

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

DEPARTMENT OF INDUSTRIAL RELATIONS

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DATE: November 29, 2010

TO: California Self-Insured Employers

FROM: John C. Duncan
Director

SUBJECT: Fiscal Year 2010/2011 Assessments:

- Workers' Compensation Administration Revolving Fund (WCARF)
- Uninsured Employers Benefits Trust Fund (UEBTF)
- Subsequent Injuries Benefits Trust Fund (SIBTF)
- Occupational Safety and Health Fund (OSHF)
- Labor Enforcement and Compliance Fund (LECF)
- Workers' Compensation Fraud Account (FRAUD)

Labor Code Sections 62.5 and 62.6 authorize the Department of Industrial Relations to assess employers for the costs of the administration of the workers' compensation program. These assessments provide a stable funding source to allow the courts to resolve claims more quickly, to assure safe and healthy working conditions on the job to prevent injuries from occurring, to help ensure the enforcement of minimum labor standards and the statutes covering workers' compensation insurance coverage, and to improve the overall operation of the system.

The purpose of this letter is to inform you that you will be receiving an invoice for your share of the assessments authorized by Labor Code Sections 62.5 and 62.6. The Labor Code requires allocation of the total assessment between insured and self-insured employers in proportion to payroll for the most recent year available

Authority	Type	Total Assessment for all Payers	2011 Self-Insured Employer Assessment Factor
Labor Code § 62.5	Workers' Compensation Administration Revolving Fund Assessment (WCARF)	\$246,170,368	0.022070
Labor Code § 62.5	Uninsured Employers Benefits Trust Fund Assessment (UEBTF)	\$53,202,189	0.008843
Labor Code § 62.5	Subsequent Injuries Benefits Trust Fund Assessment (SIBTF)	\$26,439,000	0.003563
Labor Code § 62.5	Occupational Safety and Health Fund Assessment (OSHF)	\$59,583,275	0.007450
Labor Code § 62.5	Labor Enforcement and Compliance Fund Assessment (LECF)	\$53,375,309	0.006959
Labor Code § 62.6	Workers' Compensation Fraud Account Assessment (FRAUD)	\$50,157,805	0.005931

Attached is a worksheet detailing the methodology used to compute the Workers' Compensation Administration Revolving Fund, Uninsured Employers Benefits Trust Fund, Subsequent Injuries Benefits Trust Fund, Occupational Safety and Health Fund, Labor, Labor Enforcement and Compliance Fund allocation and Workers' Compensation Fraud Account Assessment, and to allocate the assessment between insured and self-insured employers.

Your share of the various assessments will be calculated by multiplying the self-insured employer assessment factors for each assessment by the total indemnity paid by your organization.

If you have any questions, please contact the Office of Self-Insurance Plans in Sacramento at (916) 574-0300.

Attachment

**California Department of Industrial Relations
2010-2011 Workers' Compensation Administration Revolving Fund Assessment,
Uninsured Employers Benefits Trust Fund Assessment,
Subsequent Injuries Benefits Trust Fund Assessment,
Occupational Safety and Health Fund Assessment,
Labor Enforcement and Compliance Fund Assessment and
Workers' Compensation Fraud Account Assessment**

METHODOLOGY

Labor Code Sections 62.5 and 62.6 require the Department of Industrial Relations to levy the total amounts of the Workers' Compensation Administration Revolving Fund Assessment, Uninsured Employers Benefits Trust Fund Assessment, Subsequent Injuries Trust Fund Assessment, Occupational Safety and Health Fund Assessment, Labor Enforcement and Compliance Fund Assessment and Workers' Compensation Fraud Account Assessment between insured employers and self-insured employers in proportion to payroll paid in the most recent year for which information is available.

