

**State:** Texas **Filing Company:** National Council on Compensation Insurance, Inc.  
**TOI/Sub-TOI:** 16.0 Workers Compensation/16.0004 Standard WC  
**Product Name:** E-1408 Revisions for New York Withdrawal From the NCCI Interstate Experience Rating Plan  
**Project Name/Number:** /

## Filing at a Glance

Company: National Council on Compensation Insurance, Inc.  
Product Name: E-1408 Revisions for New York Withdrawal From the NCCI Interstate Experience Rating Plan  
State: Texas  
TOI: 16.0 Workers Compensation  
Sub-TOI: 16.0004 Standard WC  
Filing Type: Rate/Rule  
Date Submitted: 12/29/2021  
SERFF Tr Num: NCCI-133091038  
SERFF Status: Assigned  
State Tr Num: S697957  
State Status: AS-Assigned To Technician  
Co Tr Num: E-1408  
  
Effective Date: 10/01/2022  
Requested (New):  
Effective Date: 10/01/2022  
Requested (Renewal):  
Author(s): Lesley O'Brien, Nancy Mattei, Tyler Santos, Simone Lawrence  
Reviewer(s): David Boon (primary), David Trautman, Connie Adams, Nicole Elliott  
Disposition Date:  
Disposition Status:  
Effective Date (New):  
Effective Date (Renewal):  
  
State Filing Description:  
WC 1

**State:** Texas **Filing Company:** National Council on Compensation Insurance, Inc.  
**TOI/Sub-TOI:** 16.0 Workers Compensation/16.0004 Standard WC  
**Product Name:** E-1408 Revisions for New York Withdrawal From the NCCI Interstate Experience Rating Plan  
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## General Information

Project Name: Status of Filing in Domicile:  
Project Number: Domicile Status Comments:  
Reference Organization: Reference Number:  
Reference Title: Advisory Org. Circular:  
Filing Status Changed: 12/30/2021  
State Status Changed: 12/30/2021 Deemer Date:  
Created By: Tyler Santos Submitted By: Tyler Santos  
Corresponding Filing Tracking Number:  
State TOI: Workers Compensation State Sub-TOI: Workers Compensation

### Filing Description:

This item revises the references to New York regarding its participation in NCCI's interstate experience rating plan. The NCCI manuals impacted by New York's withdrawal from the NCCI interstate experience rating plan include

- NCCI's Experience Rating Plan Manual for Workers Compensation and Employers Liability Insurance (Experience Rating Plan Manual), and
- NCCI's Statistical Plan for Workers Compensation and Employers Liability Insurance (Statistical Plan).

This item is proposed for all states to become effective for interstate experience rating modifications with rating effective dates on or after October 1, 2022, except Hawaii. In Hawaii, the effective date is determined upon regulatory approval of the individual carrier's election to adopt this change.

Refer to NCCI's Experience Rating Plan Manual Rule 1-B-3 for more information about the effective date of a change in any rule.

## Company and Contact

### Filing Contact Information

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2400 Crestwood Road 501-333-2835 [Phone]  
Suite 207 561-893-5655 [FAX]  
North Little Rock, AR 72116

### Filing Company Information

National Council on Compensation Insurance, Inc. CoCode: State of Domicile: Florida  
901 Peninsula Corporate Circle Group Code: Company Type:  
Boca Raton, FL 33487 Group Name: State ID Number:  
(561) 893-3186 ext. [Phone] FEIN Number: 65-0439698

**State:** Texas **Filing Company:** National Council on Compensation Insurance, Inc.  
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## Filing Fees

### State Fees

Fee Required? No

Retaliatory? No

Fee Explanation:

### State Specific

- [PII] Does this filing contain any personally identifiable information (PII)? (See SERFF General Instructions for the definition and examples of PII.) Answer either YES or NO:: No
- [Associated filing] Provide the TDI file number or SERFF tracking number for all associated filings:: N/A
- [Deemer date] Do you waive the deemer for form, endorsement, and certificate of insurance filings under 28 TAC 5.9325? Answer either YES or NO:: Yes
- Do you waive the limits on requests for information for rate/rule filings under 28 TAC 5.9336? Answer either YES or NO:: Yes
- [Replacement number] Provide the TDI file number of the previously approved forms and endorsements or accepted rates, rules, or rate/rules that you are replacing:: Texas adopted the rule listed with the Manual adoption, which did not have a filing number.
- [Reference/adopt] Provide the TDI file number that contains approved forms and endorsements or accepted rates, rules, or rate/rules that you are referencing/adopting.: Texas adopted the rule listed with the Manual adoption, which did not have a filing number.
- [Interline] State if this is an interline filing and list all lines of insurance the endorsement or rate/rules applies to.: N/A
- [Dual] For dual filings (monoline and multi-peril) state if this is a new program. If not, provide the TDI file number for either the previous dual filing, or the previous monoline and multi-peril filings approved for this program:: N/A
- [Policy form] What policy form do these endorsements and forms go with? List the TDI file number where the policy form was approved or referenced:: N/A
- [RPG] Will this filing be used for a Risk Purchasing Group? Answer either YES or NO. If yes, provide the name:: No
- [COVID-19] Is this filing related to the COVID-19 pandemic? Answer either YES or NO.: No

