

Classification and Rating Committee

Meeting Agenda

Date	Time	Location	Staff Contact
March 14, 2017	9:45 AM	WCIRB California 1221 Broadway, Suite 900 Oakland, CA	Brenda Keys

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Released: February 28, 2017

To Members of the Classification and Rating Committee, WCIRB Members and All Interested Parties:

This meeting is Open to the Public.

I. Approval of Minutes

Meeting held October 25, 2016

II. Unfinished Business

III. New Business

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A. Classification Relativities Methodology Enhancements	3
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IV. Matters Arising at Time of Meeting

V. Next Meeting Date: April 25, 2017

VI. Adjournment

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Item III-G

Classification Relativity Methodology Enhancements

For many years, the classification relativity methodology has reflected several adjustments to the losses underlying each classification's selected loss to payroll ratios including loss development, benefit level changes and residual trends. However, the methodology has not reflected any adjustments to the payroll underlying the selected loss to payroll ratios for changes in average wage levels. If changes in average wage levels are relatively consistent across classifications, an adjustment to the classification relativities may not be needed as projected wage inflation is reflected in the calculation of the overall pure premium rate indication. However, if changes in average wage levels differ significantly across classifications, some adjustment for the relative differences among classifications may be appropriate.

A recent staff study of the estimated impact of minimum wage changes by industry has shown that wage level changes can differ significantly across classifications, particularly during periods of minimum wage increases.¹ As a result, at the December 6, 2016 meeting, the Actuarial Committee adopted enhancements to the classification relativity methodology to adjust for projected differences in annual wage inflation as well as recent changes to minimum wage laws.² A summary of the enhancements and the potential impact on the 2018 classification relativities will be presented at the meeting.

¹ See Item AC16-12-02 of the December 6, 2016 Actuarial Committee Agenda.

² See Item AC16-12-03 of the December 6, 2016 Actuarial Committee Agenda.

Ancillary Agreement Reporting Requirements

The *California Workers' Compensation Uniform Statistical Reporting Plan—1995* (USRP) includes the rules for submitting to the WCIRB hard copy or electronic policy data relevant to California workers' compensation insurance coverage.¹ Currently, insurers are required to electronically report the form number for every endorsement attached to the policy. The WCIRB is recommending changes to the reporting requirements to clarify that the form number of ancillary agreements must also be reported.

The regulations outlining the filing and approval process for workers' compensation policy forms were amended effective April 1, 2016.² These regulations require that ancillary agreements, as that term is defined in Section 2250(f) of Title 10 of the California Code of Regulations, be submitted to the WCIRB and approved by the Insurance Commissioner prior to their use as part of a workers' compensation policy and that the ancillary agreements be attached to and made part of the policy. Since the defined ancillary agreements are treated the same as endorsement forms in Title 10, WCIRB staff is recommending that the USRP be revised to include reporting requirements for ancillary agreements similar to those for endorsement forms.

In addition, the WCIRB is proposing additional changes for clarity, including the requirement that insurers report the form numbers for policy conditions and information page(s). The WCIRB is also recommending changes to delete outdated filing rules for annual rating endorsements and renewal certificates/agreements because annual rating endorsements and renewal certificates/agreements no longer need to have unique suffixes for purposes of differentiation. These changes are proposed for inclusion in the January 1, 2018 Regulatory Filing.

¹ See Part 2, *Policy Reporting Requirements*, of the USRP.

² Title 10, California Code of Regulations, Sections 2250 et seq.

Recommendation

Amend the *California Workers' Compensation Uniform Statistical Reporting Plan—1995*, Part 2, *Policy Reporting Requirements*, Section I, *General Instructions*, and Section III, *Additional Electronic Reporting Requirements*, for clarity and consistency with changes to Title 10, California Code of Regulations, Chapter 5, Subchapter 2, *Policy Forms and Other Documents*, Sections 2250 *et. seq.*

PROPOSED

Part 2 – Policy Reporting Requirements

Section I – General Instructions

The policy document reporting provisions contained in this Part are necessary to facilitate experience rating, the accurate and timely reporting of unit statistical report data, and the use of approved policy forms.

Insurers shall provide the WCIRB with all Policy Documents (i.e., policies, endorsements, cancellations and reinstatements) written to provide California workers' compensation insurance coverage. Policy Documents shall be filed with the WCIRB via either: (1) hard copy; or, (2) electronic submission in accordance with the reporting requirements for California described in the Workers Compensation Insurance Organizations' (WCIO) Workers Compensation Policy Reporting Specifications (WCPOLS) except as ~~not~~ provided in Section III, ~~of this Plan~~ *Additional Electronic Reporting Requirements*. Insurers must receive WCIRB approval prior to submitting data electronically. Separate approval is required for electronic submission of each type of Policy Document.

1. Policies

a. New and Renewal Policies

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(3) If submitting the policy in hard copy to the WCIRB, it shall include the following:

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(e) Type of entity insured. Indicate the legal nature of the insured entity, e.g., individual, partnership, corporation, association, limited partnership, joint venture, common ownership, joint employers, Limited Liability Company (LLC), trust or estate, Limited Liability Partnership (LLP), governmental entity, other. See Section III, *Additional Electronic Reporting Requirements*, Rule 1a, Subrule (1), *Legal Nature of Insured Code*, for the requirements for reporting the type of entity insured.

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(l) Form number(s) for the policy conditions and every endorsement and ancillary agreement attached to the policy. See Section III, *Additional Electronic Reporting Requirements*, Rule 1d, *Endorsement Identification Record Information*, Subrule (1)(d), for the requirements for reporting form numbers for ancillary agreements.

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b. Annual Rating Endorsements

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(5) If an annual rating endorsement is submitted to the WCIRB in hard copy, it shall also indicate:

- (a) Name of the insurer providing coverage (not insurer group name).
- (b) Policy number. The policy number should include: all prefixes and suffixes of the policy that the annual rating endorsement is extending.
 - 1. ~~All prefixes and suffixes of the policy that the annual rating endorsement is extending.~~
 - 2. ~~A clearly identified suffix, not to exceed four characters, that is unique for each annual rating endorsement period.~~

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c. Renewal Certificates/Renewal Agreements

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(4) If a renewal certificate or renewal agreement is submitted to the WCIRB in hard copy, it shall also indicate:

- (a) Name of the insurer providing coverage (not insurer group name).
- (b) Policy number. The policy number should include: all prefixes and suffixes of the policy that the renewal certificate or renewal agreement is renewing.
 - 1. ~~All prefixes and suffixes of the policy that the renewal certificate or renewal agreement is renewing.~~
 - 2. ~~A clearly identified suffix, not to exceed four characters, that is unique for each renewal agreement or renewal certificate period.~~

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2. Endorsements and Ancillary Agreements

- a. Except as otherwise provided, a copy of (1) every endorsement affecting California coverage or amending the policy information referenced in Rule 1 above and (2) every ancillary agreement as defined in Title 10, California Code of Regulations, Section 2250(f), or the electronic records of the information included therein shall be reported to the WCIRB no later than sixty (60) days after issuance. In no event shall endorsements or ancillary agreements be reported prior to submitting the electronic or hard copy information page of the policy to which the endorsement or ancillary agreement is attached.

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- c. If submitting hard copy policy information, it is not necessary to submit a copy of each ancillary agreement attached to a policy, provided:
- (1) The exact ancillary agreement form was previously filed with the WCIRB and approved by the Insurance Commissioner, and
 - (2) The form number of the ancillary agreement is clearly listed in item 3.D. of the hard copy policy information page filed with the WCIRB.
- e.d. ~~If submitting an endorsement in hard copy, each endorsement~~ or ancillary agreement attached to a policy subsequent to policy issuance shall be submitted to the WCIRB in accordance with Rule 2a, above, and shall:
- (1) Identify the name of the insurer (not insurer group) that issued the endorsement or ancillary agreement;
 - (2) Identify the policy number of the policy to which the endorsement or ancillary agreement is attached; and
 - (3) Identify the effective date of the endorsement or ancillary agreement.

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Section III – Additional Electronic Reporting Requirements

All Policy Documents submitted to the WCIRB electronically shall be reported as required for California in WCPOLS except as indicated below.

1. Policy Record Reporting

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- d. Endorsement Identification Record Information (Record 07)
- (1) Record Type Code
 - (a) Report the form number for the policy conditions.
 - (b) Report the form number(s) for the information page(s) attached to the policy.
 - (c) Report the form number for every endorsement attached to the policy.
 - (d) Report the form number for every ancillary agreement attached to the policy. Ancillary agreement is defined in Title 10, California Code of Regulations, Section 2250(f).

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Draft Report on Classification Enhancements to the *California Workers' Compensation Uniform Statistical Reporting Plan—1995*

The WCIRB is undertaking a multi-year project to enhance the standard classifications contained in the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* (USRP). As part of this project, each entry in the Advisory Classification Reference Guide is being reviewed to identify any information that would supplement the existing classification phraseology. Specifically, the *Description* section of each entry is reviewed to determine if it provides specific direction that is not currently addressed in the USRP rules or class phraseology/footnotes, and identify any helpful, descriptive information that significantly supplements the existing classification. The *Analogous/Representative Assignments* section of each entry is reviewed to identify direct or representative assignments for possible inclusion in the classification. Analogous assignments cannot be incorporated into the USRP as each assignment by analogy must be reviewed on an individual basis. Finally, the *Related/Comparable Classifications* section is reviewed for possible inclusion in the classification to provide direction as to how related operations are classified or for the creation of new Industry Groups.

In general, the proposed changes are to clarify the intended application of each classification and to provide direction as to how related operations are classified.

Recommendation

Amend Classification 4828, *Chemical Mixing, Blending and Repackaging Only*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

CHEMICAL MIXING, ~~BLENDING AND OR REPACKAGING ONLY~~ – ~~not manufacturing of ingredients~~ N.O.C. 4828

This classification applies to the mixing or repackaging of chemicals involving no chemical reaction when no other classification more accurately describes the operations. This classification also applies to the mixing or repackaging of chemical fertilizer that does not contain manure or animal by-products. This classification also applies to the packaging of products in aerosol cans for other concerns on a fee basis when no other classification more accurately describes the operations.

The manufacture of chemicals involving a chemical reaction shall be classified as 4829, *Chemical Mfg.*

The manufacture of detergent shall be classified as 4720, *Soap or Synthetic Detergent Mfg.*

The manufacture of fertilizer that includes manure or animal by-products shall be classified as 4665, *Rendering or Fertilizer Mfg.*

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Recommendation

Amend Classification 4829, *Chemical Mfg.*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

CHEMICAL MFG. – including mixing, ~~blending~~ and packaging – N.O.C. 4829

This classification ~~includes~~ applies to the manufacturing of chemicals involving, a chemical reaction, including but not limited to, the following chemical processes: nitration, alkylation, distillation, reduction, oxidation, sulphonation, halogenation or amidation when no other classification more accurately describes the operations. This classification also applies to the manufacture of chemicals by distillation or the compression of gases, ~~halogenation and amidation~~. This classification also applies to the manufacture of polyethylene, polypropylene and polystyrene.

The mixing or repackaging of chemicals involving no chemical reaction shall be classified as 4828, *Chemical Mixing or Repackaging*.

The manufacture of fertilizer that includes manure or animal by-products shall be classified as 4665, *Rendering or Fertilizer Mfg.*

The manufacture or mixing of gases, including but not limited to oxygen, hydrogen, acetylene, carbonic acid, nitrogen, nitrous oxide, helium, arsine, liquefied hydrogen and nitrogen, and dry ice shall be classified as 4635, *Oxygen or Hydrogen Mfg.*

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Recommendation

Amend Classification 4983, *Gasket Mfg.*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

GASKET MFG.

4983

This classification applies to the manufacture of gaskets and o-rings from materials, including but not limited to metal, rubber, plastic, cork, paper or composite materials. This classification includes the laminating of gasket materials.

The manufacture of stamped metal washers from metal sheet stock shall be classified as 3400, *Metal Goods Mfg.*

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Recommendation

Amend Classification 5029, *Concrete Sawing or Drilling*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

CONCRETE OR ASPHALT SAWING OR DRILLING – N.O.C.

5029

This classification applies to the sawing and drilling of concrete or asphalt on a fee basis.

~~This classification does not apply when the concrete-sawing and drilling is in support of a construction activity.~~ Concrete or asphalt when performed by in connection with the employer's; such operations other construction activities shall be assigned to the appropriate applicable Construction and Erection classifications.

The wrecking or demolition of concrete buildings or structures shall be classified as 5213, *Concrete Construction – N.O.C.*

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Recommendation

Amend Classification 5040(1), *Iron or Steel Erection – structural and exterior installation*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

IRON OR STEEL ERECTION – structural and exterior installation

5040(1)

This classification includes, but is not limited to, the erection of buildings that equal or exceed three stories in height. This classification also applies to the erection of steel structures of any height, including but not limited to, the erection of penstocks, smokestacks, gas holders, elevated tanks, fire escapes, radio and television towers, penstocks, smokestacks, gas holders, and structural frame members of bridges and fire escapes. This classification also applies to welding or cutting structural members by specialty contractors at construction sites in connection with iron or steel erection operations.

Structural steel framing of buildings that do not exceed two stories in height shall be classified as 5059, *Iron or Steel Erection – structural*.

Structural framing of residential or commercial structures using light gauge, cold formed steel studs and joists shall be classified as 5632/5633, *Steel Framing*.

Pile driving operations shall be classified as 6003(1), *Pile Driving*.

Building foundation preparation work, including but not limited to the drilling of foundation holes and subsequent construction of poured in place foundation piers to completion of the substructure, including incidental pile driving, shall be classified as 6258, *Foundation Preparation Work*.

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Recommendation

Amend Classification 5057, *Iron or Steel Erection – N.O.C.*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

IRON OR STEEL ERECTION – N.O.C.

5057

This classification includes, but is not limited to, the erection of metal burners, staircases, handrails, monorails, and metal burners, exterior tanks but not elevated tanks that are not elevated on steel structures, and other non-structural iron or steel erection operations that are not more specifically described by another classification.

This classification also applies to specialty contractors performing welding or cutting at construction sites in connection with operations described by Classification 5057.

The erection of elevated tanks on steel structures shall be classified as 5040(1), *Iron or Steel Erection – structural and exterior installation*.

Non-structural iron or steel erection operations when performed by the same employer in con-

nection with the structural steel framing of buildings not exceeding two stories in height at the same job or location shall be classified as 5059, *Iron or Steel Erection – structural – in the construction of buildings not over two stories in height.*

Non-structural iron or steel erection operations when performed by the same employer in connection with the structural steel framing of buildings that equal or exceed three stories in height at the same job or location shall be classified as 5040(1), *Iron or Steel Erection – structural and exterior installation.*

Structural framing of residential or commercial structures using light gauge, cold formed steel studs and joists shall be classified as 5632/5633, *Steel Framing.*

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Recommendation

Amend Classification 5059, *Iron or Steel Erection – structural*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

IRON OR STEEL ERECTION – structural – in the construction of buildings not over two stories in height 5059

~~At a particular job or location, Classification 5059 shall not be used for division of payroll in connection with Classification 5040(1), *Iron or Steel Erection – structural and exterior installation.*~~ This classification applies to the structural steel framing of buildings that do not exceed two stories in height.

This classification also applies to specialty contractors engaged in welding or cutting structural steel at construction sites in connection with the steel framing of buildings that do not exceed two stories in height.

This classification includes ~~the non-structural iron or steel erection of staircases and exterior iron or steel work~~ operations when performed by the same employer in connection with the structural steel framing of buildings not exceeding two stories in height at the same job or location. ~~The erection of structural frame members in connection with buildings over two stories in height shall be separately classified as 5040(1), *Iron or Steel Erection – structural.*~~

Structural steel framing of buildings that equal or exceed three stories in height shall be classified as 5040(1), *Iron or Steel Erection – structural and exterior installation.*

Structural framing of residential or commercial structures using light gauge, cold formed steel studs and joists shall be classified as 5632/5633, *Steel Framing.*

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Recommendation

Amend Classification 5102(1), *Iron, Steel, Brass, Bronze or Aluminum Erection*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

IRON, STEEL, BRASS, BRONZE OR ALUMINUM ERECTION – non-structural – ~~within buildings~~ 5102(1)

~~This classification includes all the following and similar metal features of construction within buildings: railings, bank cages and similar~~ applies to the installation of non-structural or decorative metal work, including but not limited to hand rails, grille work, metal wall paneling, and movable steel partitions bumper rails, curtain walls and trim work. This classification also applies to the installation of non-structural metal work, including but not limited to awnings, window guards, walkway railings and balcony rails, on to building exteriors.

~~The erection of staircases shall be separately classified.~~

This classification also ~~includes~~ applies to the erection of commercial or residential greenhouse or solarium metal framing. It also ~~includes~~ applies to the installation of pre-glazed windows or wall panels; if installed by the same employer that erects the metal framing at the same job or location.

Structural framing of residential or commercial structures using light gauge, cold formed steel studs and joists shall be classified as 5632/5633, *Steel Framing*.

The erection of staircases shall be separately classified.

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Recommendation

Amend Classification 5107, *Door, Door Frame or Pre-Glazed Window Installation*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

DOOR, DOOR FRAME OR PRE-GLAZED WINDOW INSTALLATION – not overhead doors 5107

This classification applies to the installation or erection of prefabricated doors, door frames or pre-glazed windows within commercial or residential buildings, provided such operations are not performed in connection with structures framed by the employer at the same job or location. ~~if the employer is engaged in wood or steel framing, the installation or erection of prefabricated doors, door frames or pre-glazed windows at such job or location shall be classified as 5403/5432, *Carpentry*, or 5632/5633, *Steel Framing*.~~

The installation or erection of prefabricated doors, door frames or pre-glazed windows in connection with wood or steel framing performed by the employer at the same job or location shall be classified as 5403/5432, *Carpentry*, or 5632/5633, *Steel Framing*.

The installation, service or repair of overhead doors, including tilt-up, sectional and roll-up doors, shall be classified as 5108, *Door Installation – overhead doors*.

The installation, service or repair of automatic door openers shall be separately classified as 9519(1), *Household Appliances*.

The installation ~~or replacement~~ of sheet glass windows or insulated glass units at customers' locations shall be separately classified as 5467/5470, *Glaziers*.

The installation of shower doors, ~~or screen doors~~ or mirrors shall be separately classified as 5146(1), *Cabinet or Fixtures*.

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Recommendation

Amend Classification 6834, *Boat Building or Repairing*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

BOAT BUILDING OR REPAIRING – ~~boats not exceeding 150 feet in length overall~~ – including shop and yard work 6834

This classification applies to the manufacture or repair of noncommercial boats of any size and commercial boats not exceeding 150 feet in length, provided such operations are not subject to the United States Longshore and Harbor Workers' Compensation Act (USL&H Act). This classification applies to boats made of materials, including but not limited to wood, fiber, metal and reinforced plastic.

The sale of new and used boats, including the service and repair of boats when performed by the boat dealer, shall be classified as 8057, *Boat Dealers*.

Boat marina and boat rental operators shall be classified as 9016(4), *Boat Marina and Boat Rental Operation*.

The demolition of ships shall be classified as 5057, *Iron or Steel Erection – N.O.C. See Section IV, Special Industry Classification Procedures, Rule 7, Wrecking or Demolition and Building Raising or Moving*.

For boat building or repair operations subject to the USL&H Act, refer to the Advisory California Rules for the Recording and Reporting of United States Longshore and Harbor Workers' Compensation Act Coverage.

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Recommendation

Amend Classification 7207(1), *Stables*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

STABLES – all employees – N.O.C.

7207(1)

This classification applies to stables that are engaged in boarding horses for other concerns on a fee basis and that are not more specifically described by another classification. This classification includes the feeding, watering, training, grooming and exercising of horses, and the maintenance of stable grounds. This classification also applies to the provision of riding lessons.

Veterinary care of horses, including stable operations in connection with veterinary care, shall be classified as 8831(1), *Hospitals – veterinary*.

The operation of riding clubs that provide board and care for members' horses shall be classified as 7207(2), *Clubs – riding*.

The operation of stables at race tracks or certified training facilities for horse racing not more specifically described by another classification shall be classified as 8631, *Racing Stables – all other employees*.

The operation of stables at race tracks or certified training facilities for harness racing shall be classified as 7207(5), *Racing Stables – harness racing*.

The operation of stables in connection with horse shows shall be classified as 7207(3), *Horse Shows – stable employees*.

The operation of stables in connection with pack train operations shall be classified as 7207(4), *Pack Trains*.

The breeding of horses shall be classified as 0038(1), *Stock Farms*.

The raising of miniature horses (not to exceed 38 inches in height) shall be classified as 0034(2), *Sheep Raising and Hog Farms*.

