



# COMPENSATION RATING AND INSPECTION BUREAU

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June 15, 2009

## MANUAL AMENDMENT BULLETIN #444

**To All Bureau Members and Subscribers:**

Re: Changes to Manual Rules

The Commissioner of Banking and Insurance has approved the following changes to the New Jersey Workers Compensation and Employers Liability Insurance Manual (Manual) effective July 1, 2009 on a new and renewal basis only. The changes to Manual rules are necessary due to the enactment of S-1917. Also, a new form, the New Jersey Transmittal Letter, has been added to the Manual, and the rules regarding the filing of forms have been changed. The changes to Manual rules are indicated in *italics and bold*.

S-1917 was signed into law in the latter part of 2008 and becomes effective on July 1, 2009. The amendments provided for in S-1917 represent the first major changes to the Compensation Rating and Inspection Bureau's (Bureau) statutory framework since 1917. The amendments are intended to clarify the role of the Bureau as an industry rate service organization for workers compensation insurance, similar to rate service organizations in other jurisdictions. While continuing the role of the Commissioner of Banking and Insurance (Commissioner) to review and prior approve rate, form and rule changes, the amendments remove the direct supervision of the Commissioner over the Bureau. The legislation strengthens the role of the Bureau Governing Committee by adding three public members and the Commissioner as a non-voting ex-officio member. Further, it eliminates the requirement that a Special Deputy Insurance Commissioner serve as Ex-Officio Chairman of the Bureau and requires that the Bureau adopt an appeals procedure in its rules.

### PLAN OF OPERATION

#### PART 1, SECTION 1 - PROMULGATION AND APPROVAL OF THE MANUAL

**Amend 1:1-1, 1:1-4, 1:1-6 as follows:**

#### PRESENT

**1. Compilation.** This Manual is compiled by the Compensation Rating and Inspection Bureau (herein referred to as the "Rating Bureau"), an instrumentality of the State of New Jersey, created, organized and supervised by the Commissioner of Banking and Insurance, pursuant to the authority set forth in R.S.N.J. 34:15-88 through 91.

#### AMENDED

**1. Compilation.** This Manual is compiled by the Compensation Rating and Inspection Bureau (herein referred to as the "Rating Bureau"), pursuant to the authority set forth in *N.J.S.A. 34:15-90.1 et seq.*

**PRESENT**

**4. Governs Underwriting and Rating.** This Manual, together with any amendments or supplements promulgated to apply to it, shall govern the underwriting and rating of Workers Compensation and Employers Liability Insurance under the laws of the State of New Jersey, as well as the statistical and other filings required by law and the rules of the Rating Bureau.

**6. Approval.** The contents of this Manual have been filed with and approved by the Commissioner of Banking and Insurance in accordance with N.J.S.A. 34:15-88.

**AMENDED**

**4. Governs Underwriting and Rating.** This Manual, together with any amendments or supplements promulgated to apply to it, shall *as set forth in the Plan of Operation*, govern the underwriting and rating of Workers Compensation and Employers Liability Insurance under the laws of the State of New Jersey, as well as the statistical and other filings required by law and the rules of the Rating Bureau.

**6. Approval.** The contents of this Manual have been filed with and approved by the Commissioner of Banking and Insurance in accordance with *N.J.S.A. 34:15-90.1 et seq.*

**PART 1, SECTION 2 - STATUTORY PROVISIONS CREATING THE RATING BUREAU AND DEFINING ITS AUTHORITY AND DUTIES**

**Amend 1:2-1** to change the introduction for this item from “R.S.N.J. 34:15-88” to “N.J.S.A. 34:15-88.” There is no change to the text of the Manual rule.

**Amend 1:2-2 through 1:2-4 as follows:**

**PRESENT**

**2. R.S.N.J. 34:15-89.** Bureau of compensation rating and inspection created; objects. The compensation rating and inspection bureau as created and established by the act entitled “An act concerning the compulsory insurance of compensation payments arising under Section Two of an act entitled ‘An act prescribing the liability of an employer to make compensation for injuries received by an employee in the course of employment, establishing an elective schedule of compensation, and regulating procedure for the determination of liability and compensation thereunder,’ approved April 4, 1911” approved March 27, 1917 as amended and supplemented is continued under the supervision of the Commissioner of Banking and Insurance.

**AMENDED**

**2. N.J.S.A. 34:15-90.1 et seq.**

**2.1 *The Compensation Rating and Inspection Bureau, established and continued by N.J.S.A. 34:15-89, consisting of all insurers authorized to write workers compensation or employers liability insurance within this State as provided under N.J.S.A. 34:15-90.1 et seq, is continued as provided by this act. No insurer shall write Workers Compensation or Employers Liability Insurance in this State unless it is a member of the Compensation Rating and Inspection Bureau. Each member of the Compensation Rating and Inspection Bureau shall have one representative entitled to one vote in the administration of the Compensation Rating and Inspection Bureau’s affairs.***

**PRESENT**

It shall establish and maintain rules, regulations and premium rates for workers compensation and employers liability insurance and equitably adjust the same, as far as practicable, to the hazard of individual risks, by inspection by the bureau.

It shall adopt means for assuring uniform and accurate audit of payrolls as they relate to policies of workers compensation and employers liability insurance by auditors, appointed by the bureau, with the approval of the said Commissioner or by such other means as the bureau may, with the approval of the Commissioner of Banking and Insurance, establish.

It shall furnish upon request to any of its members or to any employer upon whose risks a rating has been promulgated by it, information as to such rating, including the method of its computation, and shall encourage employers to reduce the number and severity of accidents by adjusting premiums and rates, through the use of credits and debits or other proper factors, under such uniform system of experience or other forms of merit rating as may be approved by the said Commissioner.