SERFF Tracking #:

NCCI-133091038

State Tracking #:

S697957

Company Tracking #:

E-1408

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### Rate Information

Rate data applies to filing.

**Filing Method:**

**Rate Change Type:**

Neutral

**Overall Percentage of Last Rate Revision:**

%

**Effective Date of Last Rate Revision:**

**Filing Method of Last Filing:**

**SERFF Tracking Number of Last Filing:**

### Company Rate Information

Company Name:	Overall % Indicated Change:	Overall % Rate Impact:	Written Premium Change for this Program:	Number of Policy Holders Affected for this Program:	Written Premium for this Program:	Maximum % Change (where req'd):	Minimum % Change (where req'd):
National Council on Compensation Insurance, Inc.	%	%				%	%

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Texas

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## Rate/Rule Schedule

Item No.	Schedule Item Status	Exhibit Name	Rule # or Page #	Rate Action	Previous State Filing Number	Attachments
1		Exhibit 1	Preface	Replacement	Texas adopted the rule listed with the Manual adoption, which did not have a filing number.	E-1408_Exhibit 1.pdf
2		Exhibit 2	Preface	Replacement	Texas adopted the rule listed with the Manual adoption, which did not have a filing number.	E-1408_Exhibit 2.pdf

**ITEM E-1408—REVISIONS FOR NEW YORK WITHDRAWAL FROM THE NCCI INTERSTATE EXPERIENCE RATING PLAN**

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**EXHIBIT 1**

**EXPERIENCE RATING PLAN MANUAL—2003 EDITION**

**PREFACE TO THE EXPERIENCE RATING PLAN MANUAL FOR WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE**

**(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MA, MD, ME, MO, MS, MT, NC, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)**

**B. JURISDICTIONS WHERE THIS PLAN DOES NOT APPLY**

04	CA	California	22	MN	Minnesota <sup>1</sup>	37	PA	Pennsylvania
07	DE	Delaware	29	NJ	New Jersey	48	WI	Wisconsin <sup>1</sup>
21	MI	Michigan	31	NY	New York <sup>2</sup>			

<sup>1</sup> Experience Rating Plans used by Independent Rating Organizations permit combination with states listed in Preface A for interstate experience rating.

<sup>2</sup> The New York Experience Rating Plan no longer permits New York experience to be used in NCCI's interstate experience rating plan for rating effective dates on or after October 1, 2022.

ITEM E-1408—REVISIONS FOR NEW YORK WITHDRAWAL FROM THE NCCI INTERSTATE EXPERIENCE RATING PLAN

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EXHIBIT 2  
STATISTICAL PLAN—2008 EDITION

PREFACE

C. STATES

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

4. Non-NCCI Jurisdictions Where Plan Does Not Apply

This Plan is **not** applicable in the following states, which have their own statistical plans:

California	Michigan	New York	Wisconsin
Delaware	Minnesota	North Carolina	
Massachusetts	New Jersey	Pennsylvania	

**Note: ~~Interstate Rated Risk~~ Massachusetts and Minnesota:** Data must be reported to NCCI for ~~interstate~~ interstate-rated risks that include ~~one or more of the following states:~~ Massachusetts, ~~or~~ Minnesota, ~~or~~ New York.

**New York:** Data for policies effective December 31, 2020, or prior must be reported to NCCI for interstate-rated risks that include New York. Reporting of data with policy effective dates of January 1, 2021, or subsequent for New York is not required.

