

# WCIRB Classification and Rating Committee Meeting

January 31, 2023

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# 01

## Food and Beverage Study



# Study Scope and Status

## Multi-Year Study

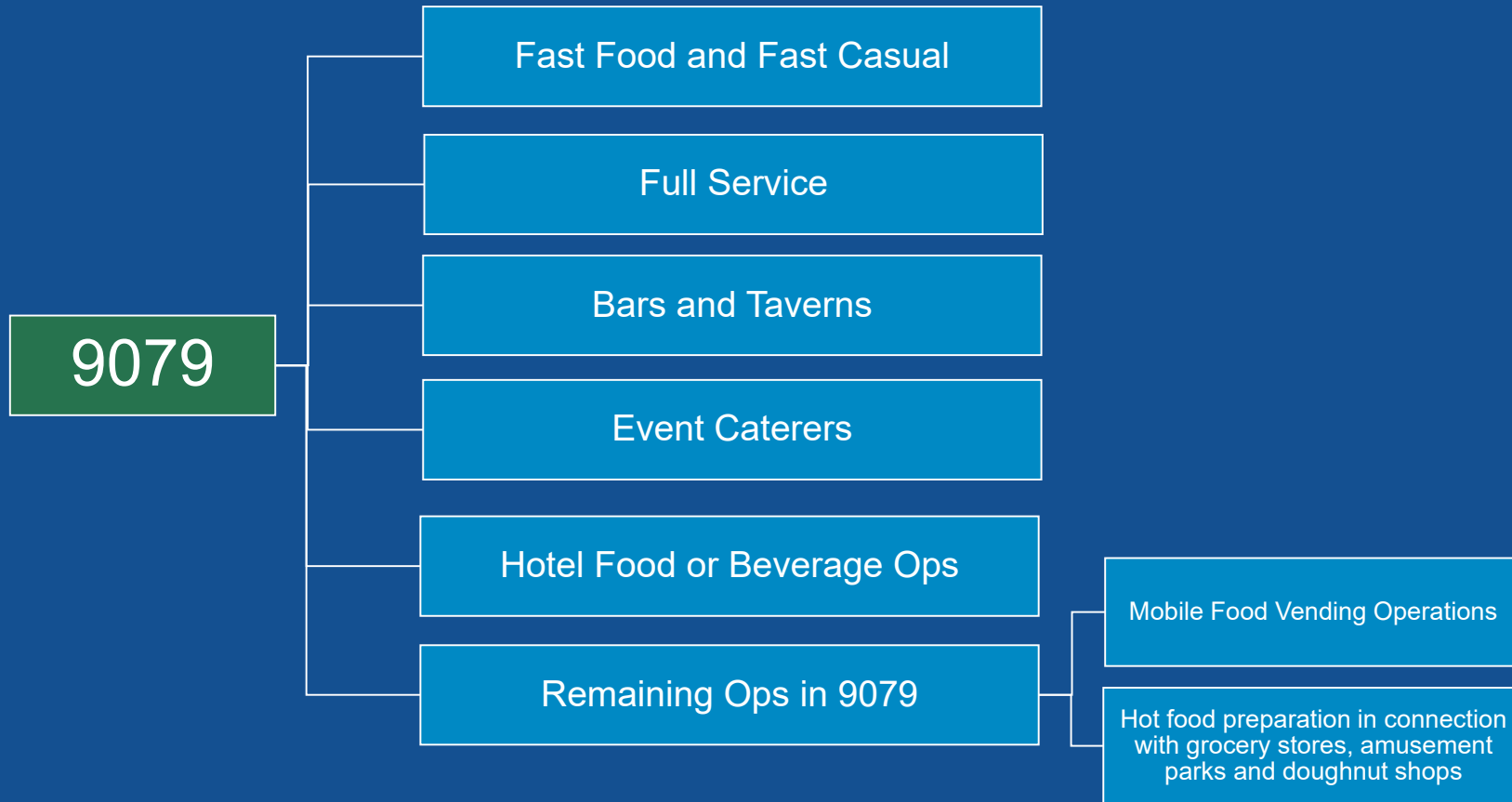
- **Phase I (2021): Information gathering and exploratory data analysis**
  - Identified industry segments to review for criteria for distinct classifications
  - Gathered insights on differentiated cost drivers across these segments
- **Phase II (2022-2024): Complete initial findings and recommendations**
  - Recommendations preliminarily approved by C&R (for inclusion in 9/1/2023 Regulatory Filing):
    - Establish new classifications for distinct industry segments
    - Effective for policies incepting on or after September 1, 2024
    - *Keep entire industry combined for advisory pure premium rates and experience rating*
- **Future Phases: Undertake future reviews**
  - Analyze and report back on payroll and loss data of established new classifications
  - Review food and beverage operations in connection with other industry sectors, such as clubs, breweries, wineries, grocery stores and amusement parks
  - Determine whether restaurant tips and service charges should continue to be excluded from the basis of workers' compensation premium
  - Assess the impact of AB 257: FAST Recovery Act

# Study Scope and Status

## Multi-year Effort

- **Phase I (2021): Information gathering and exploratory data analysis**
  - Identified industry segments to review for criteria for distinct classifications
  - Gathered insights on differentiated cost drivers across these segments
  
- **Phase II (2022-2024): Complete initial findings and recommendations**
  - Recommendations preliminarily approved by C&R (for inclusion in 9/1/2023 Regulatory Filing):
    - Establish new classifications for distinct industry segments
    - Effective for policies incepting on or after September 1, 2024
    - *Keep entire industry combined for advisory pure-premium rates and experience rating*
  
- **Future Phases (2026-2027)**
  - 2Q 2026: Receive first reports of payroll and claim data under the new segments
  - Analyze and report back on payroll and loss data by segment

## Operational Segments in Classification 9079



## Key Operational Characteristics

Defining Feature	Full Service	Fast Food/ Fast Casual	Bars & Taverns	Event Caterers	Hotel Food/Bev
Full Service - incl wait staff, table service	Yes	No			
Limited Service / Pay before eating	No	Yes			
Prepare/Serve Hot Food	Yes	Yes		Yes	
ABC licensed as 42, 48 or 61	No	No	Yes		
Location for dining on the premises	Yes			No	Yes
Exclusively prepare and serve meals for off-site events				Yes	
Minors prohibited			Yes		
Operated by <i>and</i> at a hotel					Yes

May have, but not determinative

# WCIRB Outreach and Education Plan

- **December 2022 / January 2023**

- Public Members of WCIRB Governing Committee
- California Restaurant Association
- Premium Audit Managers

- **March / April 2023**

- Continue outreach in advance of the Insurance Commissioner's Public Hearing on the Regulatory Filing
- Advise process for providing CDI with input on the recommendations

- **If Commissioner approves the proposed changes**

- Begin outreach and education campaign on the changes and timeline
  - Proposed changes not effective until September 2024
  - No change in advisory pure premium rates
  - No impact on experience modifications
- Start mapping policyholders in accordance with the newly defined segments
- Deploy an online tool to help employers, agents/brokers and insurers determine the correct class



## Establish Classification 9080, *Restaurants – full service*

- Employers prepare and serve hot and cold food
  - Amended definition of hot food items for clarity
- May pour and serve alcohol
- Full table service includes but is not limited to:
  - greeting customers and managing reservations;
  - seating customers at tables;
  - taking or receiving orders at tables;
  - serving food or beverages;
  - clearing tables; and
  - collecting payment upon completion of meal service.
- Include in proposed Food and Beverage Service Industry Group

## Establish Classification 9083, *Restaurants – fast food or fast casual*

- Employers prepare and serve hot and cold food
  - Amended definition of hot food items for clarity
- May pour and serve alcohol
- Limited table service such that customers are required to:
  - order food at a counter or through a drive through window, kiosk or web-based application;
  - pay at the time of order; and
  - seat themselves if dining on-site.
- May conduct limited table service including bringing paid orders to tables, refilling beverages or clearing tables
- Include in proposed Food and Beverage Service Industry Group

