

**COAL MINE COMPENSATION RATING BUREAU
OF PENNSYLVANIA**

COMMERCE BUILDING – SUITE 501
300 NORTH SECOND STREET
HARRISBURG, PENNSYLVANIA 17101

CHARLES A. ROMBERGER
EXECUTIVE DIRECTOR

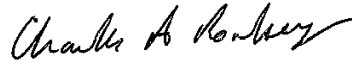
TELEPHONE/FAX
717-238-5020

November 10, 2020

COMPENSATION CIRCULAR CM-487

To: All Coal Mine Compensation Insurance Carriers

From: Charles A. Romberger, Executive Director



RE: Effective January 1, 2021 – Manual Revisions
Proposal CM-3-2020 – Manual Rate/Rule Revisions
Proposal CM-4-2020 – Statistical Plan Manual Revisions
COVID-19 (Coronavirus) Pandemic Provisions

The CMCRB has filed and the Insurance Department has approved revisions to the subject Manual provisions to be effective January 1, 2021. The CMCRB made these revisions to maintain consistency with the PCRB (PCRB Filing Nos. 320 and 322).

Like the PCRB, the CMCRB agrees with the PCRB's opinion that an expiration date of December 31, 2020 is not reasonable for the previously approved COVID-19 Manual provisions. These proposals extended the expiration date until such time as an appropriate expiration date for these provisions can be established.

Copies of both proposals, Proposal CM-3-2020 and Proposal CM-4-2020, are attached for your convenience.

Updated manual pages will be available on our website in the future at:

<http://www.cmcrbpa.com/Manual.html>

Any questions should be directed to the CMCRB.

CAR:car

Attachments

- 1) Proposal CM-3-2020
- 2) Proposal CM-4-2020

**COAL MINE COMPENSATION RATING BUREAU
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COMMERCE BUILDING – SUITE 403
300 NORTH SECOND STREET
HARRISBURG, PENNSYLVANIA 17101

CHARLES A. ROMBERGER
EXECUTIVE DIRECTOR

TELEPHONE/FAX
717-238-5020

October 30, 2020

The Honorable Jessica K. Altman
Insurance Commissioner
Pennsylvania Insurance Department
1311 Strawberry Square
Harrisburg, PA 17120

Attention: Michael McKenney, Actuarial Supervisor, Property & Casualty Bureau

RE: Proposal CM-3-2020
Manual Rate/Rule Filing
Revisions due to COVID-19 (Coronavirus) Pandemic
Regarding PCRB Filing No. 320
To Be Effective: January 1, 2021

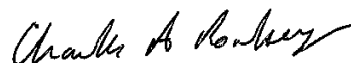
Dear Commissioner Altman:

On behalf of the members of the Coal Mine Compensation Rating Bureau of Pennsylvania (Bureau), the Bureau submits revisions to the Pennsylvania Coal Mine Workers Compensation Manual (Manual). These revisions are being made to keep the Bureau's Manual as consistent as possible with the provisions in the Basic Manual of the Pennsylvania Compensation Rating Bureau (PCRB).

Like the PCRB, our Bureau agrees with the PCRB's opinion that an expiration date of December 31, 2020 is not reasonable for the previously approved COVID-19 Manual provisions. This filing is being made to extend the expiration date until such time as an appropriate expiration date for these provisions can be established.

This Proposal consists of this cover letter and Attachment A. Attachment A provides our Bureau's current Manual language and proposed Manual language with changes captured in tracked formatting.

Sincerely,



Charles A. Romberger
Executive Director

Enclosures:
Attachment A

The current language noted below reflects the changes that our Bureau included in Proposal CM-1-2020. The proposed language reflects the changes included with this Proposal identified with tracked formatting. Our Bureau proposes the following revisions to maintain consistency with the revisions made by the PCRB in PCRB Filing No. 320:

Item #1:

Current language for Section One – Rule IV.B.3.a.:

Clerical Office Employees – Code 953 – are employees whose duties are confined to keeping the books and records of the insured and conducting correspondence or who are engaged wholly in the office work where such books and records are kept of such correspondence is conducted, having no other duty of any nature in or about the insured’s premises.

COVID19 CORONAVIRUS EXCEPTION:

An employee’s job duties may be temporarily reclassified to Code 953 – Clerical Office Employees during any emergency orders, laws or regulations issued due to COVID–19 (Coronavirus), if separate, accurate, verifiable records are maintained. If such records are not maintained, the employee is assigned to the classification applicable to their duties prior to any emergency orders, laws or regulations issued due to the COVID–19 (Coronavirus) pandemic. Once normal business operations resume, appropriate classifications should be applied.