**AMENDED**

***2.2 The Compensation Rating and Inspection Bureau shall be governed by a committee of 10 directors. The Commissioner of Banking and Insurance or his designee shall serve as an ex-officio, non-voting director. Six directors of the governing committee shall be elected by the insurer members as provided in the approved Plan of Operation. Three directors shall be appointed by the Commissioner: one of whom shall be an individual appointed from a list or lists of nominees provided by one or more recognized Statewide organizations representing licensed insurance producers; one of whom shall be an individual appointed from a list or lists of nominees provided by one or more recognized Statewide business organizations; and one of whom shall be an individual appointed from a list or lists of nominees provided by one or more recognized Statewide labor organizations.***

***Initially, two of the elected directors and one of the appointed directors shall serve for a term of three years; two of the elected directors and one of the appointed directors shall serve for a term of two years; and two of the elected directors and one of the appointed directors shall serve for a term of one year. Thereafter, all board members shall serve for a term of three years. Vacancies shall be filled in the same manner as the original selection.***

***2.3 The Compensation Rating and Inspection Bureau shall have authority to:***

- a. Enter into contracts as are necessary or proper to carry out the provisions and purposes of this act;***
- b. Sue or be sued, including taking any legal actions as may be necessary for recovery of any assessments;***
- c. Establish rules, conditions, and procedures for assessment of its members;***

**PRESENT**

**AMENDED**

- d. Assess members in accordance with chapter 15 of Title 34 of the Revised Statutes;*
- e. Appoint from among its members appropriate legal, actuarial, and other subcommittees of the Governing Committee as necessary to provide technical assistance in the operation of the Rating Bureau;*
- f. Establish and maintain rules, regulations and premium rates for Workers Compensation and Employers Liability Insurance and equitably adjust the same, as far as practical, to the hazard of individual risks, by inspection by the Rating Bureau;*
- g. Adopt means for assuring uniform and accurate audit of payrolls as they relate to policies of Workers Compensation and Employers Liability Insurance by auditors, appointed by the Rating Bureau, or by such other means as the Rating Bureau may, with the approval of the Commissioner, establish;*
- h. Furnish upon request to any of its members or to any employer upon whose risks a rating has been promulgated by it, information as to such rating, including the method of its computation, and shall encourage employers to reduce the number and severity of accidents by adjusting premiums and rates through the use of credits and debits or other proper factors, under such uniform system of experience or other forms of merit rating as may be approved by the Commissioner;*
- i. Prepare and file, for the approval of the Commissioner, and for the use by all of its members, any amendments to its policy forms and its system of classification of risks and premiums thereto, together with the basis rates and system of merit or schedule rating*

**PRESENT**

**3. R.S.N.J. 34:15-90.** Insurance companies members of bureau. No mutual association or stock company shall be authorized to write compensation or liability insurance in the state unless it is a member of the compensation rating and inspection bureau. Each member of the bureau writing such insurance shall be represented by one representative and shall be entitled to one vote in the administration of bureau affairs. The bureau shall adopt such rules and regulations for its procedure and provide such income as may be necessary for its maintenance and operation. The Commissioner of Banking and Insurance shall appoint a special deputy to be ex-officio chairman of the bureau. Such deputy shall serve with the bureau solely as a representative of the Commissioner of Banking and Insurance of the Department of Insurance and shall hold no other office with the bureau nor shall he receive any compensation from the bureau. In the absence of the Chairman or his inability to serve, the Commissioner of

**AMENDED**

- applicable to such insurance, as currently set forth in the New Jersey Workers Compensation and Employers Liability Insurance Manual;*
- j. Develop and submit, for the approval of the Commissioner, any amendments to its rules of procedure as currently set forth in the New Jersey Workers Compensation and Employers Liability Insurance Manual;*
  - k. Resolve disputes concerning the application of its rating system to specific cases, in accordance with the Workers Compensation and Employers Liability Insurance policy and the Rating Bureau's rules of procedure, subject to appeal to the Commissioner; and;*
  - l. Take such other actions as may be reasonable and necessary to carry out its functions as provided in its approved rules of procedures as set forth in the Plan of Operation, or as directed by the Commissioner.*

**DELETED**

**PRESENT**

Banking and Insurance shall designate another person to serve in his stead. All officers, members of committees and employees of the bureau shall be subject to the approval and ratification of the Commissioner of Banking and Insurance.

**4. R.S.N.J. 34:15-91.** Actuary and additional assistants in insurance department. The Commissioner of Banking and Insurance is authorized to employ an actuary and necessary assistants and to fix their compensation, subject to the provisions of Title 11, Civil Service, except where otherwise provided by statute; to compel the production of all books, data, papers and records necessary for the actuary to compile statistics for determining the pure cost of workers compensation and employers liability insurance; and to examine, either personally or through any person appointed by him, the payroll records and workers compensation or employers liability policies and all data relating to such records and policies of any employer subject to the provisions of this article in order to determine whether such provisions are being complied with. The information in the possession of the actuary shall be available to the compensation rating and inspection bureau in fixing rates.

**AMENDED**

**DELETED**

**PART 1, SECTION 3 - RULES AND REGULATIONS OF THE RATING BUREAU**

**Amend 1:3-1, 1:3-2, 1:3-7 through 1:3-12, 1:3-14, 1:3-16 through 1:3-19, 1:3-22, 1:3-24 through 1:3-34, 1:3-36 and 1:3-37 as follows:**

**PRESENT**

**1. Preamble.** The Compensation Rating and Inspection Bureau (hereinafter referred to as the "Rating Bureau") is created, organized, and supervised by the Commissioner of Banking and Insurance of New Jersey (hereinafter referred to as the "Commissioner") in accordance with the provisions of R.S.N.J. 34:15-88, with such objectives, jurisdiction, and organization under the Commissioner's supervision as provided by Sections 34:15-89, 34:15-90, and 34:15-91.

