

No. **2026-9844**

**Official Order  
of the  
Texas Commissioner of  
Insurance**

**Date: 03/18/2026**

**Subject considered:**

**National Council on Compensation Insurance Filing  
*Item B-1451—Revisions to NCCI's Basic Manual Rules and Classifications Related  
to Clerical Telecommuter Employees***

The subject of this order is the adoption of amendments, as proposed in *Item B-1451—Revisions to NCCI's Basic Manual Rules and Classifications Related to Clerical Telecommuter Employees* (TDI ECase No. 37154; SERFF Tracking No. NCCI-134553719).

**Background**

The National Council on Compensation Insurance (NCCI) filed *Item B-1451* to amend the NCCI *Basic Manual for Workers Compensation and Employers Liability Insurance* (Basic Manual).

The amendments establish classification code 8871 in Texas for clerical telecommuter employees. In most states, this code already exists. In Texas and a few other states, NCCI is establishing this code.

Code 8871 is a "standard exception code." These codes are used for operations that are common to many businesses (such as clerical, salesperson, and drivers). Employees are assigned to these codes only if the basic class code assigned to the business does not overlap with the exception. For example, employees are assigned to the current clerical exception code (8810) if the basic class code does not include "clerical" in the phraseology.

After considering the filing, the commissioner of insurance adopts the following findings of fact and conclusions of law.

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## Findings of Fact

1. NCCI filed *Item B-1451* with the Texas Department of Insurance (TDI) on June 6, 2025, under the workers' compensation manual rule filing procedure adopted in Commissioner's Order No. 3142, dated March 21, 2014.
2. *Item B-1451* amends the Basic Manual to establish classification code 8871 for clerical telecommuter employees by adding and revising rules and assigning the code to a hazard group. Employees will be assigned to code 8871 if
  - their duties are clerical,
  - they telecommute at least 50% of the time, and
  - the classification for the business does not include clerical employees.
3. NCCI states that the initial loss cost and rating values of code 8871 will be equal to the loss cost and rating values of code 8810 until code 8871 has enough experience to be rated on its own. Code 8810 is for clerical office employees.
4. On July 9, 2025, TDI published notice of the filing on its website at [www.tdi.texas.gov/rules/2025/nccimannual.html](http://www.tdi.texas.gov/rules/2025/nccimannual.html) and distributed notice of the filing to electronic news subscribers.
5. TDI received one written comment on the filing from Texas Mutual Insurance Company (TMIC) by the August 8, 2025 deadline. TMIC supported *Item B-1451* but recommended that code 8871 be assigned if a clerical telecommuter employee's workstation is in a state where the employer has no additional operations, even when the basic classification assigned to the employer includes "clerical" in the phraseology.
6. This recommendation means that code 8871 would be treated differently than other standard exception codes under a specific scenario: when an employer needs to cover only a telecommuter in another state.
7. In response to the comment, NCCI explained that the recommendation is inconsistent with existing classification procedure rules and adopting the recommendation would require significant additional amendments to NCCI's existing rules.
8. TDI declines to make a change to the filing to align with TMIC's recommendation because doing so would create an inconsistency in how standard exception class codes are assigned and could result in similar telecommuter risks being assigned

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to different classifications depending on the state where the employer's business operations are located.

9. NCCI proposed that the changes in *Item B-1451* apply to new and renewal policies that are effective on or after 12:01 a.m. on July 1, 2026.
10. *Item B-1451* has been available for public inspection in SERFF and at TDI since the filing date.
11. The filing, including exhibits, is incorporated by reference into this order.

## Conclusions of Law

1. TDI has jurisdiction over this matter under Insurance Code §§ 2051.002, 2051.201, 2053.002, 2053.011, and 2053.051, and Article 5.96.
2. TDI gave notice in compliance with Commissioner's Order No. 3142.
3. The amendments to the NCCI Basic Manual are consistent with Insurance Code Chapters 2051 and 2053 and Article 5.96.
4. Applying the changes in *Item B-1451* to new and renewal policies that are effective on or after 12:01 a.m. on July 1, 2026, is reasonable.

## Order

It is ordered that NCCI's filing, *Item B-1451—Revisions to NCCI's Basic Manual Rules and Classifications Related to Clerical Telecommuter Employees*, is approved. The changes in *Item B-1451* apply to new and renewal policies that are effective on or after 12:01 a.m. on July 1, 2026.

Signed by:

*Amanda Crawford*

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Amanda Crawford  
Commissioner of Insurance

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Recommended and reviewed by:

Signed by:

*Mark Worman*

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Mark Worman, Deputy Commissioner

Signed by:

*Jessica Barta*

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Jessica Barta, General Counsel