R.C. 1964

To the Members of the Board

RE: New York Workers Compensation
Classification Procedure
Automobile Gasoline and Service Stations

The Rates Committee has adopted, and the New York State Insurance Department has approved, effective April 1, 2001, for new and renewal business, the establishment of Code 8382 to apply to self-service gasoline stations that operate in conjunction with a convenience store and amendments to the classification phraseologies for Code 8391.

The automobile gasoline industry has evolved somewhat over the last several years causing some confusion in the application of the proper classifications. Employers within this industry may operate in any of the following ways:

- Sell self-service gasoline only;
- Sell self-service gasoline and also operate a convenience store;
- Operate a service station that may sell gasoline, either full or full and self-service, repair automobiles and may also operate a convenience store;
- Operate a repair shop, with or without a convenience store or sale of gasoline;
- Operate an auto body shop, with or without a convenience store or sale of gasoline.

While self-service gasoline stations may be prevalent in many areas of the state, there are numerous stations that also provide full-service and pump the gasoline for their customers. The trend today within this industry is to also operate a convenience store in conjunction with the sale of gasoline or repairs. Because of this changing industry, there has been some confusion in the application of the proper classification codes as well a need to reevaluate the current classification procedures.

Currently, Code 8381 – “Automobile Gasoline–retail–Self-Service,” applies to those establishments that are engaged in the retail sale of self-service gasoline. A convenience store could, however, also be operated in conjunction with a self-service gasoline station. Under certain conditions currently outlined in Section II of the Digest of Rulings and Interpretations, a store classification can be applied in lieu of Code 8381 provided the insured’s operation meets the requirements. If the insured provides other services to vehicles, such as repair at the same location, Code 8391 applies to the entire operation of the insured, and not Code 8381. However, under current classification procedures, since 8391 now becomes the governing classification, the store clerks are also assigned to the higher rated Code 8391.
As this industry has evolved with more stations operating a convenience store, whether or not gasoline is also sold, there have been further questions as to the proper classification assignment for the store clerks. To diminish this confusion, the amendments, as outlined below, will apply, on April 1, 2001, to the classification procedures for the automobile gasoline and service station industry:

- The phraseology and footnotes for Code 8391 have been amended to allow for a separation of payroll for the clerks of a convenience store. If gasoline is pumped on a full and/or self-service basis, Code 8391 will apply and the appropriate store classification will apply to the convenience store clerks.

- Code 8381 will continue to apply solely to a self-service gasoline station that does not operate a convenience store.

- Code 8382 (a new code) will apply to a station that only provides for the sale of self-service gasoline while operating a convenience store. The proposed footnote indicates that if other services are provided, which can include the full-service pumping of gas or the repair of vehicles, then the addition of Code 8391 will apply.

  The rate for Code 8382 will be based upon the rate for Code 8006 “Retail Store–Grocery–Retail” until Code 8382 develops its own experience.

- The cross-reference entries for Code 8391 and the entries for Code 8350 – “Gasoline or Oil Dealer & Drivers” have also been amended to clarify the proposed classification procedures.

- The current entries in the Digest of Rulings and Interpretations will no longer apply and will be eliminated.

Attached for your reference are amended Pages C-7, C-7a, C-7b, C-8, C-40 and C-58 from the Classification Section and Pages D-29 and D-35 of the Digest of Rulings and Interpretations of the New York Workers Compensation and Employers Liability Insurance Manual which reflect these changes.

Printed manual pages will be distributed as soon as they become available.

Very truly yours,

Monte Almer

President
AUTOMATIC SPRINKLER INSTALLATION & Drivers

AUTOMOBILE BODY REPAIR SHOP—ALL OPERATIONS—and Drivers

Applies to automobile body repair shops.

When an insured operates an automobile body repair shop with a convenience store (no self-service sale of gasoline), apply Code 8391 and the appropriate store classification. Refer to Section III of the Digest of Rulings and Interpretations to determine the applicable store classification.

Refer to Code 8382 “Automobile Self-Service Gasoline with Convenience Store” for insureds operating a convenience store that is also engaged in selling self-service gasoline.

