

FAQs for New Workers' Compensation Class Code 8873

1. Question: What is new?

Answer: The [New York Compensation Insurance Rating Board has established](#) new classification code 8873 – Telecommuter Reassigned Employees. It will be applied to the payroll of employees who, during New York's stay-at-home order related to the COVID-19 pandemic (and future stay-at-home orders), are reassigned to either:

- (a) not perform any work duties (idle), or
- (b) perform clerical work duties at home

The new classification only applies to employees who are reassigned and meet one of the two above conditions.

2. Question: What is the effective date of the class code?

Answer: The class code can be applied to all new and renewal policies effective on or after May 1, 2020 as well as to all policies that were in force from March 16, 2020, through April 30, 2020.

Example: A policy that runs 3/1/20 to 3/1/21 would be eligible for this class code.

Example: A policy that runs 5/1/20 to 5/1/21 would be eligible for this class code.

Example: A policy that runs 3/1/19-3/1/20 would NOT be eligible for this class code since the policy end date is before March 16th.

3. Question: Are there occupations or class codes to which this new class code does not apply?

Answer: It does NOT apply to employees who are already classified in code 8871-Telecommuter Clerical Employees, or those in code 8810 – Clerical, or Executive Officers classified as code 8809.

Also, this does NOT apply to non-payroll -based class codes such as:

- Volunteer Firefighter Benefits Law policies
- Volunteer Ambulance Benefits Law policies
- Building operations code 9027
- Domestic service policies 0908, 0909, 0912, 0913

4. Question: Can we reallocate payroll to 8873 from classes that include clerical (such as 9063, 8869, etc.)?

Answer: Yes. The exceptions to this are class code 8871-Telecommuter Clerical Employees, or those in code 8810 – Clerical.

5. Question: Can we use 8873 to split payroll for an owner/officer, particularly one who is not classified in 8809?

Answer: Yes, we can. Any covered owner/officer who was otherwise classified as code 8810/8809 should remain in that class code for subject minimum exposures.

6. Question: What type of proof will I need on audit?

Answer: During the opening conference, the auditor will first determine the extent to which the insured's employees were subject to the stay-at-home order. Policyholders should have the following records available:

- Payroll records that can be separated by week.
- Documentation of the policyholder's business activities during the period for which code 8873 is requested.

7. Question: What if my policy was re-billed to reclassify to clerical code 8810?

Answer: To assist our customers with business issues associated with COVID-19, NYSIF proactively re-billed many policies to reflect applicable payrolls into class code 8810 – Clerical Office Employees before the establishment of class code 8873. Since the two class codes have the same loss cost, those affected policies will wait for audit or final payroll report billing to switch to class code 8873.

8. Question: What if the employee only occasionally goes into work, i.e. one school is rotating maintenance workers one day a week -- will all their payroll be in main class code? Or, what if they have had to only go in a few times over the last two months?

Answer: If the employee was deemed "essential" during the COVID-19 pandemic and was either on call or was able to go into work away from home to perform their regular duties for any part of a week, then the wages for that entire week should be classified within their otherwise regular code.

9. Question: Are employees on sick pay eligible for class code 8873?

Answer: Yes. But only sick pay paid by an employer and paid to employees who are subject to a stay-at-home order are eligible.

10. Question: What payroll payments are eligible for class code 8873?

Answer: Payments made for workdays beginning on March 16th to up to the earlier of 30 days after the lifting of the restriction in your area, or when your work location reopens.

11. Question: Does 8873 apply if I decide to let my employees work permanently from home following the availability of my business location?

Answer: It does not. Code 8873 only applies to the payroll of employees who, during New York's stay-at-home order related to the COVID-19 pandemic (and future stay-at-home orders), are reassigned to either: not perform any work duties (idle) or perform clerical work duties at home. Clerical employees working permanently from home may be eligible for class code 8871-Telecommuter Clerical Employees.