These rules and regulations (hereinafter referred to as "Rules") have been adopted by the members of the Rating Bureau to effectuate its purpose and functioning and approved by the Commissioner in accordance with the requirements of Statute. These Rules shall govern the Rating Bureau's procedure in all cases unless, in any particular, they be in conflict with any provision of Statute or inconsistent with the Commissioner's statutory power of supervision. Any situation which may be deemed not to be covered by these Rules will be resolved by a temporary ruling which may be promulgated by the Commissioner and which will remain effective until the members shall, with his approval, amend these Rules to resolve that situation.

No repealer or amendment of these Rules shall have effect until approved by the Commissioner.

All rules in effect prior to the effective date hereof (heretofore styled "Rules of Procedure") are hereby repealed.

**2. Members.** The members of the Rating Bureau shall be those mutual associations, stock companies or other organizations which comply with the laws of New Jersey regarding the writing of Workers Compensation and Employers Liability Insurance, and which agree to abide by these Rules, comply with their

**AMENDED**

**1. Preamble.** The Compensation Rating and Inspection Bureau (hereinafter referred to as the "Rating Bureau") is created, organized, and *continued* in accordance with the provisions of *N.J.S.A. 34:15-90.1 et seq.*

These rules and regulations (hereinafter referred to as "Rules") have been adopted by the members of the *Governing Committee of the* Rating Bureau to effectuate its purpose and functioning and approved by the Commissioner of Banking and Insurance (herein referred to as the "Commissioner") in accordance with the requirements of Statute. These Rules shall govern the Rating Bureau's procedure in all cases unless, in any particular, they be in conflict with any provision of Statute or inconsistent with the Commissioner's statutory power. Any situation which may be deemed not to be covered by these Rules will be *resolved by a ruling which shall be promulgated by the Governing Committee and approved by the Commissioner.*

**NO CHANGE**

**NO CHANGE**

**2. Members.** The members of the Rating Bureau shall be those mutual associations, stock companies or other organizations which comply with the laws of New Jersey regarding the writing of Workers Compensation and Employers Liability Insurance, and which agree to abide by these Rules, comply with their

**PRESENT**

provisions with respect to assessment for the purpose of income and accept the provisions of the New Jersey Workers Compensation Insurance Plan.

**7. Governing Committee.** There shall be a Governing Committee to administer the affairs of the Rating Bureau and carry out the objectives as required by the controlling laws and resolutions adopted by the members at annual or special meetings of the Rating Bureau.

**8. Composition of Governing Committee.** The Governing Committee shall be composed of six members—three non-participating companies and three participating companies—which shall be elected at each annual meeting for a term of one year or until their successors are duly elected and qualified.

**AMENDED**

provisions with respect to assessment for the purpose of income and accept the provisions of the New Jersey Workers Compensation *and Employers Liability Insurance Manual*.

**7. Governing Committee.** *The Governing Committee shall have overall authority over the activities of the Rating Bureau. It shall carry out the objectives as required by the controlling Statutes, resolutions adopted by the members at annual or special meetings of the Rating Bureau and the rules as set out in this Manual. It shall have power to appoint or remove all officers of the Rating Bureau and to fix their compensation; it shall have supervision and direction over all other committees and may appoint such supplementary committees as it deems necessary.*

**8. Composition of Governing Committee.** The Governing Committee shall be composed of *ten directors, six of whom will be members of the Rating Bureau elected by the membership at either the annual meeting or a special election called for this purpose, three shall be public members appointed by the Commissioner, one representing licensed insurance producers, one representing a recognized statewide business organization and one representing a recognized statewide labor organization. The Commissioner or his designee shall serve as an ex-officio, non voting director. Initially, two of the elected directors and one of the appointed directors shall serve for a term of three years; two of the elected directors and one of the appointed directors shall serve for a term of two years; and two of the elected directors and one of the appointed directors shall serve for a term of one year. Thereafter, all board members shall serve for a term of three years.*

*The Governing Committee shall have a chairman chosen by it from among its members by election at its first meeting following the annual meeting of the Rating Bureau.*

**PRESENT**

**9. Vacancy on Governing Committee.** A vacancy in the Governing Committee shall be filled by the remaining members of such committee until a successor shall be elected by an annual meeting or a special meeting of the Rating Bureau.

**10. Appointment of Subcommittees.** The Governing Committee may appoint such subcommittees with such duties as may be necessary to carry on the purposes of the Rating Bureau.

**11. Special Deputy and Chairman.** The Special Deputy Commissioner of Insurance (hereinafter referred to as the "Special Deputy") appointed by the Commissioner shall be chief executive officer of the Rating Bureau and chairman of all its committees and subcommittees. He shall preside at meetings of such committees and subcommittees and at the annual and special meetings of the Rating Bureau.

**12. Duties of Special Deputy.** The Special Deputy shall:

- (a) Enforce these Rules and perform such other duties as may be required for the proper maintenance and operation of the Rating Bureau.
- (b) Cause to be kept a record of all proceedings of the Rating Bureau and its committees.
- (c) Be responsible for all property of the Rating Bureau.

**AMENDED**

**9. Vacancy on Governing Committee.** A vacancy *on* the Governing Committee *of a public member shall be filled by an appointment by the Commissioner.* A vacancy *of a member* shall be filled by the remaining members until a successor shall be elected at an annual meeting or a special meeting of the Rating Bureau.