## Establish Classification 9084, *Bars and Taverns – not restaurants*

- Bars, taverns, lounges or nightclubs that prepare, pour and serve alcoholic beverages
- Operate under license types 42, 48 or 61 issued by the California Department of Alcoholic Beverage Control
  - May, but not required to, prepare or serve food
  - Minors are not allowed to enter or remain on the premises
- Also applies to beer tasting rooms or taprooms that operate under a license issued by the California Department of Alcoholic Beverage Control
- Include in proposed Food and Beverage Service Industry Group

## Establish Classification 9082, *Caterers – not restaurants*

- Employers that exclusively prepare, deliver and set up or serve hot and cold food at customer-specified locations for weddings, conferences, parties, meetings or similar events and includes the pouring and serving of beverages in connection with the employer's catering operations
- Typically prepare large quantities of food in advance that are kept warm and served from a warming tray or similar device or reheated and served hot
- No location for customers to dine-in or consume beverages or for the preparation of individually ordered meals for take-out
- Include in proposed Food and Beverage Service Industry Group

## Establish Classification 9058, *Hotels, Motels or Short-Term Residential Housing – food or beverage employees*

- Companion classification to 9050, *Hotels, Motels or Short-Term Residential Housing – all employees other than employees exclusively engaged in food or beverage operations*
- Employees engaged exclusively in the following food or beverage operations in connection with the employer's hotel, motel or short-term residential housing operations:
  - prepare or serve food or beverages in connection with restaurants, bars or taverns;
  - set up food or beverages in connection with the provision of continental breakfasts;
  - prepare or serve sandwiches, beverages or ice cream;
  - provide room service;
  - restock in-room refrigerators; or
  - on-site catering.
- Not included in proposed Food and Beverage Service Industry Group



## Amend Classification 9079(1), *Restaurants – N.O.C.*

- Restaurants that are not more specifically described by another proposed Food and Beverage Service Industry Group classification.
  - Amended definition of hot food items for clarity
- This classification includes but is not limited to:
  - hot food departments within grocery stores;
  - mobile food vending operations involving the use of food trucks, trailers, carts or temporary booths wherein hot food is prepared for sale to customers;
  - doughnut shops that prepare and serve doughnuts and beverages or food for consumption on the premises; and
  - food or beverage operations conducted by amusement, recreational or athletic facilities.
- Include in proposed Food and Beverage Service Industry Group

## Establish a New Classification for *Restaurants* – *N.O.C.*

- Restaurants that are not specifically described by one of the new classifications – including:
  - hot food departments within grocery stores;
  - mobile food vending operations involving the use of food trucks, trailers, carts or temporary booths wherein hot food is prepared for sale to customers;
  - doughnut shops that prepare and serve doughnuts and beverages or food for consumption on the premises; and
  - food or beverage operations conducted by amusement, recreational or athletic facilities
  
- Eliminating 9079 and establishing a new N.O.C. class will:
  - Ensure all risks are assigned to one of the new classifications
  - Improve accuracy of initial payroll and claims data reported
  - Increase awareness of the new classifications
  
- WCIRB will provide the tools and resources to facilitate these reclassifications

# Summary of Proposed Changes

- **Establish separate classifications**
  - Full Service Restaurants
  - Fast Food/Fast Casual Restaurants
  - Bars and Taverns
  - Event Caterers
  - Hotel Food or Beverage Operations
  - Restaurants - N.O.C.
- **Establish Food and Beverage Service Industry Group and include:**
  - Five of the new classifications (*except* for Hotel Food or Beverage Operations)
  - Classifications 8078(1), *Sandwich Shops*, 8078(2), *Beverage Preparation Shops*, and 8078(3), *Ice Cream or Frozen Yogurt Shops*
- **Keep all classifications combined for advisory pure premium ratemaking**
  - Allows time to collect pandemic and post-pandemic data
  - Minimizes disruption to industry
- **Include in September 2023 Regulatory Filing – to be effective September 2024**
  - Conduct robust outreach and education campaign
  - Facilitate reassigning employers to applicable classes for September 2024

# 02

## Dual Wage Threshold for Excavation



## Dual Wage Threshold for 6218/6220, *Excavation/Grading/Land Leveling*

- Dual wage threshold for 9/1/2022 for Classifications 6218/6220 is \$39
  - Reviewed in 2021 by C & R Committee and adopted by Insurance Commissioner
  - \$5 increase from prior threshold of \$34 effective 1/1/2020
- Dual Wage threshold analysis for Classifications 6218/6220 is combined with Classifications 6307/6308, *Sewer Construction*, and 6315/6316, *Water/Gas Mains*
  - Employees often engage in multiple classifications interchangeably
  - 6218/6220 represents approximately 2/3 of the combined group
- In 2021 study, 6218/6220 mapped to Occupational Employment and Wage Statistics (OEWS) occupation 47-2073, *Operating Engineers and Other Construction Equipment Operators*, for purposes of measuring wage inflation
- After new threshold became effective, employer group contacted CDI with concerns over magnitude of increase
- Employer group recommended also using OEWS occupation 47-2061, *Construction Laborers*, in review of threshold for Classifications 6218/6220 since many of their employees are in that occupation
  - Validated with WCIRB classification staff and wage cube data
  - CDI requested WCIRB review threshold with this information



## Key Criteria in Selecting Dual Wage Thresholds

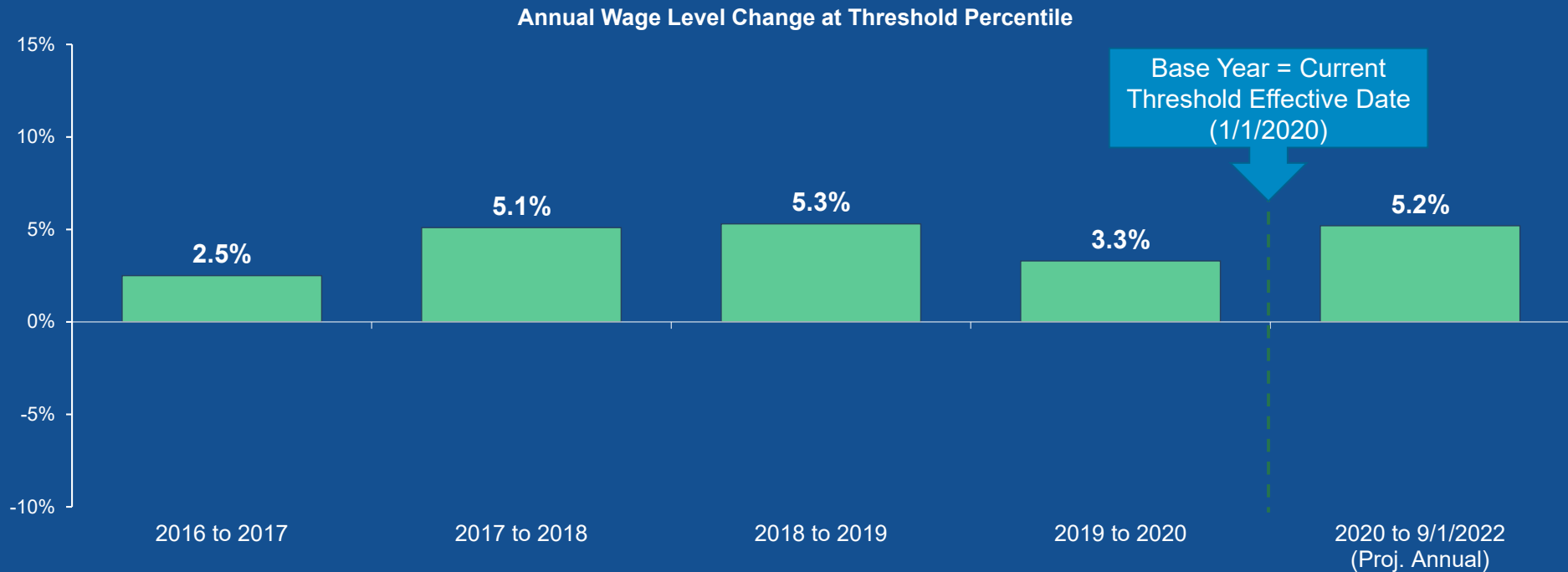
- Critical to integrity of Dual Wage classification system to adjust thresholds for inflation
- Reflects wage inflation for employees close to the threshold
- Maintains credible proportion between low wage and high wage classes
- Results in a significant loss cost (rate) differential between the low wage and high wage classes
- Results in a relatively low proportion of workers with wages close to the threshold

