To the Members of the Board

RE: New York Workers Compensation
Code 5610 – Debris Removal

The Rates Committee has adopted, and the New York State Insurance Department has approved, an amendment to the footnote for Code 5610 to clarify the appropriate use of this classification with an issue date of January 1, 2003.

Code 5610 applies to the removal of debris from a construction or erection site when the payroll for cleaners, watch guards and timekeepers is greater than all other payroll of an employer at the same job or location. When a general contractor engages in a construction or erection job, Code 5610 usually does not apply to the debris removal as the payroll of the cleaners, watch guards and timekeepers is generally less than the payroll of the tradespersons performing the construction or erection operations. However, when a general contractor subcontracts all of the construction or erection work, and employs only debris removal employees, Code 5610 applies as this is the only payroll.

In addition, it has been the procedure to assign Code 5610 only when the debris is removed after a job has been completed. The classification procedure is being amended to allow Code 5610 to apply to a job in progress, in the case of the construction or erection of multi-story buildings, when debris is removed from a floor/floors that are completed by the tradespersons. Code 5610 can apply in this case only if the payroll criterion is met.

Attached for your reference are pages C-19, C-25, C-93 and C-99 from the Classification Section of the Manual that show the amended phraseology to the footnote to clarify the procedure for properly assigning Code 5610.

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

Very truly yours,

Monte Almer
President
**CIRCUS, Carnival or Amusement Device Operator—TRAVELING—ALL EMPLOYEES—& Drivers**

The entire remuneration of all employees shall be included in computing premium, subject, however, to the maximum average weekly wage per employee shown in the rate pages under “Miscellaneous Values” as “Maximum Remuneration.”

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**CLAIM ADJUSTERS or Special Agents—Insurance Co.**

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**CLAY or Shale DIGGING & Drivers**

Includes construction, repair and maintenance of all buildings, structures or equipment, and installation of machinery. No canal, sewer or cellar excavation or underground mining.

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**CLAY or Brick PRODUCTS MFG. NOC & Drivers**

Includes: construction or reconstruction of sheds or kilns; clay, shale or sand digging; the mfg. of common, face, pressed or repressed building or paving bricks; sand-lime bricks; structural, fire-proofing, drainage and roofing tiles; wall copings; glazed or unglazed sewer or drain pipes or conduits; or similar products. Underground mining or quarrying to be separately rated.

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**CLEANER—DEBRIS REMOVAL**

- **construction or erection**

Applies to specialty contractors engaged in removing construction or erection debris provided they are not engaged in construction or erection operations. Code 5610 also applies to debris removal employees of a construction or erection contractor provided that the payroll for the cleaners, timekeepers and watchguards is greater than all other payroll of the employer subject to construction or erection classifications at the same job or location. Code 5610 can be applied to debris removal employees that are working on different floors of the job site that have already been completed by the tradespersons or to debris removal employees after the tradespersons left for the day provided their payroll meets the criterion.

Timekeepers and watchguards employed by construction or erection contractors are present during the construction or erection operations. Watchguards also work nights, weekends and holidays to assure that vandalism and theft does not occur.

This code does not apply to cleaner/debris removal employees working in conjunction with the tradespersons. Such employees are considered laborers and subject to the same classification as the tradesperson.

The removal of debris left by a demolition contractor, shall be classified as Code 6217 “Excavation NOC & Drivers.”

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**CLEANING or DYEING.**—See “DRY CLEANING or LAUNDRY”

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**CLEANING OUTSIDE SURFACES OF BUILDINGS & Drivers**

Includes incidental waterproofing, painting, pointing, caulking and other repairing.

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**CLERICAL OFFICE EMPLOYEES NOC**

Subject to the standard exception manual rule.

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**CLERICAL SERVICE CONTRACTOR—TRAVELING**

Includes insurance company premium auditors.

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**CLERICAL TELECOMMUTER EMPLOYEES**

Subject to the standard exception manual rule.

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**CLIPPINGS DEALER & Drivers**

Applies to dealer in new textile fabrics only. Not rag or paper stock dealers. Dealers in used fabrics shall be assigned to Code 8264 “Paper Stock or Rag Dealer—Second-Hand—& Drivers.”

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**CLOCK MFG.**

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**CLOTH PRINTING**

Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 2417 are conducted as a separate and distinct business.
DEBRIS REMOVAL – construction or erection

Applies to specialty contractors engaged in removing construction or erection debris provided they are not engaged in construction or erection operations. Code 5610 also applies to debris removal employees of a construction or erection contractor provided that the payroll for the cleaners, timekeepers and watchguards is greater than all other payroll of the employer subject to construction or erection classifications at the same job or location. Code 5610 can be applied to debris removal employees that are working on different floors of the job site that have already been completed by the tradespersons or to debris removal employees after the tradespersons left for the day provided their payroll meets the criterion.

Timekeepers and watchguards employed by construction or erection contractors are present during the construction or erection operations. Watchguards also work nights, weekends and holidays to assure that vandalism and theft does not occur.

This code does not apply to cleaner/debris removal employees working in conjunction with the tradespersons. Such employees are considered laborers and subject to the same classification as the tradesperson.

The removal of debris left by a demolition contractor, shall be classified as Code 6217 “Excavation NOC & Drivers.”

DECORATING & Drivers

Applies to interior or exterior work, including the hanging of flags or bunting for conventions or celebrations.

DECORATING or Painting NOC & Drivers

Includes incidental shop operations. Also includes the painting of metal storage tanks, fire escapes, staircases, balconies, shutters, window frames or sash.

Painting ship hulls, metal structures over two stories in height or bridges to be separately rated.

DENTAL LABORATORY

DENTIST & Clerical

Employees engaged in any type of service in or about premises, other than premises used for professional purposes, are to be separately rated.