AUTOMOBILE, BUS, TRUCK or TRAILER BODY MFG.:

RIVETED or WELDED

Includes bus, truck or trailer body repair or service. Code 3823 and Code 3808 “Automobile Mfg.” shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses.

NOC

Includes bus, truck or trailer body repair or service. Code 3824 and Code 3808 “Automobile Mfg.” shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses.

PAINTING

UPHOLSTERING

AUTOMOBILE DISMANTLING & Drivers

Includes store operations and the salvage or junking of parts.

AUTOMOBILE ENGINE MFG.

AUTOMOBILE GASOLINE and/or SERVICE STATIONS:

FULL or FULL and SELF-SERVICE GASOLINE & Drivers

Applies to retail gasoline stations that operate a combined full and self-service station at the same location. Includes repairs to automobiles.

This classification does not include the operation of a convenience store that is also engaged in selling self-service gasoline. Refer to Code 8382.

When an insured operates a full-service gasoline station with a convenience store (not self-service gasoline), apply Code 8391 and the appropriate store classification. Refer to Section III of the Digest of Rulings and Interpretations to determine the applicable store classification.

SELF-SERVICE GASOLINE exclusivelySno convenience store

Applies to gasoline stations where the customer pumps the gasoline. The employee exposure is that of an attendant located in a separate structure, such as a booth, who controls the amount of the sale and accepts payment from the customer.

This classification does not include the operation of a convenience store, full-service gasoline station or any other services provided to automobiles.
AUTOMOBILE GASOLINE and/or SERVICE STATIONS: (continued)

SELF-SERVICE GASOLINE with CONVENIENCE STORE 8382

Applies to gasoline stations where the customer pumps the gasoline. The employee exposure is that of an attendant located in a separate structure who controls the amount of the sale and accepts payment from the customer.

Includes the operation of a convenience store selling a variety of items but not limited to groceries, soft drinks, coffee, tea, bread, snacks, newspapers, candy, cigarettes, windshield wiper fluid, etc. The sale and service of fast food is not limited to frankfurters, sandwiches, pizza, etc.

Separately Rate:
The operation of a full-service gasoline station and/or an automobile repair shop at the same location as Code 8391 “Automobile Gasoline Station—Full or Full and Self-Service & Drivers” or Code 8391 “Automobile Repair Shop—All Operations & Drivers.”

AUTOMOBILE CAR WASH & Drivers 8391

AUTOMOBILE LIGHTING, IGNITION or STARTING APPARATUS MFG. NOC 3648

AUTOMOBILE MFG. or ASSEMBLY 3808

AUTOMOBILE PARKING LOT & Drivers 8392

AUTOMOBILE Storage Garage or PARKING STATION & Drivers 8392

AUTOMOBILE RADIATOR MFG. 3807

Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 3807 are conducted as a separate and distinct business.

AUTOMOBILE REPAIR Shop—ALL OPERATIONS—& Drivers 8391

Applies to automobile repair shops.

When an insured operates an automobile repair shop with a convenience store (no self-service sale of gasoline), apply Code 8391 and the appropriate store classification. Refer to Section III of the Digest of Rulings and Interpretations to determine the applicable store classification.

Refer to Code 8382 “Automobile Self-Service Gasoline with Convenience Store” for insureds operating a convenience store that is also engaged in selling self-service gasoline.
AUTOMOBILE SALES or Service AGENCY—ALL OPERATIONS—& Drivers
Automobile salespersons to be separately rated as Code 8748.

AUTOMOBILE SALESPEOPLE

AUTOMOBILE TIRE DEALER & Drivers
Includes repairing, recapping, vulcanizing and mounting of tires on or away from premises. Tire salespersons to be separately rated as Code 8748.

AUTOMOBILE TIRE SALESPERSONS

AUTOMOBILE WHEEL MFG.—metal—not cast

AWNING or Tent MFG.—SHOP only
The installation, removal or repair of awnings or tents away from the shop shall be classified as Code 9539 “Awning Erection & Drivers.”

AWNING, Tent or Canvas Goods ERECTION, Removal or Repair & Drivers
Applies to operations away from the shop.

BABY CARRIAGE MFG.