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Recommendation

Amend Classification 7207(4), *Pack Trains*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

PACK TRAINS – all employees

7207(4)

This classification applies to the operation of pack train excursions using pack animals, including but not limited to horses, llamas, donkeys and mules. This classification also applies to the guides engaged in packing equipment, setting up sites, preparing food, assisting customers with riding techniques and acting as trail guides. This classification includes the board and care of

pack animals, including but not limited to feeding, watering, grooming and exercising, and the maintenance of stable facilities in connection with pack train operations.

Boarding horses for other concerns on a fee basis shall be classified as 7207(1), *Stables*.

The operation of riding clubs that provide board and care for members' horses shall be classified as 7207(2), *Clubs – riding*.

The operation of stables in connection with horse shows shall be classified as 7207(3), *Horse Shows – stable employees*.

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Recommendation

Amend Classification 7232, *Mail Delivery Service Companies*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

MAIL DELIVERY SERVICE COMPANIES – ~~firms~~ operating under contract to the United States Postal Service – all employees 7232

This classification applies to delivery service companies that contract with the United States Postal Service to transport parcels, packages and bulk mail between regional mail processing facilities, from regional mail processing facilities to local post offices, and from local post offices to addressees.

Messenger services and parcel and ~~M~~mail delivery operations services that are not performed under contract ~~to~~with the United States Postal Service shall be ~~separately~~ classified as 7198(1), *Parcel Delivery and Messenger Service Companies*, subject to the applicable weight limitations provided in that classification.

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Recommendation

Amend Classification 7365, *Taxicab Operations*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

TAXICAB OPERATIONS – all employees 7365

Payroll shall include the entire remuneration earned by all taxicab drivers during the policy period. In the event an employer does not keep verifiable payroll records for all taxicab drivers, the minimum remuneration for taxicab drivers shall not be less than \$34,100 per annum per taxicab dispatched by or operated under the auspices of the insured. The minimum payroll amount is in consideration of ~~vehicle~~taxicab down-time, vacation time or

other periods during which the vehicle/taxicab is not in operation, as well as the use of a single taxicab by multiple drivers. The per annum payroll amount shall be prorated only when the vehicle/taxicab is not dispatched by or under the auspices of the insured or registered for the full policy period or when the policy period is less than one year.

This classification applies to the operation of taxi services engaged in transporting the general public on a fee basis. Taxicab operations provide passenger transportation services that are available for immediate hire with fares that must be determined by either zone or meter. This classification includes the maintenance and repair of vehicles in connection with taxicab operations by the same employer.

Dispatchers engaged in clerical activities shall be separately classified as 8810, Clerical Office Employees, subject to the rules for Standard Exceptions. See Section III, General Classification Procedures, Rule 4, Standard Exceptions.

Transportation services provided to passengers exclusively on a scheduled route, charter or other pre-arranged basis, including Transportation Network Companies (TNC) that employ drivers, shall be classified as 7382, Bus, Shuttle Van or Limousine Operations.

* * * * *

Recommendation

Amend Classification 4665(1), *Rendering or Fertilizer Works*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

RENDERING OR FERTILIZER WORKS/MFG.

4665(1)

This classification applies to the processing of animal carcasses and by-products, including but not limited to manure and fish emulsion, for the subsequent production of fertilizer, tallow and similar products. This classification also applies to the manufacturing or blending of soil amendments that include manure or other animal by-products.

The manufacture of chemical fertilizers that do not include manure or other animal by-products shall be classified as 4828, Chemical Mixing or Repackaging, or 4829, Chemical Mfg.

The manufacturing or blending of bark, sawdust, compost, wood chips and other soil amendments that do not include manure or other animal by-products shall be classified as 8232(3), Fuel and Material Dealers.

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Recommendation

Amend Classification 4720, *Soap or Synthetic Detergent Mfg.*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

SOAP OR SYNTHETIC DETERGENT MFG.

4720

This classification shall apply to the manufacture of bar soap and detergent products for household and industrial cleaning, including but not limited to, granulated, powdered and sprayed soaps, soap chips and flakes, liquid soap and synthetic detergents, carpet shampoo and household cleaning products that have characteristics and uses similar to soap. This classification also applies to the manufacture of bar soap and pet shampoo.

The manufacturing or packaging of products other than bar soap intended to be rubbed, poured, sprinkled or sprayed on, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness or altering appearance shall be classified as 4623, *Cosmetic, Personal Care or Perfumery Products Mfg.*

The mixing and repackaging of bleach involving no chemical reaction shall be classified as 4828, *Chemical Mixing or Repackaging.*

The packaging of cleaning products in aerosol cans shall be classified as 4828, *Chemical Mixing or Repackaging.*

* * * * *

Amendments to Cross-References for Consistency

Recommendation

Amend Classification 2150, *Ice Mfg. or Ice Dealers*, for consistency.

PROPOSED

ICE MFG. OR ICE DEALERS

2150

This classification applies to the manufacture of ice. This classification also applies to the purchase and resale of ice.

The manufacture of dry ice shall be classified as 4635, *Oxygen or Hydrogen Mfg.*

~~The blending and packaging of artificial (blue) ice shall be classified as 4828, *Chemical Mixing, Blending and Repackaging Only.*~~

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Recommendation

Amend Classification 6235(3), *Drilling – geothermal wells*, for consistency.

PROPOSED

DRILLING – geothermal wells – including installation of casing

6235(3)

This classification applies to the drilling of geothermal wells for the production of hot water or steam. This classification includes the installation of well casing and the maintenance and repair of drilling equipment at job sites in connection with the drilling operations.

Drilling oil or gas wells shall be classified as 6235(1), *Oil or Gas Wells – drilling or re-drilling*.

Drilling water wells shall be classified as 6204, *Drilling – N.O.C.*

Drilling in connection with foundation preparation work shall be classified as 6258, *Foundation Preparation Work*.

Drilling concrete shall be classified as 5029, *Concrete or Asphalt Sawing or Drilling*.

* * * * *

Recommendation

Amend Classification 6204, *Drilling – N.O.C.*, for consistency.

PROPOSED

DRILLING – N.O.C. – not geothermal, oil or gas producing, mining or quarrying

6204

This classification applies to drilling, including but not limited to drilling water wells and soil samples for other concerns on a fee basis. This classification includes the installation of well casing and pumps when performed in connection with drilling operations.

Drilling operations conducted in connection with the employer’s other classifiable operations shall not be separately classified.

The installation or repair of submersible pumps on a fee basis shall be classified as 3724(1), *Millwright Work*, provided such operations are not performed in connection with drilling operations performed by the employer at the same job or location.

Drilling oil or gas wells shall be classified as 6235(1), *Oil or Gas Wells – drilling or re-drilling*.

Drilling geothermal wells shall be classified as 6235(3), *Drilling – geothermal wells*.

Drilling in connection with foundation preparation work shall be classified as 6258, *Foundation Preparation Work*.

Drilling concrete shall be classified as 5029, *Concrete or Asphalt Sawing or Drilling*.

Drilling in connection with mining or quarrying shall be assigned to the applicable mining or quarrying classification.

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Recommendation

Amend Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency.

PROPOSED

Section VIII – Abbreviated Classifications – Numeric Listing

- ☐
- ☐
- ☐
- 4665(4) Rendering/Fertilizer ~~Works~~Mfg
- ☐
- ☐
- ☐
- 4828 Chemical Mixing/~~Blending~~/Repackaging
- ☐
- ☐
- ☐
- 5029 Concrete/Asphalt Sawing/Drilling
- ☐
- ☐
- ☐

* * * * * * *

Recommendation

Amend Classification 7600, *Telecommunication Companies*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

TELECOMMUNICATIONS COMPANIES – all employees – including installation, maintenance, repair and operation of telephone lines and systems, remote transmission sites, and central office switching equipment – including shop 7600

This classification applies to Federal Communication Commission licensed telecommunication companies engaged in the provision of wireline, long distance, cellular, radio paging or mobile radio services for customers on a fee basis. This classification also applies to Internet Service Providers that provide internet connectivity using telecommunication infrastructure.

~~Contractors performing services for telecommunication companies shall be separately classified.~~ engaged in the provision of cable television services and internet connectivity using cable infrastructure shall be classified as 7606, *Cable Television Companies*.

The contract installation of aerial lines for telephone, television, communication, data, fire alarm and similar low voltage or fiber optic networks shall be classified as 7601, *Aerial Line Construction*.

The contract installation of low voltage communications cabling within buildings for voice or data transmission and the contract splicing of fiber optic cables at ground level shall be classified as 5195, *Communications Cabling*.

The contract installation of cables underground, including trenching and placing of conduit, shall be classified as 6325, *Conduit Construction*.

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Recommendation

Amend Classification 7610, *Radio, Television or Commercial Broadcasting Stations*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

RADIO, TELEVISION OR COMMERCIAL BROADCASTING STATIONS – all employees – including Clerical Office Employees and Outside Salespersons 7610

The actual remuneration of ~~person-on-air personalities~~, entertainers or musicians shall be included, subject to a maximum of \$122,200 per year per person.

When such employees do not work the entire year, the payroll limitation shall be prorated based upon the number of weeks in which such employees worked during the policy period.

This classification applies to Federal Communication Commission licensed radio, television or commercial wireless broadcasting stations. This classification also applies to television studios

that are operated by cable television companies. This classification also applies to the operation of music recording studios.

The dissemination of audio or video programming exclusively over the internet shall be classified as 8859(2), *Internet or Web-Based Application Development or Operation*.

Companies engaged in the provision of cable television services and internet connectivity using cable infrastructure shall be classified as 7606, *Cable Television Companies*.

Computerized or electronic video or audio post-production for other concerns on a fee basis shall be classified as 7607(1), *Video Post-Production*, and 7607(2), *Audio Post-Production*, respectively.

Motion picture production shall be ~~separately~~ classified as 9610, *Motion Pictures – production*.

* * * * *

Recommendation

Amend Classification 8017(8), *Towel or Toilet Supply Companies*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

TOWEL LINEN RENTAL OR TOILET RESTROOM SUPPLY COMPANIES SERVICES – no laundry operations 8017(8)

This classification applies to linen rental services that supply laundered towels, linens, gowns, diapers and similar products with no laundry operations. This classification also applies to the restocking of restroom supplies, including but not limited to toilet paper, hand towels, hand soap, air fresheners and toilet seat covers for separate concerns on a scheduled route basis.

Linen rental services with laundry operations shall be classified as 2585(1), *Laundries*.

The restocking of restroom supplies in connection with janitorial services performed by the same employer shall be classified as 9008, *Janitorial Services*.

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Recommendation

Amend Classification 8057, *Boat Dealers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

BOAT DEALERS – all operations

8057

This classification applies to the sale of new and used boats, including but not limited to yachts, motorboats, sailboats and rowboats. This classification also applies to the service and repair of boats in connection with dealer operations, including but not limited to cleaning, detailing, inspecting, servicing, and performing get-ready, tune-ups and mechanical and hull repairs.

Boat marina and boat rental operators shall be classified as 9016(4), *Boat Marina and Boat Rental Operation*.

Boat repair facilities that are not boat dealers shall be classified as 6834, *Boat Building or Repairing*.

The sale of personal watercraft shall be classified as 8400, *Motorcycle Dealers or Repair Facilities*.

Display and parts departments that are physically separated from the repair shop and boat salespersons, including salespersons demonstrating boats on the water, shall be separately classified as 8017(7), *Stores – hardware*.

* * * * *

Recommendation

Amend Classification 8102, *Seed Merchants*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

SEED MERCHANTS – including operation of seed sorting machinery

8102

This classification applies to employers engaged in the purchase, sale and processing of plant seeds, including but not limited to flower, grain, grass and vegetable seeds, including incidental research and development operations and research farming. This classification also applies to the cleaning and packaging of flower bulbs.

Stores engaged in the sale of nursery stock and garden supplies shall be classified as 8004, *Stores – garden supplies*.

The processing of seed products for human consumption shall be classified as 6504, *Food Products Mfg. or Processing*.

The blending of seeds and grains to produce animal feed shall be classified as 2014(2), *Feed Mfg.*

The commercial growing of plants for the purpose of obtaining seeds shall be classified as 0172, Truck Farms.

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Recommendation

Amend Classification 8106, *Iron or Steel Merchants*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

IRON OR STEEL MERCHANTS – not junk dealers or iron or steel scrap dealers

8106

This classification applies to the sale of new ferrous and nonferrous metal stock, including but not limited to iron, steel, aluminum, brass and bronze. This classification also applies to the sale of load bearing metal wire rope or cable. This classification includes incidental cutting, shearing, slitting, bending and straightening.

The fabrication of structural iron or steel components shall be classified as 3030, *Iron or Steel Works – structural*.

The fabrication of non-structural architectural or ornamental iron, steel, brass or bronze items shall be classified as 3040, *Iron or Steel Works – non-structural*.

Dealers of ferrous scrap metal shall be classified as 8265(1), *Iron or Steel Scrap Dealers*.

Dealers of nonferrous and stainless steel scrap metals shall be classified as 8500, *Metal Scrap Dealers*.

Dealers of ferrous or nonferrous scrap metals in addition to a miscellaneous line of secondhand materials, including but not limited to glass, plastic, textiles, paper and rubber shall be classified as 8265(2), *Junk Dealers*.

* * * * *

Recommendation

Amend Classification 8107, *Machinery Dealers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

MACHINERY DEALERS – N.O.C. – including demonstration and repair

8107

This classification applies to dealers of new machinery, including, but not limited to, ~~bull dozers,~~ excavators, loaders, graders, conveyors, pumps, generators, mobile cranes, ~~conveyors,~~ bull dozers, machine tools, welding equipment, industrial motors and engines, food processing equipment, and mining and ore milling equipment. This classification also applies to the

demonstration and shop repair of machinery when performed by a machinery dealer. This classification also includes the incidental sale of used machinery received as trade-in merchandise.

~~Secondhand machinery dDealers whose sales of used machinery exceed 25% of gross receipts shall be classified as 8267, Machinery and Equipment Dealers – secondhand.~~

The sale of farm equipment shall be classified as 8116, Farm Machinery Dealers and Repair Facilities.

The sale of new and used oil or gas well supplies and equipment shall be classified as 8111(2), Oil or Gas Well Supplies or Equipment Dealers.

Installation and repair operations away from the employer’s premises shall be separately classified as 3724(1), Millwright Work.

Departments for the display and sale of machines and parts that are physically separated from the repair shop and do not engage in machine demonstration shall be separately classified as 8017(7), Stores – hardware.

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Recommendation

Amend Classification 8116, *Farm Machinery Dealers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

FARM MACHINERY DEALERS AND REPAIR FACILITIES – shop and outside – including demonstration and repair **8116**

Display and parts departments that are physically separated from the repair shop and sell parts commercially shall be separately classified as 8017(7), Stores – hardware. This classification applies to dealers engaged in the sale and repair of new farm equipment, including but not limited to tractors, balers, combines and implements including plows, discs and cultivators. This classification also applies to independent farm machinery repair facilities that are not dealers. Repair operations can be performed at the shop or at customers’ locations on a job or warranty basis. This classification also includes operating farm machinery for demonstration purposes. This classification also includes the incidental sale of used machinery received as trade-in merchandise.

Secondhand farm machinery dDealers whose sales of used machinery exceed 25% of gross receipts shall be classified as 8267, Machinery and Equipment Dealers – secondhand.

The sale of non-agricultural machinery shall be classified as 8107, Machinery Dealers.

Departments for the display and sale of machines and parts that are physically separated from the repair shop and do not engage in machine demonstration shall be separately classified as 8017(7), Stores – hardware.

* * * * *

Recommendation

Amend Classification 8215(1), *Hay, Grain or Feed Dealers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

HAY, GRAIN OR FEED DEALERS

8215(1)

~~Classification 8215(1) shall not be used for division of payroll in connection with Classification 8232(3), *Fuel and Material Dealers*, unless the operation described by Classification 8215(1) constitutes a separate and distinct enterprise having no connection with the operations covered by Classification 8232(3).~~ This classification applies to the sale of animal feed products, including but not limited to hay, straw, alfalfa, oats, rice, corn and mixed feeds to wholesalers, retailers and agricultural or commercial concerns. This classification also applies to the incidental sale of farm and animal care supplies.

Stores engaged in the retail sale of feed, tack and farm supplies shall be classified as 8117, *Stores – feed, tack and farm supplies*.

The storing and cleaning of grains or beans that are sacked or otherwise packaged shall be classified as 8215(2), *Warehouses – grain or bean*.

The milling of grains shall be classified as 2014(1), *Grain or Rice Milling*.

The sorting and grading of beans or grains for use as seed stock shall be classified as 8102, *Seed Merchants*.

The manufacture of feed shall be classified as 2014(2), *Feed Mfg*.

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Recommendation

Amend Classification 8215(2), *Warehouses – grain or bean*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

WAREHOUSES – grain or bean – including ~~bean~~ cleaning and handling

8215(2)

~~Classification 8215(2) shall not be used for division of payroll in connection with Classification 8232(3), *Fuel and Material Dealers*, unless the operation described by Classification 8215(2) constitutes a separate and distinct enterprise having no connection with the operations covered by Classification 8232(3).~~

This classification ~~contemplates~~ applies to the storage and cleaning of beans sacked or packaged grains that are sacked or beans and includes incidental cleaning, sacking or packaging of the grains or beans. The storage of grain or beans in bulk, where no sacking or handling of sacked products is performed, shall be classified as 8304, *Grain Elevators or Grain Storage Warehouses*. Hand sorting departments physically separated from other operations shall be separately classified as 6504, *Food Products Mfg. or Processing – N.O.C.* This classification applies to

companies that hold title to the grains or beans, as well as those that store the grains or beans on a contract basis.

The storage of grains or beans in bulk, where no sacking, packaging or handling of packaged products is performed, shall be classified as 8304, *Grain Elevators or Storage Warehouses.*

The sale of animal feed products to wholesalers, retailers and agricultural or commercial concerns shall be classified as 8215(1), *Hay, Grain or Feed Dealers.*

The sorting and grading of beans or grains for use as seed stock shall be classified as 8102, *Seed Merchants.*

Grain or bean hand sorting departments that are physically separated from other operations shall be separately classified as 6504, *Food Products Mfg. or Processing.*

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Recommendation

Amend Classification 8232(1), *Lumberyards*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

LUMBERYARDS – commercial – ~~no secondhand materials~~—including counterpersons **8232(1)**

This classification applies to commercial lumberyards engaged in the sale of lumber, plywood, moldings, paneling and incidental building materials. This classification also applies to incidental cutting of lumber to length.

The operation of a retail store for the sale of various products, including, but not limited to, hardware, tools, housewares, paint and electrical appliances, ~~housewares and paint~~ shall be separately classified as 8017(7), *Stores – hardware*, in accordance with the provisions of the Multiple Enterprises rule. For purposes of applying the Multiple Enterprises rule, the receipt of the payment for lumberyard merchandise shall not be considered interchange of labor with the lumberyard, ~~and drivers shall be classified as 8232(1).~~

The sale of building materials, including secondhand building materials, shall be classified as 8232(2), *Building Material Dealers.*

Dealers of solid combustible fuel materials and soil amendments shall be classified as 8232(3), *Fuel and Material Dealers.*

The processing of logs into shingles or rough lumber shall be separately classified as 2710(1), *Sawmills or Shingle Mills.*

Planing of lumber to produce finished lumber, flooring or unassembled millwork shall be separately classified as 2731, *Planing or Moulding Mills.*

The application of preservative treatments to logs or lumber shall be separately classified as 2710(3), *Wood Treating or Preserving.*

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Recommendation

Amend Classification 8232(3), *Fuel and Material Dealers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

FUEL AND MATERIAL DEALERS – N.O.C. – ~~no secondhand building materials or lumber – including~~ counterpersons 8232(3)

This classification applies to dealers of solid combustible fuel materials, including but not limited to coal, charcoal, firewood, bark, sawdust and wood chips. This classification also applies to dealers of soil amendments, including but not limited to compost and green waste materials, including incidental composting.

The manufacturing or blending of bark, sawdust, compost, wood chips and other soil amendments that include manure or other animal by-products shall be classified as 4665, *Rendering or Fertilizer Mfg.*

The wholesale distribution of gasoline, oil, propane or other types of petroleum products shall be classified as 8350, *Gasoline or Oil Dealers.*

The manufacture of wood chips for sale to co-generation plants shall be classified as 2710(2), *Log Chipping.*

Commercial lumberyards shall be classified as 8232(1), *Lumberyards.*

The sale of building materials, including secondhand building materials, shall be classified as 8232(2), *Building Material Dealers.*

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Recommendation

Amend Classification 8267, *Machinery and Equipment Dealers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

MACHINERY AND EQUIPMENT DEALERS – secondhand – including incidental reconditioning or repairing 8267

This classification applies to dealers of secondhand machinery and equipment, including, but not limited to, ~~bull dozers~~, excavators, loaders, graders, ~~conveyors, bull dozers~~, mobile cranes, ~~conveyors~~, machine tools, ~~welding equipment, food processing equipment, mining and ore milling equipment, and farm machinery and equipment~~, and welding, food processing, mining and ore milling equipment.