## Analytical Approaches

- Data sources: WCIRB unit statistical payroll & claim data, U.S. Bureau of Labor Statistics (BLS)/OEWS wages, Department of Industrial Relations (DIR) prevailing wages
- Indicated threshold based on primary (inflation adjustment) method
  - Current threshold is inflation-adjusted based on changes in the OEWS data around the threshold level
  - Alternative sources of future wage inflation are also reviewed (prevailing wages, etc.)
- Validate primary method with supplemental method
  - The Key Criteria are reviewed at each potential threshold by shifting WCIRB payroll and loss data between the high wage and low wage classifications
  - This approach is similar to the prior approach of using employer wage surveys

# 2021 Study: Primary Method for Classifications 6218/6220, 6307/6308 and 6315/6316

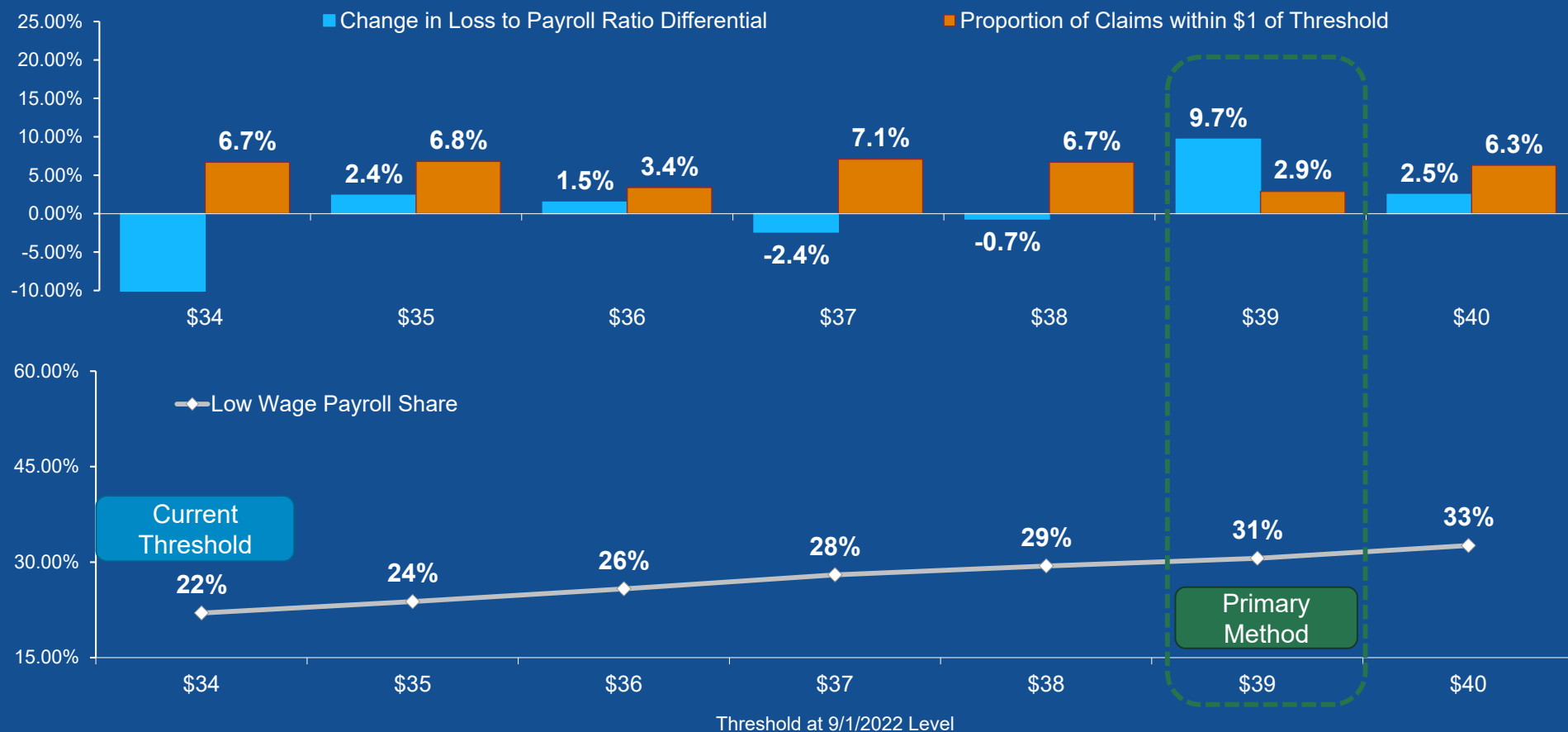
As of March 2021



- 1/1/2020 Threshold: \$34
- Total Wage Inflation Estimated from 2020 to 9/1/2022 (2.67 years): 14.5%
- Indicated Inflation-Adjusted 9/1/2022 Threshold: \$39

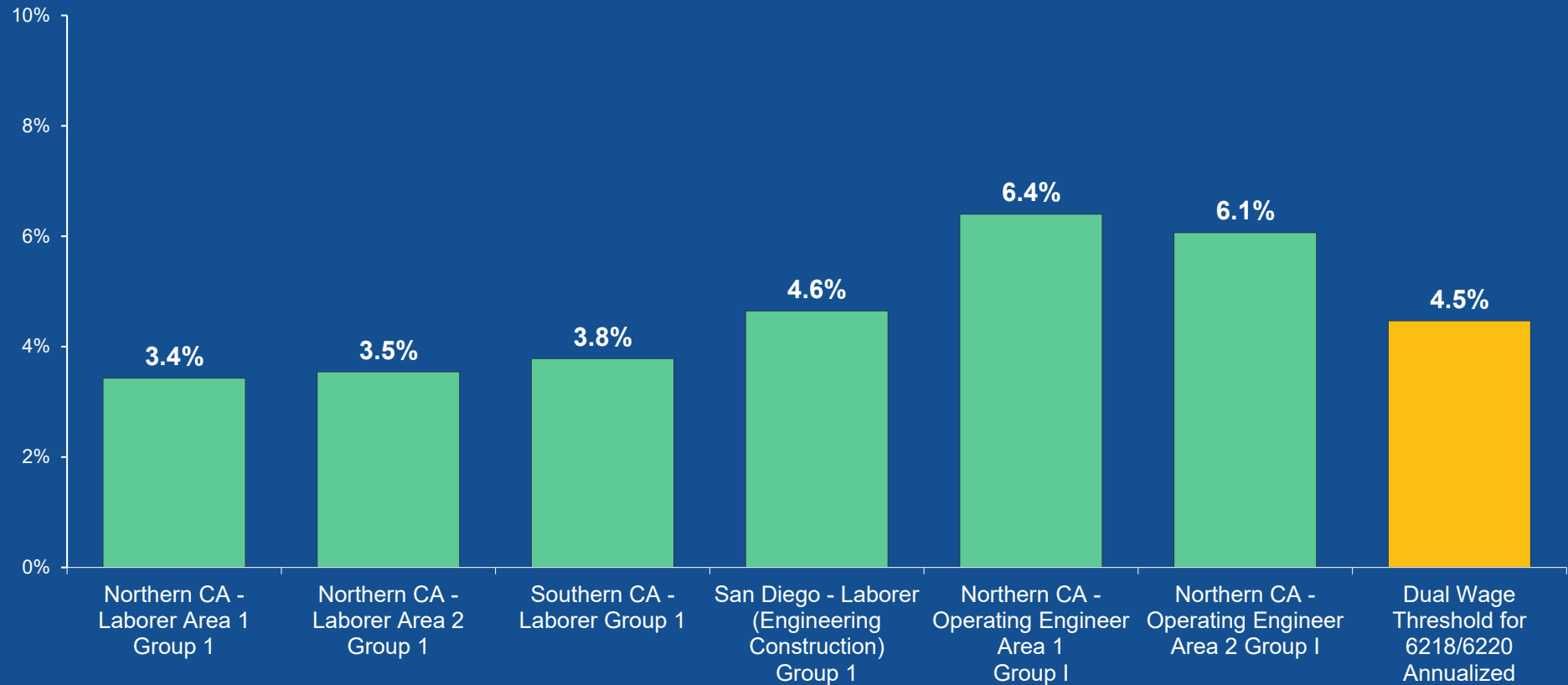
# 2021 Study: Supplemental Method for Classifications 6218/6220, 6307/6308 and 6315/6316

