R.C. 2019

To the Members of the Board

RE: New York Workers Compensation
   Code 3737 – Service and Repair of Air Conditioning Units

The Rates Committee has adopted, and the New York State Insurance Department has approved, an amendment to the classification procedure for Code 3737 with an effective date of April 1, 2003 for new and renewal business.

Code 3737 “Electrical Apparatus Repair or Servicing at Customers’ Premises & Drivers” was established in 1994 and applies to the service and repair of equipment such as air conditioning motors and compressor units, emergency power equipment, generators and other electrical apparatus provided it is performed at the customers’ premises. The installation of the equipment is assigned to Code 3724 “Electrical Apparatus Installation & Drivers” and the repair of the equipment, if it is done at the insured’s premises, is assigned to Code 3643 “Electrical Power or Transmission Equipment Mfg.”

The Digest of Rulings and Interpretations Section of the New York Workers Compensation and Employers Liability Manual includes entries that reference the servicing, cleaning, oiling, adjusting, repair or dismantling of air conditioning motors or compressor units. The Digest states that Code 5190, the code that applies to electrical wiring within buildings, applies to these operations. A further review of this classification procedure, in conjunction with discussions with representatives of the heating and air conditioning industry, indicates that it is more appropriate to also assign these operations to Code 3737.

Attached for your reference are amendments to Pages D-27 and D-50 of the Digest to indicate that Code 3737 applies to the cleaning and oiling of air conditioning motors and compressor units with an effective date of April 1, 2003.

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

Very truly yours,

Monte Almer

President
SECTION II

CLASSIFICATION ASSIGNMENTS

Attention is directed to Rule IV.F. in the New York Manual which provides that if the operations of a risk are not described by the classification language in the manual, then the applicable code number shall be used with a statement of such operations. This procedure does not require the phrase "rated as" and that phrase should not be used. Therefore, the following classification wordings as well as any other applicable to specific risks, may be used on the policy declarations with the understanding that the entire scope of the underlying manual code number will apply to the operations described and that scope must be stated in the policy. If, for example, the manual classification code number which is used includes standard exception employees, then the descriptive language used for that code number must also include such standard exception employees.

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Acetylene Torch Mfg. ................................................................. 3634

Air Conditioning:

Commercial erection or installation—incl. drivers ................................................................. 3724

Commercial repair and/or servicing, cleaning, oiling or adjusting—including repair or dismantling of motors or compressor units ................................................................. 3737

Duct Systems—installation and subsequent repair of duct work only. Includes installation of units and blowers when duct work is erected, but no subsequent repair or service to same .................................................. 5536

Window Units—installation service or repair—incl. drivers .................................................. 9519

Aircraft:

Engines—repair at airports ............................................................. 7423

Flying Crew

The phrase "all members of the flying crew", contained in the phraseology of several aircraft operation classifications, refers to all employees who constitute the normal complement of flying personnel, or who are engaged in the operation of aircraft, or the care of passengers or cargo, such as:

Co-Pilots Pilots
Flight Engineers Pursers
Hosts Radio Operators
Hostesses Stewards
Navigators Stewardesses

Landing Mats—welded strip metal .................................................... 3040

Preparing and Crating for Shipment—See Contract Packing

Reconditioning and Rebuilding Airplanes at Airports ...................................................... 7423

Airline Terminals—not at airports—See Bus Terminal Operation

Airports—security personnel supplied by contracting agencies—incl. drivers ............................. 7723

Amusement Devices—See Recreational Facilities

Annealing and Tinning Wire—See Wire
Razor Blade Mfg.—safety ................................................................. 3270

Recreational Facilities or Amusement Devices:

Enterprises involving games of chance—operation ........................................... 8017
Enterprises involving throwing balls or darts at various targets—operation .......... 9093
Golf Courses—miniature—all operations ....................................................... 9016
Golf Driving Ranges—operation ................................................................. 9016
Penny Arcades—operation .............................................................. 8017
Pony Rides—(Care and maintenance of track to be separately rated under Code 9016 “Amusement Parks”) .............................................................. 9180
Shooting Galleries—operation—using air rifles—no firearms ......................... 9016
Skee Ball Alleys—operation ........................................................................ 8017
Skee Ball Game Mfg .................................................................................. 2883
Ski Tows—operation .................................................................................. 9016
Tennis Courts—public—operation ............................................................... 9016
Video Arcades .......................................................................................... 8017

Refrigerator or Freezer Mfg.—Metal—Household or Commercial:

Manufacturing housings or assembling complete units — Separately rate refrigeration unit mfg. .... 3076
Refrigeration unit manufacturing or assembling ................................................. 3612

Refrigeration Equipment—Commercial:

Cold Rooms—erection of prefabricated sections—(installation of refrigeration equipment to be separately rated) .......................................................... 5429
Installation of Refrigerating Machinery—away from shop—incl. drivers .......... 3724
Refrigerator Unit or Compressor Mfg. or Repair—in shop .............................. 3612
Repair and/or servicing, cleaning, oiling or including repair or dismantling of motors or compressor units . 3737

Rentals

The rental of general merchandise shall be assigned to the appropriate store or dealer classification as if it were sold.

Repair Operations

Risks having shop operations that involve the repair of a product for which there is no repair classification are to be assigned to the classification that applies to the manufacture of the product, unless such repair work is specially referred to by another classification phraseology, footnote or definition in the manual.