



# NCCI WCIP STATE INSTRUCTIONS

Use the state chart below along with the ACORD® Forms Instruction Guide for completing the ACORD® 133 Workers Compensation Insurance Plan Assigned Risk section and ACORD® 130 Workers Compensation Application. For questions relating to the Plan, please refer to

- NCCI's **Residual Market Manual for Workers Compensation and Employers Liability Insurance** for Kansas (**Residual Market Manual** for Kansas)
- NCCI's **Basic Manual for Workers Compensation and Employers Liability Insurance** for Kansas (**Basic Manual** for Kansas)
- NCCI's **Basic Manual User's Guide**, and
- NCCI's **Assigned Risk Supplement**.

You may also contact NCCI's Customer Service Center at 800-NCCI-123 (800-622-4123).

## KANSAS (as of 7/18/2023)

Estimated Annual Premium	Premium Installment	Minimum Deposit %	Additional Payments During Year	Number of Refusers: Three—one must be the current carrier, if applicable. The application must show in the "remarks" section the name of each such carrier and the representative contacted.
Under \$1,001	Annual	100%	None	<b>Effective Date:</b> The later of the following options: <ul style="list-style-type: none"> <li>• 12:01 a.m. on the date following receipt by Plan Administrator of a complete and eligible application</li> <li>• The date of expiration of existing coverage</li> <li>• A date the applicant requests</li> </ul> If an eligible application and check are sent via US mail, coverage will be bound at 12:01 a.m. on the day following the postmark or meter mark on the envelope or the expiration of existing coverage.
At least \$1,001	Quarterly	40%	Three	
At Least \$10,000	Monthly	25%	Eight	

Additional premium installments must be made in equal amounts, the sum of which, when added to the deposit premium, must equal 100% of the estimated annual premium. Estimated annual premium and the premium installment schedule are subject to adjustment at preliminary, interim, and/or final audit(s) or when an endorsement is issued. At policy inception, the employer may request a higher minimum deposit percentage, but may not select a deposit percentage lower than the otherwise applicable minimum stated in the deposit premium and premium installment table.

The deposit and premium installment table is followed by all assigned carriers. However, the assigned carrier, based on sound underwriting practices, may make appropriate changes to the governing state's premium installment basis that the employer selected. The assigned carrier must provide the reason(s) for such change(s) to the employer and will appropriately document the file.

### Minimum Premium Policies

The deposit premium for a minimum premium policy is 100% of the estimated annual premium. Minimum premium policies must be paid in full and are not eligible for premium installments.

### Short-Term Policies

The deposit premium for short-term policies with a duration of six months or less is 100% of the estimated premium. The estimated premium is based on the estimated payroll for the policy period, unless otherwise approved by the Plan Administrator.

For any dispute concerning the change of an employer's payment basis, refer to NCCI's **Residual Market Manual** for Kansas rule, Dispute resolution procedure.

### Application Submission Options:

- Online—Applications may be submitted via NCCI's website at [ncci.com](http://ncci.com). To enroll for access to this free service, contact NCCI's Customer Service Center at 800-NCCI-123 (800-622-4123) or at [customer\\_service@ncci.com](mailto:customer_service@ncci.com).
- Telephone—Applications may be submitted by contacting NCCI's Customer Service Center at 800-NCCI-123 (800-622-4123).
- Mail—Applications may be submitted via the US Postal Service or private overnight delivery service to the address provided below.

**Note:** Under Kansas law, an out-of-state agent/producer is required to have a Kansas resident or nonresident license to submit an application to NCCI for primary coverage. Additionally, when an agency submits an application, the agency's employee who submits the application must have a Kansas producer license, the agency must have a Kansas producer license, and each officer, director, partner, and employee of the agency who acts as a producer must have a Kansas producer license.

### Voluntary Coverage Assistance Program (VCAP® Service):

NCCI's **VCAP® Service** applies to all employers seeking coverage through the residual market in which NCCI is the Plan Administrator, and is offered through NCCI's Residual Market Application Processing System (**RMAPS® Online Application Service**). Through this free, Internet-based application, voluntary coverage providers have the opportunity to evaluate potential employers that submit applications through the residual market. All assigned risk applications (electronic, phone-in, or mail-in) submitted to NCCI as Plan Administrator are processed through **VCAP® Service** to determine if they match the preselected criteria specified by a participating voluntary coverage provider.

Refer to NCCI's **Residual Market Manual** for Kansas rule, Voluntary Coverage Assistance Program (**VCAP® Service**) for more information.

### Loss Sensitive Rating Plan:

The Loss Sensitive Rating Plan (LSRP) is a mandatory assigned risk retrospective rating plan for those employers that have a workers compensation and employers liability insurance policy(ies) with an LSRP standard premium that equals or exceeds \$250,000 (effective 1/1/12).

In addition to the WCIP initial or deposit premium, employers qualifying for the LSRP are required to submit an LSRP contingency deposit to the assigned carrier. The LSRP contingency deposit is calculated by multiplying the LSRP standard premium by 20%. Subject to certain conditions, the LSRP contingency deposit may be paid by Automated Clearing House/Electronic Funds Transfer (ACH/EFT), credit card, personal or business check, or an Irrevocable Letter of Credit (ILOC).