As of March 2021



# Prevailing Wage Annual Change from 2016 to 2022

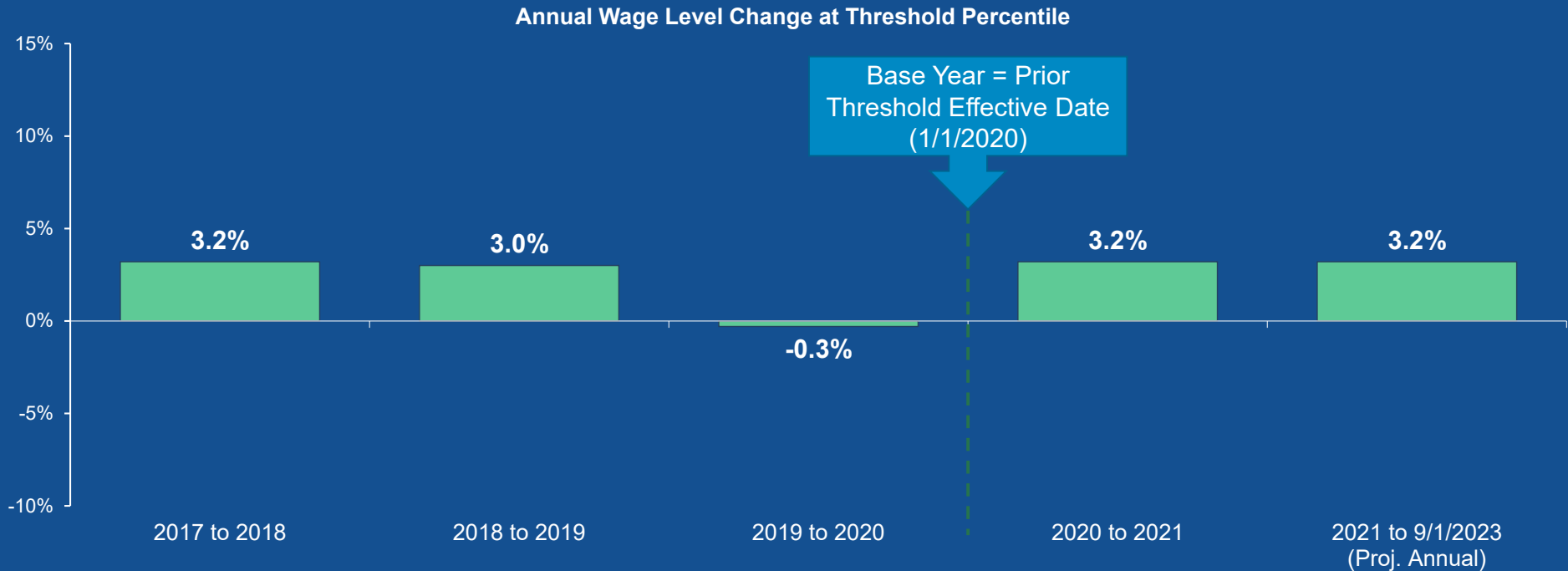
As of September 2022





# Primary Method for Classifications 6218/6220, 6307/6308 and 6315/6316 Updated to Include 47-2061, Construction Laborers

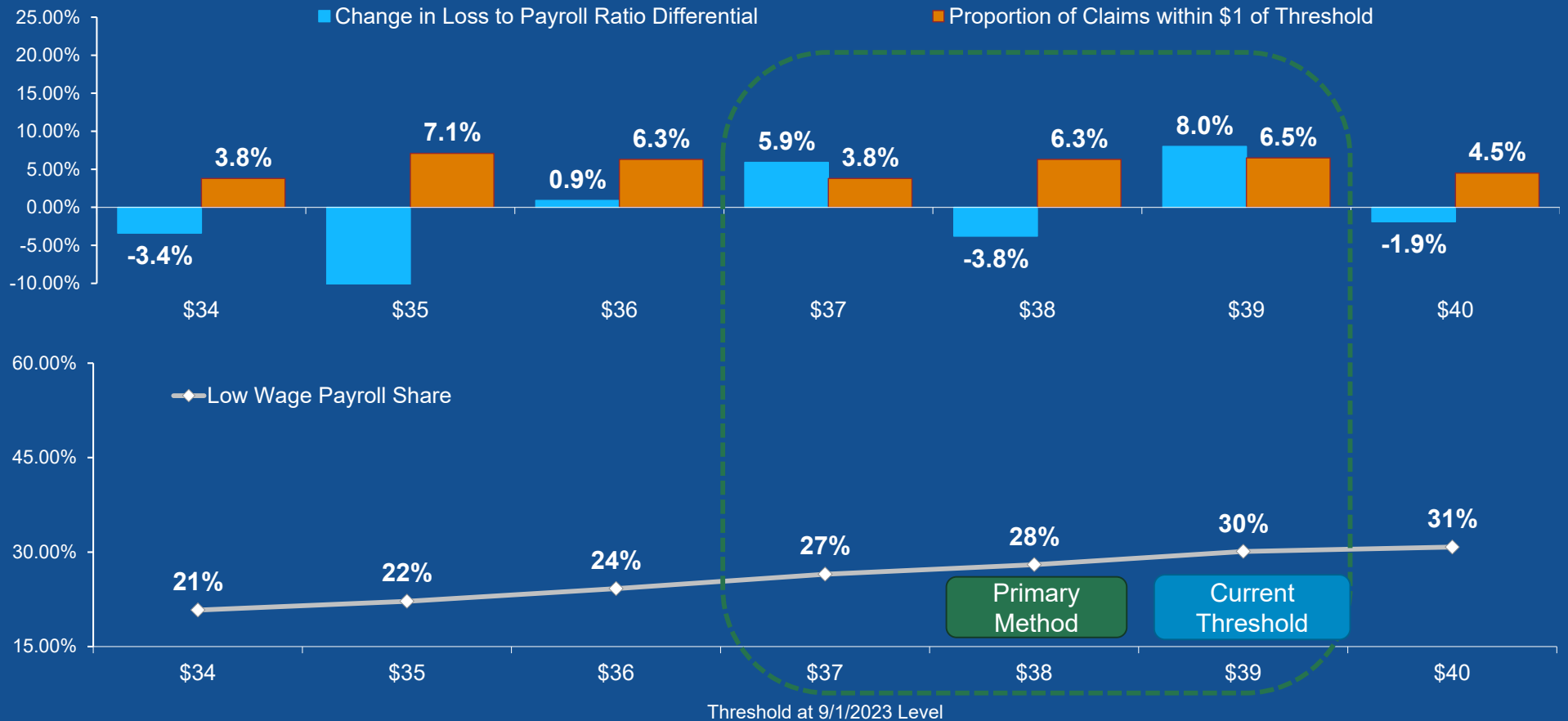
As of March 2022



- Total Wage Inflation Estimated from 2020 to 9/1/2023 (3.67 years): 12.3%
- Indicated Inflation-Adjusted 9/1/2023 Threshold: \$38

# Supplemental Method for Classifications 6218/6220, 6307/6308 and 6315/6316 Updated to Include 47-2061, Construction Laborers

As of March 2022



## Dual Wage Thresholds for Classifications 6218/6220, 6307/6308 and 6315/6316 – Summary

- Updated occupation mapping to include Laborers in Excavation Dual Wage review validated by staff
- Using updated mapping, \$38 threshold is indicated by primary method for 9/1/2023
  - \$1 decrease from current threshold of \$39 effective 9/1/2022
- Staff recommends lowering threshold for Classifications 6218/6220, 6307/6308 and 6315/6316 to \$38 effective 9/1/2023
- Continue to combine Classifications 6218/6220, 6307/6308 and 6315/6316 for Dual Wage threshold purposes due to employees often engaging in multiple classifications interchangeably
- All Dual Wage thresholds to be reviewed later this year for updates proposed for 9/1/2024

# 03

## Clerical Telecommuting Employees



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Objective. Trusted. Integral.