Step 1: Determine Total Assessments Required for 2010-2011

(1.1)	Workers' Compensation Administration Revolving Fund Assessment (Labor Code § 62.5)....	\$109,036,251
	Total Assessment Required.....	\$246,170,368
	Fund Balance.....	(\$125,379,000)
	DWC 0910 Undercollection.....	(\$9,649,213)
	SIP 0910 Undercollection.....	(\$2,105,904)
		<u>\$109,036,251</u>
(1.2)	Uninsured Employers Benefits Trust Fund Assessment (Labor Code § 62.5).....	\$45,915,257
	Total Assessment Required.....	\$53,202,189
	Fund Balance.....	(\$7,923,123)
	DWC 0910 Overcollection.....	\$834,233
	SIP 0910 Undercollection.....	(\$198,042)
		<u>\$45,915,257</u>
(1.3)	Subsequent Injuries Benefits Trust Fund Assessment (Labor Code § 62.5).....	\$18,398,951
	Total Assessment Required.....	\$26,439,000
	Fund Balance.....	(\$4,714,000)
	DWC 0910 Undercollection.....	(\$3,216,461)
	SIP 0910 Undercollection.....	(\$109,588)
		<u>\$18,398,951</u>
(1.4)	Occupational Safety and Health Fund Assessment (Labor Code § 62.5).....	\$36,689,552
	Total Assessment Required.....	\$59,583,275
	Fund Balance.....	(\$21,544,000)
	DWC 0910 Undercollection.....	(\$605,627)
	SIP 0910 Undercollection.....	(\$744,096)
		<u>\$36,689,552</u>
(1.5)	Labor Enforcement and Compliance Fund Assessment (Labor Code § 62.5).....	\$34,895,449
	Total Assessment Required.....	\$53,375,309
	Fund Balance.....	(\$17,732,000)
	DWC 0910 Undercollection.....	(\$232,971)
	SIP 0910 Undercollection.....	(\$514,889)
		<u>\$34,895,449</u>

California Department of Industrial Relations
2010-2011 Workers' Compensation Administration Revolving Fund Assessment,
Uninsured Employers Benefits Trust Fund Assessment,
Subsequent Injuries Benefits Trust Fund Assessment,
Occupational Safety and Health Fund Assessment,
Labor Enforcement and Compliance Fund Assessment and
Workers' Compensation Fraud Account Assessment

(1.6) Workers' Compensation Fraud Account Assessment (Labor Code § 62.6).....	\$30,839,547
<i>The workers' compensation fraud account assessment is established by the Department of Insurance, Fraud Commission.</i>	
Total Assessment Required.....	\$50,157,805
Fund Balance.....	(\$12,434,328)
DWC 0910 Undercollection.....	(\$6,764,398)
SIP 0910 Undercollection.....	(\$119,532)
	\$30,839,547

Step 2: Determine Payroll Amounts

(2.1) Total payroll for insured employers.....	\$470,500,079,403
<i>Source: California Workers' Compensation Insurance Rating Bureau (WCIRB) policy year 2007</i>	
(2.2) Payroll for self-insured employers	\$178,039,722,064 ¹
(2.2.1) 2008-09 Fiscal Year for Public Sector*	\$98,637,009,518
(2.2.2) 2009 for Private Sector.....	\$79,402,712,546
<i>* Source: Department of Industrial Relations, Office of Self-Insurance Plans (excludes State of California)</i>	
(2.3) Payroll for State of California (including SCIF)**.....	\$14,395,066,211
<i>** Source: (Department of Personnel Administration, Fiscal Year 2009-10)</i>	
(2.4) Total payroll for self-insured employers.....	\$192,434,788,275 ²
(2.5) Total combined payroll.....	\$662,934,867,678 ³
<i>(Insured and self-insured employers)</i>	

Step 3: Calculate Proportional Payroll for Insured and Self-Insured Employers

(3.1) Insured Employers:			
<u>Insured Employer Payroll</u>	=	<u>Methodology Section (2.1)</u>	= <u>\$470,500,079,403</u>
<u>Total Combined Payroll</u>		<u>Methodology Section (2.5)</u>	= <u>\$662,934,867,678</u>
			= 70.97%
(3.2) Self-Insured Employers:			
<u>Self-Insured Employer Payroll</u>	=	<u>Methodology Section (2.4)</u>	= <u>\$192,434,788,275</u>
<u>Total Combined Payroll</u>		<u>Methodology Section (2.5)</u>	= <u>\$662,934,867,678</u>
			= 29.03%

¹ (2.2) Payroll for Self-Insured Employers = Σ of Methodology Section (2.2.1) and Methodology Section (2.2.2)

² (2.4) Total Payroll for Self-Insured Employers = Σ of Methodology Section (2.2) and Methodology Section (2.3)

³ (2.5) Total Combined Payroll = Σ of Methodology Section (2.1) and Methodology Section (2.4)

California Department of Industrial Relations
2010-2011 Workers' Compensation Administration Revolving Fund Assessment,
Uninsured Employers Benefits Trust Fund Assessment,
Subsequent Injuries Benefits Trust Fund Assessment,
Occupational Safety and Health Fund Assessment,
Labor Enforcement and Compliance Fund Assessment and
Workers' Compensation Fraud Account Assessment