BAG MFG.—PAPER or PLASTIC
Paper mfg. to be separately rated as Code 4239. Plastic film mfg. to be separately rated as Code 4459.

BAG or Sack MFG.—cloth
Applies to the mfg. renovation or repair of cotton, burlap or gunny bags or sacks.

BAG RENOVATING
Applies to the renovating or repairing of cotton, burlap or gunny bags or sacks.

BAGEL MFG. & Route Salespersons, Route Supervisors, Drivers
Applies to shops engaged in making bagels from raw ingredients, not received frozen.

BAGEL SHOPS—retail
Applies to shops engaged in selling bagels with spreads and/or made into sandwiches. Includes the sale of beverages and other food for consumption on or away from the premises.
This class can only be applied if the sale of prepared items is less than 50 percent of the gross receipts.
Bagel manufacturing to be separately rated as Code 2003 “Bakery & Route Salespersons, Route Supervisors, Drivers.”

Bagel Shops—retail continued on the next page.
GAS METER MFG.
3574

GAS WELL or PIPELINE—See “OIL or GAS”

GASOLINE or Oil DEALER & Drivers
8350
Retail gasoline stations to be separately rated as Code 8391 “Automobile Gasoline Full or Full and Self-Service Station & Drivers,” Code 8381 “Automobile Gasoline Station Self-Service” or Code 8382 “Automobile Gasoline Station Self-Service with Convenience Store.”

GASOLINE RECOVERY & Drivers
1463
Applies to recovery from casing head or natural gas.

GEAR MFG. or GRINDING
3635
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 3635 are conducted as a separate and distinct business.

GEOPHYSICAL EXPLORATION—Seismic—& Drivers
5508

GEOPHYSICAL EXPLORATION NOC
8601
Core drilling to be separately rated as Code 6204 “Drilling NOC & Drivers.” May be used only upon specific assignment by the Rating Board. Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 8601 are conducted as a separate and distinct business.

GLASS MFG.—CUT
4111

GLASS MFG. NOC & Drivers
4101
Includes the mfg. of the blown sheet, window, polished plate, ribbed, rolled, colored, figured or wire glass. Digging or quarrying to be separately rated.

GLASS MERCHANT
4130
Includes bending, grinding, beveling or silvering of plate glass.

GLASS WINDOW MFG.—stained
4133
Includes glass mfg.

GLASSWARE MFG.—NO AUTOMATIC BLOWING MACHINES
4111
Digging or quarrying to be separately rated.

GLASSWARE MFG. NOC
4114
Digging or quarrying to be separately rated.

GLAZIER—AWAY FROM SHOP—& Drivers
5462

GLOVE MFG.—leather or textile
2670
Tanning or leather or mfg. of textile fabric to be separately rated.
OIL or Gas WELL: (continued)

PERFORATING OF CASING & Drivers 5508

SHOOTING & Drivers 5508

SUPPLIES or EQUIPMENT DEALER—NEW—store or yard—& Drivers 8107

SUPPLIES or EQUIPMENT DEALER—SECOND-HAND—& LOCAL MANAGERS, Drivers 8204

Includes incidental reconditioning or repairing. Installation, erection, dismantling or salvage operations to be separately rated.

OIL or Gasoline DEALER & Drivers 8350

Retail gasoline stations to be separately rated as Code 8391 "Automobile Gasoline Full or Full and Self-Service Station & Drivers," Code 8381 "Automobile Gasoline Station—Self-Service" or Code 8382 "Automobile Gasoline Station—Self-Service—with Convenience Store."

OIL or Grease MIXING OR BLENDING 4712

Code 4712 and Code 1463 "Oil Refining—petroleum—& Drivers" or Code 8350 "Oil or Gasoline Dealer & Drivers" shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses. Rendering to be separately rated as Code 4665. Petroleum refining to be separately rated as Code 1463 "Oil Refining—petroleum—& Drivers."

OIL or Hone STONE MFG. & Drivers 1748

Quarrying to be separately rated.

OIL REFINING—petroleum—& Drivers 1463

Oil producing to be separately rated.