**10. Appointment of Subcommittees.** The Governing Committee may appoint such subcommittees with such duties as may be necessary to carry on the purposes of the Rating Bureau. *Standing subcommittees shall be the Actuarial Subcommittee, the Audit Subcommittee, and the Compensation Subcommittee.*

*Each subcommittee shall have a chairman chosen by it from among its members by election at its first meeting following the annual meeting of the Rating Bureau. Each subcommittee shall include a public member.*

**11. Executive Director as Chief Executive Officer.** *The Executive Director of the Rating Bureau, appointed by the Governing Committee and under its' general supervision, shall be chief executive officer of the Rating Bureau and shall, preside at all meetings except the Governing Committee and the Compensation Subcommittee.*

**12. Duties of the Executive Director.** *Under the general supervision of the Governing Committee, the Executive Director shall:*

**NO CHANGE**

**NO CHANGE**

**NO CHANGE**

**PRESENT**

- (d) Receive and carefully keep all monies of the Rating Bureau, disburse the same only for the business of the Rating Bureau and account to the Governing Committee for all such disbursements.
- (e) Sign and endorse, in the name of, and on behalf of, the Rating Bureau, in the transaction of its business, but not otherwise, checks, drafts, notes and bills of exchange, subject to such countersignature as the Governing Committee may determine.
- (f) File with the Commissioner on behalf of the members, a copy of the Rules, and all amendments thereto, under which the Rating Bureau operates, together with such further information concerning the Rating Bureau and its operations as may be required by the Commissioner.
- (g) File annually with the Commissioner, a certified list of the members of the Rating Bureau in good standing, and duly notify the Commissioner of the failure of any member to pay its share of the cost of the Rating Bureau determined in accordance with the provisions of these Rules or of its failure to comply otherwise with these Rules.
- (h) File with the Commissioner, on behalf of the members, the Manual of Forms, Rules, Classifications, Rates, Rating and Statistical Plans, together with plans for inspecting and auditing of payrolls and any changes or amendments in such rules, classifications, rates or plans adopted by the Governing Committee.

**14. Special Service Charges.** Each member shall pay promptly all proper charges made for any special services rendered to it by the Rating Bureau.

**AMENDED**

**NO CHANGE**

**NO CHANGE**

- (f) File with **the *Department of Banking and Insurance*** on behalf of the members, a copy of the Rules, and all amendments thereto, under which the Rating Bureau operates, together with such further information concerning the Rating Bureau and its operations as may be required by the ***Department of Banking and Insurance***.
- (g) File annually with the ***Department of Banking and Insurance***, a certified list of the members of the Rating Bureau in good standing.
- (h) File with the ***Department of Banking and Insurance***, on behalf of the members, the Manual of Forms, Rules, Classifications, Rates, Rating and Statistical Plans, together with plans for inspecting and auditing of payrolls and any changes or amendments in such rules, classifications, rates or plans adopted by the Governing Committee.

**14. *Administrative Sanctions and Special Service Charges.*** Each member shall pay promptly all proper ***special service charges, pursuant to Part One, Section 7 of this Manual or administrative sanctions imposed by the Rating Bureau as set out below. Special charges and/or administrative sanctions shall be levied on a member insurer for non-compliance with membership provisions, Manual rules, policy guidelines or written requests of the Rating Bureau. An administrative sanction is deemed to have occurred in each documented case of a member insurer's failure to timely submit:***

**PRESENT**

**AMENDED**

- *Required form, financial data or information filings*
- *Test audit documents*
- *Revised audits*
- *Response to request for information*
- *Endorsements resulting from Rating Bureau correspondence, inspection, field conference or test audit*
- *Policies and endorsements filed late or in improper format.*

*The forgoing list is representative, not all inclusive, of the types of infractions subject to administrative sanction charges. "Timely" submission is defined as within 30 days of a written 2<sup>nd</sup> request from the Rating Bureau, without just cause, unless otherwise defined. Administrative sanction charges shall not be less than \$25 nor exceed \$5,000 per violation. Continued violation or failure to pay such charges when rendered may invoke a recommendation for enforcement of Manual rules 1:3-5, "Cessation of Member" and 1:3-6, "Obligations of Withdrawing Member." A member may appeal the imposition of an administration sanction to the Governing Committee.*

**16. Approval of Budget.** Neither the Rating Bureau budget nor the adjustment of the rates to reflect Rating Bureau expense shall become effective until approved by the Commissioner.

**16. Approval of Budget.** *At least ten (10) days prior to the meeting of the Governing Committee where the budget will be considered, the Governing Committee shall be provided a copy of the proposed budget. The budget, as submitted, shall become effective upon approval of the Governing Committee. Any revision to the budget must be approved by the Governing Committee.*

**PRESENT**

**17. Assessments.** Assessments shall be levied on the members as of the first day of the fiscal year and the first day of each ensuing quarter of the fiscal year in proportion to the latest fiscal year report of New Jersey Workers Compensation and Employers Liability Insurance premium writings and in accordance with the budget approved by the Commissioner. If the assessment of the members in any quarter is not to be based upon the budget approved by the Commissioner, the approval of the Commissioner shall be secured before the assessment is levied.

**18. Selection of Auditor.** At the close of each fiscal year, the Governing Committee shall select an independent auditor to be retained by the Special Deputy to audit the accounts of the Rating Bureau for that fiscal year. The report of such auditor shall be required to state, but shall not be limited to:

- (a) The total expense of maintenance and operation of the Rating Bureau in that fiscal year.
- (b) The amount of the income from charges for special services.
- (c) The amount of any other miscellaneous income.
- (d) The amount received through assessment of the members on the basis of New Jersey Workers Compensation and Employers Liability Insurance premium writings.

**19. Total Assessment.** The net amount determined by the deduction of charges for special services and miscellaneous income from the total expense of maintenance and operation of the Rating Bureau shall constitute the final proper total assessment for that fiscal year. Each member's proportion of the total New Jersey Workers Compensation and Employers Liability Insurance premium written in the fiscal year shall determine its liability for the expense of maintenance and operation of the Rating Bureau.