Step 4: Determine the Total Assessments for Insured and Self-Insured Employers

Workers' Compensation Administration Revolving Fund Assessment

Calculation for Insured Employers:

▶ (WCARF Assessment) X 70.97% = \$109,036,251 X 70.97%	\$77,383,027
▶ INCREASED by credits due individual insurers which undercollected against previous advances [CCR § 15609].....	\$71,957,937
▶ INCREASED by insurer undercollection 0910 [pursuant to CCR § 15606(f)].....	\$9,649,213
(4.1) Resulting Final Insured Employers Workers' Compensation User Funding Assessment.....	<u>\$158,990,177</u>

Calculation for Self-Insured Employers:

▶ (WCARF Assessment) X 29.03% = \$109,036,251 X 29.03%	\$31,653,224
▶ INCREASED by the Self-Insurer undercollection from prior year.....	\$2,105,904
(4.2) Resulting Final Self-Insured Employers Workers' Compensation User Funding Assessment.....	<u>\$33,759,128</u>

Uninsured Employers Benefits Trust (UEBT) Fund Assessment

Calculation for Insured Employers:

▶ (UEBT Assessment) X 70.97% = \$45,915,257 X 70.97%	\$32,586,058
▶ INCREASED by credits due individual insurers which undercollected against previous advances [CCR § 15609].....	\$12,542,458
▶ DECREASED by the Insurer overcollection for 0910 [pursuant to CCR § 15606(f)].....	(\$834,233)
(4.3) Resulting Final Insured Employers UEBT Fund Assessment.....	<u>\$44,294,283</u>

Calculation for Self-Insured Employers:

▶ (UEBT Assessment) X 29.03% = \$45,915,257 X 29.03%	\$13,329,199
▶ INCREASED by the Self-Insurer undercollection from prior year.....	\$198,042
(4.4) Resulting Final Self-Insured Employers UEBT Fund Assessment.....	<u>\$13,527,241</u>

Subsequent Injuries Benefits Trust (SIBT) Fund Assessment

Calculation for Insured Employers:

▶ (SIBT Assessment) X 70.97% = \$18,398,951 X 70.97%	\$13,057,736
▶ INCREASED by credits due individual insurers which undercollected against previous advances [CCR § 15609].....	\$2,902,790
▶ INCREASED by insurer undercollection 0910 [pursuant to CCR § 15606(f)].....	\$3,216,461
(4.5) Resulting Final Insured Employers SIBT Fund Assessment.....	<u>\$19,176,987</u>

Calculation for Self-Insured Employers:

▶ (SIBT Assessment) X 29.03% = \$18,398,951 X 29.03%	\$5,341,215
▶ INCREASED by the Self-Insurer undercollection from prior year.....	\$109,588
(4.6) Resulting Final Self-Insured Employers SIBT Fund Assessment.....	<u>\$5,450,803</u>

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Workers' Compensation Fraud Account Assessment

Occupational Safety and Health Fund (OSHF) Assessment

Calculation for Insured Employers:

▶ (OSHF Assessment) X 70.97% = \$36,689,552 X 70.97%	\$26,038,575
▶ No credits due individual insurers which undercollected against previous advances [CCR § 15609].....	\$0
▶ INCREASED by insurer undercollection 0910 [pursuant to CCR § 15606(f)].....	\$605,627
(4.7) Resulting Final Insured Employers SIBT Fund Assessment.....	<u>\$26,644,202</u>

Calculation for Self- Insured Employers:

▶ (OSHF Assessment) X 29.03% = \$36,689,552 X 29.03%	\$10,650,977
▶ INCREASED by the Self-Insurer undercollection from prior year.....	\$744,096
(4.8) Resulting Final Self-Insured Employers SIBT Fund Assessment.....	<u>\$11,395,073</u>

Labor Enforcement and Compliance Fund (LECF) Assessment

Calculation for Insured Employers:

▶ (LECF Assessment) X 70.97% = \$34,895,449 X 70.97%	\$24,765,300
▶ No credits due individual insurers which undercollected against previous advances [CCR § 15609].....	\$0
▶ Increased by the Insurer undercollection for 0910 [pursuant to CCR § 15606(f)].....	\$232,971
(4.9) Resulting Final Insured Employers SIBT Fund Assessment.....	<u>\$24,998,271</u>

Calculation for Self- Insured Employers:

▶ (LECF Assessment) X 29.03% = \$34,895,449 X 29.03%	\$10,130,149
▶ INCREASED by the Self-Insurer undercollection from prior year.....	\$514,889
(4.10) Resulting Final Self-Insured Employers SIBT Fund Assessment.....	<u>\$10,645,038</u>