OIL RIG or Derrick ERECTION or DISMANTLING 5057

Applies to rigs or derricks of metal, the construction of foundations or structures and the installation of equipment. 5403

Applies to rigs or Derrick of wood, the construction of foundations or structures and the installation of equipment.

OPTICAL GOODS MFG. NOC 4150

ORE DOCK OPERATION and Stevedoring 7313F

Applies to operation by means of mechanical apparatus. Not applicable to contract stevedores.
Automobiles (continued):

Delivery by "drive-away" chauffeurs.—(Operation of carrier trucks or trailers to be separately rated) .............................................................................. 7380

Engine Rebuilding—including cylinder reboring or grinding ............................... 3632

Glass installation—exclusively ........................................................................... 8391

Piston Ring Mfg. .................................................................................. 3113

Preparing and Crating for Shipment—See Contract Packing

Radiator Repairing—no removal or replacement on cars .................................... 3807

Rental of Cars Without Chauffeurs—no mechanical work ................................. 8392

Restoration—no mfg. ............................................................................... 8391

Sales or Service Agencies or Garages

If an automobile sales or service agency or garage has a separate accessory or spare parts department with separate employees and if the majority of the accessories and spare parts handled are sold to others and are neither installed by the insured nor used by the insured for repair work, such department shall be subject to Code 7999 "Auto Parts and Accessories Stores—wholesale."

Springs—manufacture or repair—(Removing or replacing on cars to be separately rated) .................. 3303

Storage Garages and Repair Shops

If a risk operates an automobile storage garage and also repairs automobiles at the same location, the entire risk shall be assigned to Code 8391 "Automobile Repair Shop & Drivers" if the majority of the employees are engaged in repair shop operations, but if the majority of the employees are engaged in storage operations, such a risk shall be assigned to Codes 8392 "Automobile Storage Garages or Parking Stations" and 8391 "Automobile Repair Shops & Drivers," subject to the manual rules on interchange of labor and effective segregation of the different operations.

Towing—no other operations—incl. drivers ................................................... 7219

Truck Bodies and Hoists—mounting on chassis—incl. drivers .......................... 8391

Truck Bodies—manufacturing automobile carrier trailers ............................... 3823

Truck Bodies—manufacturing steel tank truck bodies or trailers ........................ 3823

Awnings—metal:

Erection—incl. drivers .............................................................................. 9539

Manufacturing ...................................................................................... 3076

B

Baby Sitters—employed by domestic service contractors .................................... 0917

Baby Sitters—employed by home health care establishment ............................. 9051

Banks and Trust Companies:

Employees of banks and trust companies.
Contractors—Executive Supervisors

Where all the construction work on a particular job is sublet, the general contractor’s superintendent who is in direct charge of the job but gives his directions to the superintendents or foremen of the subcontractors shall qualify for the use of Code 5606 “Executive Supervisors.” An executive officer of a corporation who performs the duties of an executive supervisor shall be assigned to Code 8809 “Executive Officers” provided that such executive officer does not otherwise regularly and frequently perform the duties of a foreman, worker or salesperson.

Cord or Twine Mfg.—paper ............................................................. 2913
Cosmetics Mfg.—no mfg. of ingredients ..................................................... 4611
Cough Drops Mfg ................................................................. 4611
Crocheting—by hand .................................................................. 2388
Curtains—See Draperies

D

Dam Construction:

In addition to operations covered by the dam construction classifications, Codes 6017, 6018 and 2702, appearing in the manual, various other operations, which have been found to occur in connection with dam construction jobs and for which the classifications above referred to make no specific provision, shall be assigned in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Operations</th>
<th>Code No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Wrecking NOC</td>
<td>5708</td>
</tr>
<tr>
<td>Construction, Installation or Removal of Temporary Facilities, Machinery and Equipment—incl. trestles, bridges, barricades, fences, light and power equipment in accordance with the provisions of Rule IV.D.7 of the manual</td>
<td>GC</td>
</tr>
<tr>
<td>Construction or Removal of Temporary Buildings</td>
<td>Various</td>
</tr>
<tr>
<td>Drains or Culverts—construction or installation</td>
<td>GC</td>
</tr>
</tbody>
</table>