R.C. 2032

To the Members of the Board

RE: New York Workers Compensation
Tailoring – Code 2503

The Rates Committee has adopted, and the New York State Insurance Department has approved, effective August 1, 2003 for new and renewal business, a change to the classification procedure for tailoring and alterations performed by an employer who provides no other services.

Currently, Code 2503 “Tailoring or Dressmaking—CUSTOM—exclusively” applies to shops that fabricate custom garments for individuals. The mass production of clothing is assigned to Code 2501 “Clothing Mfg.” and other tailor shops are assigned to the retail dry cleaning and laundering code (2590) which includes the incidental tailoring and alteration of garments.

A review of this business operation revealed that there are many tailor shops that are not custom shops and only perform tailoring and alterations of their customers’ garments. Since these shops do not provide any dry cleaning or launderings services, they will now be assigned to Code 2503.

Attached are Pages C-24, C-27, C-28, C-48, C-90 and D-78 of the New York Workers Compensation and Employers Liability Insurance Manual that reflect the revised classification phraseology for Code 2503.

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

Very truly yours,

Monte Almer

President
COTTON STORAGE
Applies to baled cotton. Includes warehouse or yard employees.

*COUNSELING—social work—traveling  EFFECTIVE OCTOBER 1, 2003
Applies when any portion of an employee’s time is spent in the field performing duties of a case worker, counselor, advocate for medical or social related services or other similar functions whether performed by social service agencies or similar organizations. No medical, rehabilitation or other related services provided.

INSIDE WORK ONLY

COUNTY EMPLOYEES NOC—See “MUNICIPAL”

CRACKER MFG.

CRAYON, Pencil or Penholder MFG.

CREAMERIES & Route Salespersons, Route Supervisors, Drivers
Includes the mfg. of butter or cheese. Ice cream mfg. is to be separately rated as Code 2039.

CREMATORY OPERATION & Drivers

CREOSOTE MFG. & Drivers
Includes distillation of alcohol, mfg. of creosote from wood tar or acetates.

CURATOR—See “PUBLIC LIBRARY or MUSEUM”

* CUSTOM CLOTHING or Tailor SHOP—alterations—no mfg., dry cleaning or laundering  EFF. AUG. 1, 2003
No mass manufacturing of clothing. Applies to the custom fabrication of clothing for individuals, including subsequent alterations and tailoring. Custom is defined as the fabrication of garments such as suits, dresses, shirts, pants and other similar garments that require taking measurements of individuals, cutting and sewing the fabric in accordance to the measurements and specifications of the individual customer.

Code 2503 includes alterations and tailoring of garments received from customers regardless if the articles were custom manufactured or not by the same risk.

Not applicable to alterations or tailoring performed by a dry cleaning and/or laundering establishment. Assign Code 2590 “Dry Cleaning or Laundry—Retail—& Route Salespersons, Drivers or Code 2591 “Dry Cleaning or Laundry—Commercial—& Route Salespersons, Drivers.”

Does not apply to a retail clothing store engaged in providing alterations of clothing items that are sold to their customers. Assign Code 8008 “Clothing or Wearing Apparel Store—Retail.”

CUSTOM JEWELRY MFG.—exclusively

CUTLERY MFG. NOC

DAM or LOCK CONSTRUCTION:

CONCRETE WORK & Drivers in connection with dams or locks—all types—including foundations or the making, setting up or taking down forms, scaffolds, falsework or concrete distributing apparatus.
Excavation, pile driving, shaft sinking, tunneling; caisson or cofferdam work to be separately rated.

With respect to non-pneumatic caisson or non-pneumatic cofferdam operations, the appropriate caisson or cofferdam classification shall apply only to the construction, maintenance or removal of the caisson or cofferdam.

EARTH MOVING or PLACING & Drivers in connection with dams or locks—all types—including excavation, burrowing, filling, backfilling or grading. Mass rock excavation, pile driving, shaft sinking; tunneling, caisson or cofferdam work to be separately rated.