# Background and Objective

## ■ Background

- Classification 8871, *Clerical Telecommuting Employees – N.O.C.*, became effective January 1, 2021
  - For clerical office employees who work more than 50% of their time at their home or other office space away from any employer location
- The advisory pure premium rate for Classification 8871 has been the same as that for Classification 8810, *Clerical Office Employees – N.O.C.*
- Committee recommended reviewing 8871 experience as soon as data becomes available to assess whether a differential in advisory pure premium rate between Classifications 8810 and 8871 may be appropriate
- A review of initial 8871 experience in January 2022 found reported data relatively sparse

## ■ Objective

- Review available Classification 8871 experience to determine if a differential in advisory pure premium rate between Classifications 8871 and 8810 is warranted



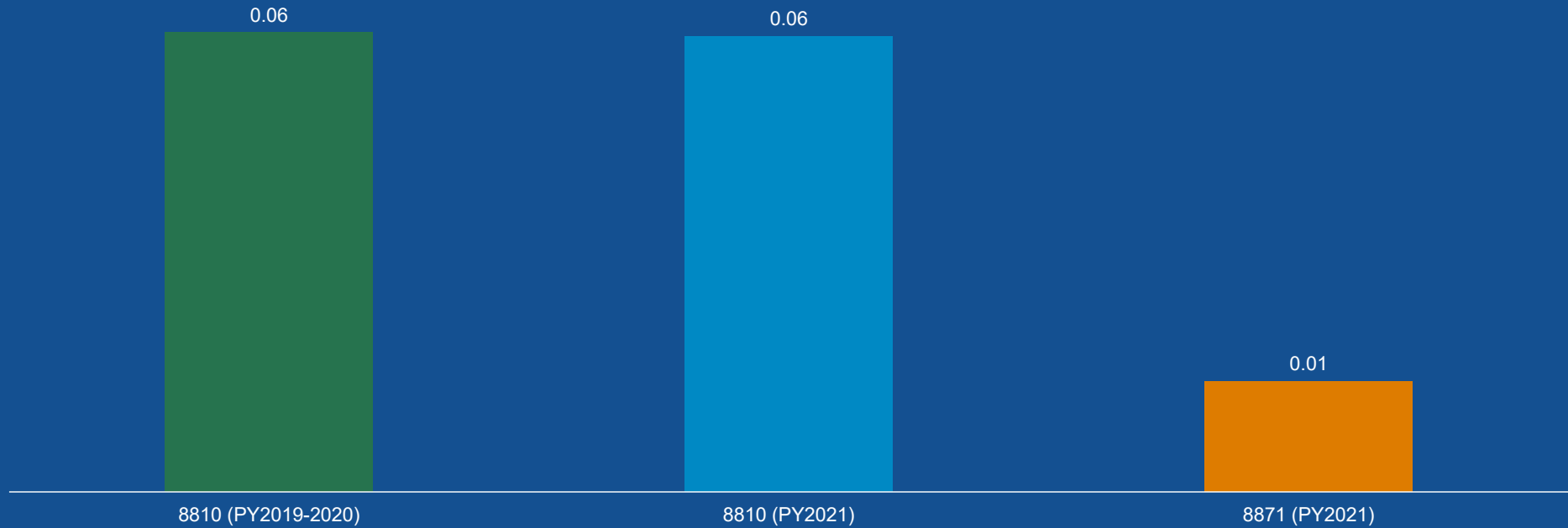
## Preliminary Data of 8871 Experience

- Data source:
  - Unit Statistical Report (USR) data for 2021 policies
  - Indemnity transaction data for 2021 and 2022 claims
  - COVID-19 claims are excluded
  
- Reported Policy Year (PY) 2021 experience as of January 19, 2023:
  - Reflects only the first few months of 2021 policy experience
  - 8810 payroll: \$89B reported (36% of PY2020 experience)
  - 8871 payroll: \$8.6B reported (10% of PY2021 8810 payroll)
  - 87 claims reported for 8871 (USR claims)

# Preliminary Loss and Payroll Experience: 8871 vs. 8810

As of January 19, 2023

Capped Loss to Payroll Ratio at First Report Level (per \$100 of payroll)



# Preliminary Claim Frequency: 8871 vs. 8810

As of January 19, 2023

Claim Frequency per \$100M of Payroll (PY2021)

■ 8810 ■ 8871

4.4



8810

1.0



8871

# Preliminary Weekly Wage for Injured Workers: 8871 vs. 8810

As of January 19, 2023

Median Weekly Wage (PY2021)

■ 8810 ■ 8871

\$729

\$900

23% higher

8810

8871

# Preliminary Differential in Claim Frequency: 8871 vs. 8810

As of January 19, 2023

■ Before adjusting for wage differential   ■ After adjusting for wage differential