Workers' Compensation Fraud Account Assessment

Calculation for Insured Employers:

▶ (Fraud Assessment) X 70.97% = \$30,839,547 X 70.97%	\$21,886,827
▶ INCREASED by credits due individual insurers which undercollected against previous advances [pursuant to CCR § 15609].....	\$18,310,561
▶ INCREASED by insurer undercollection 0910 [pursuant to CCR § 15606(f)].....	\$6,764,398
(4.11) Resulting Final Insured Employers Workers' Compensation Fraud Account Assessment..	<u>\$46,961,786</u>

Calculation for Self- Insured Employers:

▶ (Fraud Assessment) X 29.03% = \$30,839,547 X 29.03%	\$8,952,720
▶ DECREASED by the Self-Insurer overcollection from prior year.....	\$119,532
(4.12) Resulting Final Self-Insured Employers Workers' Compensation Fraud Account Assessment.....	<u>\$9,072,252</u>

California Department of Industrial Relations
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Workers' Compensation Fraud Account Assessment

Step 5: Calculate the Assessment Factors

Workers' Compensation Administration Revolving Fund Assessment Factor

(5.1) Calculation for Insured Employers:

$$\frac{\text{Total Insured Employers Assessment}}{\text{Total Direct Workers' Compensation}^*} = \frac{\$158,990,178}{\$10,800,000,000} = \underline{0.014721}$$

^{*}Estimated Premium (Source: WCIRB estimate for 2010 Policy Year)

(5.2) Calculation for Self-Insured Employers:

$$\frac{\text{Total Self-Insured Employer Assessment}}{\text{Total Amt. of Workers' Comp. Indemnity Pd}^{**}} = \frac{\$33,759,128}{\$1,529,631,737} = \underline{0.022070}$$

^{**}SOURCE: Dept. of Industrial Relations, Office of Self-Insurance Plans (Σ of Methodology Sections (5.2.1) to (5.2.3)):

(5.2.1)	2008-09 Public Sector.....	\$846,463,847
(5.2.2)	2009 Private Sector.....	\$550,287,430
(5.2.3)	2009-10 State of California***	\$132,880,460

^{***}SOURCE: Department of Personnel Administration

Uninsured Employers Benefits Trust (UEBT) Fund Assessment Factor

(5.3) Calculation for Insured Employers:

$$\frac{\text{Total Insured Employers Assessment}}{\text{Total Direct Workers' Compensation}^*} = \frac{\$44,294,283}{\$10,800,000,000} = \underline{0.004101}$$

^{*}Estimated Premium (Source: WCIRB estimate for 2010 Policy Year)

(5.4) Calculation for Self-Insured Employers:

$$\frac{\text{Total Self-Insured Employer Assessment}}{\text{Total Amt. of Workers' Comp. Indemnity Pd}^{**}} = \frac{\$13,527,241}{\$1,529,631,737} = \underline{0.008843}$$

^{**}SOURCE: Dept. of Industrial Relations, Office of Self-Insurance Plans (Σ of Methodology Sections (5.2.1) to (5.2.3)):

Subsequent Injuries Benefits Trust (SIBT) Fund Assessment Factor

(5.5) Calculation for Insured Employers:

$$\frac{\text{Total Insured Employers Assessment}}{\text{Total Direct Workers' Compensation}^*} = \frac{\$19,176,987}{\$10,800,000,000} = \underline{0.001776}$$

^{*}Estimated Premium (Source: WCIRB estimate for 2010 Policy Year)

(5.6) Calculation for Self-Insured Employers:

$$\frac{\text{Total Self-Insured Employer Assessment}}{\text{Total Amt. of Workers' Comp. Indemnity Pd}^{**}} = \frac{\$5,450,804}{\$1,529,631,737} = \underline{0.003563}$$

^{**}SOURCE: Dept. of Industrial Relations, Office of Self-Insurance Plans (Σ of Methodology Sections (5.2.1) to (5.2.3)):

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Occupational Safety and Health Fund (OSHF) Assessment Factor

(5.7) Calculation for Insured Employers:

$$\frac{\text{Total Insured Employers Assessment}}{\text{Total Direct Workers' Compensation}^*} = \frac{\$26,644,202}{\$10,800,000,000} = \underline{0.002467}$$

**Estimated Premium (Source: WCIRB estimate for 2010 Policy Year)*

(5.8) Calculation for Self-Insured Employers:

$$\frac{\text{Total Self-Insured Employer Assessment}}{\text{Total Amt. of Workers' Comp. Indemnity Pd.}^{**}} = \frac{\$11,395,073}{\$1,529,631,737} = \underline{0.007450}$$