**North Carolina and Wisconsin:** Data that is reported to NCCI must be in accordance with their own statistical plans.

**SERFF Tracking #:**

NCCI-133091038

**State Tracking #:**

S697957

**Company Tracking #:**

E-1408

**State:** Texas  
**TOI/Sub-TOI:** 16.0 Workers Compensation/16.0004 Standard WC  
**Product Name:** E-1408 Revisions for New York Withdrawal From the NCCI Interstate Experience Rating Plan  
**Project Name/Number:** /

**Filing Company:** National Council on Compensation Insurance, Inc.

## Supporting Document Schedules

<b>Bypassed - Item:</b>	Does this filing contain confidential information?
<b>Bypass Reason:</b>	NA
<b>Attachment(s):</b>	
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Bypassed - Item:</b>	Exhibit A
<b>Bypass Reason:</b>	NA
<b>Attachment(s):</b>	
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Bypassed - Item:</b>	Exhibit C
<b>Bypass Reason:</b>	N/A
<b>Attachment(s):</b>	
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Satisfied - Item:</b>	Filing Memorandum (Rates/Rules)
<b>Comments:</b>	
<b>Attachment(s):</b>	E-1408_Memorandum.pdf
<b>Item Status:</b>	
<b>Status Date:</b>	

<b>Satisfied - Item:</b>	Side by Side
<b>Comments:</b>	
<b>Attachment(s):</b>	Side_by_side-Item E-1408_states.pdf
<b>Item Status:</b>	
<b>Status Date:</b>	



## FILING MEMORANDUM

### ITEM E-1408—REVISIONS FOR NEW YORK WITHDRAWAL FROM THE NCCI INTERSTATE EXPERIENCE RATING PLAN

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#### PURPOSE

This item revises the references to New York regarding its participation in NCCI's interstate experience rating plan.

The NCCI manuals impacted by New York's withdrawal from the NCCI interstate experience rating plan include

- NCCI's *Experience Rating Plan Manual for Workers Compensation and Employers Liability Insurance (Experience Rating Plan Manual)*, and
- NCCI's *Statistical Plan for Workers Compensation and Employers Liability Insurance (Statistical Plan)*.

#### BACKGROUND

The New York Compensation Insurance Rating Board (NYCIRB) will use the approved new edition to the *New York Experience Rating Plan Manual* for experience rating modifications with rating effective dates on or after October 1, 2022. With the implementation of the new edition, New York will withdraw from the NCCI interstate experience rating plan. This will result in New York experience no longer being used in the calculation of interstate experience rating modifications with rating effective dates on or after October 1, 2022.

#### For data reporting purposes:

As of rating effective dates on or after October 1, 2022, Unit Statistical data with

- policy effective dates of December 31, 2020, or prior for New York must continue to be reported to NCCI for interstate experience rating purposes, and
- policy effective dates of January 1, 2021, or subsequent for New York will not be required to be reported to NCCI for interstate experience rating purposes.

#### PROPOSAL

This item proposes to revise

- NCCI's *Experience Rating Plan Manual* Preface B—Jurisdictions Where This Plan Does Not Apply, to amend the footnote to New York to reflect that New York experience is no longer used in NCCI's interstate rating plan for rating effective dates on or after October 1, 2022, and
- NCCI's *Statistical Plan* Preface C-4—Non-NCCI Jurisdictions Where Plan Does Not Apply, to amend the note in reference to reporting New York data.

#### IMPACT

NCCI interstate experience rating modifications effective for risks with rating effective dates on or after October 1, 2022, will no longer contain New York experience.

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FILING MEMORANDUM

**ITEM E-1408—REVISIONS FOR NEW YORK WITHDRAWAL FROM THE NCCI INTERSTATE EXPERIENCE RATING PLAN**

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When changes in ownership occur for risks operating in interstate jurisdictions and New York, the notifications for such changes will need to be submitted to both NCCI and NYCIRB for experience rating modifications with rating effective dates on or after October 1, 2022.

**EXHIBIT COMMENTS AND IMPLEMENTATION SUMMARY**

Exhibit	Exhibit Comments	Implementation Summary
1	Details the revisions to the footnote for New York in Preface B—Jurisdictions Where This Plan Does Not Apply, in NCCI's <i>Experience Rating Plan Manual</i> .	<ul style="list-style-type: none"> <li>For all states where applicable, except Hawaii, this item is to become effective for interstate experience rating modifications with rating effective dates on or after October 1, 2022.</li> <li>In Hawaii, the effective date is determined upon regulatory approval of the individual carrier's election to adopt this change.</li> </ul>
2	Details the revisions to the note in Preface C-4—Non-NCCI Jurisdictions Where Plan Does Not Apply, in NCCI's <i>Statistical Plan</i> .	