DERRICK or Oil Rig ERECTION or DISMANTLING

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

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

DETECTIVE or Patrol AGENCY & Drivers

Includes the operation of armored car services, watchmen, guards or patrol officers engaged in safeguarding property not owned or operated by the insured. Police officers, sheriffs, strike breakers or strike guards to be separately rated as Code 7720 “Police Officer & Drivers.”

DETINNING

Includes incidental mfg. of tin or tin compounds.

DIAMOND CUTTING or Polishing

DIAPER SERVICE & Route Salespersons, Drivers

Includes the rental and cleaning of diapers.

DIE CASTING MFG.

Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 1925 are conducted as a separate and distinct business.

DIKE or Revetment CONSTRUCTION—ALL OPERATIONS to completion—& Drivers

Applies to river work only. Pile driving to be separately rated as Code 6003.

DISTILLATION—wood—& Drivers

Includes distillation of alcohol, mfg. of creosote from wood tar or acetates.
THERMOMETER MFG.
Applies to professional or scientific instruments.

THREAD or Yarn DYEING or FINISHING
Thread or yarn mfg. to be separately rated. Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 2416 are conducted as a separate and distinct business.

THREAD or Yarn MFG.—cotton, linen or silk

TIE, Post or Pole YARD & Drivers
Includes preserving operations. Code 8232 and Code 2702 "Logging or Lumbering & Drivers" shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses.

TILE or Earthenware MFG. NOC & Drivers
Includes: construction or reconstruction of sheds or kilns; clay, shale or sand digging; the mfg. of common, face, pressed or repressed building or paving bricks; sand-lime bricks, structural, fireproofing, drainage, and roofing tiles, wall copings; glazed or unglazed sewer or drain pipes or conduits; or similar products. Underground mining or quarrying to be separately rated.

TILE, Stone, Mosaic or Terrazzo WORK—inside
Applies to interior construction work only. Not fireproof tile construction.

TIMEKEEPERS—construction or erection
Applies to specialty contractors engaged in removing construction or erection debris provided they are not engaged in construction or erection operations. Code 5610 also applies to debris removal employees of a construction or erection contractor provided that the payroll for the cleaners, timekeepers and watchguards is greater than all other payroll of the employer subject to construction or erection classifications at the same job or location. Code 5610 can be applied to debris removal employees that are working on different floors of the job site that have already been completed by the tradespersons or to debris removal employees after the tradespersons left for the day provided their payroll meets the criterion. Timekeepers and watchguards employed by construction or erection contractors are present during the construction or erection operations. Watchguards also work nights, weekends and holidays to assure that vandalism and theft does not occur. This code does not apply to cleaner/debris removal employees working in conjunction with the tradespersons. Such employees are considered laborers and subject to the same classification as the tradesperson. The removal of debris left by a demolition contractor shall be classified as Code 6217 “Excavation NOC & Drivers.”

TINNING or Galvanizing
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 3372 are conducted as a separate and distinct business.

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

TOBACCO, Cigar or Cigarette MFG.
Includes the rehandling and warehousing of prepared tobacco.
WATCH MFG.
Watch case mfg. to be separately rated as Code 3381.

WATCHGUARD – construction or erection
Applies to specialty contractors engaged in removing construction or erection debris provided they are not involved in construction or erection operations. Code 5610 also applies to debris removal employees of a construction or erection contractor provided that the payroll for the cleaners, timekeepers and watchguards is greater than all other payroll of the employer subject to construction or erection classifications at the same job or location. Code 5610 can be applied to debris removal employees that are working on different floors of the job site that have already been completed by the tradespersons or to debris removal employees after the tradespersons left for the day provided their payroll meets the criterion.

Timekeepers and watchguards employed by construction or erection contractors are present during the construction or erection operations. Watchguards also work nights, weekends and holidays to assure that vandalism and theft does not occur.

This code does not apply to cleaner/debris removal employees working in conjunction with the tradespersons. Such employees are considered laborers and subject to the same classification as the tradesperson.

The removal of debris left by a demolition contractor, shall be classified as Code 6217 “Excavation NOC & Drivers.”

WATCHMEN—construction or erection
Not applicable to the payroll for watchmen except when the payroll for watchmen, timekeepers and cleaners is greater than all other payroll of the insured which is subject to construction or erection classification at the same job or location.

WATER MAIN or Connection CONSTRUCTION & Drivers
Includes tunneling at street crossing when not performed under air pressure.

WATER METER MFG.
Applies to automatic sprinklers.

WATERPROOFING:
Waterproofing, other than roofing or subaqueous work, when performed as a separate operation not a part of, or incidental to, any other construction operation performed by the same contractor at the same job or location shall be classified in accordance with the following:

1. Application by means of brush or hand pressured caulking gun—Code 5474 "Painting or Decorating NOC & Drivers."

2. Application by means of trowel:
   a. interior of buildings—Code 5480 "Plastering NOC & Drivers."
   b. exterior of buildings—Code 5022 "Masonry NOC."

3. Application of waterproofing material by means of spray gun, cement gun, concrete gun or other pressure apparatus—Code 5213 “Guniting,” except as provided in 4. below.

4. Application of waterproofing material to exterior walls of foundations or subterranean structures by means of apparatus inserted in the ground—Code 9014 “Waterproofing—Subterranean Work Only—and Drivers”—application of waterproofing material by means of apparatus inserted in the ground.

Excavation incidental to waterproofing operations shall by separately classified as excavation.

WATERWORKS OPERATION & Drivers
Includes store employees. Construction of aqueducts, buildings, dams or reservoirs to be separately rated.

Payroll for meter readers, not exposed to operative hazards, shall be separately rated as Code 7542.

WEATHER STRIPPING, Storm Door, Storm Sash or Screens INSTALLATION