~~Wrecking or salvaging shall be separately classified.~~ Dealers whose sales of new machinery and equipment, other than farm machinery and equipment, equal or exceed 75% of gross receipts shall be classified as 8107, *Machinery Dealers.*

Dealers whose sales of new farm machinery and equipment equal or exceed 75% of gross receipts shall be classified as 8116, *Farm Machinery Dealers*.

The sale of new and used oil or gas well supplies and equipment shall be classified as 8111(2), *Oil or Gas Well Supplies or Equipment Dealers*.

Installation and repair operations away from the employer's premises shall be separately classified as 3724(1), *Millwright Work*.

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Recommendation

Amend Classification 8278, *Racing Stables – jockeys and harness racing drivers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

RACING STABLES – jockeys or harness racing drivers

8278

This classification applies to jockeys or harness racing drivers hired by racing stables on a per race basis.

The exposure for jockeys or harness racing drivers hired on a per race basis shall be the number of races.

Also refer to companion Classifications 8631, *Racing Stables – all other employees*, and 7207(5), *Racing Stables – harness racing*.

Jockeys not hired on a per race basis shall be classified as 8631, *Racing Stables – all other employees*. Harness racing drivers not hired on a per race basis shall be classified as 7207(5), *Racing Stables – harness racing*.

The operation of race tracks by public agencies shall be classified as 9410/9420, *Municipal, State or Other Public Agency Employees*.

The operation of race tracks by employers that are not public agencies shall be classified as 9016(1), *Amusement or Recreational Facilities – N.O.C – all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores*.

Stables that are not racing stables shall be classified as 7207(1), *Stables*.

Horse shows shall be classified as 7207(3), *Horse Shows – stable employees*, and 9016(3), *Horse Shows or Rodeos – all employees other than stable employees and employees engaged in the operation or maintenance of amusement devices, restaurants or retail stores*.

The operation of riding clubs that provide board and care for members' horses shall be classified as 7207(2), *Clubs – riding*.

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Recommendation

Amend Classification 8291, *Warehouses – cold storage*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

WAREHOUSES – cold storage

8291(1)

This classification applies to the cold storage of items, including but not limited to meat, dairy products and live plants at temperatures below 45° Fahrenheit on a fee basis. This classification also applies to the cold storage and precooling of field packed or prepacked produce by employers that hold title to the stored or precooled produce, or by employers that store or precool produce on a contract basis.

Storage at controlled temperatures at or above 45° Fahrenheit shall be classified as 8291(2), *Warehouses – climate controlled storage*.

This classification does not apply to cold storage or precooling operations in connection with fruit or vegetable packing or handling by the same employer.

The packing and handling of fresh vegetables and tomatoes, including incidental storage or precooling shall be classified as 8209, *Vegetables*.

The packing and handling of fresh deciduous fruit, including incidental storage or precooling, shall be classified as 2107, *Fruit – fresh fruit packing and handling*.

The storage of merchandise without cooling or climate control shall be classified as 8292, *Warehouses – general merchandise*.

The operation of self-storage warehouses and facilities shall be classified as 8290, *Warehouses – self-storage – all other employees*.

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Recommendation

Establish Classification 8291(2), *Warehouses – climate controlled storage*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

WAREHOUSES – climate controlled storage

8291(2)

This classification applies to the storage of items, including but not limited to wine and artwork, at controlled temperatures at or above 45° Fahrenheit to prevent damage or deterioration.

The storage of items below 45° Fahrenheit shall be classified as 8291(1), *Warehouses – cold storage*.

The storage of merchandise without cooling or climate control shall be classified as 8292, *Warehouses – general merchandise*.

The operation of self-storage warehouses and facilities shall be classified as 8290, Warehouses – self-storage – all other employees.

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Amendments to Cross-References for Consistency

Recommendation

Amend Classification 8292, *Warehouses – general merchandise*, for consistency.

PROPOSED

WAREHOUSES – general merchandise – N.O.C.

8292

This classification applies to the storage of general merchandise, including new furniture, for separate concerns on a fee basis when no other classification more specifically describes the operations. This classification also includes the crating of merchandise on a fee basis.

Drivers and their helpers shall be separately classified as 7219(1), *Trucking Firms*.

The storage of household goods and furniture (not new furniture for furniture stores or manufacturers) for separate concerns on a fee basis shall be classified as 8293(1), *Warehouses – furniture*.

Warehouses that provide climate controlled storage maintaining below ambient temperatures to prevent spoilage and preserve the integrity of the stored merchandise shall be classified as 8291(1), *Warehouses – cold storage*, or 8291(2), *Warehouses – climate controlled storage*.

The operation of self-storage warehouses and facilities shall be classified as 8290, *Warehouses – self-storage – all other employees*.

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Recommendation

Amend Classification 0079(1), *Strawberry Crops*, which is part of the *Farms* Industry Group, for consistency.

PROPOSED

FARMS

STRAWBERRY CROPS

0079(1)

This classification applies to all acreage devoted to the cultivation and harvesting, including field packing, of strawberries.

The precooling of field packed strawberries shall be separately classified as 8291(1), *Warehouses – cold storage*.

The cultivation and harvesting, including field packing, of bush berries shall be classified as 0079(2), *Bush Berry Crops*.

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Recommendation

Amend Classification 2108, *Fruit – citrus fruit packing and handling*, which is part of the *Food Packaging and Processing Industry Group*, for consistency.

PROPOSED

FOOD PACKAGING AND PROCESSING

FRUIT – citrus fruit packing and handling – including storage 2108

This classification applies to the washing, hand or machine sorting, sizing, grading, packing, pre-cooling and storage of citrus fruit, including but not limited to oranges, lemons, limes, tangerines, kumquats and grapefruit. This classification also applies to employers that resort, resize, re-grade and repack previously packed citrus fruit.

The processing of “ready-to-eat” fruits and vegetables that are packaged as “ready-to-eat” or “pre-washed” and sold for immediate consumption without need for further peeling, trimming, washing or cooking shall be classified as 2123, *Fruit or Vegetable Processing – fresh – ready-to-eat*.

Precooling or cold storage of produce that is exclusively field packed and/or received prepacked from separate concerns shall be classified as 8291(1), *Warehouses – cold storage*.

The packing and handling of fresh deciduous fruit shall be separately classified as 2107, *Fruit – fresh fruit packing and handling*.

The packing and handling of dried fruit shall be separately classified as 2109, *Fruit – dried fruit packing and handling*.

The packing and handling of fresh vegetables and tomatoes shall be separately classified as 8209, *Vegetables*.

Growing or harvesting, including field packing of crops, shall be assigned to the applicable *Farms Industry Group* classification.

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Recommendation

Amend Classification 2107, *Fruit – fresh fruit packing and handling*, which is part of the *Food Packaging and Processing Industry Group*, for consistency.

PROPOSED

FOOD PACKAGING AND PROCESSING

FRUIT – fresh fruit packing and handling – including storage – N.O.C.

2107

This classification applies to the washing, hand or machine sorting, sizing, grading, packing, pre-cooling and storage of fresh deciduous fruit, including but not limited to apples, plums, peaches, pears, nectarines, melons, grapes, cherries, avocados and berries. This classification also applies to employers that resort, resize, regrade and repack previously handled and packed fresh deciduous fruit.

The processing of “ready-to-eat” fruits and vegetables that are packaged as “ready-to-eat” or “pre-washed” and sold for immediate consumption without need for further peeling, trimming, washing or cooking shall be classified as 2123, *Fruit or Vegetable Processing – fresh – ready-to-eat*.

Precooling or cold storage of produce that is exclusively field packed and/or received prepacked from separate concerns shall be classified as 8291(1), *Warehouses – cold storage*.

The packing and handling of dried fruit shall be separately classified as 2109, *Fruit – dried fruit packing and handling*.

The packing and handling of fresh citrus fruit shall be separately classified as 2108, *Fruit – citrus fruit packing and handling*.

The packing and handling of fresh vegetables and tomatoes shall be separately classified as 8209, *Vegetables*.

Growing or harvesting, including field packing of crops, shall be assigned to the applicable *Farms Industry Group* classification.

* * * * *

Recommendation

Amend Classification 8209, *Vegetables*, which is part of the *Food Packaging and Processing Industry Group*, for consistency.

PROPOSED

FOOD PACKAGING AND PROCESSING

VEGETABLES – fresh vegetable and tomato packing and handling – including storage

8209

This classification applies to the washing, sorting, sizing, grading, packing, pre-cooling and storage of fresh vegetables, including but not limited to lettuce, cabbage, celery, potatoes, broccoli, onions, yams, radishes, asparagus, sweet corn, mushrooms and tomatoes. This classification

also applies to employers that resort, resize, regrade and repack previously packed fresh vegetables and tomatoes.

Precooling or cold storage of produce that is exclusively field packed ~~and~~ or received prepacked from separate concerns shall be classified as 8291(1), *Warehouses – cold storage*.

The packing and handling of fresh citrus fruit shall be separately classified as 2108, *Fruit – citrus fruit packing and handling*.

The packing and handling of fresh deciduous fruit shall be separately classified as 2107, *Fruit – fresh fruit packing and handling*.

The processing of “ready-to-eat” fruits and vegetables that are packaged as “ready-to-eat” or “pre-washed” and sold for immediate consumption without need for further peeling, trimming, washing or cooking shall be classified as 2123, *Fruit or Vegetable Processing – fresh – ready-to-eat*.

The processing and canning of olives shall be classified as 2111(2), *Olive Handling*.

Growing or harvesting, including field packing of crops, shall be assigned to the applicable *Farms Industry Group* classification.

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Recommendation

Amend Classification 2585(1), *Laundries*, for consistency.

PROPOSED

LAUNDRIES – N.O.C. – all employees – including cash and carry departments on the premises **2585(1)**

This classification applies to the washing and pressing of fabric items, including but not limited to clothing, uniforms, draperies, diapers and linens for commercial customers on a fee basis. This classification also applies to specialty processing by stone washing, bleaching or hand sanding and dyeing of clothing items. This classification also applies to the rental and laundering of linens, diapers and clothing.

The rental of fabric items, including but not limited to towels, linens, gowns, scrubs and lab coats shall be classified as 8017(8), ~~*Towel/Linen Rental or Toilet/Restroom Supply Companies Services*~~, provided no laundry operations are performed by the employer.

Locations at which more than 50% of gross receipts are derived from the cleaning or laundering of garments, linens and other household items that are owned by the general public shall be classified as 2589(1), *Dry Cleaning or Laundry*.

Cash and carry facilities, situated away from the dry cleaning or laundry location, that solely engage in the receipt and distribution of items to be cleaned shall be classified as 8017(1), *Stores – retail*.

Self-service laundries that retain attendants to perform “fluff and fold” activities shall be classified as 2589(1), *Dry Cleaning or Laundry*.

Self-service laundries that do not retain attendants to perform “fluff and fold” activities shall be classified 8017(1), *Stores – retail*.

Dyeing of textile fabrics, not finished garments, shall be classified as 2413, *Textiles*.

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Recommendation

Amend Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency.

PROPOSED

Section VIII – Abbreviated Classifications – Numeric Listing

- ☐
- ☐
- ☐
- 8017(8) ~~Towel/Toilet Linen/Restroom Supply Companies~~ Services
- ☐
- ☐
- ☐
- 8116 Farm Machinery Dealers/Repair Facilities
- ☐
- ☐
- ☐
- 8291(1) Warehouses–cold storage
- 8291(2) Warehouses–climate controlled storage
- ☐
- ☐
- ☐

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Recommendation

Amend Classification 8293(1), *Warehouses – furniture*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

WAREHOUSES – furniture – including packing, or handling household goods and transport away from the employer’s premises in connection with storage 8293(1)

This classification applies to the storage of furniture or household goods for other concerns on a fee basis, including packing or handling away from the employer’s premises in connection with storage. This classification includes the moving of furniture or household goods in connection with storage operations.

Self-storage warehouses shall be classified as 8290, *Warehouses – self-storage – all other employees.*

The storage of general merchandise, including portable storage units, for other concerns on a fee basis shall be classified as 8292, *Warehouses – general merchandise*, when no other classification more specifically describes the operations.

The storage of new furniture for furniture manufacturers or stores shall be classified as 8292, *Warehouses – general merchandise.*

The transporting of furniture or household goods for other concerns on a fee basis, including packing and handling, with no fee-based storage operations shall be classified as 8293(2), *Furniture Moving.*

The transporting of furniture under contract for furniture manufacturers or stores shall be separately classified as 7219(1), *Trucking Firms.*

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Recommendation

Amend Classification 8293(2), *Furniture Moving*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

FURNITURE MOVING – including packing or handling household goods 8293(2)

This classification applies to preparing, packing and transporting furniture or household goods for other concerns on a fee basis. This classification also applies to preparing, packing and transporting office furniture for other concerns on a fee basis.

The storage of new furniture for furniture manufacturers or stores shall be classified as 8292, *Warehouses – general merchandise.*

The storage of furniture or household goods for other concerns on a fee basis shall be classified as 8293(1), *Warehouses – furniture.*

The transporting of furniture under contract for furniture manufacturers or stores shall be classified as 7219(1), *Trucking Firms*.

The disassembly and reinstallation of modular furniture, partitions and workstations in connection with moving office furniture shall be separately classified as 5146(1), *Cabinet or Fixtures*.

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Recommendation

Amend Classification 8304, *Grain Elevators or Grain Storage Warehouses*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

GRAIN ELEVATORS OR GRAIN STORAGE WAREHOUSES – ~~including local managers~~ no cleaning, sacking or packaging 8304

This classification applies to the bulk storage of grain, including but not limited to wheat, rice or barley, as well as dried beans, in warehouses, grain elevators or silos. This classification applies to companies that hold title to the grain or beans, as well as those that store grain or beans on a contract basis. This classification also applies to rice drying operations.

The sale of animal feed products, including but not limited to hay, straw, alfalfa, oats, rice, corn or mixed feeds to wholesalers, retailers and agricultural or commercial concerns shall be classified as 8215(1), *Hay, Grain or Feed Dealers*.

The storage ~~or handling~~ of sacked or packaged grains or beans, including cleaning, sacking or packaging operations performed in connection with storage, shall be ~~separately~~ classified as 8215(2), *Warehouses – grain or bean*.

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Recommendation

Amend Classification 8400, *Motorcycle Dealers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

MOTORCYCLE DEALERS OR REPAIR FACILITIES – all operations – including accessory or spare parts sales and Outside Salespersons 8400

This classification applies to dealers engaged in the sale or service of new or used motorcycles. This classification also applies to independent motorcycle repair shops that are not dealers. This classification also applies to the sale or service of new or used all-terrain vehicles, snowmobiles and personal watercraft, including water bikes.

Dealers engaged in the sale of motor vehicles, including but not limited to automobiles, trucks, buses, forklift trucks, golf carts, motor homes and trailers shall be classified as 8391, *Automobile or Truck Dealers – all employees other than vehicle salespersons.*

The sale of new and used boats, including the service and repair of boats when performed by the boat dealer, shall be classified as 8057, *Boat Dealers.*

* * * * *

Recommendation

Amend Classification 8601(1), *Engineers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

**ENGINEERS – consulting – mechanical, civil, electrical and mining engineers and architects – 8601(1)
not engaged in actual construction or operation – including Outside Salespersons and
Clerical Office Employees**

~~This classification shall not be used for division of payroll in connection with any other classification (other than General Exclusions) unless the operations described by Classification 8601(1) constitute a separate and distinct enterprise having no connection with the operations covered by any other applicable classification.~~

This classification applies to engineering and architectural consultants who provide technical advice to construction companies, land development companies, building contractors and similar concerns on a fee basis. This classification includes also applies to land surveying prior to and during construction for separate concerns on a fee basis.

Engineering, when performed in support of an employer’s own manufacturing, processing or construction operations, is assigned to the applicable manufacturing, processing or construction classification or to the applicable Standard Exception classification, subject to the Standard Exceptions rule. See Section III, *General Classification Procedures, Rule 4, Standard Exceptions.*

This classification also applies to fee-based construction management firms/companies that do not engage in or perform supervision over construction operations, but serve as an intermediary between the general contractor and project owner, or otherwise provide expertise regarding a construction project.

Forest engineers shall be classified as 8601(4), *Forest Engineers.*

Oil or gas geologists or scouts shall be classified as 8601(2), *Oil or Gas Geologists or Scouts.*

Fee based testing operations, including but not limited to the testing of air, water, soil, metal, concrete and other building materials not resulting in recommendations, remediation options or design advice shall be classified as 4511, *Analytical or Testing Laboratories.*

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Recommendation

Amend Classification 8631, *Racing Stables – all other employees*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

RACING STABLES – all other employees – N.O.C.

8631

This classification applies to the operation of stables at race tracks or certified training facilities for horse racing not more specifically described by another classification. This classification includes but is not limited to feeding, grooming, exercising, training and the general care of horses. This classification also applies to jockeys not hired on a per race basis.

The exposure for this classification shall be the number of stalls occupied each day at race tracks and certified training facilities during the policy period.

This classification does not apply to jockeys or harness racing drivers hired on a per race basis. Refer to companion Classification 8278, *Racing Stables – jockeys or harness racing drivers*.

Harness racing stables shall be classified as 7207(5), *Racing Stables – harness racing*.

The operation of race tracks by public agencies shall be classified as 9410/9420, *Municipal, State or Other Public Agency Employees*.

The operation of ~~race tracks operations~~ by employers that are not public agencies shall be classified as 9016(1), *Amusement or Recreational Facilities – N.O.C. – all employees other than those engaged in the operation or maintenance of merry-go-rounds, swings, roller coasters or other amusement devices and ticket collectors connected therewith, restaurants or retail stores*.

~~This classification does not apply to jockeys or harness racing drivers hired on a per race basis. Refer to companion Classification 8278, *Racing Stables – jockeys or harness racing drivers*. The raising of horses shall be classified as 0038(1), *Stock Farms*.~~

Stables that are not racing stables shall be classified as 7207(1), *Stables*.

Stable operations in connection with horse shows shall be classified as 7207(3), *Horse Shows – stable employees*.

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Recommendation

Amend Classification 8729, *Elevator Service Inspections, Oiling and Adjusting*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

ELEVATOR SERVICE INSPECTIONS, OILING AND ADJUSTING – no repair

8729

This classification applies to elevator inspection, service or maintenance, including but not limited to oiling or adjusting.

The inspection of elevators for certification by the state with no repair or maintenance shall be classified as 8720(2), *Elevator Inspecting*.

Elevator repair operations shall be separately classified as 5160, *Elevator Erection or Repair*.

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Recommendation

Amend Classification 8743, *Mortgage Brokers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

MORTGAGE BROKERS – no direct lending – all employees – including Clerical Office Employees and Outside Salespersons 8743

~~This classification applies to firms that specialize in residential and commercial mortgage brokerage or mortgage banking operations that do not engage in the direct lending of mortgage funds.~~
commissioned loan brokers engaged in matching qualified mortgage applicants with lenders.

~~This classification does not apply to firms.~~
Companies that specialize in the direct lending of funds for residential or commercial mortgages shall be classified as contemplated under Classification 8749, *Mortgage Bankers – all employees – including Clerical Office Employees and Outside Salespersons*.

Real estate agencies that represent buyers, sellers, lessees and lessors in real estate transactions shall be classified as 8741, *Real Estate Agencies*.

The operation of depository financial institutions that are licensed as banks to perform financial services, including but not limited to accepting deposits, paying interest, clearing checks, making loans and exchanging currency shall be classified as 8808, *Banks*.

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Recommendation

Amend Classification 8749, *Mortgage Bankers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

MORTGAGE BANKERS – all employees – including Clerical Office Employees and Outside Salespersons 8749

~~This classification applies to firms.~~
companies that specialize in the direct lending of funds for residential and/or commercial mortgages. This classification includes loaning money held on deposit and funding loans through a line of credit.

~~This classification does not apply to firms that specialize in residential or commercial mortgage brokerage or mortgage banking operations that do not engage in the direct lending of mortgage funds. Such operations are contemplated under Classification Commissioned loan brokers engaged exclusively in matching qualified mortgage applicants with lenders with no direct lending of funds shall be classified as 8743, Mortgage Brokers—all employees—including Clerical Office Employees and Outside Salespersons.~~

Real estate agencies that represent buyers, sellers, lessees and lessors in real estate transactions shall be classified as 8741, Real Estate Agencies.

The operation of depository financial institutions that are licensed as banks to perform financial services, including but not limited to accepting deposits, paying interest, clearing checks, making loans and exchanging currency shall be classified as 8808, Banks.