**AMENDED**

**17. Assessments.** Assessments *for the operation of the Rating Bureau* shall be levied on the members as of the first day of the fiscal year and the first day of each ensuing quarter of the fiscal year in proportion to the latest fiscal year report of New Jersey Workers Compensation and Employers Liability Insurance premium writings and in accordance with the budget approved by the **Governing Committee**. If the assessment of the members in any quarter is not to be based upon the budget approved by the **Governing Committee**, the approval of the **Governing Committee** shall be secured before the assessment is levied.

**18. Selection of Auditor.** At the close of each fiscal year, the **Audit Subcommittee** shall select an independent auditor to be retained by the **Executive Director** to audit the accounts of the Rating Bureau for that fiscal year. The report of such auditor shall be required to state, but shall not be limited to:

**NO CHANGE**

**NO CHANGE**

**NO CHANGE**

**NO CHANGE**

**19. Total Assessment.** The net amount determined by the deduction of charges for special services, **administrative sanctions** and miscellaneous income from the total expense of maintenance and operation of the Rating Bureau shall constitute the final proper total assessment for that fiscal year. Each member's proportion of the total New Jersey Workers Compensation and Employers Liability Insurance premium written in the fiscal year shall determine its liability for the expense of maintenance and operation of the Rating Bureau.

**PRESENT**

**22. Resolutions at Meetings of the Rating Bureau.** Except as otherwise provided, all resolutions shall be deemed adopted when assented to by vote of the majority of the members present and voting.

**24. Annual Meeting of the Rating Bureau.** The annual meeting of the Rating Bureau shall be held on the third Tuesday of May of each year. If the annual meeting for any year shall not be duly called or held, the Governing Committee shall cause a special meeting to be held, as soon as possible thereafter, in lieu of, and for the purpose of, such annual meeting, and all proceedings at such special meeting shall have the same force and effect as if taken at the regular annual meeting.

**25. Special Meetings of the Rating Bureau.** Special meetings of the Rating Bureau may be called at any time by the Special Deputy.

**26. Request for Special Meetings of the Rating Bureau.** Special meetings of the Rating Bureau shall be called by the Special Deputy upon written request of two members of the Governing Committee, or three members of the Rating Bureau, stating the subjects which it is desired to have brought before the special meeting.

**27. Notice of Meetings of the Rating Bureau.** Notice of meetings of the Rating Bureau shall be given by the Special Deputy by mailing, at least ten (10) days before the date fixed for such meetings, postage prepaid, and addressed to each member at its address as it appears upon the records of the Rating Bureau, a written or printed notice stating the place, day, hour, and the purpose of such meeting. The business to be transacted at special meetings of the Rating Bureau shall be limited to the subject or subjects stated in the notice of the meeting.

**AMENDED**

**22. Resolutions at Annual or Special Meetings of the Rating Bureau.** Except as otherwise provided, *and subject to quorum requirements*, all resolutions shall be deemed adopted when assented to by vote of the majority of the members present and voting.

**24. Annual Meeting of the Rating Bureau.** The annual meeting of the Rating Bureau shall be held *in* May of each year. If the annual meeting for any year shall not be duly called or held, the Governing Committee shall cause a special meeting to be held, as soon as possible thereafter, in lieu of, and for the purpose of, such annual meeting, and all proceedings at such special meeting shall have the same force and effect as if taken at the regular annual meeting.

**25. Special Meetings of the Rating Bureau.** Special meetings of the Rating Bureau may be called at any time by the *Chairman of the Governing Committee, or upon written request by three members of the Rating Bureau, stating the subjects which it is desired to have brought before the special meeting.*

26.

**DELETED**

**RESERVED FOR FUTURE USE**

**27. Notice of Annual or Special Meetings of the Rating Bureau.** Notice of meetings of the Rating Bureau shall be given by the *Executive Director* by mailing, at least ten (10) days before the date fixed for such meetings, postage prepaid, and addressed to each member at its address as it appears upon the records of the Rating Bureau, a written or printed notice stating the place, day, hour, and the purpose of such meeting. The business to be transacted at special meetings of the Rating Bureau shall be limited to the subject or subjects stated in the notice of the meeting.

**PRESENT**

**28. Quorum—Meetings of the Rating Bureau.** At all meetings of the Rating Bureau, twenty-five percent (25%) of the members writing Workers Compensation and Employers Liability Insurance and qualified to vote shall constitute a quorum for the transaction of business.

**29. Meetings of Governing Committee.** A meeting of the Governing Committee, or any subcommittee, may be called at any time by the Special Deputy and shall be called by the Special Deputy upon written request of any member of such committee.

**30. Notice of Meeting of Committee.** Written notice of each meeting of a committee shall be given by the Special Deputy by mailing, at least ten (10) days before the date fixed for the meeting, postage prepaid, and addressed to each registered representative or representatives of the members of the committee at the address of such persons as it appears on the Rating Bureau records, stating the place, day and hour of such meeting. The members of a committee may waive the requirement of written notice and may authorize the meeting to be held on shorter notice than ten (10) days by unanimous agreement.

**31. Quorum—Meeting of Committee.** A quorum for a meeting of any committee shall be a majority of the members constituting such committee.

**32. Majority Vote—Meeting of Committee.** The proper business of any committee shall be disposed of by vote of a majority of the members represented in the meeting of such committee.

**AMENDED**

**28. Quorum-Annual or Special Meetings of the Rating Bureau.** At all meetings of the Rating Bureau, twenty-five percent (25%) of the members writing Workers Compensation and Employers Liability Insurance and qualified to vote shall constitute a quorum for the transaction of business.

