

California Small Deductible Plan

Effective January 1, 2019

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Part 1 – General Provisions

Part 1 – General Provisions**I. Purpose**

The *California Small Deductible Plan* permits an employer who is insured for its workers' compensation liability to reimburse the insurer for losses incurred up to the deductible amount elected in connection with the workers' compensation insurance coverage. In exchange for agreeing to reimburse the insurer, the employer receives a premium reduction.

II. Coverage

The coverage is provided by a standard workers' compensation and employers' liability policy with the small deductible endorsement. Nothing in the endorsement relieves the insurer of its obligations under the California workers' compensation policy to provide benefits to injured employees in the event the employer fails to reimburse the insurer. Failure on the part of the employer to reimburse the insurer will permit the insurer to cancel the policy in accordance with the procedure for canceling a policy for non-payment of premium.

Part 2 – Application of Small Deductible Plan

Part 2 – Application of Small Deductible Plan**I. Authority**

The application of this Plan is optional for those risks that are eligible and may be used upon agreement of the insurer and the insured. The term of the Plan is the same as the period of the policy to which it applies and is effective for a period of no more than one year. The deductible applies to indemnity and medical benefits paid in connection with the workers' compensation insurance coverage, benefits or damages paid in connection with the employers' liability insurance coverage and payments under the other states insurance coverage provided in this policy and, if elected, allocated loss adjustment expense. The deductible applies to each accident for bodily injury by accident and to each employee for bodily injury by disease.

II. Deductible Amounts

The minimum deductible amount available under this Plan is \$500. The maximum deductible amount available under this Plan is \$75,000. Deductible amounts between the minimum and maximum deductibles are available in the amounts shown in Table 2 of Appendix B.

III. Eligibility

A minimum of \$5,000 of estimated annual workers' compensation standard premium is required to be eligible for this Plan.

IV. Security

Unless otherwise mandated by law, an irrevocable letter of credit or other security in a form acceptable to the insurer is required as security for ultimate claim payments.

V. Policy Preparation

The calculated deductible premium credit (standard premium minus deductible premium) for the selected deductible will be shown in Item 4 of the Information Page.

Each policy to which this coverage applies shall include an approved small deductible endorsement.

VI. Unit Statistical Reporting

The *California Workers' Compensation Uniform Statistical Reporting Plan—1995* requires that gross incurred losses, prior to the application of the deductible, be reported. Total payroll and final premium, prior to the application of the deductible premium credit, shall also be reported.

Part 3 – Determination of Deductible Premium**Part 3 – Determination of Deductible Premium****I. Rating Procedure**

The deductible premium is calculated in accordance with the following procedures and definitions:

Formula

$$\text{Deductible Premium} = \frac{\text{Expected Losses Above Deductible} + \text{Fixed Expense Charge}}{1.00 - \text{Variable Expense Ratio}}$$

A. Expected Losses Above Deductible

Component of the deductible premium to cover losses (and ALAE, if applicable) in excess of the deductible limit. The following components are used to compute the expected losses above the deductible.

1. **Standard Premium** – The standard premium is the premium for the risk determined on the basis of the insurer's authorized rates, the exposure subject to this Plan, any applicable experience modifications and shall include any other authorized premium charge applicable, excluding premium discount. Standard premium shall exclude premium charges arising from the Terrorism Risk Insurance Act of 2002 as amended by the Terrorism Risk Insurance Program Reauthorization Act of 2015, and as may be amended in the future.
2. **Expected Loss Ratio** – The expected loss ratio or ratios at standard premium to be used for risks subject to this Plan are included in Appendix C.
3. **Expected Losses** – Expected losses are the product of the standard premium (Item 1) and the expected loss ratio (Item 2).
4. **Per Accident Deductible Amount** – This is the per accident loss limitation selected by agreement between the insurer and insured. The deductible amount is restricted to a minimum of \$500 and a maximum of \$75,000.
5. **Risk Loss Credit for Per Accident Deductible** – This factor represents the proportion of total claim costs on the risk estimated to be below the selected per accident deductible and thereby subject to reimbursement.
6. **Expected Losses Above the Deductible** – This is the amount of expected losses estimated to be incurred in excess of the selected deductible and is computed as the product of expected losses (Item 3) and 1.0 less the risk loss credit (Item 5).

B. Fixed Expense Charge

The fixed expense charge is the component of the deductible premium to cover expenses, and profit and contingencies that are assumed not to vary with the deductible premium. Fixed expense information is included in Appendix C.