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Recommendation

Amend Classification 8755, *Labor Unions*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

LABOR UNIONS – employees engaged outside of office – including Outside Salespersons 8755

This classification applies to labor union employees who represent various groups of workers and are engaged in activities away from the office, including but not limited to handling grievances, performing job evaluations, collecting delinquent payments, checking work conditions, performing contract, wage and benefit negotiations and union organizing. This classification also applies to staff attorneys who work outside of the office at least part of the time. This classification also applies to employee associations and guilds that engage in collective bargaining.

Employees engaged in clerical office duties exclusively within the office shall be classified as 8810, Clerical Office Employees.

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Recommendation

Amend Classification 8801, *Credit Unions*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

CREDIT UNIONS – all employees – including Clerical Office Employees and Outside Salespersons 8801

This classification applies to not-for-profit, member-owned depository financial institutions that are chartered as federally or state chartered credit unions (not-for-profit, member-owned organi-

~~zations). Classification 8801 contemplates the provision of providing financial services, such as including but not limited to share draft accounts, individual retirement accounts, savings accounts, travelers' checks, and consumer loans and commercial loans.~~

Commissioned loan brokers engaged exclusively in matching qualified mortgage applicants with lenders with no direct lending of funds shall be classified as 8743, *Mortgage Brokers*.

Companies that specialize in direct lending of funds for residential and commercial mortgages shall be classified as 8749, *Mortgage Bankers*.

Real estate agencies that represent buyers, sellers, lessees and lessors in real estate transactions shall be classified as 8741, *Real Estate Agencies*.

The operation of depository financial institutions that are licensed as banks to perform financial services, including but not limited to accepting deposits, paying interest, clearing checks, making loans and exchanging currency shall be classified as 8808, *Banks*.

The operation of properties away from the credit union premises, including but not limited to trusts, repossessed properties and other business properties away from the credit union premises shall be separately classified.

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Recommendation

Amend Classification 8803, *Auditors, Accountants, Factory Cost or Office Systematizers*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

AUDITORING, ACCOUNTANTSING, FACTORY COST OR OFFICE SYSTEMATIZERS AND MANAGEMENT CONSULTING SERVICES – all employees – including Clerical Office Employees 8803

This classification ~~shall not be used for division of payroll in connection with any other classification (other than the Standard Exception Classification 8742(1), *Salespersons – Outside, or General Exclusions*) unless the operations described by Classification 8803 constitute a separate and distinct enterprise having no connection with the operations covered by any other applicable classification.~~ applies to the provision of accounting and auditing services to other concerns on a fee basis, including but not limited to traveling to customers' locations, reviewing records, inventorying assets, preparing tax documents, providing accounting advice and ensuring regulatory compliance of financial records. This classification also applies to consulting firms that provide managerial advice to other concerns on a fee basis.

Consulting firms providing services limited to computer programming or software development to other concerns on a fee basis shall be classified as 8859(1), *Computer Programming or Software Development*.

Law firms that provide legal services on a fee basis shall be classified as 8820, *Law Firms*.

This classification does not apply to accounting, auditing or management consulting operations performed by the same employer in connection with its other, separately classified operations.

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Recommendation

Amend Classification 8806, *Sheltered Workshops or Work Activity Centers*, which is part of the *Health and Human Services* Industry Group, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

HEALTH AND HUMAN SERVICES

SHELTERED WORKSHOPS OR WORK ACTIVITY CENTERS – all employees – including supervisors, educational instructors, counselors, production managers and vocational evaluators 8806

This classification shall apply to each location of those sheltered workshops or rehabilitation facilities certified as exempt from the minimum wage law by the United States Department of Labor, Employment Standards Administration, Wage and Hour Division, and/or the California State Department of Industrial Relations, Division of Labor Standards Enforcement. Sheltered workshops and work activity centers are facilities that employ clients with developmental or other disabilities. In addition to performing work related tasks, clients may also attend independent living skills classes and participate in recreational activities.

Supported employment programs that are not exempt from the minimum wage law by the United States Department of Labor, Employment Standards Administration, Wage and Hour Division, and/or the California State Department of Industrial Relations, Division of Labor Standards Enforcement shall be separately classified.

Retail store operations shall be separately classified using the applicable Stores Industry Group classification.

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Amendments to Cross-References for Consistency

Recommendation

Amend Classification 3828, *Automobile or Truck Parts Rebuilding*, which is part of the *Automotive* Industry Group, for consistency.

PROPOSED

AUTOMOTIVE INDUSTRY

AUTOMOBILE OR TRUCK PARTS REBUILDING – including incidental machining 3828

This classification applies to employers engaged in the machining and rebuilding of automobile, truck or motorcycle parts. The operations include but are not limited to engine rebuilding, cylinder re boring, valve grinding, turning down brake drums or rotors, rebabbiting, carburetor and alternator rebuilding, and fuel and water pump rebuilding. This classification does not apply to employers that remove or install parts or otherwise perform repair work directly upon automobiles, trucks or motorcycles on a fee basis. Automobile or truck service or repair facilities shall

be assigned to the applicable *Automotive Industry* Group classification.

This classification does not apply to automobile or truck parts machining and rebuilding operations that are performed in connection with the service or repair of automobiles or trucks by the employer; such operations shall be assigned to the applicable *Automotive Industry* Group classification.

Motorcycle service or repair facilities shall be classified as 8400, *Motorcycle Dealers or Repair Facilities*.

Payroll of a parts department, when more than 50% of the parts are sold commercially and are not machined or rebuilt by the employer nor used in the employer's machining or rebuilding operations, shall be classified as 8046, *Stores – automobile or truck parts or accessories*.

The manufacture of automobile parts shall be classified as 3840, *Automobile, Truck or Motorcycle Parts Mfg.*

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Recommendation

Amend Classification 3840, *Automobile, Truck or Motorcycle Parts Mfg.*, which is part of the *Automotive Industry* Group, for consistency.

PROPOSED

AUTOMOTIVE INDUSTRY

AUTOMOBILE, TRUCK OR MOTORCYCLE PARTS MFG. – N.O.C.

3840

This classification applies to employers engaged in the manufacture of new parts, including but not limited to wheels, mufflers, radiators, brakes, pistons, gears, bearings, push rods, manifolds, clutches and axles for use in motor vehicles, including but not limited to automobiles, trucks, buses, forklift trucks, golf carts and ~~jet skis~~ personal watercrafts.

Employers engaged in the machining or rebuilding of used automobile, truck or motorcycle parts shall be classified as 3828, *Automobile or Truck Parts Rebuilding*, provided the employer does not remove or install parts or otherwise perform repair work directly upon automobiles, trucks or motorcycles on a fee basis. Automobile or truck service or repair facilities at which the employer removes or installs engines or otherwise performs service or repair work directly upon automobiles or trucks on a fee basis shall be assigned to the applicable *Automotive Industry* Group classification. Motorcycle repair facilities shall be classified as 8400, *Motorcycle Dealers and Repair Facilities*.

Employers engaged in the manufacture of automobile or truck engines shall be classified as 3805(2), *Automobile or Truck Engine Mfg.*

Employers engaged in the manufacture of individual plastic automobile or truck body components shall be assigned to the applicable *Plastics Products Manufacturing* Industry Group classification.

Employers engaged in the manufacture or assembling of complete automobiles or motorcycles shall be classified as 3808, *Automobile or Motorcycle Mfg. or Assembling*.

Refer to the *Automotive Industry* Group for a complete list of classifications applicable to automobile or truck service or repair facilities.

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Recommendation

Amend Classification 7207(5), *Racing Stables – harness racing*, for clarity and consistency.

PROPOSED

RACING STABLES – harness racing – all other employees

7207(5)

This classification applies to the operation of stables at race tracks or certified training facilities for harness racing. This classification includes but is not limited to feeding, grooming, exercising, training and the general care of horses. This classification also applies to harness racing drivers not hired on a per race basis.

Stables operated for other types of horse racing, including but not limited to thoroughbred and quarter horse racing shall be classified as 8631, *Racing Stables – all other employees*.

Race track operations shall be classified as 9016(1), *Amusement or Recreational Facilities – N.O.C. – all employees other than those engaged in the operation or maintenance of merry-go-rounds, swings, roller coasters or other amusement devices and ticket collectors connected therewith, restaurants and retail stores.*

This classification does not apply to jockeys or harness racing drivers hired on a per race basis. Refer to companion Classification 8278, *Racing Stables – jockeys or harness racing drivers*.

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Recommendation

Amend Classification 2014(1), *Grain or Rice Milling*, which is part of the *Food Packaging and Processing* Industry Group, for consistency.

PROPOSED

FOOD PACKAGING AND PROCESSING

GRAIN OR RICE MILLING

2014(1)

This classification applies to the milling and incidental packaging of grain, including but not limited to wheat, corn, rye, oats, barley, millet, alfalfa and rice.

The mixing and blending of flour, grain, sugar and other ingredients to produce products, including but not limited to pancake mixes, muffin mixes, pizza and pasta flours, pastry and cake flours, and breakfast cereals, shall be classified as 6504, *Food Products Mfg. or Processing*.

The manufacture of feed for livestock and poultry shall be classified as 2014(2), *Feed Mfg.*

The bulk storage of grain without milling shall be classified as 8304, *Grain Elevators or Grain Storage Warehouses*.

The storage of sacked grain without milling shall be classified as 8215(2), *Warehouses – grain or bean*.

Growing or harvesting shall be assigned to the applicable *Farms* Industry Group classification.

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Recommendation

Amend Classification 3808, *Automobile or Motorcycle Mfg. or Assembling*, which is part of the *Automotive Industry* Group, for consistency.

PROPOSED

AUTOMOTIVE INDUSTRY

AUTOMOBILE OR MOTORCYCLE MFG. OR ASSEMBLING

3808

This classification applies to employers engaged in the manufacture or assembly of complete motor vehicles, including but not limited to automobiles, motorcycles, golf carts, all-terrain vehicles, snowmobiles and scooters.

Employers engaged in the manufacture of automobile bodies (not complete automobiles or motorcycles) shall be classified as 2797(2), *Automobile Body Mfg.*

Employers engaged in the manufacture of recreational vehicles shall be classified as 2797(3), *Recreational Vehicle Mfg.*

Classification 3808 does not apply to the operation of automobile service or repair facilities. Such facilities shall be assigned to the applicable *Automotive Industry* Group classification.

Motorcycle dealers and motorcycle service or repair facilities shall be classified as 8400, *Motorcycle Dealers or Repair Facilities*.

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Recommendation

Amend Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency.

PROPOSED

Section I – Abbreviated Classifications – Numeric Listing

8400	Motorcycle Dealers/ <u>Repair Facilities</u>
8803	<u>Auditing/Accounting/Management Consulting</u>

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Recommendation

Amend Classification 8822, *Insurance Companies*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

INSURANCE COMPANIES – all employees – including Clerical Office Employees and Outside Salespersons 8822

This classification applies to employers licensed by the California Department of Insurance as insurance companies to underwrite a variety of commercial and personal coverages, including but not limited to health, disability, automobile, property, title, liability, workers' compensation, life and annuity insurance, and surety bonds.

Fee based inspections for insurance, safety or valuation purposes shall be classified as 8720(1), *Inspection for Insurance, Safety or Valuation Purposes.*

The operations performed by insurance administrators, brokers, agents or adjustors who are not employed by a licensed insurance company shall be assigned to the employer's standard classification or to the applicable Standard Exception classification.

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Recommendation

Amend Classification 9095, *Event Market, Festival or Trade Show Operation*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

EVENT MARKET, FESTIVAL OR TRADE SHOW OPERATION – all employees – N.O.C. 9095

This classification applies to ~~firm~~ employers that organize and operate events and/or rent spaces to vendors that sell products or provide information to customers. Such events include but are not limited to farmers' markets, flea markets, street fairs, swap meets, art or antique festivals and trade shows (public or private). This classification also applies to the operation of events, including but not limited to fun runs, foot races, cycling events, marathons, triathlons and athletic charity events.

Employers that promote or market events but do not operate events shall be separately classified.

Traveling carnivals or circuses shall be classified as 9185, *Carnivals or Circuses.*

The rental, delivery and set up of temporary chain link fences and road traffic safety barricades when performed by separate concerns shall be classified as 8028, *Equipment or Machinery Rental Yards.*

The rental, service and repair of portable toilets when performed by separate concerns shall be classified as 9426, *Septic and Portable Toilet Services.*

Vendors, restaurants and performers, entertainers, retail stores and the preparation and sale of food shall be separately classified.

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Recommendation

Amend Classification 9097, *Swimming Pool Cleaning and Servicing*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

SWIMMING POOL CLEANING AND SERVICING – by specialty contractors

9097

This classification applies to swimming pool or spa cleaning, service and maintenance operations provided on a contract basis, including but not limited to removing debris, cleaning surfaces and testing pool or spa water to assess and adjust pH and chlorine levels. This classification also applies to the service and repair of pool and spa equipment at outside locations, provided such operations are performed in connection with the employer’s own pool or spa cleaning operations at the same job or location. This classification also applies to water treatment services when no other pool or spa cleaning or maintenance operations are performed.

This classification also applies to the cleaning, service and maintenance of ponds and aquariums.

The manufacture or shop repair of swimming pool and spa equipment shall be classified as 3501(2), *Machinery Mfg. – swimming pool and spa*, provided such operations are not performed in connection with the employer’s own pool or spa cleaning operations at the same job or location.

The outside installation or repair of pool and spa equipment on a fee basis shall be classified as 3724(1), *Millwright Work*, provided such operations are not performed in connection with the employer’s own pool or spa cleaning operations at the same job or location.

The installation and repair of solar water heating systems and swimming pool plumbing shall be classified as 5183(1)/5187(1), *Plumbing*.

Swimming pool plastering shall be classified as 5201(1)/5205(1), *Concrete or Cement Work*.

The installation of tile, stone, mosaic or terrazzo onto swimming pool surfaces shall be classified as 5348, *Tile, Stone, Mosaic or Terrazzo Work*.

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Recommendation

Amend Classification 9156, *Theaters – dance, opera and theater companies*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

THEATERS – dance, opera and theater companies – all performers and directors of performers – N.O.C. 9156

The actual remuneration of performers and directors of performers must be included, subject, however, to a maximum of \$122,200 per year per person. When such employees do not work the entire year, the payroll limitation shall be prorated based upon the number of weeks in which such employees worked during the policy period.

This classification applies to ~~these firms engaged in~~ the production of dance, opera, dramatic, ~~musical~~, comedic or other theatrical presentations before a live audience. This classification includes all stage performers, directors and musicians in connection therewith.

Musical entertainers who are not employees of dance, opera or theater companies, but who provide entertainment for a live audience, including but not limited to orchestras, touring bands, casual or steady engagement music groups and event disc jockeys, shall be classified as 9151, *Theaters – musical entertainment*.

The operation of motion picture theaters shall be classified as 9155, *Theaters – motion picture*.

Also refer to companion Classification 9154, *Theaters – not motion picture – all employees other than performers and directors of performers*.

If an employee who performs duties described by Classification 9156 also performs duties described by Classification 9154, the payroll of that employee may be divided between Classifications ~~9156~~9154 and ~~9154~~9156, provided the employer maintains accurate records supported by time cards or time book entries that show such division. Refer to Part 3, Section V, Rule 3.

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Recommendation

Amend Classification 9180(2), *Clubs – shooting*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

SHOOTING CLUBS AND RANGES – shooting – including front desk employees 9180(2)

This classification applies to ~~shooting clubs and outdoor gun ranges that operate~~ the operation of facilities for game hunting or sport shooting. This classification also applies to indoor or outdoor shooting ranges. This classification includes ~~incidental gun range operations,~~ gun rental and ammunition sales in connection with gun club or range operations.

The preparation or serving of hot foods shall be separately classified as 9079(1), *Restaurants or Taverns*.

~~The operation of indoor shooting ranges shall be classified as 9180(3), *Shooting Galleries*.~~

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Recommendation

Eliminate Classification 9180(3), *Shooting Galleries*, as the operations described by this classification are assignable to Classification 9180(2), *Clubs – shooting*.

PROPOSED

SHOOTING GALLERIES

9180(3)

~~The preparation or serving of hot foods shall be separately classified as 9079(1), *Restaurants or Taverns*.~~

* * * * *

Recommendation

Amend Classification 9184, *Ski Resorts*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

SKI RESORTS – Alpine – all operations – including the operation of Nordic ski trails at Alpine ski resort locations

9184

This classification applies to all operations of Alpine (downhill) ski resorts, including but not limited to trail maintenance, snow grooming, snow making, ticket sales, general building maintenance, parking lot attendants, security staff, ski school operations and the operation of gondolas, rope tows, chair and T-bar lifts. This classification also applies to the operation and maintenance of Nordic (cross-country) ski trails at Alpine ski resort locations.

~~Restaurants, stores and hotels shall be separately classified. Ski resorts that exclusively provide Nordic (cross-country) skiing shall be classified as 9180(1), *Amusement or Recreational Facilities – N.O.C. – operation and maintenance of amusement devices*, and 9016(1), *Amusement or Recreational Facilities – N.O.C. – all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores*.~~

Ski equipment rental shops engaged in the rental or sale of skis, boots, poles, gloves, goggles and related accessories shall be separately classified as 8017(1), *Stores – retail* ~~– N.O.C.~~

Restaurants, stores and hotels shall be separately classified.

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Recommendation

Amend Classification 9185, *Carnivals or Circuses*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

CARNIVALS OR CIRCUSES – all employees – including Clerical Office Employees and Outside Salespersons **9185**

This classification applies to all operations of traveling carnivals that provide entertainment and amusement rides, including but not limited to transporting, setting up and taking down amusement sites and equipment, assisting patrons on and off rides, operating game booths and arcades, providing entertainment, selling and taking tickets, providing security, selling food and souvenirs, cleaning and maintaining equipment and premises, and operating and controlling amusement rides. This classification also applies to all operations of circuses, including performers, entertainers and the care, feeding and training of circus animals.

Rental and operation of game booths at locations where no mechanical amusement rides are operated shall be classified as 8017(1), *Stores – retail*.

Amusement parks at fixed locations shall be classified as 9180(1), *Amusement or Recreational Facilities – N.O.C. – operation and maintenance of amusement devices*, and 9016(1), *Amusement or Recreational Facilities – N.O.C. – all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores*.

The operation of events, including but not limited to farmers’ markets, flea markets, street fairs, swap meets, art or antique festivals, trade shows (public or private), fun runs, foot races, cycling events, marathons, triathlons and athletic charity events, shall be classified as 9095, *Event Market, Festival or Trade Show Operation*.

* * * * *

Recommendation

Amend Classification 9403(2), *Street Sweeping Service Companies*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

STREET SWEEPING SERVICE COMPANIES **9403(2)**

This classification applies to cleaning public streets and highways by mechanical or manual sweeping or snow removal.

Off-street sweeping, including but not limited to sweeping parking lots and private driveways shall be classified as 9008, *Janitorial Services*.

Off-street snow removal using hand or portable power tools or equipment shall be classified as 9008, *Janitorial Services*.

Off-street snow removal using vehicles or construction equipment, including but not limited to

plows, excavators or loaders shall be classified as 6218(1)/6220(1), *Excavation – N.O.C.*

The contract hauling and disposal of waste, transport of roll-off steel trash containers, collection of household and commercial waste and curbside collection of recyclables for transport to transfer stations, material recovery facilities or disposal sites, shall be classified as 9403(1), *Garbage or Refuse Collecting.*

* * * * *

Recommendation

Amend Classification 9519(1), *Household Appliances*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

HOUSEHOLD APPLIANCES – ~~electrical~~—installation, service or repair – shop or outside 9519(1)

This classification applies to the installation, service or repair of household appliances, including but not limited to refrigerators, freezers, washers, dryers, dishwashers, ovens, ranges, broilers, barbeques, grills, fryers, dehumidifiers, trash compactors, garbage disposals, patio heaters, vacuum cleaners, sewing machines and portable air conditioning units for separate concerns on a fee basis. This classification also applies to the installation, service or repair of exercise equipment for household use.

~~This classification includes shop or outside employees and incidental parts department employees~~also applies to the installation, service or repair of beer coils and soft drink dispensing machines, the repair of motorized wheelchairs and mobility scooters, and the installation, service or repair of countertop appliances used in commercial kitchens.

The installation, service or repair of exercise equipment in health clubs, fitness studios and other commercial or public exercise facilities shall be classified as 3724(1), *Millwright Work.*

The installation, service or repair of appliances in commercial kitchens other than countertop appliances shall be classified as 3724(1), *Millwright Work.*

This classification also applies to the installation, service or repair of automatic door openers. The installation of doors other than overhead doors shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation.* The installation of overhead doors shall be classified as 5108, *Door Installation – overhead doors.*

The installation, service or repair of commercial refrigeration systems and equipment, including but not limited to commercial ice makers, refrigerators and walk-in refrigerators, shall be classified as 5183(2)/5187(2), *Refrigeration Equipment.*

The installation, service and repair of water heaters shall be classified as 5183(1)/5187(1), *Plumbing.*

The installation and placement of house furnishings for other concerns on a fee basis shall be classified as 9521(1), *House Furnishings.*

The installation, service or repair of household water softening, filtration and conditioning systems shall be classified as 9519(4), *Water Softening, Conditioning or Filtration Systems.*

Electrical wiring shall be separately classified.