**29. Meetings of Governing Committee.** A meeting of the Governing Committee, or any subcommittee, may be called at any time by the *Chairman of the Governing Committee and may also be called by the Chairman* upon written request of any member of such committee. *The Governing Committee may also authorize meetings to be held by teleconference and to authorize Governing Committee action by the use of e-mail. Public members of the Governing Committee may be compensated for travel expenses according to Rating Bureau travel policies.*

**30. Notice of Meeting of Committee.** Written notice of each meeting of a committee shall be given by the *Rating Bureau* by mailing, at least ten (10) days before the date fixed for the meeting, postage prepaid, and addressed to each registered representative or representatives of the members of the committee at the address of such persons as it appears on the Rating Bureau records, stating the place, day and hour of such meeting. The members of a committee may waive the requirement of written notice and may authorize the meeting to be held on shorter notice than ten (10) *business* days by unanimous agreement.

**31. Quorum—Meeting of Committee.** A *quorum for a meeting of the Governing Committee is 5 members. A quorum for any subcommittee shall be a majority of the members constituting such subcommittee. Meetings should be conducted using the latest edition of Roberts Rules of Order.*

**32. Majority Vote—Meeting of Committee.** The proper business of any committee *or subcommittee, once having a quorum*, shall be disposed of by vote of a majority of the members represented in the meeting of such committee *or subcommittee*.

**PRESENT**

**33. Employees Hired by Special Deputy.** The Special Deputy shall, as authorized by the Governing Committee and subject to the approval and ratification of the Commissioner, employ such persons as are necessary to carry out the objectives of the Rating Bureau, provided, however, that the Governing Committee may from time to time specify an annual salary in excess of which no person shall be employed without its specific approval.

**34. Employees Bonded.** The Special Deputy and such employees of the Rating Bureau as the Governing Committee or the Commissioner may designate, shall give bond, to be paid for by the Rating Bureau, in such sum as the Governing Committee or the Commissioner may determine for the faithful and honest discharge of their duties and for the faithful and honest receipt, custody, and disbursement of the funds of the Rating Bureau.

**36. Amendments.** These Rules may be amended or repealed, and new Rules adopted, at any regular meeting of the Rating Bureau, or at any special meeting called for the purpose, by a majority vote of all members of the Rating Bureau who write Workers Compensation and Employers Liability Insurance provided that such proposed amendment, repealer, or new Rule, shall be submitted to the members of the Rating Bureau at least ten (10) days in advance of such meeting.

**37. Acceptance of Rules.** Each member shall furnish the Rating Bureau, for filing with the Commissioner, its acceptance of membership in the Rating Bureau and of these Rules, signed by an officer of said member.

**AMENDED**

**33. Employees Hired by the Executive Director.** The *Executive Director shall employ such persons as are* necessary to carry out the objectives of the Rating Bureau, provided, however, that the Governing **Committee shall approve the appointment of any Director and** may from time to time specify an annual salary in excess of which no person shall be employed without its specific approval.

**34. Employees Bonded.** The *Executive Director* and such employees of the Rating Bureau as the **Governing Committee may designate,** shall give bond, to be paid for by the Rating Bureau, in such sum as the Governing Committee may determine for the faithful and honest discharge of their duties and for the faithful and honest receipt, custody, and disbursement of the funds of the Rating Bureau.

**36. Amendments.** These Rules may be amended or repealed, and new Rules adopted, at any regular meeting of the **Governing Committee,** or at any special meeting called for the purpose, by a majority vote of all members of the Rating Bureau who write Workers Compensation and Employers Liability Insurance provided that such proposed amendment, repealer, or new Rule, shall be submitted to the members of the Rating Bureau at least ten (10) days in advance of such meeting.

**37. Acceptance of Rules.** Each member shall *furnish the Rating Bureau its acceptance of membership in the Rating Bureau and of these* Rules, signed by an officer of said member.

**PART 3, SECTION 1 - APPLICATION OF MANUAL, DEFINITIONS, EMPLOYMENTS  
COVERED AND COMPULSORY INSURANCE REQUIREMENTS**

**Add 3:1-11 as follows:**

**PRESENT**

NONE

**AMENDED**

*11. Appeal Procedure. Any person or organization directly aggrieved by determinations or rulings made by a division of the Rating Bureau regarding the application of policy provisions, or the Manual Rules contained in the New Jersey Workers Compensation and Employers Liability Insurance Manual, shall be entitled to request an appeal as set forth herein.*

*If the appeal involves premium determinations, no appeal shall be considered unless:*

- *All undisputed premium has been paid to the insurer*
- *The appeal is presented to the Governing Committee prior to an effective date of cancellation of coverage*
- *The appeal is presented to the Governing Committee prior to commencement of collection or other legal proceedings by the insurer*

*All appeals shall be submitted, in writing, to the Director of the Division responsible for the original determination. Appeal submissions shall identify the employer, insurer, producer, policy number, policy term and shall contain sufficient detail as to the appellant's stance, including premium calculations, to determine the nature and basis of the appeal.*

*Upon receipt and review, the Division Director may schedule an informal conference with the employer, a representative of the insurer, the designated producer and other representatives of the parties as deemed appropriate.*

*The purpose of the informal conference shall be an attempt to arrive at a reasonable and equitable resolution of the matter after review of all facts and circumstances. After the conference, the division representative shall provide the participants with a written summary of the conference agreements and conclusions.*

**PRESENT**

**AMENDED**

*In the event an informal conference is unsuccessful in resolving the dispute, further written appeal may be presented to the Rating Bureau's Executive Director.*

*Continued lack of resolution shall be appealed to the Governing Committee. Final determinations of the Governing Committee may be appealed to the Commissioner of Banking & Insurance in accordance with N.J.S.A. 34:15-89.*

*Notice of any hearing before the Governing Committee shall be mailed at least 10 days before the date scheduled for the proceeding. A written decision shall be provided to the parties within 30 days of the conclusion of the hearing. This procedure shall apply to business conducted in both the voluntary and residual markets.*

**PART 3, SECTION 2 - FORMS**

**Amend 3:2-1 as follows:**

**PRESENT**

**AMENDED**

**1. Filing for Approval.** Each standard form included in this Section shall be filed in printed fashion, in duplicate, with the Special Deputy Commissioner of Insurance in care of the Rating Bureau. In like manner any other form, printed or otherwise, that affects the scope of coverage shall also be filed. The form may be placed in use when filed and shall be deemed approved unless subsequently notified by the Bureau.