Refer to NCCI's **Residual Market Manual** for Kansas rule, Loss Sensitive Rating Plan (LSRP) for more information.



# NCCI WCIP STATE INSTRUCTIONS

## Guide to Premium Calculation:

- Experience rating modification, if applicable
- Assigned Risk Adjustment Program (ARAP) factor, if applicable, applies to modified premium with a maximum surcharge of 1.49
- Kansas Deductible insurance, if applicable
- Kansas Assigned Risk Small Employer Loss-Free Policy Premium Credit, if applicable
- Kansas Assigned Risk Retrospective Rating Plan (KARRP), if applicable

## Election/Rejection Under State Law:

**Sole proprietors, partners, and members of limited liability companies** are not automatically covered but may elect coverage within the provisions of the Act. Elections must be made via the Kansas Department of Labor, Division of Workers Compensation's (DWC) OSCAR system at [www.oscar.dol.ks.gov](http://www.oscar.dol.ks.gov). Payroll must be included for any sole proprietor, partners, or members of limited liability companies electing coverage.

**Note:** Members of limited liability companies are treated as sole proprietors/partners for premium determination purposes in Kansas.

**Corporate stockholders:** An employee of a corporation who owns 10% or more of the corporate stock is automatically covered, but may elect not to accept coverage under the Act. Elections must be made via the Kansas Department of Labor, DWC's OSCAR system at [www.oscar.dol.ks.gov](http://www.oscar.dol.ks.gov). Payroll must be excluded for any corporate stockholders rejecting coverage.

Failure to properly make an election or rejection of coverage in accordance with state laws may result in additional premium being charged and collected by the Plan Administrator or the assigned carrier.

### Volunteers

The following volunteers are automatically covered under the Act:

- firefighters
- law enforcement officers
- first responders
- emergency medical technician
- emergency medical technician—intermediate
- emergency medical technician—defibrillator
- mobile intensive care technician
- ambulance drivers (land and air), and
- members of Kansas Department of Civil Air Patrol.

The following volunteers are not automatically covered under the Act, but the employer may elect to provide coverage for these volunteer workers.

Elections must be made via the Kansas Department of Labor, DWC's OSCAR system at [www.oscar.dol.ks.gov](http://www.oscar.dol.ks.gov):

- Volunteers in any employment—The employer may elect to provide coverage for all or part of their volunteer workers.
- Persons performing community service—The employer may elect to provide coverage for persons who are performing public or community service as a requirement to receive public assistance or as a result of a contract of diversion, assignment to a community corrections program, or suspension of sentence or as a condition of probation or in lieu of a fine.
- Noncompensated volunteer officer, director, or trustee of a nonprofit corporation—The volunteer directors, officers, or trustees of a nonprofit organization may elect coverage under the Act.

Payroll must be included for the covered volunteer workers.

**Employer has less than \$20,000 payroll or is an agricultural pursuit:** In accordance with KS ST 44-505, employers with less than \$20,000 in total gross annual payroll, or an employer who is an agricultural pursuit are not automatically covered by the Act, but such employers may elect coverage for their employees. Elections must be made via the Kansas Department of Labor, DWC's OSCAR system at [www.oscar.dol.ks.gov](http://www.oscar.dol.ks.gov). Payroll must be included for the covered employees.

Refer to the Department of Labor at [www.dol.ks.gov](http://www.dol.ks.gov) for the most current rules and regulations.

All elections regarding workers compensation for inclusion or exclusion of coverage must be made via the Kansas Department of Labor, DWC's OSCAR system at [www.oscar.dol.ks.gov](http://www.oscar.dol.ks.gov).

**Note:** This information applies only to Kansas. If additional states are to be covered, additional action may be necessary under applicable state law.

## Employee Leasing:

**IMPORTANT: Before completing Professional Employer Organization (PEO) Arrangement applications, refer to NCCI's Residual Market Manual for Kansas rule, Professional Employer Organization (PEO) arrangements for more information. Obtain forms from NCCI.**

**PEO registration/license requirement:** The state of Kansas requires the PEO to be registered with the state. PEO applicants will be asked to provide proof of PEO registration.

- All of the PEO's leased workers to clients under the state's WCIP must be secured under an MCP basis
- The client's policy covering its leased workers will be issued in the name and FEIN of the client in accordance with this rule and all other rules governing the issuance of a standard policy for assigned risk business
  - Direct workers of a client will not be included on the client's policy for its leased workers
- The PEO's policy covering its direct workers will be issued in the name and FEIN of the PEO in accordance with this rule and all other rules governing the issuance of a standard policy for assigned risk business under the WCIP
  - If the PEO has no direct workers in the state where its clients' coverage is being obtained, the PEO's policy will be issued with premium based on the use of Code 8810—Clerical Office Employees NOC on an "if any" basis

<b>Submit Application via Regular Mail to:</b>	NCCI Attn: Treasury Department PO Box 3045 Boca Raton, FL 33431	<b>Send Correspondence to:</b>	NCCI Customer Service Center 901 Peninsula Corporate Circle Boca Raton, FL 33487-1362 Phone: 800-622-4123 Fax: 561-893-1191
<b>Submit Application via Regular Mail or Overnight Delivery to:</b>	NCCI Attn: Treasury Department 901 Peninsula Corporate Circle Boca Raton, FL 33487-1362		