Notwithstanding the provisions of the rating procedure, the insured and insurer may agree to adjust retroactively the fixed expense charge based on actual costs.

C. Variable Expense Ratio

The variable expense ratio is the component of the deductible premium intended to reflect expenses and profit and contingencies that vary with the deductible premium. Variable expense ratios are included in Appendix C.

Part 3 – Determination of Deductible Premium

D. Deductible Premium

Premium charged to the policyholder for workers' compensation deductible coverage. It is computed as follows:

1. Expected Losses Above the Deductible [Item A(6)].
2. Fixed Expense Charge (Item B).
3. Variable Expense Ratio (Item C).
4. Deductible Premium = $\frac{(1) + (2)}{1.00 - (3)}$

The procedure to compute the deductible premium is illustrated in a sample computation included in Appendix A.

Appendix A – Illustrative Sample of Computation of Deductible Premium

Appendix A – Illustrative Sample of Computation of Deductible Premium

To illustrate the use of this Plan, the hypothetical information for an insured shown in Items (1) - (4) below and the distribution of expected losses by hazard group shown in Attachment 1 are used. Then the deductible premium can be computed as follows:

1.	Estimated Annual Standard Premium Subject to the Plan ("First Dollar" Coverage)	\$50,000
2.	Selected Deductible (Per Accident Loss Limitation)	\$5,000
3.	Expected "First Dollar" Loss Ratio [This hypothetical figure is only for illustrative purposes. The actual expected loss ratio used will be consistent with expense-related values in Appendix C.]	0.70
4.	Expected "First Dollar" Losses [(1) x (3)]	\$35,000
5.	Risk Loss Credit Factor [Item (5), Attachment 1]	0.0801
6.	Expected Losses Above Deductible {(4) x [1.0 - (5)]}	\$32,197
7.	Fixed Expense Charge [This hypothetical figure is only for illustrative purposes. The actual fixed expense charge used will be consistent with expense-related values in Appendix C.]	\$5,000
8.	Variable Expense Ratio [This hypothetical figure is only for illustrative purposes. The actual variable expense ratio used will be consistent with expense-related values in Appendix C.]	0.20
9.	Deductible Premium	\$46,496
	$\frac{(6) + (7)}{1.00 - (8)}$	

Appendix A – Illustrative Sample of Computation of Deductible Premium

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Appendix A – Illustrative Sample of Computation of Deductible Premium**Attachment 1 — Illustrative Calculation of Risk Loss Credit Factor**

This illustration is based on the information included in the sample computation in Appendix A and unlimited expected losses assumed to be distributed by hazard group as shown in column (2) of the table shown below. Based on this information, the risk loss credit factor is computed as follows:

(1)	(2)	(3)	(4)
California Hazard Group	Expected Unlimited Losses	Loss Credit For Selected Limit	Expected Losses Eliminated (2) x (3)
1	0	0.125	0
2	0	0.120	0
3	10,000	0.106	1,060
4	5,000	0.091	455
5	0	0.081	0
6	15,000	0.068	1,020
7	5,000	0.054	270
Total	\$35,000	—	\$2,805
(5) Risk Loss Credit Factor [Total (4)/Total (2)]			0.0801

Notes**Column (2)**

Segregate expected unlimited losses (standard premium multiplied by the expected loss ratio) by California hazard group based on Table 1 of Appendix B.

Column (3)

From Table 2 of Appendix B, enter the loss credit for each California hazard group for the selected deductible (per-accident limit).

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Appendix B – Determination of Risk Loss Credit Factor**Appendix B – Determination of Risk Loss Credit Factor**

To determine the risk loss credit factor, classifications are assigned to hazard groups based on the propensity for claim amounts of different sizes in the classification. Table 1 includes the list of hazard group assignments by classification. (If classifications other than those contained in the Standard Classification System of the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* are included on the policy, unlimited expected losses shall be assigned to the appropriate standard classification.) Expected unlimited losses are segregated by hazard group based on the assignment of classification to hazard group (see Table 1). The risk loss credit factor is determined from the expected unlimited losses by hazard group and the table of loss credits (see Table 2) by completing the information in the table below (see Appendix A, Attachment 1, for illustrative example):

(1)	(2)	(3)	(4)
California Hazard Group	Expected Unlimited Losses	Loss Credit for Selected Limit	Expected Losses Eliminated (2) x (3)
1			
2			
3			
4			
5			
6			
7			
Total		--	

(5) Risk Loss Credit Factor
[Total (4)/Total (2)]

NOTES**Column (2)**

Segregate expected unlimited losses (standard premium multiplied by the expected loss ratio) by California hazard group based on Table 1 of Appendix B.