This exception is for policies in force on March 1, 2020 through December 31, 2020 which may be amended to an earlier or later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

Proposed language for Section One – Rule IV.B.3.a.:

Clerical Office Employees – Code 953 – are employees whose duties are confined to keeping the books and records of the insured and conducting correspondence or who are engaged wholly in the office work where such books and records are kept of such correspondence is conducted, having no other duty of any nature in or about the insured’s premises.

COVID19 CORONAVIRUS EXCEPTION:

An employee’s job duties may be temporarily reclassified to Code 953 – Clerical Office Employees during any emergency orders, laws or regulations issued due to COVID–19 (Coronavirus), if separate, accurate, verifiable records are maintained. If such records are not maintained, the employee is assigned to the classification applicable to their duties prior to any emergency orders, laws or regulations issued due to the COVID–19 (Coronavirus) pandemic. Once normal business operations resume, appropriate classifications should be applied.

This exception is for policies in force on March 1, 2020, ~~through December 31, 2020. The exception will continue to remain in effect and will not expire until determined which may be amended to an earlier or at a~~ later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

Item #2:

Current language for Section One – Rule V.B.3.q:

Payments made by an employer or any public governmental entity to paid furloughed employees as a result of federal, state, and/or local emergency orders, laws or regulations, issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations. However, any appropriated funds or loans received by an employer as authorized by any law or regulation, or public governmental entity, that are used by an employer specifically to retain or hire working employees are not excluded.

Item q. is applicable to policies in force on March 1, 2020 through December 31, 2020 which may be amended to an earlier or later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

Payments to Paid Furloughed Employees During Federal, State, and/or Local Emergency Orders, Laws, or Regulations Issued Due to the COVID-19 (Coronavirus) Pandemic

1. For purposes of this rule, "paid furloughed employees" and "payments to paid furloughed employees" are defined within this rule. "Paid furloughed employees" means employees who continue to receive payments during a temporary layoff or an involuntary leave and are not performing any work duties for an employer.
2. "Payments to paid furloughed employees" means payments made by an employer or any public Governmental entity to paid furloughed employees as a result of federal, state, and/or local emergency orders, laws or regulations, issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations. Such payments do not include any appropriated funds or loans received by an employer as authorized by any law or regulation, or public governmental entity, that are used by an employer specifically to retain or hire working employees.
3. Payments to paid furloughed employees must be assigned to Code 1212, in accordance with the Statistical Plan. Payments to paid furloughed employees made in accordance with this rule are excluded from the premium, experience rating and merit rating calculations only if the employer keeps separate, accurate, and verifiable records. If separate, accurate, and verifiable records are not maintained, payroll is assigned to the classification for work normally performed by the employee prior to any emergency orders, laws, or regulations issued due to the COVID-19 (coronavirus) pandemic.

4. If an employee is requested to perform any duties for an employer, the employee is not deemed a paid furloughed employee for any period of time they are performing duties for the employer. If the employee is not deemed a paid furloughed employee, payroll must be assigned to the classification applicable to the work being performed in accordance with Rule IV.A. of this Manual.
5. This rule is effective for policies in force on March 1, 2020 through December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

Proposed language for Section One – Rule V.B.3.q:

Payments made by an employer or any public governmental entity to paid furloughed employees as a result of federal, state, and/or local emergency orders, laws or regulations, issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations. However, any appropriated funds or loans received by an employer as authorized by any law or regulation, or public governmental entity, that are used by an employer specifically to retain or hire working employees are not excluded.

Item q. is applicable to policies in force on March 1, 2020. Item q. will continue to remain in effect and will not expire through December 31, 2020 which may be amended to an earlier or until determined at a later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

Payments to Paid Furloughed Employees During Federal, State, and/or Local Emergency Orders, Laws, or Regulations Issued Due to the COVID-19 (Coronavirus) Pandemic

1. For purposes of this rule, “paid furloughed employees” and “payments to paid furloughed employees” are defined within this rule. “Paid furloughed employees” means employees who continue to receive payments during a temporary layoff or an involuntary leave and are not performing any work duties for an employer.
2. “Payments to paid furloughed employees” means payments made by an employer or any public Governmental entity to paid furloughed employees as a result of federal, state, and/or local emergency orders, laws or regulations, issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations. Such payments do not include any appropriated funds or loans received by an employer as authorized by any law or regulation, or public governmental entity, that are used by an employer specifically to retain or hire working employees.
3. Payments to paid furloughed employees must be assigned to Code 1212, in accordance with the Statistical Plan. Payments to paid furloughed employees made in accordance with this rule are excluded from the premium, experience rating and merit rating calculations only if the employer keeps separate, accurate, and verifiable records. If separate, accurate, and verifiable records are not maintained, payroll is assigned to the classification for work normally performed

by the employee prior to any emergency orders, laws, or regulations issued due to the COVID-19 (coronavirus) pandemic.

