	9874	(47)	Carrier value
(48)	Managed Care Credit	9874	(48)	[(36)+(38)+(42)+(44)+(46)]x[(-47) expressed as a decimal]
(49)	Package Credit Factor	9721	(49)	Carrier value

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**Premium Calculation Algorithm**

Line #	Item Name	Associated Statistical Code	Line #	Source & Derivation
(50)	Package Credit	9721	(50)	$[(36)+(38)+(42)+(44)+(46)+(48)] \times [(-49) \text{ expressed as a decimal}]$
(51)	Premium After Managed Care and Package Credit If Applicable		(51)	$[(36)+(38)+(40)+(42)+(44)+(46)+(48)+(50)]$
(52)	Assigned Risk Surcharge Factor (DE)	0277	(52)	May apply to some or all assigned risks based on plan and characteristics of individual insured
(53)	Assigned Risk Premium Surcharge (DE)	0277	(53)	$(51) \times [(52) \text{ expressed as a decimal}]$
(54)	Deductible Credit Factor	9663	(54)	Carrier value
(55)	Deductible Premium Credit	9663	(55)	$[(51)+(53)] \times [(-54) \text{ expressed as a decimal}]$
(56)	Loss Constant	0032	(56)	Carrier value - may vary based on risk premium size
(57)	Loss Constant Charge	0032	(57)	Line (56) if applicable
(58)	Short Rate Cancellation Factor	0931	(58)	Carrier value - zero if short rate cancellation does not apply
(59)	Short Rate Premium	0931	(59)	$[(51)+(53)+(55)+(57)] \times [(58)-1.0000]$ if (58)>0, otherwise zero
(60)	Expense Constant	0900	(60)	Carrier value if applicable
(61)	Expense Constant Charge	0900	(61)	Line (60)
(62)	Minimum Premium	0990	(62)	Carrier value
(63)	Minimum Premium Charge	0990	(63)	If (62)> $[(51)+(53)+(55)+(57)+(59)+(61)]$ , (62)- $[(51)+(53)+(55)+(57)+(59)+(61)]$ , otherwise zero
(64)	Unit Statistical Report Total Standard Premium		(64)	$[(51)+(53)+(55)+(57)+(59)+(63)]$
(65)	Premium Discount Amount	0063/0064	(65)	Carrier value based on $[(51)+(53)+(55)+(57)+(59)+(63)]$
(66)	Additional premium Waiver of Subrogation (flat charge)	9115	(66)	Carrier value(s)
(67)	Terrorism	9740	(67)	$(\text{Total payroll}/100) \times \text{carrier rating value}$
(68)	Catastrophe (other than Certified Acts of Terrorism)	9741	(68)	$(\text{Total payroll}/100) \times \text{carrier rating value}$
(69)	Total Policy Premium Subject to Employer Assessment		(69)	$(61)+(64)-(65)+(66)+(67)+(68)$
(70)	Employer Assessment Factor Pursuant to Act 57 of 1997 (PA)	0938	(70)	PCRB value for the specific purpose of computer employer assessments
(71)	Employer Assessment Amount Pursuant to Act 57 of 1997 (PA)	0938	(71)	$[(69)-(11)-(55)] \times (70)$ NOTE: Cells (11) and (55) are credits. Subtracting these credits as shown effectively adds the premium reduction given for deductible coverage back into the premium for purposes of calculating employer assessments
(72)	Audit Noncompliance Charge	9757	(72)	Carrier Value x (69)
<del>(73)</del>	<del>Payments to Paid Furloughed Employees Due to Covid-19</del>	<del>1212</del>	<del>(73)</del>	<del>Risk Characteristic</del>