With respect to non-pneumatic caisson or non-pneumatic cofferdam operations the appropriate caisson or cofferdam classification shall apply only to the construction, maintenance or removal of the caisson or cofferdam.

TIMBER CUTTING and REMOVAL & Drivers
Includes incidental brush cutting and removal.
DOOR, Sash or FINISHED MILLWORK DEALER & Drivers

Applicable to concerns dealing principally in such finished millwork as doors, frames, sash, screens, columns, paneling, cupboards, mantels, finished flooring or furniture such as kitchen cabinets, ironing boards, breakfast sets, window seats, wall cabinets or cases; with or without such items as moldings, stair trim, baseboards or shelving; but no other lumber or building materials except in limited quantities as an accommodation. It includes the assembling of finished parts or glazing of products received from other concerns and the cutting down of standard stock sizes to special sizes, but not the assembling or glazing of items manufactured by the insured. This classification is not available for division of payroll with Code 8232 "Lumber Yard & Drivers," "Building Material Dealer & Drivers" or "Fuel and Material Dealer NOC & Drivers."

DOUGHNUT or Cruller MFG.—not at retail shops—Route Salespersons, Route Supervisors, Drivers

*DOUGHNUT SHOPS—retail

 EFFECTIVE OCTOBER 1, 2003

Applies to shops engaged in the preparation and sale of doughnuts, coffee or other food for consumption on or away from the premises.

Doughnut or cruller mfg. not at retail shops shall be rated as Code 2003 "Bakery & Route Salespersons, Route Supervisors, Drivers."

The sale of doughnuts or crullers, no manufacturing or food service, shall be rated as Code 8017 "Retail Store NOC."

DRAFSTING EMPLOYEES

Subject to the standard exceptions manual rule.

DRAFTING TELECOMMUTER EMPLOYEES

Subject to the standard exceptions manual rule.

DRAINAGE or Irrigation SYSTEM CONSTRUCTION & Drivers

Pile driving, dredging, tunneling or dam or sewer construction to be separately rated.

DREDGE, Steam Shovel or Construction Machinery MFG. NOC

DREDGING:

Refer to special manual rules "Maritime Employments."

DRESS FORM MFG.

Applies to paper mache or plaster forms.

DRESS PATTERN MFG.—paper

Includes designers, drafting employees and cutters. Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 4282 are conducted as a separate and distinct business. Catalog printing to be separately rated as Code 4299 "Printing."

* EFFECTIVE AUGUST 1, 2003
DRILLING or Redrilling of OIL or Gas WELLS & Installation of Casing, Drivers

DRILLING NOC & Drivers
Shall not be assigned at a single job or location to a risk engaged in operations described by another classification.

DRIVERS and Helpers NOC—Commercial
Subject to the standard exception manual rule.

DRUG, Medicine or Pharmaceutical Preparation MFG. includes mfg. of ingredients
Code 4825 and Code 4611 “Drug, Medicine or Pharmaceutical Preparation,” Code 4828 “Chemical Blending or Mixing NOC—All Operations—& Drivers” or Code 4829 “Chemical Mfg. NOC—All Operations—& Drivers” shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses.

DRUG, Medicine or Pharmaceutical PREPARATION—no mfg. of ingredients
Applies to compounding, blending or packing operations only. Code 4611 and Code 4825 “Drug Medicine or Pharmaceutical Preparation Mfg.,” Code 4828 “Chemical Blending or Mixing NOC—All Operations—& Drivers” or Code 4829 “Chemical Mfg. NOC—All Operations—& Drivers” shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses.

DRUG or Alcohol REHABILITATION FACILITY—ALL EMPLOYEES—& Clerical
Shall not be assigned to a facility having nursing or medical personnel on staff, other than whose only function is to train employees, such as aides, on how to properly care for the clients residing at the facility.

Operation of an assisted living facility, retirement living facility or senior citizen living facility, with no nursing or medical personnel on staff, shall be assigned to Code 8866.

DRY CLEANING or Laundry Collecting or DISTRIBUTING STORE
No dry cleaning or laundering at the same location.