4. If an employee is requested to perform any duties for an employer, the employee is not deemed a paid furloughed employee for any period of time they are performing duties for the employer. If the employee is not deemed a paid furloughed employee, payroll must be assigned to the classification applicable to the work being performed in accordance with Rule IV.A. of this Manual.
5. This rule is effective for policies in force on March 1, 2020. This rule will continue to remain in effect and will not expire through December 31, 2020, which may be amended to an earlier or until determined at a later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

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300 NORTH SECOND STREET
HARRISBURG, PENNSYLVANIA 17101

CHARLES A. ROMBERGER
EXECUTIVE DIRECTOR

TELEPHONE/FAX
717-238-5020

November 3, 2020

The Honorable Jessica K. Altman
Insurance Commissioner
Pennsylvania Insurance Department
1311 Strawberry Square
Harrisburg, PA 17120

Attention: Michael McKenney, Actuarial Supervisor, Property & Casualty Bureau

RE: Proposal CM-4-2020
Statistical Plan Manual Filing
Revisions due to COVID-19 (Coronavirus) Pandemic
Regarding PCRB Filing No. 322
To Be Effective: January 1, 2021

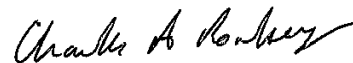
Dear Commissioner Altman:

On behalf of the members of the Coal Mine Compensation Rating Bureau of Pennsylvania (Bureau), the Bureau submits revisions to the Pennsylvania Coal Mine Workers Compensation Manual Statistical Plan (Manual). These revisions are being made to keep the Bureau's Manual as consistent as possible with the provisions in the Statistical Plan Manual of the Pennsylvania Compensation Rating Bureau (PCRB).

Like the PCRB, our Bureau agrees with the PCRB's opinion that an expiration date of December 31, 2020 is not reasonable for the previously approved COVID-19 Manual provisions. This filing is being made to extend the expiration date until such time as an appropriate expiration date for these provisions can be established.

This Proposal consists of this cover letter and Attachment A. Attachment A provides our Bureau's current Manual language and proposed Manual language with changes captured in tracked formatting.

Sincerely,



Charles A. Romberger
Executive Director

Enclosures:
Attachment A

The current language noted below reflects the changes that our Bureau included in Proposal CM-1-2020, concerning our Statistical Plan. The proposed language reflects the changes included with this Proposal identified with tracked formatting. Our Bureau proposes the following revisions to maintain consistency with the revisions made by the PCRB in PCRB Filing No. 322:

Current Language for Section II.B.8.c.:

Paid Furloughed Employees – Code 1212

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

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

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

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

The expiration date of this code will be December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

Proposed Language for Section II.B.8.c.:

Paid Furloughed Employees – Code 1212

Paid furloughed employees means employees who continue to receive payments during a temporary layoff or an involuntary leave and are not performing any work duties for an

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

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

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

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

The expiration date of this code will be ~~December 31, 2020, which may be amended to an earlier or determined at a~~ later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

Current Language for Section III.A.6.d.:

Estimated Exposure Indicator

"Y" = Exposures expressed on unit report are estimated.

"N" = Exposures expressed on unit report are not estimated.

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

Notes:

- (1) When the Exposure on the 1st report includes Code 9757, report the Estimated Audit Code as "U" in the applicable Policy Conditions, Estimated Audit Code field. If subsequent to reporting Statistical Code 9757, and the final policy premium is determined in accordance with the Basic Manual rules, the statistical code and its accompanying charge must be removed. Additionally, the Estimated Audit Code must be changed to "N" and the exposure and premium must reflect the final audit.
- (2) If final premium based on audited exposure cannot be reported due to federal, state and/or local emergency orders, laws, or regulations issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations

report the applicable exposure and premium in the class code(s) and the Estimated Audit Code as an "N", This code is effective March 1, 2020. The expiration date of this rule will be December 31, 2020, which may be amended to an earlier or later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

Proposed Language for Section III.A.6.d.:

Estimated Exposure Indicator

"Y" = Exposures expressed on unit report are estimated.

"N" = Exposures expressed on unit report are not estimated.

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

Notes:

- (3) When the Exposure on the 1st report includes Code 9757, report the Estimated Audit Code as "U" in the applicable Policy Conditions, Estimated Audit Code field. If subsequent to reporting Statistical Code 9757, and the final policy premium is determined in accordance with the Basic Manual rules, the statistical code and its accompanying charge must be removed. Additionally, the Estimated Audit Code must be changed to "N" and the exposure and premium must reflect the final audit.
- (4) If final premium based on audited exposure cannot be reported due to federal, state and/or local emergency orders, laws, or regulations issued due to the COVID-19 (coronavirus) pandemic which impact an employer's staffing or business operations report the applicable exposure and premium in the class code(s) and the Estimated Audit Code as an "N", This code is effective March 1, 2020. The expiration date of this rule will be ~~December 31, 2020, which may be amended to an earlier or determined at a~~ later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.