Column (3)

From Table 2 of Appendix B, enter the loss credit for each California hazard group for the selected deductible (per-accident limit).

Appendix B – Determination of Risk Loss Credit Factor

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Appendix B – Determination of Risk Loss Credit Factor**Table 1 — Table of Classifications by California Hazard Group**

Class No.	Hazard Group	Class No.	Hazard Group	Class No.	Hazard Group	Class No.	Hazard Group	Class No.	Hazard Group
0005	1	2150	1	3146	1	3840	3	4683	3
0016	2	2163	4	3152	2	4000	4	4691	3
0034	3	2211	3	3165	2	4034	5	4692	3
0035	1	2222	2	3169	3	4036	4	4717	3
0036	2	2362	6	3175	3	4038	3	4720	2
0038	5	2402	3	3178	1	4041	3	4740	5
0040	2	2413	3	3179	1	4049	4	4771	3
0041	5	2501	1	3180	5	4111	4	4828	3
0042	3	2570	3	3220	3	4112	2	4829	5
0044	4	2571	3	3241	1	4114	4	4831	4
0045	4	2576	4	3255	1	4130	5	4922	4
0050	5	2578	1	3257	1	4133	4	4983	5
0079	2	2584	1	3300	1	4150	3	5020	5
0096	4	2585	1	3339	5	4239	3	5027	6
0106	7	2586	1	3365	2	4240	2	5028	5
0171	5	2589	3	3372	4	4243	1	5029	5
0172	3	2623	1	3373	4	4244	4	5040	7
0251	5	2660	2	3383	3	4250	4	5057	6
0400	3	2683	2	3400	5	4251	2	5059	7
0401	5	2688	1	3401	5	4279	3	5102	5
1122	5	2702	7	3501	3	4283	3	5107	3
1123	4	2710	1	3507	4	4286	2	5108	5
1124	4	2727	7	3560	2	4295	4	5128	6
1320	7	2731	2	3566	4	4297	3	5140	5
1322	7	2757	3	3567	4	4299	3	5146	4
1330	4	2759	3	3568	1	4304	3	5160	7
1438	2	2790	1	3569	2	4312	3	5183	4
1452	4	2797	2	3570	4	4351	3	5184	6
1463	6	2806	3	3572	2	4354	1	5185	5
1624	5	2812	4	3573	3	4360	3	5186	3
1699	3	2819	2	3574	5	4361	1	5187	6
1701	6	2840	1	3577	2	4362	3	5188	5
1710	6	2842	3	3578	4	4410	3	5190	6
1741	6	2852	2	3579	4	4414	3	5191	5
1803	4	2881	2	3612	3	4420	2	5192	3
1925	4	2883	4	3620	4	4431	4	5195	3
2002	2	2915	4	3632	3	4432	4	5201	3
2003	2	2923	5	3634	2	4470	4	5205	7
2014	5	2960	1	3643	1	4478	4	5207	7
2030	5	3004	1	3647	3	4492	2	5212	6
2063	3	3018	1	3651	2	4494	2	5213	6
2081	5	3022	1	3681	4	4495	1	5214	3
2095	3	3030	6	3682	1	4496	3	5222	6
2102	4	3039	4	3683	2	4497	3	5225	6
2106	3	3040	1	3719	7	4498	2	5348	2
2107	1	3060	3	3724	5	4499	5	5403	6
2108	1	3066	4	3726	5	4511	3	5432	5
2109	2	3070	3	3805	3	4512	3	5436	2
2111	3	3076	3	3807	3	4557	5	5443	4
2113	3	3081	2	3808	1	4558	2	5446	3
2116	1	3082	3	3815	3	4567	3	5447	6
2117	2	3085	3	3821	3	4611	3	5467	4
2121	2	3099	4	3828	2	4623	4	5470	4
2123	1	3110	6	3830	5	4635	5	5473	6
2142	3	3131	3	3831	2	4665	3	5474	5

Appendix B – Determination of Risk Loss Credit Factor**Table 1 — Table of Classifications by California Hazard Group**