DRY CLEANING or Laundry—COMMERCIAL—& Route Salespersons, Drivers
Applies to risks principally engaged (more than 50%) in commercial dry cleaning or laundry operations.

Includes incidental alterations and pressing of items.

Collecting or distributing stores, no dry cleaning or laundering at the same location, to be assigned to Code 8017 “Retail Store NOC.”

DRY CLEANING or Laundry—RETAIL—& Route Salespersons, Drivers
Applies to risks principally engaged (more than 50%) in retail dry cleaning or laundry operations.

Includes incidental alterations and pressing of items. Alterations or tailoring performed by a tailor - no dry cleaning or laundering shall be assigned to Code 2503.

Collecting or distributing stores, no dry cleaning or laundering at the same location to be assigned to Code 8017 “Retail Store NOC.”

DRY CLEANING or Laundry STORE—SELF-SERVICE
No dry cleaning or laundering at the same location.

DRY DOCK OPERATION—See “SHIP REPAIR or CONVERSION”
LANDSCAPE GARDENING & Drivers 0042
Includes grass cutting, weed control, lawn spraying, laying out grounds, tree spraying or fumigating, planting trees, shrubs, flowers or lawns.

Includes grass cutting, weed control, lawn spraying, laying out grounds, tree spraying or fumigating, planting trees, shrubs, flowers or lawns.

* The on grade construction of walkways, patios and retaining walls using dry laid segmental blocks and pavers as part of a landscaping project is also included.

Code 0042 and Code 9102 “Park NOC—All Employees—& Drivers” shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses.

Excavation, filling or backfilling to be separately rated as Code 6217 “Excavation NOC & Drivers.”

Separately rate tree pruning, repairing and trimming as Code 0106 “Tree Pruning, Repairing or Trimming & Drivers.”

LAST BLOCK MFG. 2710

LAST or Shoe Form MFG. 2790

LATHING & Drivers 5443
Metal lathing used as reinforcement for concrete shall be assigned to the appropriate concrete construction classification.

LAUNDRY or Dry Cleaning Collecting or DISTRIBUTING STORE 8017
No laundering or dry cleaning at the same location.

LAUNDRY or Dry Cleaning—COMMERCIAL—& Route Salespersons, Drivers 2591
Applies to risks principally engaged (more than 50%) in commercial laundry or dry cleaning operations.

* Includes incidental alterations and pressing of items. Alterations or tailoring performed by a tailor — no dry cleaning or laundering shall be assigned to Code 2503.

Collecting or distributing stores, no laundering or dry cleaning at the same location, to be assigned to Code 8017 “Retail Store NOC.”

LAUNDRY or Dry Cleaning—RETAIL—& Route Salespersons, Drivers 2590
Applies to risks principally engaged (more than 50%) in retail laundry or dry cleaning operations.

* Includes incidental alterations and pressing of items. Alterations or tailoring performed by a tailor - no dry cleaning or laundering shall be assigned to Code 2503.

Collecting or distributing stores, no laundering or dry cleaning at the same location, to be assigned to Code 8017 “Retail Store NOC.”

LAUNDRY or Dry Cleaning STORE—SELF-SERVICE 8017
No laundering or dry cleaning at the same location.

LAW OFFICE—ALL EMPLOYEES—& Clerical, Messengers, Drivers 8820
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 8820 are conducted as a separate and distinct business.
SYNTHETIC RUBBER INTERMEDIATE MFG. & Drivers
Oil refining, gasoline recovery, acetylene gas mfg. and alcohol mfg. to be separately rated.

SYNTHETIC RUBBER MFG.
Synthetic rubber intermediate mfg. to be separately rated as Code 4829.

SYRUP or Molasses REFINING, BLENDING or MFG.
Not glucose or beet sugar mfg.

TACK MFG.

TACKLE and Fishing Rod MFG.

TAILOR or Custom Clothing SHOP—alterations—no mfg., dry cleaning or laundering
* Eff. August 1, 2003
No mass manufacturing of clothing. Applies to the custom fabrication of clothing for individuals, including subsequent alterations and tailoring. Custom is defined as the fabrication of garments such as suits, dresses, shirts, pants and other similar garments that require taking measurements of individuals, cutting and sewing the fabric in accordance to the measurements and specifications of the individual customer.