Repair departments at stores shall be classified in accordance with Part 3, Section IV, *Special Industry Classification Procedures, Rule 6, Stores.*

* * * * *

Recommendation

Amend Classification 9519(4), *Water Softening or Conditioning Systems*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

WATER SOFTENING, ~~OR~~ CONDITIONING OR FILTRATION SYSTEMS – household – installation, service or repair – shop and outside 9519(4)

This classification applies to the installation, service or repair of household water softening, filtration and conditioning systems and the recharging of used water conditioning canisters at shop and outside locations. This classification also applies to the installation of reverse osmosis water purification systems using membrane filters when installed on household systems.

This classification does not apply to the installation, service or repair of equipment for the treatment of sewage or wastewater.

The installation, service and repair of water heaters shall be classified as 5183(1)/5187(1), *Plumbing.*

The installation of swimming pool filters and industrial water treatment systems shall be classified as 3724(1), *Millwright Work.*

* * * * *

Recommendation

Amend Classification 9521(2), *Floor Covering*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

FLOOR COVERING – installation 9521(2)

This classification ~~contemplates~~ applies to the installation of linoleum, vinyl, cork, asphalt or rubber tile, and laminate (not hardwood) flooring within buildings, as well as the laying of carpets or rugs, including baseboard molding installation in connection therewith.

The installation of unfinished or prefinished hardwood floors, including finishing and baseboard molding installation in connection therewith, shall be classified as 5436, *Hardwood Floor Laying.*

The installation of tile, including but not limited to ceramic, stone, porcelain and glass tile shall be separately classified as 5348, *Tile, Stone, Mosaic or Terrazzo Work.*

Stores engaged in the wholesale or retail sale of floor coverings, including but not limited to carpet and rugs; vinyl, linoleum, asphalt and rubber sheets, planks and tile; prefinished hardwood and bamboo strips and planks; and laminate and cork planks and tiles shall be separately classified as 8042, *Stores – floor covering.*

Residential carpet cleaning performed as a specialty operation and not incidental to general cleaning shall be classified as 2584, *Carpet, Rug or Upholstery Cleaning.*

Residential carpet cleaning incidental to general cleaning services shall be classified as 9096, *Residential Cleaning Services.*

Commercial carpet cleaning incidental to general cleaning services shall be classified as 9008, *Janitorial Services.*

* * * * *

Amendments to Cross-References for Consistency

Recommendation

Amend Classification 9061, *Clubs – N.O.C.*, for consistency.

PROPOSED

CLUBS – N.O.C. – all employees – including front desk employees and restaurant or tavern employees **9061**

This classification applies to the operation of membership clubs that are not specifically described by another classification, including but not limited to business clubs, fraternal orders, yacht clubs, faculty clubs, professional clubs and employer-sponsored clubs. This classification also applies to the operation of retreat facilities that provide meeting space, food and lodging to participants.

Non-profit community health and wellness clubs shall be classified as 9067(1), *Clubs – community health and wellness.*

Boys and girls clubs shall be classified as 9067(2), *Clubs – boys and girls.*

Country clubs and golf clubs shall be classified as 9060, *Clubs – country or golf.*

Casinos and gaming clubs shall be classified as 9069, *Clubs – gaming.*

Equestrian clubs shall be classified as 7207(2), *Clubs – riding.*

Shooting clubs shall be classified as 9180(2), *Shooting Clubs – shooting and Ranges.*

Swimming clubs shall be classified as 9053(4), *Clubs – swimming.*

Tennis and racquetball clubs shall be classified as 9053(5), *Clubs – tennis or racquetball.*

* * * * *

Recommendation

Amend Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency.

PROPOSED

Section VIII – Abbreviated Classifications – Numeric Listing

- ☐
- ☐
- ☐
- 9180(2) Shooting Clubs~~–shooting/Ranges~~
- 9180(3) ~~Shooting Galleries~~
- ☐
- ☐
- ☐
- 9519(4) Water Softening/Conditioning/Filtration Systems
- ☐
- ☐
- ☐

* * * * * * *

Recommendation

Amend Classification 9521(3), *Window Covering*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

WINDOW COVERING – installation – within buildings

9521(3)

This classification applies to the installation of window coverings, including but not limited to blinds, shades and draperies within buildings.

The installation of wooden or plastic shutters and window screens shall be classified as 5146(1), *Cabinet or Fixtures*.

The manufacture of window blinds, shades and wooden shutters shall be classified as 2852, *Window Blind Mfg. or Assembly*.

The manufacture of fabric curtains and draperies shall be classified as 2501(1), *Clothing Mfg.*

The installation of doors, door frames or pre-glazed windows shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation*, provided no framing is performed by the employer at the same job or location.

The installation of window security bars and security shutters shall be classified as 5102(1), *Iron, Steel, Brass, Bronze or Aluminum Erection*.

The sale of window coverings shall be separately classified using the applicable *Stores Industry Group* classification.

* * * * *

Recommendation

Amend Classification 9522(4), *Coffin or Casket Upholstery Work*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

COFFIN OR CASKET UPHOLSTERYING WORK – coffin or casket

9522(4)

~~This classification does not include casket manufacturing or assembly. Such operations shall be assigned to the appropriate manufacturing or assembly classification.~~ Such operations shall be assigned to the appropriate manufacturing or assembly classification applies to the upholstery of coffins or caskets.

The manufacture or assembly of wood coffins or caskets shall be separately classified as 2881(2), *Coffin or Casket Mfg. or Assembling – wood*.

The manufacture or assembly of metal coffins or caskets shall be separately classified as 3076(1), *Furniture Mfg. – metal*.

* * * * *

Recommendation

Amend Classification 9522(5), *Wheelchair Upholstering*, to clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

WHEELCHAIR-UPHOLSTERING – wheelchair

9522(5)

This classification applies to the upholstering of wheelchair and mobility scooter seats and backs.

~~This classification does not include wheelchair manufacturing or assembly. Such operations~~The manufacture or assembly of wheelchairs shall be classified as 3076(6), *Wheelchair Mfg.*

The repair of motorized wheelchairs and mobility scooters shall be classified as 9519(1), *Household Appliances.*

* * * * *

Amendments to Cross-References for Consistency

Recommendation

Amend Classification 2881(2), *Coffin or Casket Mfg. or Assembling*, for consistency.

PROPOSED

COFFIN OR CASKET MFG. OR ASSEMBLING – wood

2881(2)

This classification applies to the manufacture of wood coffins or caskets.

Upholstery operations shall be separately classified as 9522(4), ~~*Coffin or Casket Upholstering Work – coffin or casket.*~~

The manufacture of metal caskets shall be classified as 3076(1), *Furniture Mfg. – metal.*

* * * * *

Recommendation

Amend Classification 3076(6), *Wheelchair Mfg.*, for consistency.

PROPOSED

WHEELCHAIR MFG. – metal

3076(6)

This classification applies to the manufacture of metal wheelchairs, including motorized wheelchairs and mobility scooters.

Upholstery operations shall be separately classified as 9522(5), ~~*Wheelchair Upholstering – wheelchair*~~.

The manufacture of metal furniture shall be classified as 3076(1), *Furniture Mfg. – metal*.

The repair of motorized wheelchairs and mobility scooters shall be classified as 9519(1), *Household Appliances*.

* * * * *

Recommendation

Amend Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency.

PROPOSED

Section VIII – Abbreviated Classifications – Numeric Listing

- ☐
- ☐
- ☐
- 9522(4) ~~*Coffin/Casket Upholstering Work – coffin/casket*~~
- 9522(5) ~~*Wheelchair Upholstering – wheelchair*~~

- ☐
- ☐
- ☐

* * * * *

Draft Study on Standard Exception Classifications

- 8810(1), *Clerical Office Employees – N.O.C.*
 - 8810(2), *Draftspersons*
 - 8810(3), *Libraries – private – librarians or professional assistants – including Clerical Office Employees*
 - 8810(4), *Libraries – public – librarians or professional assistants – including Clerical Office Employees*
 - 8742(1), *Salespersons – Outside*
 - 8742(2), *Bookbinding Operation – Salespersons – Outside*
 - 8742(3), *Boy and Girl Scout Councils –district executives – office and travel*
 - 8742(4), *Newspaper Publishing or Printing – reporters, advertising or circulation solicitors*
 - 8742(5), *Printing Operation – Salespersons – Outside*
- Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*.

Executive Summary

Objective

The objective of this study, which is part of the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* (USRP) classification enhancement project, is to review the Standard Exception classifications and their associated classification procedures found in Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*, to clarify their application, determine how to simplify their administration and provide direction as to how related operations should be classified. The WCIRB receives ongoing feedback from its members expressing difficulties in administering the Standard Exception classifications. In addition, a significant portion of errors detected through the WCIRB California Premium Audit Accuracy Program are Standard Exception classification errors. Furthermore, the USRP does not explicitly state whether or not the alternate wordings to Classifications 8810 and 8742 (those classifications other than 8810(1) and 8742(1)) are subject to Rule 4, *Standard Exceptions*.

Findings

Based on its review, the WCIRB has determined that:

1. The instructions and restrictions provided in Rule 4 do not address longstanding practices regarding the classification of (a) employees who qualify as Standard Exception Employees based on a permanent change in job duties, (b) employees who otherwise qualify as Standard Exception Employees but perform incidental non-clerical duties that directly relate to their office duties and (c) outside sales employees when the phraseologies for the classifications applicable to an employer do and do not specifically include outside salespersons.
2. The alternate phraseologies to Classifications 8810(1) and 8742(1) cause confusion in the administration of the *Standard Exceptions* rule.
3. The USRP does not specify whether these alternate phraseologies are subject to the *Standard Exceptions* rule.
4. The alternate phraseologies to Classifications 8810(1) and 8742(1) are utilized infrequently by internal and external users.

Recommendations

In view of the above findings, the WCIRB recommends the following:

1. Amend Part 3, Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*, to (a) clarify its intended application, (b) include an example explaining the classification of outside sales employees when the phraseologies for the classifications applicable to an employer do and

do not specifically include outside salespersons, and (c) provide direction for how related operations should be classified, for classifying employees who qualify as Standard Exceptions based on a permanent change in job duties, and for classifying employees who otherwise qualify as Standard Exceptions but perform incidental non-clerical duties that directly relate to their office duties.

2. Amend Classification 8742(1), *Salespersons – Outside*, to clarify its intended application.
3. Eliminate Classification 8742(2), *Bookbinding Operation*, which is part of the *Printing, Publishing and Duplicating* Industry Group, as the operations described by this classification are assignable to Classification 8742, *Salespersons – Outside*.
4. Amend Classification 8742(3), *Boy and Girl Scout Councils*, to establish a unique classification code for these operations to eliminate confusion as to whether this is a Standard Exception classification, clarify its intended application and provide direction as to how related operations should be classified. This new classification will remain combined for ratemaking purposes with Classification 8742, *Salespersons – Outside*, until such time as statistically credible experience in the new classification is available.
5. Amend Classification 8742(4), *Newspaper Publishing or Printing – reporters, advertising or circulation solicitors*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to clarify its intended application and establish a unique classification code for these operations to eliminate confusion as to whether this is a Standard Exception classification. This new classification will remain combined for ratemaking purposes with Classification 8742, *Salespersons – Outside*, until such time as statistically credible experience in the new classification is available.
6. Eliminate Classification 8742(5), *Publishing Operation – Salespersons*, which is part of the *Printing, Publishing and Duplicating* Industry Group, as the operations described by this classification are assignable to Classification 8742, *Salespersons – Outside*.
7. Amend Classification 8810(1), *Clerical Office Employees*, to clarify its intended application.
8. Eliminate Classification 8810(2), *Draftspersons*, as the operations described by this classification are assignable to Classification 8810, *Clerical Office Employees*.
9. Amend Classification 8810(3), *Libraries – private – librarians or professional assistants*, to clarify its intended application and establish a unique classification code for these operations to eliminate confusion as to whether this is a Standard Exception classification. This new classification will remain combined for ratemaking purposes with Classification 8810, *Clerical Office Employees*, until such time as statistically credible experience in the new classification is available.
10. Amend Classification 8810(4), *Libraries – public*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, to clarify its intended application and establish a unique classification code for these operations to eliminate confusion as to whether this is a Standard Exception classification. This new classification will remain combined for ratemaking purposes with Classification 8810, *Clerical Office Employees*, until such time as statistically credible experience in the new classification is available.

Introduction

The objective of the Standard Classification System is to group employers into classifications so that each classification reflects the risk of loss common to those employers. With few exceptions, it is the business of the employer within California that is classified, not the separate employments, occupations or operations within the business. One noted exception involves those employees engaged exclusively in clerical office or outside sales duties; the USRP defines these employees as *Standard Exceptions*.

While most jobs involve some clerical or administrative work, and many involve outside sales activities, Classifications 8810(1), *Clerical Office Employees*, and 8742(1), *Salespersons – Outside*, are intended to apply only to those employees engaged exclusively in such activities. The definition of Clerical Office

Employees¹ and Outside Salespersons² found in Part 3, Section III, Rule 4, *Standard Exceptions*, precludes the assignment of these classifications to any employee whose work is necessary, incidental or related to any other operative hazard of the business. As the Standard Exception classifications are lower rated than most other classifications, disputes often arise if an employee is reassigned from a Standard Exception classification to another classification. In addition, the largest category of test audit errors in the Premium Audit Accuracy Program is Standard Exception classification errors.

Analysis

As stated above, the *Standard Exceptions* rule is meant to be strictly applied. All classifications encompass a range of exposures, some of which may involve clerical and outside sales activities, and the rate associated with every classification reflects the average exposure to hazard within the described industry. However, the Standard Exception classifications apply only to those employees whose work is not necessary, incidental or related to the operative hazards of the business; these employees can be separately classified because their exposure is only to the clerical office and outside sales operations described in Rule 4. Staff recommends amending Rule 4 to clarify its application.

Rule 4 does not clearly address the situation in which an employee qualifies for assignment to a Standard Exception classification for only a portion of the policy period because of a permanent change in job duties. It is not uncommon for an employee to newly qualify as a clerical office employee based on a promotion or reassignment occurring midway through the policy period. The existing Rule 4 language³ could support the conclusion that the employee's payroll could not be divided between classifications, despite the change in job duties. However, it is the WCIRB's longstanding practice to permit reassignment of an employee to a Standard Exception classification coinciding with a permanent change in job duties. Staff has been advised that this practice is also common in other jurisdictions. Staff recommends amending Rule 4 to provide direction regarding division of payroll between Standard Exception classifications and other classifications when an employee has a single permanent change in job duties within a single policy period.

Rule 4 does not address the situation where an employee who otherwise qualifies for assignment to a Standard Exception classification also performs certain incidental duties that directly relate to the employee's office duties, but do not fall within the *Standard Exceptions* definition. These incidental duties include depositing funds at a bank, picking up or delivering mail, purchasing office supplies and entering an area exposed to the operative hazards of the business for purposes incidental to clerical activities, such as delivering paychecks. It is the WCIRB's longstanding practice to permit such an employee to be assigned to a Standard Exception classification, despite the fact that he or she performs incidental non-clerical duties. Staff recommends amending Rule 4 to state that employees who otherwise meet the requirements of a Standard Exception Employee will not be disqualified from that assignment if they perform certain incidental non-clerical duties that are directly related to their clerical office work.⁴



¹ Clerical Office Employees are defined as "those employees whose duties are confined to keeping the books, records or cash of the employer; conducting correspondence; dispatching; recording weights; or who are engaged wholly in general office work or office drafting, having no regular duty of any other nature in the service of the employer. The entire payroll of any employee who is engaged in operations performed by clerical office employees and also is exposed (1) to any operative hazard of the business or (2) to any outside selling or collecting work, shall be assigned to the highest rated classification of work to which the employee is so exposed. Supervisors and clerks, such as time, stock, or tally clerks, whose work is necessary, incidental, or appurtenant to any operations of the business other than clerical office, shall not be considered clerical office employees. The clerical office employee classification shall be applied only to the payroll of persons herein described who work exclusively in areas that are separated from all other work places of the employer by buildings, floors, partitions, railings or counters and within which no work is performed other than clerical office or drafting duties as defined in this section."

² Salespersons – Outside (Outside Salespersons) are defined as "those employees who are engaged exclusively in sales, collection or public relations work away from the premises of the employer or who are engaged in such work for any portion of their time and devote the balance of their time to clerical office duties."

³ "The entire payroll of any employee who is engaged in operations performed by clerical office employees and also is exposed (1) to any operative hazard of the business or (2) to any outside selling or collecting work, shall be assigned to the highest rated classification of work to which the employee is so exposed."

⁴ NCCI also makes specific allowance for these incidental duties in Rule 1B2a3 of its *Basic Manual*.

Rule 4 currently provides instruction and examples explaining the classification of Clerical Office Employees who work in connection with operations assigned to two or more classifications, one or more of which includes Clerical Office Employees and one or more of which does not. Rule 4 does not currently provide similar examples for Outside Salespersons. Staff recommends revising Rule 4 to include instructions and examples for classifications that include Outside Salespersons.

The USRP currently includes alternate phraseologies 8810(3), *Libraries – private – librarians or professional assistants – including Clerical Office Employees*, and 8810(4), *Libraries – public – librarians or professional assistants – including Clerical Office Employees*. While these classifications share the four-digit code with Classification 8810(1), *Clerical Office Employees*, the USRP does not direct whether these alternate phraseologies are subject to the restrictions contained in Rule 4 that determine which employees may qualify as Clerical Office Employees. Some operations currently assigned to these alternate phraseologies may not meet the Rule 4 restrictions. Classifications 8810(3) and 8810(4) apply to librarians, who may not be “engaged wholly in general office work or office drafting, having no regular duty of any other nature in the service of the employer” and may not work “exclusively in areas that are separated from all other work places of the employer by buildings, floors, partitions, railings, or counters and within which no work is performed other than clerical office or drafting duties,” as required by Rule 4.

Similarly, the USRP includes alternate phraseologies 8742(3), *Boy and Girl Scout Councils – district executives*, and 8742(4), *Newspaper Publishing or Printing – reporters, advertising or circulation solicitors*. While these classifications share the four-digit code with Classification 8742(1), *Salespersons – Outside*, the USRP does not direct whether these alternate phraseologies are subject to the restrictions set forth by Rule 4 that determine which employees may qualify as outside salespersons, and the employees described by these classifications may not be “engaged exclusively in sales, collection or public relations work away from the premises of the employer,” as required by Rule 4.

Based upon the foregoing, staff proposes that the constituents of Classifications 8810(3), 8810(4), 8742(3) and 8742(4) be assigned to new classifications. Staff also proposes that, at this time, the newly established classifications remain combined for ratemaking purposes with Classifications 8810 and 8742, respectively, until such time as statistically credible experience in the new classifications is available.

Classification 8810(2), *Draftspersons*, is superfluous as the definition of Clerical Office Employees contained in Rule 4 specifically includes *office drafting*, and Classification 8810(1), *Clerical Office Employees*, therefore includes drafting operations by definition. Staff proposes that Classification 8810(2), *Draftspersons*, be eliminated and its constituents be reassigned to Classification 8810(1).

Classifications 8742(2), *Bookbinding Operation – Salespersons*, and 8742(5), *Printing Operation – Salespersons*, are superfluous as they apply only to outside salespersons employed in the bookbinding and printing industries. No other industries have alternate phraseologies to 8742 for outside salespersons, and these operations are already described by Classification 8742(1), *Salespersons – Outside*. Staff proposes that Classifications 8742(2), *Bookbinding Operation – Salespersons*, and 8742(5), *Printing Operation – Salespersons*, be eliminated and their constituents be reassigned to Classification 8742(1).

Numerous standard classifications contain footnotes directing that employees engaged in specific operations be classified as 8810 or 8742. Staff proposes clarifying that these assignments are subject to the provisions of Rule 4 so that the footnotes do not supersede Rule 4 and its requirements. A limited number of classifications have footnotes directing that employees engaged in specific operations be classified as 8810 or 8742 although it is apparent that the employees do not meet Rule 4 requirements. Staff is not recommending any changes to those classifications but recommends further study of those assignments be conducted in the future.