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COMPARISON OF NCCI MANUALS PREFACE AND ITEM E-1408\*

Current	Proposed	Comments																								
<p><b>EXPERIENCE RATING PLAN MANUAL—2003 EDITION</b>  <b>PREFACE TO THE EXPERIENCE RATING PLAN MANUAL FOR WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE</b></p>	<p><b>EXPERIENCE RATING PLAN MANUAL—2003 EDITION</b>  <b>PREFACE TO THE EXPERIENCE RATING PLAN MANUAL FOR WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE</b></p>																									
<p><b>B. JURISDICTIONS WHERE THIS PLAN DOES NOT APPLY</b></p> <p>04 CA California 22 MN Minnesota<sup>1</sup> 37 PA Pennsylvania                      07 DE Delaware 29 NJ New Jersey 48 WI Wisconsin<sup>1</sup>                      21 MI Michigan 31 NY New York<sup>1</sup></p> <p><sup>1</sup> Experience Rating Plans used by Independent Rating Organizations permit combination with states listed in A for interstate experience rating.</p>	<p><b>B. JURISDICTIONS WHERE THIS PLAN DOES NOT APPLY</b></p> <p>04 CA California 22 MN Minnesota<sup>1</sup> 37 PA Pennsylvania                      07 DE Delaware 29 NJ New Jersey 48 WI Wisconsin<sup>1</sup>                      21 MI Michigan 31 NY New York<sup>2</sup></p> <p><sup>1</sup> Experience Rating Plans used by Independent Rating Organizations permit combination with states listed in Preface A for interstate experience rating.  <sup>2</sup> The New York Experience Rating Plan no longer permits New York experience to be used in NCCI's interstate experience rating plan for rating effective dates on or after October 1, 2022.</p>	<p>New York is now indicated with footnote 2 for their withdrawal from the NCCI interstate experience rating plan for rating effective dates on or after October 1, 2022.</p> <p>Also, the addition of "Preface" is added to footnote 1 for clarity.</p>																								
<p><b>STATISTICAL PLAN—2008 EDITION</b>  <b>PREFACE</b></p>	<p><b>STATISTICAL PLAN—2008 EDITION</b>  <b>PREFACE</b></p>																									
<p><b>C. STATES</b></p> <p><b>4. Non-NCCI Jurisdictions Where Plan Does Not Apply</b></p> <p>This Plan is <b>not</b> applicable in the following states, which have their own statistical plans:</p> <table border="0"> <tr> <td>California</td> <td>Michigan</td> <td>New York</td> <td>Wisconsin</td> </tr> <tr> <td>Delaware</td> <td>Minnesota</td> <td>North Carolina</td> <td></td> </tr> <tr> <td>Massachusetts</td> <td>New Jersey</td> <td>Pennsylvania</td> <td></td> </tr> </table> <p><b>Note: Interstate Rated Risks:</b> Data must be reported to NCCI for interstated rated risks that include one or more of the following states: Massachusetts, Minnesota, or New York.</p> <p><b>North Carolina and Wisconsin:</b> Data that is reported to NCCI must be in accordance with their own statistical plans.</p>	California	Michigan	New York	Wisconsin	Delaware	Minnesota	North Carolina		Massachusetts	New Jersey	Pennsylvania		<p><b>C. STATES</b></p> <p><b>4. Non-NCCI Jurisdictions Where Plan Does Not Apply</b></p> <p>This Plan is <b>not</b> applicable in the following states, which have their own statistical plans:</p> <table border="0"> <tr> <td>California</td> <td>Michigan</td> <td>New York</td> <td>Wisconsin</td> </tr> <tr> <td>Delaware</td> <td>Minnesota</td> <td>North Carolina</td> <td></td> </tr> <tr> <td>Massachusetts</td> <td>New Jersey</td> <td>Pennsylvania</td> <td></td> </tr> </table> <p><b>Note: Massachusetts and Minnesota:</b> Data must be reported to NCCI for interstate-rated risks that include Massachusetts or Minnesota.</p> <p><b>New York:</b> Data for policies effective December 31, 2020, or prior must be reported to NCCI for interstate-rated risks that include New York. Reporting of data with policy effective dates of January 1, 2021, or subsequent for New York is not required.</p> <p><b>North Carolina and Wisconsin:</b> Data that is reported to NCCI must be in accordance with their own statistical plans.</p>	California	Michigan	New York	Wisconsin	Delaware	Minnesota	North Carolina		Massachusetts	New Jersey	Pennsylvania		<p>The Note is revised for data reporting relative to the change for New York's withdrawal from the NCCI interstate experience rating plan for rating effective dates on or after October 1, 2022.</p>
California	Michigan	New York	Wisconsin																							
Delaware	Minnesota	North Carolina																								
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\*This Comparison is provided as a reference only in order to show the differences between the existing rule(s) or form(s), and the changes being proposed in the item filing. In the unlikely event that there is a conflict between the item filing Exhibits and this Comparison, the item filing Exhibits will control.