4.3

3.5

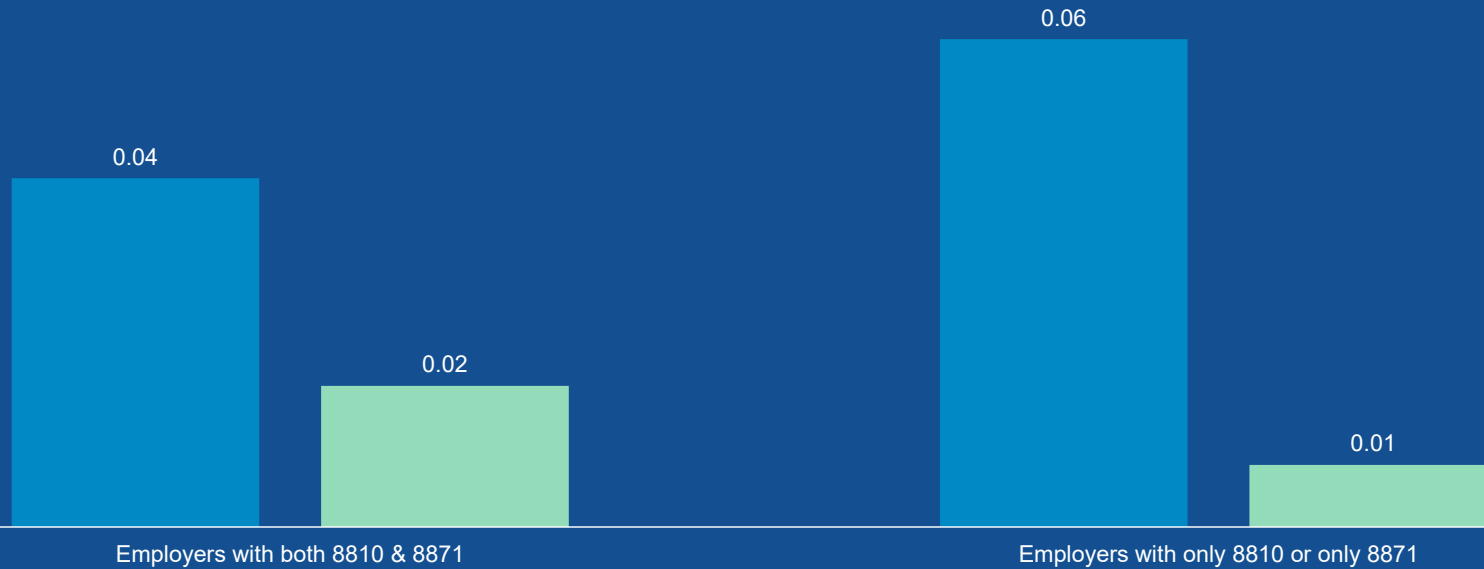
8810 Claim Frequency Relative to 8871

# Preliminary Loss and Payroll Experience by Types of Employers

As of January 19, 2023

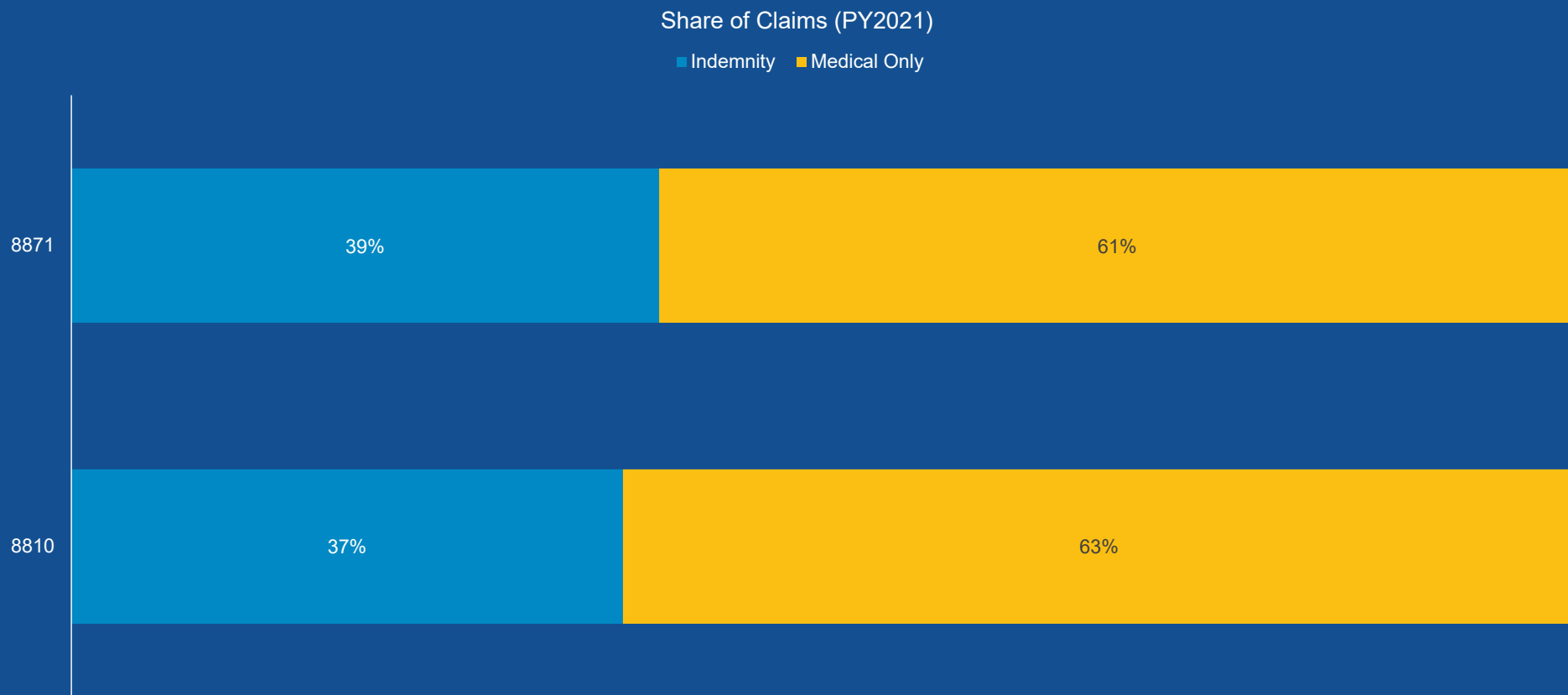
Capped Loss to Payroll Ratio (per \$100 of payroll)  
(PY2021)

■ 8810 ■ 8871



# Preliminary Injury Type Distribution: 8871 vs. 8810

As of January 19, 2023



# Preliminary Share of Cumulative Trauma Claims: 8871 vs. 8810

As of January 19, 2023

Share of Cumulative Trauma Claims Relative to All Claims (PY2021)

■ 8810 ■ 8871

17.0%

17.2%

8810

8871



# Preliminary Claim Frequency of Cumulative Trauma Claims: 8871 vs. 8810

As of January 19, 2023

Cumulative Trauma Claims per \$100M of Payroll (PY2021)

■ 8810 ■ 8871

0.74



8810

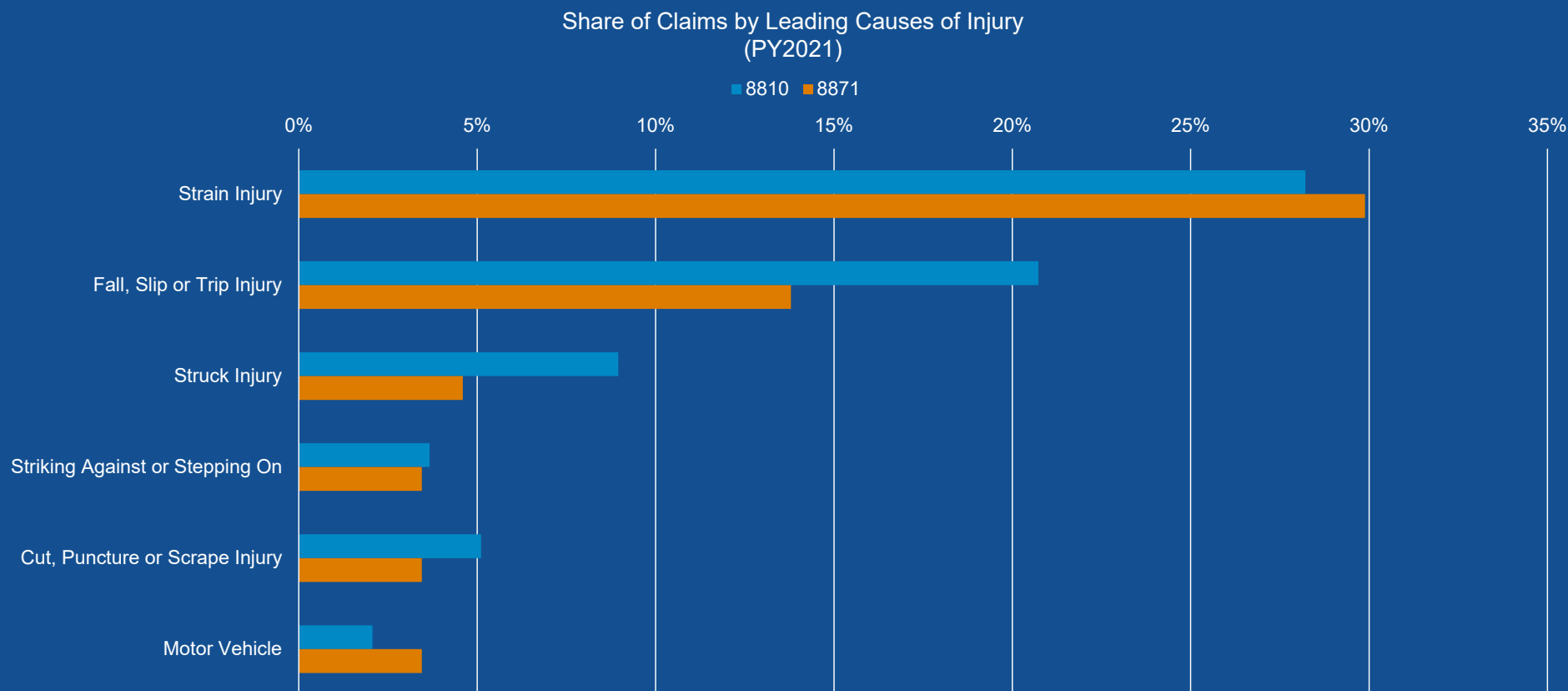
0.17



8871

# Preliminary Distribution of Leading Causes of Injury: 8871 vs. 8810

As of January 19, 2023



# Preliminary Share of COVID-19 Claims: 8871 vs. 8810

As of January 19, 2023

Share of COVID-19 Claims (PY2021)