Recommendation

Amend Part 3, Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*, to (a) clarify its intended application, (b) add an example to clarify classification procedure when the classification phraseologies applicable to an employer do and do not include outside salespersons, (c) clarify classification procedure for employees who qualify as Standard Exception Employees based on a permanent change in job duties and (d) clarify classification procedure when Standard Exception Employees perform incidental non-clerical duties that directly relate to their office duties.

PROPOSED

Section III – General Classification Procedures



4. Standard Exceptions

Employees engaged in the clerical office or outside sales functions described below are referred to as Standard Exception Employees. If a standard classification specifically includes Clerical Office Employees or Outside Salespersons, such employees shall be assigned to the standard classification, regardless of whether the work is conducted at the same or at a separate location. Notwithstanding any other provisions contained herein, with the exception of a single permanent job reassignment, it is not permissible to divide a single employee's payroll, within a single policy period, between a Standard Exception classification and any other classification. Otherwise, the remuneration of Standard Exception Employees is subject to division of payroll in connection with all other classifications in accordance with the following:

a. Classification 8810, Clerical Office Employees

Clerical Office Employees are defined as those employees whose duties are confined to keeping the books, records or cash of the employer; conducting correspondence; using computers; dispatching; recording weights; or who are engaged wholly in general office work or office drafting, having no regular duty of ~~any other~~ a non-clerical nature in the service of the employer. Except as otherwise provided in this Rule, the entire payroll of any employee who is engaged in operations performed by eClerical eOffice eEmployees and also is exposed (1) to any operative hazard of the business or (2) to any outside selling or collecting work, shall be assigned to the highest rated classification of work to which the employee is so exposed. Supervisors and clerks, such as time, stock, or tally clerks, whose work is necessary, incidental, or appurtenant related to any operations of the business other than clerical office operations, shall not be considered classified as eClerical eOffice eEmployees. The clerical office employee eClassification 8810, Clerical Office Employees, shall be applied only to the payroll of persons herein described who work exclusively in areas that are separated from all other work places of the employer by buildings, floors, partitions, railings, or counters and within which no work is performed other than clerical office or drafting duties as defined in this section Rule 4.

b. Classification 8742, Salespersons – Outside (Outside Salespersons)

Salespersons – Outside (Outside Salespersons) are defined as those employees who are engaged exclusively in sales, collection or public relations work away from the premises of the employer or who are engaged in such work for any portion of their time and devote the balance of their time to clerical office duties in areas that are separated from all other work places of the employer by buildings, floors, partitions, railings or counters and within which no work is performed other than clerical office or drafting duties as defined in this Rule 4. Except as otherwise provided in this Rule, the entire payroll of any employee who is engaged in operations performed by Outside Salespersons and is al-

so exposed to any operative hazard of the business shall be assigned to the highest rated classification of work to which the employee is so exposed.

~~The statement of payroll shall include the entire remuneration of all Outside Salespersons, including those whose duties take them outside the State of California.~~

When Outside Salespersons are required to pay their own traveling expenses out of their remuneration, not less than two-thirds of such remuneration shall be included as payroll.

c. Standard Exception Classification Procedures

(1) Employees who otherwise qualify for assignment to a Standard Exception classification will not be disqualified from that assignment if they perform certain incidental duties directly related to their clerical office or outside sales work. These duties include depositing funds at a bank, picking up or delivering the employer's mail, purchasing office supplies and entering an area exposed to the operative hazards of the business for ingress or egress purposes or for purposes incidental to clerical activities, such as delivering paychecks.

~~(1)(2)~~ Where a classification phraseology specifically includes "Clerical Office Employees, Outside Salespersons, or both," such employees shall be assigned to that classification regardless of whether their work is conducted at the same or at a separate location.

A list of classifications that include Clerical Office Employees, Outside Salespersons, or both, can be found in Appendix IV.

Example

An employer operates a physicians' practice at 1534 Elm Street, employing doctors, nurses and receptionists. All operations at this location are assignable to Classification 8834, *Physicians' Practices and Outpatient Clinics – all employees – including Clerical Office Employees*. At a separate location, 3415 Oak Street, the employer maintains a clerical office ~~that staff who~~ conducts all of the billing and scheduling operations in support of the Elm Street operations. Since the Oak Street operations support the employer's Elm Street medical office (assigned to Classification 8834), the operations at ~~this second~~ the separate Oak Street location are also assignable to Classification 8834.

~~(2)(3)~~ When an employer's clerical office employees staff are engaged in operations incidental to other operations performed by the employer and such other operations are assigned to two or more classifications, one or more of which includes "Clerical Office Employees" and one or more of which does not include "Clerical Office Employees," the payroll of the clerical office employees staff shall be assigned in accordance with the following:

- (a) Compare the sum of the payroll (other than the payroll of miscellaneous employees) generated by the operations assigned to classifications that do not include "Clerical Office Employees" to the sum of the payroll (other than the payroll of miscellaneous employees) generated by the operations assigned to classifications that include "Clerical Office Employees."
- (b) If the sum of the payroll generated by the classifications that do not include "Clerical Office Employees" exceeds the sum of the payroll generated by the classifications that include "Clerical Office Employees," then the payroll of the clerical office employees staff shall be assigned to Classification 8810~~(4)~~, *Clerical Office Employees*.
- (c) If the sum of the payroll generated by the classifications that include "Clerical Office Employees" equals or exceeds the sum of the payroll generated by the classifications that do not include "Clerical Office Employees," then the payroll of the clerical office employees staff shall be assigned to the classification that includes "Clerical Office Employees." When there is more than one such classification, the clerical office employees staff shall be assigned to the ~~one~~ classification that generates the most payroll.

(d) The procedures stated above for classifying an employer’s clerical office staff shall also apply when classifying an employer’s outside sales staff (see example below).

Example

At location 1, an employer operates an ~~pediatric medical office~~ outpatient clinic assigned to Classification 8834, *Physicians’ Practices and Outpatient Clinics – all employees – including Clerical Office Employees*. At location 2, the same employer operates a convalescent nursing facility —assigned to Classification 8829(2), *Convalescent Nursing Facilities – including supervisors and receptionists*. ~~At a third location~~ In an area that is separate from all other work places, the employer maintains a clerical and administrative office staff to conduct payroll and billing activities in support of both the pediatric medical office ~~outpatient clinic~~ and the convalescent nursing facility. Under ~~s~~Scenario A (below), the convalescent nursing facility assigned to Classification 8829 (which does not ~~contemplate the inclusion of~~ specifically include ~~e~~Clerical Office ~~e~~Employees) generates more payroll than the ~~medical office~~ outpatient clinic and, therefore, the clerical ~~employees~~ office staff working in support of both operations are assignable to Classification 8810(4). Under ~~s~~Scenario B, since the ~~medical office~~ outpatient clinic generates more payroll than the convalescent nursing facility, the clerical ~~employees~~ office staff working in support of both operations are assignable to Classification 8834. In both scenarios, regardless of which operation generates more payroll, the clerical office staff working exclusively in support of the convalescent nursing facility are assignable to Classification 8810, and the clerical office staff working exclusively in support of the outpatient clinic are assignable to Classification 8834.

Scenario	Location 1: Pediatric Medical Office <u>Outpatient Clinic</u> Payroll	Location 2: Convalescent Nursing Facility Payroll	Assigned Classification for Clerical Employees Working in Support of Both the Medical Office <u>Outpatient Clinic and the Convalescent Nursing Facility</u>
A	\$200,000	\$655,000	8810(4), <i>Clerical Office Employees</i>
B	\$750,000	\$655,000	8834, <i>Physicians’ Practices and Outpatient Clinics – all employees – including Clerical Office Employees</i>

~~b. Salespersons – Outside (Outside Salespersons)~~

~~Salespersons – Outside (Outside Salespersons) are defined as those employees who are engaged exclusively in sales, collection or public relations work away from the premises of the employer or who are engaged in such work for any portion of their time and devote the balance of their time to clerical office duties. The statement of payroll shall include the entire remuneration of all Outside Salespersons, including those whose duties take them outside the State of California.~~

~~When salespersons are required to pay their own traveling expenses out of their remuneration, not less than two-thirds of such remuneration shall be included as payroll.~~

Example

An employer operates an automobile and truck parts store, assignable to Classification 8046, *Stores – automobile or truck parts or accessories – wholesale or retail – including Inside Salespersons or Outside Salespersons*. This employer also maintains a department for the repair of automobiles or trucks on a fee basis, and employees engaged in these operations are assignable to Classification 8389, *Automobile or Truck Repair Facilities*. The employer maintains outside sales staff to conduct marketing and outside sales operations in support of the automobile and truck parts store and promote the service and repair operations. Under Scenario C (below), the

vehicle repair operations assigned to Classification 8389 (which do not specifically include Outside Salespersons) generate more payroll than the auto parts store operations assigned to Classification 8046 and, therefore, the outside sales staff working in support of both operations are assignable to Classification 8742. Under Scenario D, since the auto parts store operations generate more payroll than the vehicle repair operations, the outside sales staff working in support of both operations are assignable to Classification 8046. In both scenarios, regardless of which operation generates more payroll, outside sales staff working exclusively in support of the repair operations are assignable to Classification 8742, and outside sales staff working exclusively in support of the auto parts store operations are assignable to Classification 8046.

<u>Scenario</u>	<u>Auto Parts Store Payroll</u>	<u>Vehicle Repair Payroll</u>	<u>Assigned Classification for Outside Salespersons Working in Support of Both the Auto Parts Store and Vehicle Repair</u>
<u>C</u>	<u>\$200,000</u>	<u>\$655,000</u>	<u>8742, Salespersons – Outside</u>
<u>D</u>	<u>\$750,000</u>	<u>\$655,000</u>	<u>8046, Stores – automobile or truck parts or accessories – wholesale or retail – including Inside Salespersons or Outside Salespersons</u>

* * * * *

Recommendation

Amend Classification 8742(1), *Salespersons – Outside*, to clarify its intended application.

PROPOSED

SALESPERSONS – Outside

8742(1)

Assignment of this classification is subject to the ~~provisions of the rules for~~ Standard Exceptions rule. See Section III, *General Classification Procedures, Rule 4, Standard Exceptions*.

* * * * *

Recommendation

Eliminate Classification 8742(2), *Bookbinding Operation*, which is part of the *Printing, Publishing and Duplicating* Industry Group, as the operations described by this classification are assignable to Classification 8742, *Salespersons – Outside*.

PROPOSED

~~PRINTING, PUBLISHING AND DUPLICATING~~

~~BOOKBINDING OPERATION – Salespersons – Outside~~

~~8742(2)~~

~~This classification applies to employees engaged in sales, collection or public relations work in support of bookbinding operations.~~

~~Assignment of this classification is subject to the provisions of the rules for Standard Exceptions.~~

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Recommendation

Amend Classification 8742(3), *Boy and Girl Scout Councils*, to establish a unique classification code, clarify its intended application and provide direction as to how related operations shall be classified.

PROPOSED

BOY AND GIRL SCOUT COUNCILS – district executives – ~~office and travel~~including Outside Salespersons

~~8742(3)~~
8744

~~This classification applies to employees executive staff, including but not limited to district, council and national executives who travel away from the office to engage in activities, including but not limited to fundraising, marketing and public relations, or who are engaged in such work for any portion of their time and devote the balance of their time to clerical office duties.~~

With the exception of a single permanent job reassignment, it is not permissible to divide a single employee's payroll, within a single policy period, between this classification and any other classification.

Also refer to Camp operations shall be classified as Classification 9048(2), *Boy and Girl Scout Councils – all camp operations*.

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Recommendation

Amend Classification 8742(4), *Newspaper Publishing or Printing – reporters, advertising or circulation solicitors*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to establish a unique classification code and clarify its intended application.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

**~~NEWSPAPER PUBLISHING OR PRINTING – reporters, advertising or circulation solicitors~~ photographers – including Outside Salespersons **8742(4)
8746****

This classification applies to reporters, photographers and advertising or circulation salespersons employed by newspaper publishers or printers.

With the exception of a single permanent job reassignment, it is not permissible to divide a single employee's payroll, within a single policy period, between this classification and any other classification.

The publishing or printing of newspapers, tabloids, advertising newspapers, and specialty sections, including but not limited to the comics and television sections of newspapers, shall be classified as 4304, *Newspaper Publishing or Printing – all other employees*, or 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*.

The sale and/or delivery of newspapers to customers for their personal use and not for resale shall be separately classified as 4312, *Newspaper Delivery*.

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Recommendation

Eliminate Classification 8742(5), *Publishing Operation – Salespersons*, which is part of the *Printing, Publishing and Duplicating* Industry Group, as the operations described by this classification are assignable to Classification 8742, *Salespersons – Outside*.

PROPOSED

~~PRINTING, PUBLISHING AND DUPLICATING~~

~~PRINTING OPERATION – Salespersons – Outside~~ **8742(5)**

~~This classification applies to employees engaged in sales, collection or public relations work in support of printing operations.~~

~~Assignment of this classification is subject to the provisions of the rules for Standard Exceptions.~~

~~Commercial printing operations shall be classified as 4299(1), *Printing Operation – all other employees*, or 8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*.~~

~~Screen printing operations shall be classified as 4295(1), *Printing Operation – screen printing – all other employees*, or 8846(1), *Printing Operation – screen printing – editing, designing, proofreading and photographic composing*.~~

* * * * *

Recommendation

Amend Classification 8810(1), *Clerical Office Employees*, to clarify its intended application.

PROPOSED

CLERICAL OFFICE EMPLOYEES – N.O.C.

8810(1)

Assignment of this classification is subject to the ~~provisions of the rules for~~ Standard Exceptions rule. See Section III, *General Classification Procedures, Rule 4, Standard Exceptions*.

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Recommendation

Eliminate Classification 8810(2), *Draftspersons*, as the operations described by this classification are assignable to Classification 8810, *Clerical Office Employees*.

PROPOSED

DRAFTSPERSONS

8810(2)

~~Assignment of this classification is subject to the rules for Standard Exceptions.~~

* * * * *

Recommendation

Amend Classification 8810(3), *Libraries – private – librarians or professional assistants*, to establish a unique classification code and clarify its intended application.

PROPOSED

LIBRARIES – private – librarians or professional assistants – including Clerical Office Employees

**8810(3)
8811**

This classification applies to librarians, professional library assistants and clerical office employees who engage in activities, including but not limited to conducting research, ordering books and publications, maintaining reference systems, assisting customers to locate and check out materials, ~~conducting research, ordering books and publications, maintaining reference systems~~ and performing general clerical and administrative functions in support of the library.

With the exception of a single permanent job reassignment, it is not permissible to divide a single employee's payroll, within a single policy period, between this classification and any other classification.

Also refer to companion Classification 9015(5), *Libraries – private – all employees other than li-*

brarians, professional assistants or Clerical Office Employees.

Public libraries shall be classified as ~~8810(4)~~8812, *Libraries – public – librarians or professional assistants.*

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Recommendation

Amend Classification 8810(4), *Libraries – public*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, to clarify its intended application and establish a unique classification code.

PROPOSED

MUNICIPAL, STATE OR OTHER PUBLIC AGENCIES

LIBRARIES – public – librarians or professional assistants – including Clerical Office Employees **8810(4)**
8812

This classification applies to librarians, professional library assistants and clerical office employees who engage in activities, including but not limited to conducting research, ordering books and publications, maintaining reference systems, assisting customers to locate and check out materials, ~~conducting research, ordering books and publications, maintaining reference systems~~ and performing general clerical and administrative functions in support of the public library.

With the exception of a single permanent job reassignment, it is not permissible to divide a single employee's payroll, within a single policy period, between this classification and any other classification.

Employees other than librarians, professional assistants and clerical office employees, including but not limited to janitorial, maintenance, delivery and security personnel, shall be classified as 9420, *Municipal, State or Other Public Agency Employees – all other employees.*

Private libraries shall be classified as ~~8810(3)~~8811, *Libraries – private – librarians or professional assistants.*

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Amendments to Cross-References for Consistency

Recommendation

Amend Part 3, *Standard Classification System*, Section III, *General Classification Procedures*, Rule 1, *Classification Description*, for consistency.

PROPOSED

Section III – General Classification Procedures

1. Classification Description

An alphabetical listing of classifications that describe most occupations, employments, industries and businesses is contained in Section VII, *Standard Classifications*.

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- c. Any business or operation described by a classification defined as a Standard Exception shall be classified in the Standard Exception classification. However, when a Standard Exception is assigned to the basic business or operation, all employees not specifically included in the definitions for such Standard Exceptions shall be separately classified, all other conditions contained herein notwithstanding.

Example

All operations of an investment firm are assigned to Classification 8810(4), *Clerical Office Employees*, with the exception of an employee who maintains the facility. Facility maintenance is not contemplated by the Standard Exception Classification 8810(4), but rather, Classification 9015(1), *Building Operation – N.O.C. – all other employees*. The maintenance worker is therefore assigned to Classification 9015(1).

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Recommendation

Amend Part 3, Section IV, *Special Industry Classification Procedures*, Rule 5, *Mining*, Rule 6, *Stores*, and Rule 8, *Labor Contractors*, for consistency.

PROPOSED

Section IV – Special Industry Classification Procedures

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5. Mining

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b. Standard Exceptions

Draftspersons engaged exclusively within the office of such work and Clerical Office Employees engaged exclusively in keeping the books and records shall be treated as Standard Exceptions, and their payroll shall be assigned to ~~Classification 8810(2), Draftspersons, or Classification 8810(4), Clerical Office Employees.~~

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6. Stores

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b. The applicable store classification is determined based upon the type of merchandise sold, leased, consigned or auctioned and whether the operations are wholesale or retail. In the absence of specific instructions found in the classification phraseology or footnote, the following definitions apply when determining the applicable store classification.

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(2) Wholesale vs. Retail

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Salespersons who sell exclusively from samples to buyers for stores (no direct sales) in a sales-room or showroom location where no actual inventory (exclusive of showroom samples) is maintained, and who have no other duties of any kind in the service of the employer except clerical work or as outside salespersons, shall be classified as ~~8742(4), Salespersons – Outside.~~

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d. If a store maintains a department for the repair of items sold, the repair operations shall be classified in accordance with the following:

- (1) If more than 50% of the repair jobs involve warranty repair, the repair operations are incidental to the store and the appropriate store classification shall be assigned in accordance with the ~~provisions of the~~ Single Enterprise rule. See Section III, *General Classification Procedures, Rule 2, Single Enterprise.*
- (2) If 50% or more of the repair jobs involve fee repair, the store and repair department constitute Multiple Enterprises. Assign the repair operations in accordance with the ~~provisions of the~~ Multiple Enterprises rule to either the appropriate repair or manufacturing classification or the appropriate store classification. See Section III, *General Classification Procedures, Rule 3, Multiple Enterprises.*

Warranty repair work is defined as repair work for which no fee is charged to the customer. Repair work covered under a service contract or an extended warranty contract that was purchased by the customer is not considered to be warranty work.

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- f. ~~Firms~~Employers that engage in mobile food vending for the retail ~~sellingsale~~ of packaged and cold foods and beverages from food trucks, trailers, carts or temporary booths, including the incidental storage of such merchandise, shall be classified as 8017(1), *Stores – retail*, 8078(1), *Sandwich Shops*, 8078(2), *Beverage Preparation Shops*, or 8078(3), *Ice Cream or Frozen Yogurt Shops*, depending on the products sold. The operation of mobile food trucks, trailers, carts or temporary booths wherein hot food is prepared for sale to customers shall be classified as 9079(1), *Restaurants or Taverns*.

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- h. If a store engages in the sale of gasoline or automobile services, the appropriate store classification shall apply at each location wherein the sale of merchandise in the store, other than gasoline or automobile services, exceeds twenty-five percent (25%) of the total annual receipts for the location. Employees engaged in the fueling, service or repair of automobiles or trucks shall be assigned to the applicable gasoline station classification. Cashiers ~~that~~who work within the store and accept payments for store merchandise and automobile services shall be assigned to the applicable store classification.

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8. Labor Contractors

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Clerical office staff retained by the labor contractor to conduct its internal office functions shall be assigned to Classification 8810(4), *Clerical Office Employees*, subject to the Standard Exceptions rule, notwithstanding that temporary or leased workers are assigned to classifications that specifically include Clerical Office Employees.

Examples

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A labor contractor staffs an administrative office for a client operating a hospital. The hospital operations are assigned to Classification 9043, *Hospitals – all employees – including Clerical Office Employees and Outside Salespersons*. Normally, an administrative office would be assigned to Classification 8810(4), *Clerical Office Employees*; however, the phraseology of Classification 9043 includes Clerical Office Employees. Therefore, the administrative office staff provided to the hospital is assigned to Classification 9043.

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Recommendation

Amend Classification 9549, *Advertising Companies*, for consistency.

PROPOSED

ADVERTISING COMPANIES – outdoor – selling space for advertising purposes – including shop operations; the erection, painting, repair and maintenance, or removal of signs; bill posting; and sign painting or lettering in or upon buildings or structures 9549

This classification includes the production of signs, banners and related products by advertising companies and the operation of mobile billboard trucks (mobile advertising signs).