Class No.	Hazard Group	Class No.	Hazard Group	Class No.	Hazard Group	Class No.	Hazard Group	Class No.	Hazard Group
5479	4	7382	3	8070	5	8804	3	9151	1
5482	7	7392	1	8071	3	8806	1	9154	3
5484	3	7403	2	8078	1	8807	2	9155	3
5485	7	7405	1	8102	2	8808	2	9156	1
5506	6	7409	7	8103	5	8810	2	9180	5
5507	7	7410	2	8106	4	8813	1	9181	3
5538	5	7413	1	8107	2	8818	2	9182	4
5542	6	7421	2	8110	2	8820	4	9184	2
5552	7	7424	6	8111	3	8821	2	9185	5
5553	6	7428	2	8113	3	8822	3	9220	4
5606	4	7429	2	8116	1	8823	2	9402	5
5610	4	7500	5	8117	3	8827	4	9403	4
5630	6	7515	6	8204	3	8829	3	9410	3
5631	5	7520	5	8209	1	8830	3	9420	3
5632	6	7538	7	8215	5	8831	1	9422	2
5633	5	7539	7	8227	6	8834	2	9424	4
5645	6	7580	6	8232	5	8838	4	9426	4
5650	3	7600	3	8264	5	8839	2	9501	1
5697	5	7601	3	8265	7	8840	6	9507	2
5951	3	7605	4	8267	4	8846	1	9516	4
6003	7	7606	3	8278	6	8847	2	9519	3
6011	7	7607	4	8286	3	8850	2	9521	3
6204	7	7610	4	8290	2	8851	3	9522	3
6206	6	7706	6	8291	5	8852	5	9529	5
6213	6	7707	7	8292	2	8859	2	9549	3
6216	6	7720	4	8293	4	8868	2	9552	6
6218	6	7721	3	8304	5	8875	3	9586	2
6220	7	7722	5	8324	4	8901	2	9610	2
6233	7	7855	7	8350	2	9007	3	9620	4
6235	7	8001	1	8387	3	9008	2		
6237	7	8004	6	8388	3	9009	5		
6251	4	8006	2	8389	4	9010	3		
6254	4	8008	1	8390	2	9011	4		
6258	6	8013	4	8391	3	9015	4		
6307	5	8015	4	8392	4	9016	3		
6308	6	8017	2	8393	4	9031	3		
6315	6	8018	3	8397	2	9033	3		
6316	7	8019	3	8400	5	9043	3		
6325	5	8021	3	8500	5	9048	1		
6361	4	8028	4	8601	6	9050	2		
6364	3	8031	2	8604	6	9053	1		
6400	1	8032	3	8631	7	9059	2		
6504	3	8039	2	8720	4	9060	3		
6834	3	8041	4	8729	3	9061	1		
7133	7	8042	3	8740	2	9066	1		
7198	3	8046	3	8741	4	9067	3		
7207	4	8057	4	8742	4	9069	2		
7219	4	8059	2	8743	6	9070	2		
7227	4	8060	3	8745	3	9079	2		
7232	6	8061	3	8748	3	9085	3		
7248	4	8062	4	8749	1	9092	2		
7272	6	8063	2	8755	6	9095	4		
7332	1	8064	3	8800	1	9096	1		
7360	2	8065	2	8801	1	9097	3		
7365	5	8066	2	8803	3	9101	5		

Appendix B – Determination of Risk Loss Credit Factor**Table 2 — Table of Loss Credits by California Hazard Group**

Accident Limit	California Hazard Group							All
	1	2	3	4	5	6	7	
500	0.025	0.023	0.020	0.016	0.015	0.012	0.009	0.020
1,000	0.041	0.039	0.034	0.028	0.025	0.020	0.015	0.033
2,000	0.066	0.063	0.055	0.046	0.041	0.034	0.026	0.054
3,000	0.087	0.084	0.073	0.062	0.056	0.046	0.036	0.072
4,000	0.107	0.103	0.091	0.077	0.069	0.058	0.045	0.089
5,000	0.125	0.120	0.106	0.091	0.081	0.068	0.054	0.104
10,000	0.200	0.191	0.171	0.149	0.134	0.115	0.092	0.168
15,000	0.262	0.250	0.226	0.199	0.179	0.155	0.125	0.222
20,000	0.316	0.302	0.274	0.243	0.219	0.191	0.155	0.269
25,000	0.364	0.348	0.318	0.282	0.255	0.224	0.182	0.311
35,000	0.446	0.426	0.391	0.349	0.316	0.281	0.229	0.383
50,000	0.539	0.515	0.478	0.430	0.390	0.352	0.289	0.467
75,000	0.643	0.617	0.579	0.527	0.481	0.442	0.367	0.566

* Loss Credits represent the portion of pure premium, excluding loss adjustment expense, that contemplates medical and indemnity benefits up to the indicated per accident limitation.