■ 8810 ■ 8871

5%

2%

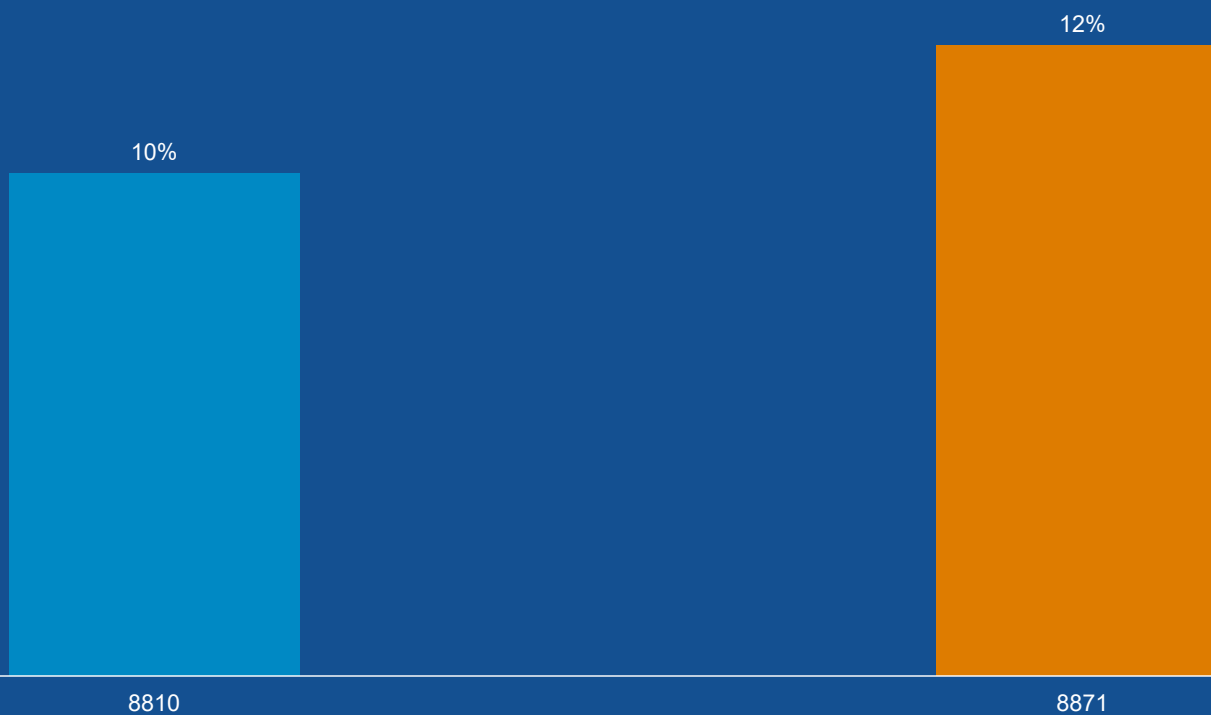
8810

8871

# Preliminary Denial Rate: 8871 vs. 8810

As of January 19, 2023

Share of Denied Claims Relative to All Claims (PY2021-2022)



## Summary of Preliminary Findings

- Based on reported 2021 policy data, Classification 8871 has different loss and payroll experience from Classification 8810
  - 8871 has a significantly lower loss to payroll ratio than 8810, mostly driven by lower claim frequency
  - Key characteristics of 8871 claims compared to 8810 claims:
    - Higher median weekly wage among injured workers
    - Lower frequency of cumulative trauma claims
    - Similar share of indemnity claims
    - Similar mix of injuries
- While there is a differential in loss and payroll experience between 8871 and 8810, the reported 8871 experience is very preliminary
  - Reflects only the first few months of experience under the new telecommuting classification
  - Credibility of the reported 8871 payroll and loss data is small (approximately 33%)
  - Relatively small number of 8871 claims reported as of analysis
  - Indicated relativity change for 8871 using WCIRB standard approach on the initially reported preliminary data would be a decrease of 25.5%
- Staff recommends a tempered approach consistent with WCIRB standard practice and limiting the relativity change of Classification 8871 to 25%

# 04

## 2023 Classification Relativities



## September 1, 2023 Classification Relativities Preliminary Summary

- Relativities underlie proposed September 1, 2023 advisory pure premium rates and expected loss rates
- Reflects unit statistical data through “policy year 2020”
  - Based on data availability, “policy year 2020” refers to 12/1/2019 to 11/30/2020 policies
- COVID-19 claim data excluded
- Actuarial methodologies generally consistent with September 1, 2022 Regulatory Filing
  - Reflects refinement to mitigate impact of pandemic period data adopted by Actuarial Committee
- Reflects classification changes adopted by C & R Committee for September 1, 2023 Regulatory Filing

## Summary of Classification Relativity Process

- Reflects changes in classification's advisory pure premium rate relative to statewide average
- Based on unit statistical data on losses and payroll by classification
  - Through policy year 2020
  - Data subject to series of data quality controls
  - Excludes data of insolvent insurers
  - Excludes COVID-19 claims
- Components of computation
  - Expected loss to payroll ratios
  - Adjusted (actual) loss to payroll ratios
  - Selected loss to payroll ratios
  - 25% change restriction



## Expected Loss to Payroll Ratios

- Reflects loss component of approved September 1, 2022 advisory pure premium rate change
- Adjustments
  - Large loss limitation (\$500,000 per claim)
  - Change in industrial sector average relativity

## Adjusted Actual Loss to Payroll Ratios – Adjusted Payroll

- Includes indicated wage inflation and minimum wage change impacts by classification
  - Wage level changes to policy year 2019 level adjusted by classification on a relative basis
  - Wage data from 2020 and 2021 not reflected due to pandemic-related anomalies
- Includes adjustment for maximum payroll limitation for 12 classifications similar to 9/1/2022 relativities
  - For five classes effective 1/1/2020, only pre-2020 payroll is adjusted

## Adjusted Actual Loss to Payroll Ratios – Adjusted Losses

- Reflect current benefit level
- Large loss limitation – \$500,000 per claim at a policy year 2020 level
  - Limitation for earlier policy years inflation-adjusted to 2020 level
  - Some special limitations applied to classes with significant number of post-termination CT claims filed against a large employer after ceasing business
- Development to ultimate
  - Development based on losses limited to \$500,000 at a policy year 2020 level
  - Different development applied to open and closed claims and by class loss development groupings
- All years adjusted to current year's average losses
- Adjusted to overall expected level of experience