The application of painted or adhesive lettering and graphics onto surfaces at customer locations or onto customer vehicles by employers engaged in sign painting or lettering shall be classified as 9507(1), *Sign Painting or Lettering*.

The display of hand-held advertisement signs and walking billboards (human sign holders) at locations, including but not limited to sidewalks and street corners shall be classified as 8742(4), *Salespersons – Outside*.

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Recommendation

Amend Classification 7428(1), *Aircraft Operation – other than agricultural, scheduled or supplemental air carriers – not members of the flying crew*, which is part of the *Aircraft Operation* Industry Group, for consistency.

PROPOSED

AIRCRAFT OPERATION

AIRCRAFT OPERATION – other than agricultural, scheduled or supplemental air carriers – not members of the flying crew – N.O.C. 7428(1)

This classification applies to the ground operations of employers engaged in aircraft operations not more specifically described by another *Aircraft Operation* Industry Group classification, including but not limited to air ambulance services; air freight services (nonscheduled); aerial firefighting; aerial exhibitions; aerial patrol; aerial advertising, skywriting, sightseeing and survey work; aerial log lifting and transport; and aerial news reporting. Ground operations include but are not limited to aircraft fueling, service and repair.

Ticket sellers or information clerks shall be separately classified as 8810(4), *Clerical Office Employees*, classroom instructors shall be separately classified as 8868, *Colleges or Schools – private – not automobile schools – professors, teachers, or academic professional employees*, and ground photographic laboratory employees shall be separately classified as 4361(1), *Photographers—all employees*.

Also refer to companion Classification 7424(1), *Aircraft Operation – other than agricultural, scheduled or supplemental air carriers – members of the flying crew*.

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Recommendation

Amend Classification 7428(2), *Aircraft Operation – flight schools and pilot training – not members of the flying crew*, which is part of the *Aircraft Operation* Industry Group, for consistency.

PROPOSED

AIRCRAFT OPERATION

AIRCRAFT OPERATION – flight schools and pilot training – not members of the flying crew 7428(2)

This classification applies to the ground operations of employers that provide flight instruction and training. Ground operations include but are not limited to aircraft fueling, service and repair.

Ticket sellers or information clerks shall be separately classified as 8810(4), *Clerical Office Employees*.

Classroom instructors who perform no flying operations or in-flight instruction shall be separately classified as 8868, *Colleges or Schools – private – not automobile schools – professors, teachers, or academic professional employees*.

Also refer to companion Classification 7424(2), *Aircraft Operation – flight schools and pilot training – members of the flying crew*.

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Recommendation

Amend Classification 7403, *Aircraft Operation – scheduled, commuter and supplemental air carriers – not members of the flying crew*, which is part of the *Aircraft Operation* Industry Group, for consistency.

PROPOSED

AIRCRAFT OPERATION

AIRCRAFT OPERATION – scheduled, commuter and supplemental air carriers – not members of the flying crew 7403

This classification applies to the ground operations of employers engaged in the air transport of passengers or cargo on a scheduled or charter basis. Ground operations include but are not limited to loading and unloading baggage and freight; assisting passengers with boarding and disembarking the aircraft; and aircraft fueling, service and repair.

Ticket sellers or information clerks shall be separately classified as 8810(4), *Clerical Office Employees*.

Also refer to companion Classification 7405, *Aircraft Operation – scheduled, commuter and supplemental air carriers – members of the flying crew*.

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Recommendation

Amend Classification 7429, *Airport Operators*, for consistency.

PROPOSED

AIRPORT OPERATORS – all employees – including field or hangar instructors

7429

This classification applies to all operations of airports, including but not limited to tower communications, facility or grounds maintenance, aircraft fueling or repair, airport parking and airport security.

Ticket sellers or information clerks shall be separately classified as 8810(4), *Clerical Office Employees*.

Classroom instructors who perform no flying operations or in-flight instruction or training shall be separately classified as 8868, *Colleges or Schools – private – not automobile schools – professors, teachers, or academic professional employees*.

In-flight instructors or other members of the flying crew shall be separately classified.

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Recommendation

Amend Classification 9220(1), *Cemetery Operation*, for consistency.

PROPOSED

CEMETERY OPERATION – all employees

9220(1)

This classification applies to the operation and maintenance of cemeteries or mausoleums. This classification also applies to the operation and maintenance of pet cemeteries.

Cemetery plot or mausoleum sales counselors shall be classified as 8742(4), *Salespersons – Outside*.

Crematory operations shall be separately classified as 9220(2), *Crematory Operation*.

The operation of funeral homes and mortuaries shall be classified as 9620, *Funeral Directors*.

The manufacture of stone cemetery monuments shall be classified as 1803, *Stone Cutting and Fabrication*.

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Recommendation

Amend Classification 5606, *Contractors – construction or erection – executive level supervisors*, for consistency.

PROPOSED

CONTRACTORS – construction or erection – executive level supervisors – no direct supervision – division of a single employee’s payroll with any other classification is not permitted **5606**

This classification may be assigned only in connection with the construction or erection classifications listed in Appendix I, *Construction and Erection Classifications*.

This classification applies to executive level supervisors of construction operations wherein the employer develops payroll in one or more construction or erection classification(s) provided not less than two levels of supervision, as defined in Part 3, Section IV, Rule 2d, *Executive Level Supervisors*, are retained between the executive level supervisor and the workers performing actual construction operations.

This classification also includes management level employees, such as safety managers, project managers and engineers, who do not supervise construction operations but whose duties include walking through a construction site during the construction phase, provided the employer retains two levels of supervision over the construction crew(s) or where all operations have been subcontracted to licensed subcontractors. Otherwise, such employees are miscellaneous employees and shall be classified in accordance with Part 3, Section IV, Rule 2c, *Miscellaneous Employees (Construction or Erection)*.

This classification also applies to executive level supervisors when all construction operations are subcontracted to licensed contractors and no payroll is developed under any construction classification. In such instances, executive level supervisors exercise control exclusively through licensed subcontractors.

On jobs where all construction operations are subcontracted to licensed subcontractors, Classification 5610, *Contractors – construction or erection – all construction subcontracted*, shall apply to all other employees, including but not limited to job site cleaning and debris removal and post-construction warranty repair operations.

Classification 5606 does not apply to employees whose job site duties are limited to estimating, outside sales or public relations. Employees whose non-clerical duties are confined to visiting job sites for the purpose of pre-construction estimating, or for meeting with clients and other project representatives, are classified as 8742(4), *Salespersons – Outside*, provided they have no supervisory responsibilities over construction operations and they do not walk through job sites for purposes such as assessing construction progress, evaluating quality or determining compliance with safety standards.

Fee-based construction management companies that do not engage in or perform supervision over construction operations, but serve as an intermediary between the general contractor and project owner or otherwise provide expertise regarding a construction project, shall be classified as 8601(1), *Engineers – consulting*.

Also refer to Part 3, Section IV, Rule 2, *Construction or Erection Work*.

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Recommendation

Amend Classification 9220(2), *Crematory Operation*, for consistency.

PROPOSED

CREMATORY OPERATION – all employees

9220(2)

This classification applies to the operation and maintenance of crematories.

Cemetery plot or mausoleum sales counselors shall be classified as 8742(4), *Salespersons – Outside*.

Cemetery operations shall be separately classified as 9220(1), *Cemetery Operation*.

The operation of funeral homes and mortuaries shall be classified as 9620, *Funeral Directors*.

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Recommendation

Amend Classification 9529(2), *Decorating*, for consistency.

PROPOSED

DECORATING – interior or exterior – hanging flags or bunting for conventions or celebrations

9529(2)

This classification applies to decorating the interior or exterior of buildings, streets, parking lots and malls with flags, banners, pennants and bunting in connection with conventions, celebrations, festivals or parades. This classification also applies to the installation of seasonal decorations, including but not limited to garland, trees, stars, balloons, lights, inflatable figurines and props. This classification includes the installation of similar items for advertising or commercial purposes.

The erection, removal or repair of tents away from the shop shall be classified as 9529(3), *Tent – erection, removal or repair*.

The installation and placement of house furnishings for other concerns on a fee basis shall be classified as 9521(1), *House Furnishings*.

Interior decorators or designers who operate on a fee basis and do not engage in the installation or placement of furnishings shall be classified as 8742(4), *Salespersons – Outside*, ~~in accordance with~~ subject to the provisions of the Standard Exceptions rule. See Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*.

The installation of floor coverings, including but not limited to linoleum, vinyl, asphalt or rubber tile, carpet or rugs within buildings shall be classified as 9521(2), *Floor Covering*.

The installation of window coverings shall be classified as 9521(3), *Window Covering*.

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Recommendation

Amend Classification 7721(1), *Detective or Private Investigative Agencies*, for consistency.

PROPOSED

DETECTIVE OR PRIVATE INVESTIGATIVE AGENCIES

7721(1)

This classification applies to private investigators or detectives who are retained by clients to conduct investigations of matters, including but not limited to individuals' backgrounds, personal and business disputes, theft, embezzlement and fraud. These operations involve surveillance of persons without their knowledge.

This classification also applies to employers engaged on a contract basis in asset repossession or airport baggage inspection.

Employees who solely conduct investigations by researching documents and conducting interviews at locations away from the employer's premises shall be classified as 8742(4), *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, *General Classification Procedures, Rule 4, Standard Exceptions*.

Insurance claims investigation shall be classified as 8720(1), *Inspection for Insurance, Safety or Valuation Purposes*.

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Recommendation

Amend Classification 7539, *Electric Power Companies*, for consistency.

PROPOSED

ELECTRIC POWER COMPANIES – all operations – including construction or extension of lines

7539

This classification applies to the operations of publicly or privately operated electric power companies that supply electrical power to customers. This classification includes the operation of all types of power generation plants and systems, including but not limited to hydro, solar, wind, geothermal, biomass and landfill gas power plants. This classification also includes the construction, operation, maintenance and repair of substations and transmission lines and the installation and repair of electric meters.

The erection of aerial power lines by separate concerns shall be classified as 7538, *Electric Power Line Construction*.

The construction of buildings, dams or reservoirs shall be separately classified.

Meter readers shall be separately classified as 8742(4), *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, *General Classification Procedures, Rule 4, Standard Exceptions*.

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Recommendation

Amend Classification 7500, *Gas Works*, for consistency.

PROPOSED

GAS WORKS – all operations – including construction or extension of lines

7500

This classification applies to the operations of publicly or privately operated natural gas utility companies. The operations include but are not limited to the operation and maintenance of gas processing and storage plants; construction or repair of gas lines and valves; installation, repair and replacement of flow regulation and metering devices; and the sale and delivery of containerized propane or liquefied petroleum gas.

Meter readers shall be separately classified as 8742(4), *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*.

The sale and delivery of containerized propane or liquefied petroleum gas by separate concerns shall be classified as 8350, *Gasoline or Oil Dealers*.

The operation of gas pipelines on a fee basis shall be classified as 7515, *Oil or Gas Pipeline Operation*.

The construction of gas pipelines between natural gas producing fields and points of connection with local distributing systems by separate concerns shall be classified as 6233, *Oil or Gas Pipeline Construction*.

The construction of gas mains along streets and roads by separate concerns shall be classified as 6315(2)/6316(2), *Gas Mains or Connections Construction*.

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Recommendation

Amend Classification 9033, *Housing Authorities*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, for consistency.

PROPOSED

MUNICIPAL, STATE OR OTHER PUBLIC AGENCIES

HOUSING AUTHORITIES – all employees – including resident or on-site managers

9033

When lodging is provided by the employer, the total remuneration shall include the market value of such lodging to the employee.

~~Flats, apartments, or multiple dwellings that have four or more units are subject to a minimum payroll of \$2,000 per annum for one location and to a minimum of \$1,000 for each additional location covered by the same policy.~~

This classification applies to public agencies that provide housing or housing assistance to individuals in need. The housing authority may own and operate the housing or provide financial

assistance in the form of housing vouchers, which allow clients to reside in approved housing operated by other concerns. This classification includes but is not limited to resident or on-site property managers and property maintenance and repair staff.

On-site property managers are those employees whose base of operations is at any property location that they are employed to manage. The term "resident" shall refer to any employee who resides at a property managed by the employer.

The preparation or serving of hot foods shall be separately classified as 9079(1), *Restaurants or Taverns*.

Day care centers operated by housing authorities shall be separately classified as 9059, *Day Care Centers*.

Employees engaged exclusively in determining the eligibility of properties owned and operated by separate parties for rental subsidies shall be classified as 8742(4), *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*.

New construction, alteration or demolition work shall be separately classified.

* * * * *

Recommendation

Amend Classification 8720(1), *Inspection for Insurance, Safety or Valuation Purposes*, for consistency.

PROPOSED

INSPECTION FOR INSURANCE, SAFETY OR VALUATION PURPOSES – N.O.C. – including Outside Salespersons 8720(1)

This classification applies to employers that perform inspections for insurance, safety or valuation purposes on a fee basis, including but not limited to insurance fraud investigations, boiler inspections, electric meter inspection and testing, backflow valve inspection and testing, energy efficiency inspections, fire protection and safety inspections, log scaling and agricultural products inspection.

This classification also applies to insurance claims investigations performed on a fee basis that involve surveillance of persons without their knowledge.

This classification also applies to monitoring the flow of fluids on oil leases or along pipelines on a fee basis.

Insurance claims investigations performed on a fee basis that do not require surveillance of persons without their knowledge shall be classified as 8742(4), *Salespersons – Outside*, or 8810(4), *Clerical Office Employees*, in accordance with the rules for subject to the Standard Exceptions rule. See Section III, General Classification Procedures, Rule 4, Standard Exceptions. Insurance claims investigations performed by insurance companies shall be classified as 8822, *Insurance Companies*.

Investigation operations for other than insurance claims shall be classified as 7721(1), Detective or Private Investigative Agencies.

Property appraisal on a fee basis shall be classified as 8742(4), *Salespersons – Outside, subject to the Standard Exceptions rule. See Section III, General Classification Procedures, Rule 4, Standard Exceptions.*

The weighing, grading, inspecting and sampling of merchandise at docks, railway stations or warehouses on a fee basis shall be classified as 8720(3), *Weighers, Samplers or Inspectors of Merchandise on Docks or at Railway Stations or Warehouses.*

The fee inspection of boats, ships and marine vessels for safety and to determine seaworthiness and the fee inspection and surveying of cargo that may have been damaged in marine transit shall be classified as 7248, *Marine Appraisers or Surveyors.*

The provision of legal support services on a fee basis, including but not limited to process serving of summons, subpoenas and complaints; filing court documents; or reproducing documents shall be classified as 8821, *Attorney/Law Firm Support Services.*

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Recommendation

Amend Classification 9015(5), *Libraries – private – all employees other than librarians, professional assistants or Clerical Office Employees*, for consistency.

PROPOSED

LIBRARIES – private – all employees other than librarians, professional assistants or Clerical Office Employees 9015(5)

This classification applies to employees other than librarians, professional assistants and clerical office employees, including but not limited to janitorial, maintenance, delivery and security personnel.

Also refer to companion Classification ~~8810(3)~~ 8811, *Libraries – private – librarians or professional assistants.*

* * * * *

Recommendation

Amend Classification 9610, *Motion Pictures – production*, for consistency.

PROPOSED

MOTION PICTURES – production – in studios and outside – all employees 9610

The actual remuneration of actors, musicians, producers and the motion picture director must be included, subject, however, to a maximum of \$122,200 per year per person.

When such employees do not work the entire year, the payroll limitation shall be prorated based upon the number of weeks in which such employees worked during the policy period.

This classification applies to ~~firm~~companies that specialize in the production of motion pictures, television features, commercials, music videos, videotaped depositions, videotaped court proceedings or industrial films that are recorded on motion picture film stock, videotape, digital or other media.

Employees engaged exclusively in the electronic editing of digital files using computerized editing equipment are assignable to Classification 8810(4), *Clerical Office Employees*, ~~provided they otherwise meet the definition of Clerical Office Employees as contained in Part 3,~~ subject to the Standard Exceptions rule. See Section III, *General Classification Procedures*, Rule 4 *Standard Exceptions*.

Employees who create animation using computer or digital applications are assignable to Classification 8810(4), *Clerical Office Employees*, ~~provided they otherwise meet the definition of Clerical Office Employees as contained in Part 3,~~ subject to the Standard Exceptions rule. See Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*.

The payroll limitation of this classification is applicable to the director responsible for all aspects of production. The payroll for all other directors such as assistant and associate directors is not subject to limitation.

The payroll limitation also applies to motion picture producers responsible for overseeing the financial, administrative and creative aspects of a motion picture.

* * * * *

Recommendation

Amend Classification 8807, *Newspaper, Magazine or Book Publishing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, for consistency.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

NEWSPAPER, MAGAZINE OR BOOK PUBLISHING – no printing or distribution – editing, designing, proofreading, and photographic composing – including Clerical Office Employees 8807

This classification applies to pre-press activities and Clerical Office Employees of employers engaged in publishing printed newspapers, magazines or books where all printing and distribution is conducted by separate concerns. Pre-press activities include editing, designing, proofreading, and photographic composing, including negative stripping and plate making.

Newspaper reporters, photographers, advertising or circulation solicitors employed by newspaper publishers or printers shall be separately classified as ~~8742(4)~~8746, Newspaper Publishing or Printing – reporters, advertising or circulation solicitors photographers – including Outside Salespersons.

Newspaper printing operations shall be classified as 4304, *Newspaper Publishing or Printing – all other employees*, or 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing.*

Magazine or book printing operations shall be classified as 4299(1), *Printing Operation – all other employees*, or 8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*.

* * * * *

Recommendation

Amend Classification 4304, *Newspaper Publishing or Printing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, for consistency.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

NEWSPAPER PUBLISHING OR PRINTING – all other employees – including drivers and their helpers 4304

This classification applies to employers engaged in the publishing or printing of newspapers, tabloids, advertising newspapers, and specialty sections, including but not limited to the comics and television sections of newspapers.

This classification applies to newspaper publishers that assemble, bundle, label or distribute newspapers that are printed by other employers.

The sale or delivery of newspapers to customers for their personal use and not for resale shall be separately classified as 4312, *Newspaper Delivery*.

Newspaper reporters, photographers and advertising or circulation solicitors employed by newspaper publishers or printers shall be separately classified as ~~8742(4)~~8746, *Newspaper Publishing or Printing – reporters, advertising or circulation solicitors* photographers – including Outside Salespersons.

Also refer to companion Classification 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*.

* * * * *

Recommendation

Amend Classification 4361(1), *Photographers*, which is part of the *Printing, Publishing and Duplicating* Industry Group, for consistency.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

PHOTOGRAPHERS – all employees – including receptionists – N.O.C. 4361(1)

This classification applies to still photography services within portrait studios and at outside events. This classification includes all operations, including but not limited to ~~film~~ processing

film, examining proofs, ~~the~~ handling, sorting and mounting of photographs and ~~the~~ assembling of photography albums. This classification also applies to noncommercial videography services to memorialize events such as weddings and family celebrations.

Employers providing photofinishing operations only shall be classified as 4361(2), *Photofinishing*.

Aerial photography operations performed aboard aircraft shall be classified as 7424(1), *Aircraft Operation – other than agricultural, scheduled or supplemental air carriers – members of the flying crew*.

Photographers employed by newspaper publishers or printers shall be classified as ~~8742(4)~~8746, *Newspaper Publishing or Printing – reporters, advertising or circulation solicitors/photographers – including Outside Salespersons*.

The production of motion pictures, television features, commercials, music videos, depositions, ~~and~~ court proceedings or industrial films that are recorded on motion picture film stock, videotape, digital or other media shall be classified as 9610, *Motion Pictures – production*.

* * * * *

Recommendation

Amend Classification 4299(1), *Printing Operation – all other employees*, which is part of the *Printing, Publishing and Duplicating* Industry Group, for consistency.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

PRINTING OPERATION – all other employees – including counterpersons and drivers and their helpers – N.O.C. 4299(1)

This classification applies to employers engaged in commercial offset printing using methods, including but not limited to lithography, flexography, rotogravure, hot stamp or letterpress to produce printed matter such as business forms, stationery, greeting cards, labels, bumper stickers, bar codes, playing cards, bank checks, books and magazines. This classification includes incidental bindery and die cutting activities in support of the printing operations.

This classification does not apply when printing operations are performed by an employer in connection with its own operations. Such operations shall be assigned to the applicable classification of the employer.

Employees engaged in sales, collection or public relations work in support of commercial printing operations shall be separately classified as ~~8742(5)~~, *Printing Operation – Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, *General Classification Procedures, Rule 4, Standard Exceptions*.

Locations at which job printing is exclusively performed with sheet-fed offset printing presses on paper not exceeding 18" x 24" shall be classified as 8019(1), *Printing – quick printing*.