**1. Filing for Approval.** Each standard form included in this Section shall be *used without modification in any manner. Filing of such forms is optional.* Any other form, printed or otherwise, that affects the scope of coverage shall be filed, *in duplicate with the Rating Bureau and written approval secured before the form is placed in use.*

It is not necessary to file forms used to amend or provide for overflow of Information Page data elements.

**NO CHANGE**

Whenever any form on which prior approval has been deemed is reprinted with any change whatsoever, a new filing shall be made in duplicate and placed in use. Such form will be deemed approved unless notified otherwise.

Whenever any form on which prior approval has been deemed is reprinted with any change whatsoever, a new filing shall be made in duplicate and *written approval secured before the form is placed in use.*

**Amend 3:2** to include the New Jersey Transmittal Letter. This document must be included with all magnetic tape or electronic submissions of policy data, including cancellation and reinstatement notices. The filing of a duly executed Transmittal Letter with magnetic tape or electronic submissions of cancellation notices should satisfy the certification requirements resulting from the New Jersey Supreme Court decision in the matter of Walter Sroczynski v. John Milek (A-68/77-07). For further information about this decision, please refer to Advisory Bulletin #27, dated December 19, 2008. Advisory Bulletin #27 can be found at the Bureau website, [www.njcrib.com](http://www.njcrib.com), under "Bulletins and Circulars" in the Document Library at the Home Page. The New Jersey Transmittal Letter is attached as Exhibit I.

**Amend 3:2** to revise the Notice of Cancellation (Form 116-B) and the accompanying rules and information for its use. The form is revised to remove the "Special Deputy Commissioner of Insurance" from the mailing address. The rules and information are revised to clarify the methods available for the submission of the notices, and to provide instructions for the use of the New Jersey Transmittal Letter. The amendments are attached as Exhibit II.

**Amend 3:2** to revise the Notice of Reinstatement form (Form 117-A) and the accompanying rules and information. The form is revised to remove the "Special Deputy Commissioner of Insurance" from the mailing address. The rules and information are revised to clarify the methods available for the submission of the notices. The amendments are attached as Exhibit III.

The "Index – Policy Forms and Endorsements" is **amended** to include the New Jersey Transmittal Letter. The amended Index is attached as Exhibit IV.

With respect to policy forms, your attention is called to 3:2-1 of the Manual wherein the rules for the filing of forms is explained.

### **PART 3, SECTION 3 - PREPARATION AND AUDITING OF POLICIES**

**Amend 3:3-76 as follows:**

#### **PRESENT**

**76. Discount Schedules.** Two Discount Schedules are available and each company member shall file its election of one of those schedules with the Special Deputy Commissioner of Insurance in care of the Rating Bureau. The election shall remain in effect for at least one year. The election of each member company (Schedule X or Y) is shown on the Membership List in 1:4-1 of this Manual.

The Discount Schedules and the Table of Discounts will be found in 2:3 of this Manual. Either may be used in writing policies or adjusting premium. Appropriate discount shall be reflected in writing policies and adjusting premium.

#### **AMENDED**

**76. Discount Schedules.** Two Discount Schedules are available and each company member shall file its election of one of those schedules with the **Rating Bureau**. The election shall remain in effect for at least one year. The election of each member company (Schedule X or Y) is shown on the Membership List in 1:4-1 of this Manual.

**NO CHANGE**



Grover E. Czech, Esq.  
Executive Director

**EXHIBIT I**

**FORM TL-1**

**NEW JERSEY TRANSMITTAL LETTER**

**POLICY INFORMATION PAGE, CANCELLATION, REINSTATEMENT AND ENDORSEMENT DATA**

**1. NAME AND ADDRESS OF RATING ORGANIZATION**

Compensation Rating and Inspection Bureau of New Jersey  
60 Park Place  
Newark, NJ 07102  
Attn: Director of MIS

**2. CARRIER NAME:**

\_\_\_\_\_

**3. CARRIER CODE:**

\_\_\_\_\_

**4. SUBMISSION TYPE:**

Regular       Resubmission

**5. CONTROL DATA:**

Number of tapes in submission \_\_\_\_\_

Total Number of Records \_\_\_\_\_

Total Number of Header Records \_\_\_\_\_

Tape reel, volume or serial number \_\_\_\_\_

**6. TRANSACTION ISSUE PERIOD (DATES)**

From: \_\_\_\_\_

To: \_\_\_\_\_

**7. BUREAU USE ONLY:**

Date Received \_\_\_\_\_

By: \_\_\_\_\_

Date Submission Balanced: \_\_\_\_\_

By: \_\_\_\_\_

**8. MAIL RECEIPT TO:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

9. The person signatory hereto certifies on behalf of the (carrier name) and its property casualty affiliates that all attached data furnished herewith are correct and in accordance with the company's records. The undersigned, on behalf of the carriers, further certifies that like notice of election to terminate the stated contracts of insurance have been given to the employers in accordance with the requirements of N.J.S.A. 34:15-81.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

**10. PERSON TO CONTACT REGARDING SUBMISSION:**

Name: \_\_\_\_\_  
Company: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip Code: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

**EXHIBIT II**  
**NOTICE OF CANCELATION**

**Form 116-B**

The law (*N.J.S.A. 34:15-81*) prescribes the precise manner by which New Jersey Workers Compensation and Employers Liability Policies may be canceled. Certified mail may be substituted for registered mail in notifying the employer (*N.J.S.A. 1:1-2*).