Premium Credits may be developed after appropriate consideration of loss adjustment and other expenses.

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Appendix C — Expected Loss Ratios and Expense-Related Values

Appendix C — Expected Loss Ratios and Expense-Related Values

[To be completed and filed by the insurer.]

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CALIFORNIA SMALL DEDUCTIBLE ENDORSEMENT

1. This endorsement applies to the workers' compensation insurance coverage, the employers' liability insurance coverage and the other states insurance coverage provided in this policy.
2. This endorsement applies between you and us. It does not affect the rights of others under the policy. Nor does it change our obligations under the policy, except as otherwise stated in this endorsement.
3. In consideration of a reduced premium, you have agreed to reimburse us up to the deductible amounts stated in the Schedule at the end of this endorsement for all payments legally required, including allocated loss adjustment expenses which arise out of any claim or suit we defend, where you elect to include such expenses.
4. We will remain responsible for the full payment of all claims under this policy without regard to your ability or intention to reimburse us for the deductible amounts. The contract of insurance shall be fully enforceable by your employees or their dependents against us.

Deductible – Per Accident or Employee

5. The deductible amount stated in the Schedule is the most you must reimburse us for indemnity and medical benefits and damages combined, including allocated loss adjustment expenses, if elected by you, for bodily injury to one or more employees as the result of any one accident or for disablement of one employee due to bodily injury by disease.

Effect of Deductible on Limits of Liability

6. The applicable limits of liability as respects the employers' liability insurance coverage provided in this policy are subject to reduction by the application of the lost reimbursement amount(s) applicable to any claim for accident or disease covered by this policy. In the event of a claim, our obligation to pay is the amount available for benefits or damages that remains after the application of the specific loss reimbursement amount. The reimbursement of allocated loss adjustment expense will not affect the limits of liability.

Allocated Loss Adjustment Expenses

7. Allocated loss adjustment expense means claims expenses directly allocated by us to a particular claim. Such expense shall not include cost of investigation or the salaries and traveling expenses of our employees other than those salaried employees who perform services which can be directly allocated to the handling of a particular claim.

Recovery from Others

8. If we recover any payments made under this policy from anyone liable for the injury, the amount we recover will be applied as follows:
 - (a) First, to any payments made by us in excess of the deductible amount; and
 - (b) Then the remainder, if any, will be applied to reduce the deductible amount reimbursed by you.

(Ed. 12-06)

Cancellation

9. We may cancel this policy for nonpayment of any deductible amounts or for failure to comply with any security-related terms of this policy. Such cancellation of this policy shall be treated in the same manner as nonpayment of premium as provided by the California Insurance Code. We will remain fully responsible for the full amount of all claims incurred prior to the effective date of cancellation.

Sole Representation

10. The first Named Insured stated in the Information Page will act on behalf of all the named insureds with respect to:
- (a) Changes to this endorsement;
 - (b) Obligations to receive premiums; or
 - (c) Giving or receiving notice of cancellation.

Your Duties and Understanding

11. All bodily injuries by accident or disease for which you are responsible shall be promptly reported to us for adjustment and payment, regardless of their severity or cost. You further understand that all such bodily injuries and their cost shall be included in experience data used to determine the experience rating for your policy, regardless of the eligibility of such claims for full or partial reimbursement under the deductible provisions of this policy.

Other Rights and Duties

12. All other terms of the policy, including those which govern the following items, apply irrespective of this deductible endorsement:
- (a) Our right and duty to defend any claim, proceeding or suit against you; and
 - (b) Your duties if injury occurs.

Additional Charges

13. Any assessments pursuant to California statute are not part of this Plan but are included in the cost of the coverage provided by the policy to which this endorsement is attached.

Schedule _____

1. Deductible Amount \$ _____ Each Accident.
(Dollar Amount)
2. Allocated Loss Adjustment Expenses are _____
("Included" or "Excluded")
3. The Fixed Expense Charge _____ be adjusted retroactively, based upon actual costs.
("Will" or "Will Not")

Notes:

1. This endorsement may be used to provide deductibles to policyholders for all or part of benefits payable under the policy pursuant to California Insurance Code Section 11735(e).
2. This endorsement has been approved for use in conjunction with the California Small Deductible Plan (Advisory).

This endorsement changes the policy to which it is attached and is effective on the date issued unless otherwise stated.

(The information below is required only when this endorsement is issued subsequent to preparation of the policy.)

Endorsement Effective
Insured

Policy No.
Insurance Company

Endorsement No.

Countersigned By _____



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