Publishing or printing of newspapers, tabloids or advertising newspapers or newspaper inserts shall be classified as 4304, *Newspaper Publishing or Printing – all other employees*, or 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*.

Screen printing shall be classified as 4295(1), *Printing Operation – screen printing – all other employees*, or 8846(1), *Printing Operation – screen printing – editing, designing, proofreading and photographic composing*.

Document duplication or photocopying by use of equipment, including but not limited to electrostatic copiers, scanners, and ink jet and laser printers shall be classified as 8019(2), *Document Duplication or Photocopying Service*.

Employers engaged in the printing of signs, banners and related commercial advertising products shall be classified as 9507(2), *Sign Mfg. – quick sign shops*.

Also refer to companion Classification 8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*.

* * * * *

Recommendation

Amend Classification 8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating Industry Group*, for consistency.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

PRINTING OPERATION – editing, designing, proofreading and photographic composing – including Clerical Office Employees 8813(1)

This classification includes pre-press activities and clerical office employees of employers engaged in commercial off-set printing. Pre-press activities include but are not limited to editing, designing, proofreading and photographic composition, including negative stripping and plate making.

Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742(5), *Printing Operation – Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, *General Classification Procedures, Rule 4, Standard Exceptions*.

Also refer to companion Classification 4299(1), *Printing Operation – all other employees*.

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Recommendation

Amend Classification 4295(1), *Printing Operation – screen printing – all other employees*, which is part of the *Printing, Publishing and Duplicating Industry Group*, for consistency.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

PRINTING OPERATION – screen printing – all other employees

4295(1)

This classification applies to fee based screen printing of a variety of items, including but not limited to clothing, banners, wallpaper, business cards, plastic, glass and metal containers and various parts received from customers. This classification also applies to pad printing.

Commercial printing operations shall be classified as 4299(1), *Printing Operation – all other employees*, 8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*, or 8019(1), *Printing – quick printing*.

Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742(5), *Printing Operation – Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, *General Classification Procedures, Rule 4, Standard Exceptions*.

Also refer to companion Classification 8846(1), *Printing Operation – screen printing – editing, designing, proofreading and photographic composing*.

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Recommendation

Amend Classification 4295(2), *Screen Printed Merchandise Dealers*, which is part of the *Printing, Publishing and Duplicating Industry Group*, for consistency.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

SCREEN PRINTED MERCHANDISE DEALERS – all other employees

4295(2)

This classification applies to the screen printing or pad printing of merchandise, including but not limited to clothing, advertising novelties, balloons and souvenirs, where not less than 75% of gross receipts are developed through the sale of items printed by the employer.

Retail store operations shall be separately classified.

Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742, Salespersons – Outside, subject to the Standard Exceptions rule. See Section III, General Classification Procedures, Rule 4, Standard Exceptions.

Also refer to companion Classification 8846(2), *Screen Printed Merchandise Dealers – editing, designing, proofreading and photographic composing*.

* * * * *

Recommendation

Amend Classification 8846(1), *Printing Operation – screen printing – editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating Industry Group*, for consistency.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

PRINTING OPERATION – screen printing – editing, designing, proofreading and photographic composing – including Clerical Office Employees 8846(1)

This classification applies to pre-press activities and clerical office employees of employers engaged in fee based screen printing. Pre-press activities include but are not limited to the design and development of artwork and the preparation of screens. This classification also includes the post-printing cleaning of screens.

Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742(5), ~~*Printing Operation – Salespersons – Outside*~~, subject to the Standard Exceptions rule. See Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*.

Also refer to companion Classification 4295(1), *Printing Operation – screen printing – all other employees*.

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Recommendation

Amend Classification 4492, *Sign Mfg. – metal, plastic or wood*, which is part of the *Sign Industry Group*, for consistency.

PROPOSED

SIGN INDUSTRY

SIGN MFG. – metal, plastic or wood – N.O.C. 4492

This classification applies to the manufacture of metal, plastic and wood signs, including but not limited to cabinet signs, channel letter signs, two-dimensional signs and three-dimensional signs involving the fabrication and assembly of sign parts. This classification includes the painting and application of pressure sensitive vinyl letters and graphics onto signs manufactured by the employer.

Employees engaged exclusively in the design and production of vinyl letters and graphics using office type computers and plotters/printers shall be classified as 8810(4), ~~*Clerical Office Employees*~~, provided such operations are separated from sign manufacturing activities.

Employers engaged exclusively in the production of signs, banners and related products by application of painted, screen printed and pressure sensitive vinyl letters and graphics onto substrates, including but not limited to plastic, canvas, wood, foam, acrylic and magnetic materials

shall be classified as 9507(2), *Sign Mfg. – quick sign shops*. Such operations may involve trimming substrates to size.

Neon tube fabrication and charging shall be separately classified as 4111(2), *Incandescent Lamp and Fluorescent Tube Mfg.*

Sign erection, installation or repair away from the shop shall be separately classified.

* * * * *

Recommendation

Amend Classification 9507(2), *Sign Mfg. – quick sign shops*, which is part of the *Sign Industry Group*, for consistency.

PROPOSED

SIGN INDUSTRY

SIGN MFG. – quick sign shops – including outside operations – including counterpersons 9507(2)

This classification applies to employers engaged exclusively in the production of signs, banners and related products by application of painted, screen printed or pressure sensitive vinyl letters and graphics onto substrates, including but not limited to plastic, canvas, wood, foam, acrylic and magnetic materials. Such operations may involve trimming substrates to size.

Employees engaged exclusively in the design and production of vinyl letters and graphics using office type computers and plotters/printers shall be classified as 8810(4), *Clerical Office Employees*, provided such operations are separated from sign painting and lettering activities. The application of painted, screen printed or vinyl letters and graphics to a sign or banner surface shall be classified as 9507(2).

The manufacture of metal, plastic and wood signs, including but not limited to cabinet signs, channel letter signs, two-dimensional signs and three-dimensional signs involving the fabrication and assembly of sign parts and associated sign painting and lettering shall be classified as 4492, *Sign Mfg. – metal, plastic or wood*.

The production of signs, banners and related products by advertising companies shall be classified as 9549, *Advertising Companies*.

* * * * *

Recommendation

Amend Classification 9507(1), *Sign Painting or Lettering*, which is part of the *Sign Industry Group*, for consistency.

PROPOSED

SIGN INDUSTRY

SIGN PAINTING OR LETTERING – shop and outside – including counterparts

9507(1)

This classification applies to employers that apply painted or adhesive lettering and graphics onto surfaces, including but not limited to customers' buildings, structures, windows, signs and banners. This classification also includes the application of painted or adhesive lettering, signage, striping, adhesive wraps and window tint film onto automobiles, trucks or buses by employers not engaged in automobile, truck or bus painting or body repairing.

Employees engaged exclusively in the design and production of vinyl letters and graphics using office type computers and plotters/printers shall be classified as 8810(4), *Clerical Office Employees*, provided such operations are separated from sign painting and lettering activities. The application of painted or vinyl letters or graphics onto a surface shall be classified as 9507(1).

The manufacture of metal, plastic and wood signs, including but not limited to cabinet signs, channel letter signs, two-dimensional signs and three-dimensional signs involving the fabrication and assembly of sign parts and associated sign painting and lettering shall be classified as 4492, *Sign Mfg. – metal, plastic or wood*.

The application of painted or adhesive lettering and graphics onto surfaces at customers' locations or onto customers' vehicles by advertising companies shall be classified as 9549, *Advertising Companies*.

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Recommendation

Amend Classification 1803, *Stone Cutting and Fabrication*, for consistency.

PROPOSED

STONE CUTTING AND FABRICATION – shop

1803

This classification applies to the cutting and fabrication of stone slabs, including but not limited to granite, marble, travertine, quartz, limestone and onyx to produce products such as countertops, backsplashes, cemetery monuments, ceiling and wall veneer, mantels, floor tile, tabletops and exterior building panels or components.

Employees engaged exclusively in the design and production of stencils using office type computers and plotters/printers shall be classified as 8810(4), *Clerical Office Employees*, provided such operations are separated from stone cutting or fabrication activities.

The installation of cemetery monuments shall be classified as 5027/5028, *Masonry*.

Installation operations that include stone cutting and fabrication at installation sites shall be separately classified.

Quarrying and stone cutting in quarries shall be classified as 1624(1), *Quarries*.

* * * * *

Recommendation

Amend Classification 8015, *Stores – furniture*, which is part of the *Stores* Industry Group, for consistency.

PROPOSED

STORES

STORES – furniture – wholesale or retail

8015

This classification applies to stores engaged in the sale or rental of furniture, including but not limited to couches, chairs, tables, dressers, bed frames, desks and bookcases. This classification also applies to furniture auctioneers.

This classification also applies to the operation of furniture galleries or showrooms that display samples of furniture for viewing and direct sale to customers. Such operations include but are not limited to the sale of furniture by salespersons, interior decorators or designers retained by the employer, and furniture shipping, receiving and delivery. This classification includes travel to customers' locations by salespersons, interior decorators or designers to gather information and provide advice in support of furniture sales.

This classification does not apply to the operation of furniture galleries or showrooms that sell exclusively from samples to buyers for stores (no direct sales) and where no inventory (exclusive of showroom samples) is maintained at the gallery or showroom location. Such gallery or showroom salespersons shall be classified as 8742(4), *Salespersons – Outside*, provided they have no other duties of any kind in the service of the employer except clerical work or outside sales. Refer to Section IV, *Special Industry Classification Procedures*, Rule 6, *Stores*.

The installation, service and repair of electrical household appliances shall be separately classified as 9519(1), *Household Appliances*.

The installation of linoleum, vinyl, carpet, rugs or asphalt or rubber tile shall be separately classified as 9521(2), *Floor Covering – installation*.

The installation of hardwood flooring shall be separately classified as 5436, *Hardwood Floor Laying*.

The installation of window coverings and associated hardware within buildings shall be separately classified as 9521(3), *Window Covering*.

Stores engaged in the sale of mattresses and box springs only shall be classified as 8017(1), *Stores – retail*.

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Recommendation

Amend Classification 7607(1), *Video Post-Production*, for consistency.

PROPOSED

VIDEO POST-PRODUCTION – computer or electronic – all employees – including Clerical Office Employees and Outside Salespersons 7607(1)

This classification applies to employers engaged exclusively in computerized or electronic video post-production operations for other concerns in connection with motion pictures, television features, commercials or similar productions, on a fee basis.

This classification does not apply to computer or electronic video post-production operations that are performed in connection with television or motion picture production by the employer; such operations shall be classified as 8810(4), *Clerical Office Employees*, in accordance with subject to the provisions of the rules for Standard Exceptions rule. See Section III, General Classification Procedures, Rule 4, Standard Exceptions.

This classification does not apply to non-computer or non-electronic post-production operations, including but not limited to developing film, production of prints by exposing raw film stock, editing of film prints by cutting or splicing or contract video duplication; such operations shall be assigned to the applicable classification.

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Recommendation

Amend Classification 7520, *Water Companies*, for consistency.

PROPOSED

WATER COMPANIES – all employees – including construction or extension of lines 7520

This classification applies to the operations of publicly or privately operated water companies that supply potable water to communities. This classification includes but is not limited to the construction, maintenance or repair of water mains and lateral lines, the treatment of water, the operation and maintenance of pumping stations and the installation and repair of water meters.

The construction of aqueducts, buildings, dams or reservoirs shall be separately classified.

Meter readers shall be separately classified as 8742(4), *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, General Classification Procedures, Rule 4, Standard Exceptions.

The construction of cross-country water pipelines by separate concerns shall be classified as 6361(2), *Cross-Country Water Pipeline Construction*.

The construction of water mains along streets and roads by separate concerns shall be classified as 6315(1)/6316(1), *Water Mains or Connections Construction*.

The delivery and spraying of water at construction sites by water truck service companies shall be classified as 7272, *Water Truck Service Companies*.

The operation of hydroelectric power plants shall be classified as 7539, *Electric Power Companies*.

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Recommendation

Amend Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency.

PROPOSED

Section II – Abbreviated Classifications – Numeric Listing

- ~~8742(1)~~ Salespersons–Outside
- ~~8742(2)~~ ~~Bookbinding–salespersons–outside~~
- ~~8742(3)~~ Boy/Girl Scout Councils–district execs
- 8744
- ~~8742(4)~~ Newspaper Publishing–reports/advertisers/photographers
- 8746
- ~~8742(5)~~ ~~Printing–salespersons–outside~~
- ~~8810(1)~~ Clerical Office Employees
- ~~8810(2)~~ ~~Draftspersons~~
- ~~8810(3)~~ Libraries–private–professional employees
- 8811
- ~~8810(4)~~ Libraries–public
- 8812

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Appendix IV

Classifications including Clerical Office Employees or Outside Salespersons

See Section III, General Classification Procedures, Rule 4, Standard Exceptions, Subrule c, Standard Exception Classification Procedures.

<u>Code</u>	<u>Name</u>	<u>Including Clerical Office Employees</u>	<u>Including Outside Salespersons</u>
1322	Oil/Gas Well Servicing		X
4297(1)	Electronic Pre-press—all operations	X	
4297(2)	Graphic Design—all operations	X	
5192	Vending/Coin-Operated Machines		X
5650	Termite Control Work		X
7607(1)	Video Post-Production	X	X
7607(2)	Audio Post-Production	X	X
7610	Radio/Television/Commercial Stations	X	X
8019(1)	Printing—quick printing	X	X
8019(2)	Document Duplication/Photocopying	X	X
8039	Stores—department stores	X	X
8046	Stores—auto/truck parts/accessories		X
8062	Stores—computer		X
8286	Livestock Dealers/Auction Yards		X
8400	Motorcycle Dealers		X
8601(1)	Engineers—consulting	X	X
8601(2)	Oil/Gas Geologists/Scouts	X	X
8601(4)	Forest Engineers	X	X
8720(1)	Inspection for Insurance/Safety/Value		X
8720(2)	Elevator Inspecting		X
8720(3)	Weighers/Samplers/Inspectors		X
8741	Real Estate Agencies	X	X
8744	Boy/Girl Scout Councils—district execs		X
8746	Newspaper Publishing—reports/advertise		X
8743	Mortgage Brokers	X	X
8745	News Agents/Distributors Magazines		X
8749	Mortgage Bankers	X	X
8755	Labor Unions		X
8800	Mailing/Addressing Companies	X	
8801	Credit Unions	X	X
8803	Auditors/Accountants	X	
8807	Newspaper/Magazine/Book Publishing	X	
8808	Banks	X	X
8811	Libraries—private—professional employees	X	
8812	Libraries—public	X	
8813(1)	Printing—editing	X	
8813(2)	Bookbinding—editing	X	
8818	Newspaper Publishing/Printing—editing	X	
8820	Attorneys	X	X
8821	Attorney Support Services	X	X
8822	Insurance Companies	X	X
8830	Institutional Employees	X	X
8834	Physicians' Practices/Outpatient Clinics	X	

Classification and Rating Committee
 Meeting Agenda for March 14, 2017

<u>Code</u>	<u>Name</u>	<u>Including Clerical Office Employees</u>	<u>Including Outside Salespersons</u>
8838	<u>Museums</u>	X	
8839	<u>Dentists/Dental Surgeons</u>	X	
8840	<u>Church/Temple/Mosque/Synagogue-clergy</u>	X	
8846(1)	<u>Printing-screen printing-editing</u>	X	
8846(2)	<u>Screen Printed Merchandise Dlr-editing</u>	X	
8850	<u>Check Cashers</u>	X	X
8859(1)	<u>Computer Programming/Software Developmnt</u>	X	X
8859(2)	<u>Internet/Web-Based Application Developmt</u>	X	X
8875(1)	<u>Public Colleges/Schools</u>	X	X
8875(2)	<u>Superintendent of Public Schools Office</u>	X	X
9031	<u>Pest Control</u>		X
9043	<u>Hospitals</u>	X	X
9185	<u>Carnivals/Circuses</u>	X	X

Reporting of Self-Insured Data

California payroll and loss experience developed while an employer was legally self-insured may be used to calculate an experience modification after the employer obtains insurance.¹ Self-insured data is not used for any purpose other than to calculate an experience modification for a specific employer.

Currently, an insurer submits to the WCIRB a hard copy request to use self-insured data to calculate an experience modification, along with documents containing self-insured payroll and loss experience that is supported by affidavit from the employer. In order to generate an experience modification, WCIRB staff reviews the submitted information and then manually enters the payroll and loss data into the WCIRB's operating system in the form of a unit statistical report specifically identified as containing self-insured data. If the initial submission contains open claims, these claims must be revalued and loss experience needed to generate subsequent unit statistical reports must be submitted annually as long as the claims remain within the experience period for subsequent experience modifications.

In order to improve the efficiency of self-insured payroll and loss data submissions, WCIRB staff is recommending that requesting insurers be permitted to submit self-insured data electronically in WCSTAT format (either through the insurer's normal unit statistical report submission process or via the BEEP² application³). The submission would be associated with a policy number provided by the WCIRB that is designated for the specific self-insured experience. To report subsequent valuations of the self-insured data for subsequent experience modifications, an insurer would follow the same process.

The following current processes would remain unchanged:

1. The insurer submits a request to the WCIRB to use self-insured data to calculate an experience modification, along with an affidavit from the employer confirming that the self-insured data it provides to the insurer is complete and accurate.
2. WCIRB staff reviews and confirms with the insurer that the self-insured data can be used in the experience modification to be applied to the specified policy.
3. The self-insured data is reviewed and validated to ensure completeness and reasonableness.
4. The requested experience modification is published using the self-insured data once the self-insured data has passed all required validations.

To assess the impact of the proposed process changes, WCIRB staff reached out to the unit statistical reporting representatives of insurers that most frequently request the use of self-insured data in experience rating. These representatives indicated that submitting self-insured data electronically in WCSTAT format could be easily implemented and would not pose any significant issues. They also indicated that leveraging the expertise of their unit statistical reporting unit to obtain, validate and electronically submit self-insured data in WCSTAT format would be more efficient than the current hard copy reporting process.

Based on the foregoing, staff is recommending revisions to the ERP to be included in the January 1, 2018 Regulatory Filing to permit the electronic reporting of self-insured experience.

¹ See *California Workers' Compensation Experience Rating Plan—1995* (ERP), Section III, *Eligibility and Experience Period*, Rule 5, *Self-Insurers' Data*.

² BEEP, the Bureau Entry and Edit Package, is a web-based service developed by the American Cooperative Council on Compensation Technology (ACCCT) for the Compensation Data Exchange, LLC (CDX), an entity responsible for electronic data interchange between data providers and Data Collection Organizations (DCOs). BEEP is used by data reporters to enter, edit and submit unit statistical report data electronically in WCSTAT format (national reporting specifications for reporting unit statistical data) through the CDX system to the DCOs.

³ All other states also allow the use of self-insured data in experience rating. Submission of the self-insured data is primarily through the use of the National Council on Compensation Insurance's ERM-6 form, but one DCO requires electronic submission in WCSTAT format.

Staff is also recommending charging a fee for each request to use self-insured data for experience rating in which the self-insured data is not submitted electronically in WCSTAT format. In order to help cover the cost of WCIRB staff time in processing, reviewing, validating and converting non-electronic submissions of self-insured data to WCSTAT format – which averages approximately twelve hours of WCIRB staff time per request – staff recommends a standard processing fee of \$500 per rating.

Recommendation

Amend the *California Workers' Compensation Experience Rating Plan—1995*, Section III, *Eligibility and Experience Period*, Rule 5, *Self-Insurer's Data*, to permit the electronic reporting of self-insurer data.

PROPOSED

Section III – Eligibility and Experience Period

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5. Self-Insurers' Data

The experience of self-insurers may be accepted by the WCIRB provided the experience of self-insured operations is ~~submitted on Form 701, Report of California Self-Insured Data for Experience Rating Purposes, giving definite information with respect to payroll and losses. Such statement shall be secured, verified and submitted~~ reported in a manner acceptable to the WCIRB and in accordance with the provisions of the Uniform Statistical Reporting Plan by an interested insurer and supported by a written affidavit ~~from~~ the employer.

Self-insured experience shall not be used in rating a risk, unless the operations that produced such experience are currently insured under a workers' compensation and employers' liability insurance policy that has been received by the WCIRB. The self-insured data is subject to all the relevant rules of this Plan, the Uniform Statistical Reporting Plan and the *Miscellaneous Regulations for the Recording and Reporting of Data—1995*. An experience modification will not be promulgated with partial self-insured data. ~~If the self-insured data (original report) includes open claims, all such claims must be revalued and subsequent reports must be submitted annually to the WCIRB in accordance with the rules in the Uniform Statistical Reporting Plan.~~ All self-insured experience developed during the experience period for the subject experience modification must be submitted, including all claims that are required to be revalued.

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