To assure the orderly continuation or replacement of coverage, the Commissioner of Banking and Insurance has issued a Directive requiring thirty (30) days advance notice in the event of cancellation or nonrenewal, notwithstanding the fact that N.J.S.A. 34:15-81 stipulates ten (10) days advance notice in the event of cancellation and is silent with regard to notice in the event of nonrenewal. The requirement for ten (10) days advance cancellation notice for nonpayment of premium remains unchanged.

The Commissioner of Banking and Insurance has delegated the **Compensation Rating and Inspection Bureau (Rating Bureau)** to receive the "like notice" required by N.J.S.A. 34:15-81 b, and prescribed a standard **paper** form on which such notice is to be given. The notice may be sent **to the Rating Bureau** by regular first class mail. Due recognition should be given to Saturdays, Sundays and holidays in providing the 10 days notice required by law. Legal Holidays in New Jersey are set forth in 1:5 of this Manual.

The **paper** form of cancellation notice for notifying the Rating Bureau shall be clearly printed on paper 8 1/2" (horizontal) by 5 1/2" in size. The content and arrangement of items must be consistent with the layout shown below. The approved form may be purchased in quantity from the Rating Bureau.

Magnetic tape submission of this form is an acceptable substitute provided the data elements are consistent with the requirements as set forth in "WCPOLS" of the National Workers Compensation Data Specifications Manual. It is also permissible to submit cancellation notices via Electronic File Protocol (FTP) **and Compensation Data Exchange (CDX) in WCPOLS format. If cancellation notices are to be filed by any of these methods, the New Jersey Transmittal Letter appearing in 3:2, of this Manual must accompany the submission and contain the signature of the carrier in Item 9. The certifying signature must be in the form of a wet signature, a signature stamp or a computer generated or scanned signature.**

The company may be assured of the receipt of **paper** cancellation notices by the **Rating Bureau by filing** the notice in duplicate, one copy of which will be returned with the receipt stamp of the Rating Bureau imprinted on it. Notices of cancellation to the Rating Bureau are neither approved nor disapproved, nor are they questioned except where further information is necessary in order to locate the record to which the notice applies. **Carriers will be notified when the New Jersey Transmittal Letter is incomplete.**

If paper cancellation forms are purchased from the Rating Bureau, **it is not necessary for the company to file specimens before use. If, however, the company prints its own form, the filing procedure in 3:2-1 of this Manual must be used. If the New Jersey Transmittal Letter appearing in 3:2 of this Manual is used without alteration, there is no need to file the form with the Rating Bureau.**

**NEW JERSEY**  
**APPROVED FORM FOR FILING NOTICE OF CANCELATION BY CARRIER**

**Executive Director**  
c/o Compensation Rating & Inspection Bureau  
60 Park Place  
Newark, N.J. 07102

You are hereby notified that the policy of Workers Compensation and Employers Liability Insurance described below will be terminated as of the stated date.

Name of Employer \_\_\_\_\_  
Address of Employer \_\_\_\_\_  
Nature of Business \_\_\_\_\_  
Policy No. \_\_\_\_\_ Effective Date of Policy \_\_\_\_\_  
Effective Date of Cancellation \_\_\_\_\_ at 12:01 o'clock A.M., standard time.  
Date Notice of Cancellation was mailed Employer \_\_\_\_\_

CERTIFICATION: THE UNDERSIGNED INSURANCE CARRIER CERTIFIES THAT LIKE NOTICE OF ELECTION TO TERMINATE THE STATED CONTRACT OF INSURANCE HAS BEEN GIVEN THE EMPLOYER IN ACCORDANCE WITH REQUIREMENT OF *N.J.S.A. 34:15-81*.

Insurance Carrier \_\_\_\_\_  
By \_\_\_\_\_ Date \_\_\_\_\_

**Reason for Cancellation**  
FORM 116-B 7/09 **NOTE: ALL INFORMATION REQUIRED BY THIS FORM MUST BE GIVEN.**

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**EXHIBIT III**  
**NOTICE OF REINSTATEMENT**

**Form 117-A**

The form of reinstatement notice for notifying *the Compensation Rating and Inspection Bureau, (Rating Bureau)* shall be clearly printed on paper 8 1/2" (horizontal) by 5 1/2" in size. The content and arrangement of items must be consistent with the layout shown below. The approved form may be purchased in quantity from *the Rating Bureau*.

If the reinstatement forms are purchased from *the Rating Bureau*, it is not necessary for the company to submit specimens for approval prior to use. A letter to that effect is sufficient. If, however, the company prints its own form, the standard duplicate filing in accordance with the provisions set forth in 3:2-1 of this Manual must be made before the form is placed in use.

Magnetic tape submission of this form is an acceptable substitute provided the data elements are consistent with the requirements as set forth in "WCPOLS" of the National Workers Compensation Data Specifications Manual. It is also permissible to submit reinstatement notices via Electronic File Protocol (FTP) *and Compensation Data Exchange (CDX) in WCPOLS format*.

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**NEW JERSEY**  
**Approved Form for filing Notice of Reinstatement**

***Executive Director***  
c/o Compensation Rating & Inspection Bureau  
60 Park Place  
Newark, N.J. 07102

You are hereby notified that the policy of Workers Compensation and Employers Liability Insurance described below is reinstated as of the stated date.

Name of Employer \_\_\_\_\_

Address of Employer \_\_\_\_\_

Policy No. \_\_\_\_\_

Effective Date of Policy \_\_\_\_\_

Effective Date of Reinstatement \_\_\_\_\_

at 12:01 o'clock A.M. standard time.

Insurance Carrier \_\_\_\_\_

By \_\_\_\_\_ Date \_\_\_\_\_

**EXHIBIT IV**

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± Absence of a version identifier denotes original printing

±± The version identifier for these endorsements will be governed by revisions in verbiage or change in the Discount Percentages/Table of Rating Values forming a part of the endorsements

★ New or revised forms