***SOURCE: Dept. of Industrial Relations, Office of Self-Insurance Plans [Σ of Methodology Sections (5.2.1) to (5.2.3)]:*

Labor Enforcement and Compliance Fund (LECF) Assessment Factor

(5.9) Calculation for Insured Employers:

$$\frac{\text{Total Insured Employers Assessment}}{\text{Total Direct Workers' Compensation}^*} = \frac{\$24,998,271}{\$10,800,000,000} = \underline{0.002315}$$

**Estimated Premium (Source: WCIRB estimate for 2010 Policy Year)*

(5.10) Calculation for Self-Insured Employers:

$$\frac{\text{Total Self-Insured Employer Assessment}}{\text{Total Amt. of Workers' Comp. Indemnity Pd.}^{**}} = \frac{\$10,645,038}{\$1,529,631,737} = \underline{0.006959}$$

***SOURCE: Dept. of Industrial Relations, Office of Self-Insurance Plans [Σ of Methodology Sections (5.2.1) to (5.2.3)]:*

Workers' Compensation Fraud Account Assessment Factor

(5.11) Calculation for Insured Employers:

$$\frac{\text{Total Insured Employer Surcharge}}{\text{Total Direct Workers' Compensation}^*} = \frac{\$46,961,785}{\$10,800,000,000} = \underline{0.004348}$$

**Estimated Premium (Source: WCIRB estimate for 2010 Policy Year)*

(5.12) Calculation for Self-Insured Employers:

$$\frac{\text{Total Self-Insured Employer Surcharge}}{\text{Total Amt. of Workers' Comp. Indemnity Pd.}^{**}} = \frac{\$9,072,253}{\$1,529,631,737} = \underline{0.005931}$$

***SOURCE: Dept. of Industrial Relations, Office of Self-Insurance Plans [Σ of Methodology Sections (5.2.1) to (5.2.3)]:*

**Step 6: Determine Individual Employer's Workers' Compensation
Administration Revolving Fund Assessment**

(6.1) Individual Insured Employers:

$$\text{Assessment Factor [0.014721] X Employer's Expected Assessable Premium}^*$$

(6.2) Calculation for Individual Self-Insured Employers:

$$\text{Assessment Factor [0.022070] X Total Indemnity Paid by the Employer}$$

California Department of Industrial Relations
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**Step 7: Determine Individual Employers Uninsured Employers Benefits
Trust (UEBT) Fund Assessment**

(7.1) Individual Insured Employers:

Assessment Factor [0.004101] X Employer's Expected Assessable Premium*

(7.2) Calculation for Individual Self-Insured Employers:

Assessment Factor [0.008843] X Total Indemnity Paid by the Employer

**Step 8: Determine Individual Employers Subsequent Injuries Benefit Trust
(SIBT) Fund Assessment**

(8.1) Individual Insured Employers:

Assessment Factor [0.001776] X Employer's Expected Assessable Premium*

(8.2) Calculation for Individual Self-Insured Employers:

Assessment Factor [0.003563] X Total Indemnity Paid by the Employer

**Step 9: Determine Individual Employers Occupational Safety and Health
(OSHF) Fund Assessment**

(9.1) Individual Insured Employers:

Assessment Factor [0.002467] X Employer's Expected Assessable Premium*

(9.2) Calculation for Individual Self-Insured Employers:

Assessment Factor [0.007450] X Total Indemnity Paid by the Employer

**Step 10: Determine Individual Employers Labor Enforcement and Compliance
(LECF) Fund Assessment**

(10.1) Individual Insured Employers:

Assessment Factor [0.002315] X Employer's Expected Assessable Premium*

(10.2) Calculation for Individual Self-Insured Employers:

Assessment Factor [0.006959] X Total Indemnity Paid by the Employer

**Step 11: Determine Individual Employer's Workers' Compensation
Fraud Account Assessment**

(11.1) Individual Insured Employers:

Assessment Factor [0.004348] X Employer's Expected Assessable Premium*

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(11.2) Calculation for Individual Self-Insured Employers:

Assessment Factor [0.005931] X Total Indemnity Paid by the Employer

*** Assessable Premium**

The premium the insured is charged after all rating adjustments (experience rating, schedule rating, premium discounts, expense constants, retrospective rating, etc.) except for adjustments resulting from the application of deductible plans or the return policyholder dividends.