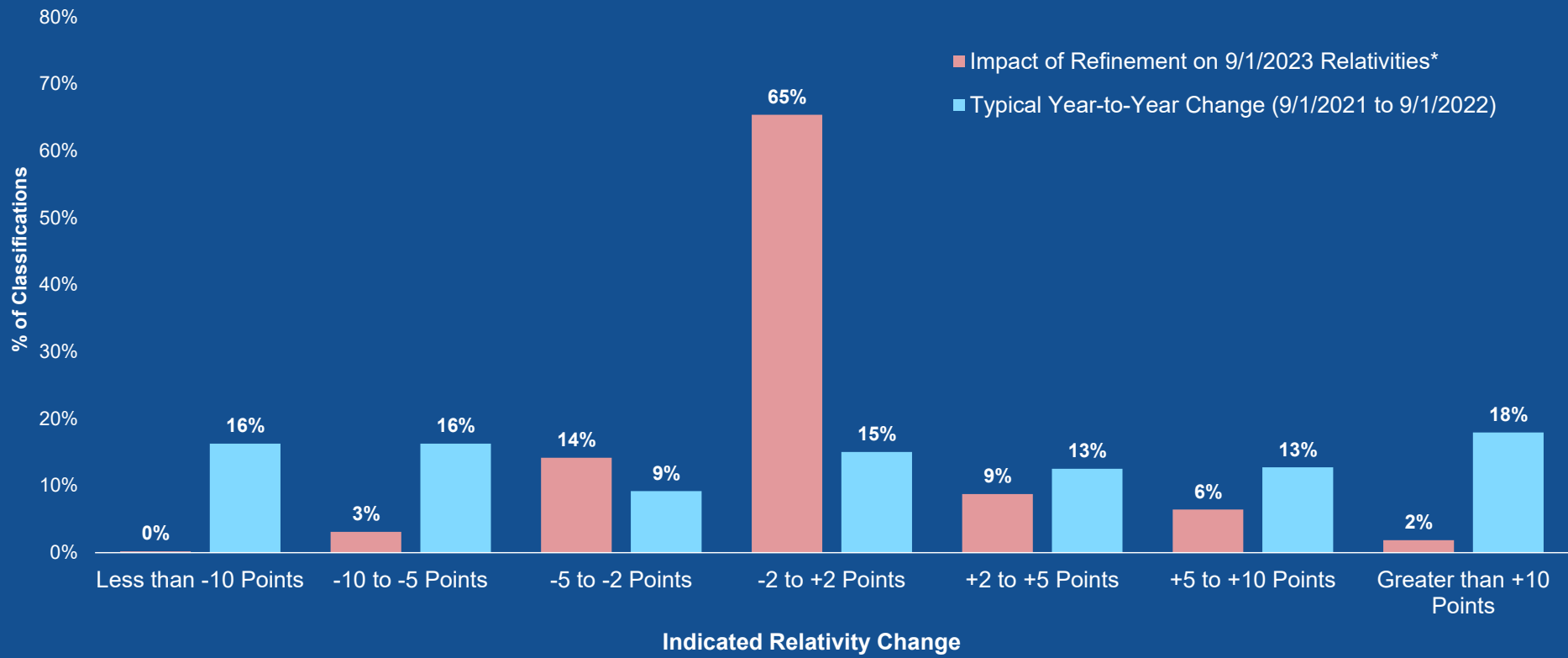
## Selected Loss to Payroll Ratios

- Combination of Adjusted Actual and Expected Loss to Payroll Ratios
- Credibility
  - Full credibility standards based on claim counts and average claim size
  - Classification's credibility based on total expected losses for years used in computation
  - 2 to 5 years determined for full credibility
  - Additional year (up to 5 years) used in computation to mitigate impact of pandemic period data
  - Full credibility → expected loss to payroll ratio not used in computation
- Relativity changes restricted to 25%
  - Net impact of restrictions spread across all classifications
  - Some special restrictions applied to classes with definitional changes

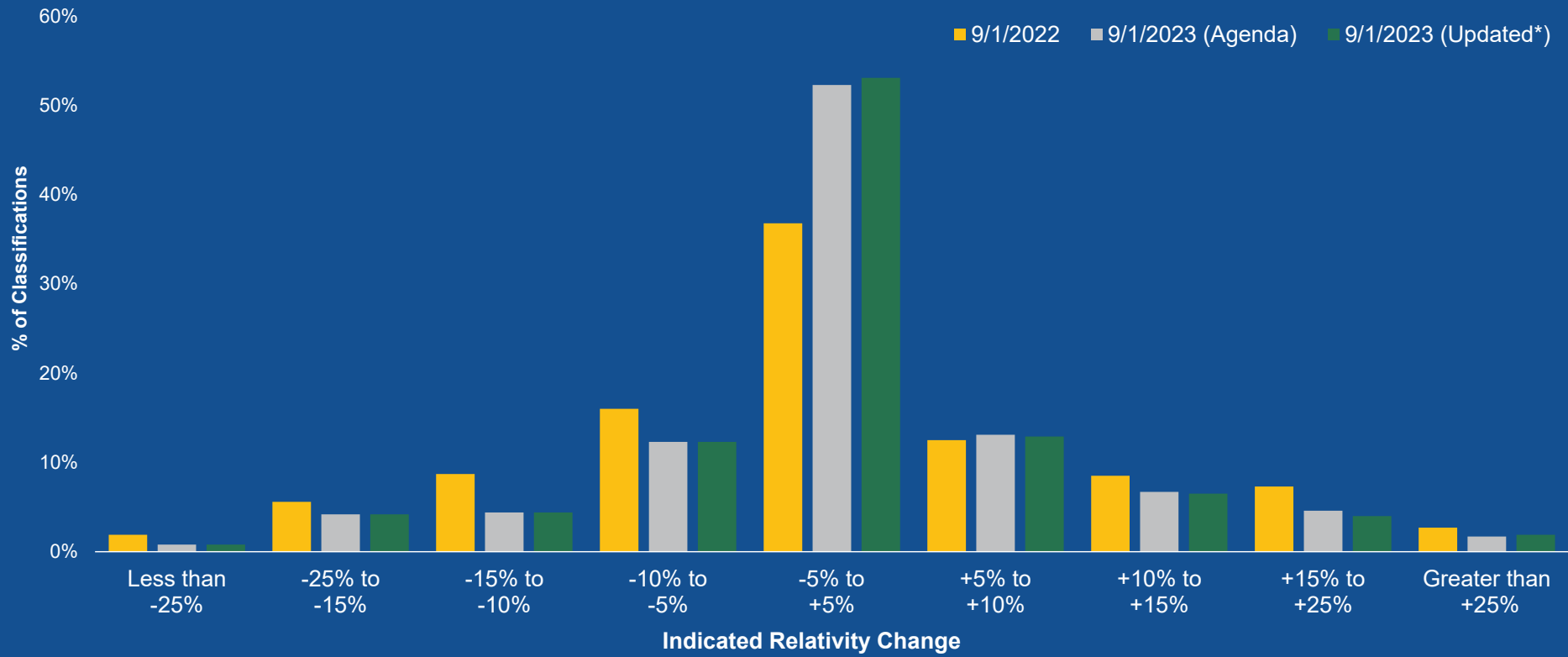
## Pandemic Period Data in Class Relativities

- September 1, 2023 Regulatory Filing will have data from 11/30/2020 and prior policies available
  - May significantly impact exposure and loss levels during initial pandemic period that differs by classification
- Actuarial Committee discussed mitigation options at the December 6, 2022 meeting
- Actuarial Committee adopted staff recommended approach to increase number of years used by 1 for each class (up to 5)
  - Mitigates impact of pandemic period for most classes
  - Continues to utilize latest year of experience
- Some classifications already using additional year (from prior filing) for full credibility
  - Staff recommends not adding another year for these classifications (not yet reflected in preliminary relativities)
- Staff will review the data again for the September 1, 2024 filings

# Impact of Pandemic Data Refinement on Relativity Changes



# Distribution of Preliminary Indicated Classification Relativity Changes



## Classifications with Recent or Recommended Changes

- 4312, *Newspaper Delivery*
  - Data transferred to Classifications 7198(1), *Parcel Delivery and Messenger Service Companies*, and 4304, *Newspaper Publishing or Printing*
  - Relativity restricted to 25% increase until within 25% of 7198 and 4304 relativities (indicated at a 48% increase from 7198)
- 9061, *Clubs – N.O.C.*
  - Data transferred to Classifications 9048(1), *Camps*, and 9060, *Clubs – country or golf*; Classification 9061 also retained
  - Relativity 10% above prior expected relativity



## Other Classifications with Large Indicated Relativity Changes

- 0400, *Warehouses – cotton* (101%)
- 2727, *Log Hauling* (34%)
- 2881, *Furniture Assembling; Coffin or Casket Mfg. or Assembling* (32%)
- 6011, *Dam Construction* (-26%)
- 7410, *Aircraft Operation – agricultural – dusting, spraying or seeding – not members of the flying crew* (30%)
- 8631, *Racing Stables – all other employees* (36%)
- 8743, *Mortgage Brokers* (-25%)
- 8749, *Mortgage Bankers* (-46%)
- 8874, *Instrument Mfg./Computer or Computer Peripheral Equipment Mfg./Telecommunications Equipment Mfg./Audio/Video Electronic Products Mfg./Integrated Circuit and Semiconductor Wafer Mfg.* (-38%)
- 9069, *Clubs – gaming* (27%)
- 9620, *Funeral Directors* (28%)

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