Code 2503 includes alterations and tailoring of garments received from customers regardless if the articles were custom manufactured or not by the same risk.

Not applicable to alterations or tailoring performed by a dry cleaning and/or laundering establishment. Assign Code 2590 “Dry Cleaning or Laundry—Retail—& Route Salespersons, Drivers or Code 2591 “Dry Cleaning or Laundry—Commercial—& Route Salespersons, Drivers.”

Does not apply to a retail clothing store engaged in providing alterations of clothing items that are sold to their customers. Assign Code 8008 “Clothing or Wearing Apparel Store—Retail.”

TANK BUILDING—metal—SHOP
Includes the construction or repair of foundations.

TANNING

TAR or Asphalt DISTILLING or REFINING & Drivers
Includes the mfg. of products obtained from the distilling or refining of tar or asphalt and the saturation of paper or felt with tar or asphalt. Felt or paper mfg. or coke burning to be separately rated. Chemical works or manufacturers of dyes or products used as explosives to be separately rated.

TAVERN, Bar, Dance Club, Lounge or Nightclub—including entertainers and/or musicians
Applies to the operation of a bar, dance club, lounge, nightclub or tavern where the gross receipts of alcoholic beverages exceed 50% of the total receipts of food and non-alcoholic beverages.

Refer to Section III of the Digest of Rulings and Interpretations to determine the application of the appropriate restaurant and/or bar classification.

TAXICAB or Livery SERVICE—PUBLIC:
Code 7368 applies to risks engaged in providing taxicab or public livery service where vehicles are available for immediate hire or cruise to solicit business with fares that are determined by zone, mileage or meter. Such vehicles are radio dispatched and operated from a base station, stand, hotel, dock, highway or other public place.

If a risk is engaged in providing services as described above and is also engaged in providing private limousine or livery services subject to Code 7377 “Limousine or Livery Service—Private,” the entire operations of such a risk shall be assigned to Code 7368.
2553 . . . Furnishing Goods Mfg. NOC—from textile fabrics

2553 . . . Coat Front Mfg.

Operations Covered

This classification applies to the manufacture of textile house furnishings, but also includes miscellaneous products such as bias bindings, powder puffs and cloth buffing or polishing wheels. While most of the products are made from textile fabrics, this classification also includes the use of soft textile-type plastics such as vinyls.

The basic operations of this classification involve cutting the textile or plastic materials to size and pattern by electric cloth cutters or die cutters, and hand assembling the cut materials by sewing or heat sealing. The products may then be finished by adding various bindings, trimmings or embroidery.

Examples of products and operations found under this classification are:

1. Household linens such as sheets, pillowcases, bedspreads, mattress covers, towels, tablecloths and napkins.
2. Draperies, curtains and furniture slipcovers.
3. Miscellaneous house furnishings such as window shades, lamp shades, appliance covers, pot holders and closet accessories such as garment and shoe bags.
4. Flags, pennants, bias or straight binding tapes or ribbon, powder puffs, buffing or polishing wheels, permanent wave pads and hat linings.
5. Silk screen printing when performed by hand, including the incidental manufacture by the same risk of silk screen stencils used in such printing.

Operations Not Covered

1. The manufacture of filled, stuffed or quilted textile products such as pillows or quilts. Assign Code 2571 "Pillow, Quilt or Cushion Mfg."
3. The manufacture of textile fabric piece goods by knitting or weaving operations. Assign the appropriate knitting or weaving classifications.
4. The manufacture of fancy trimmings or piping. Assign Code 2388 "Embroidery Mfg."
5. The manufacture of wood or metal fittings and accessories for furnishing goods products, such as wooden shade rollers, drapery rods and hardware, and wire lampshade frames. Assign Codes 2841 "Woodenware Mfg. NOC," 3146 "Hardware Mfg. NOC" and 3257 "Wire Goods Mfg. NOC."