R.C. 2033

To the Members of the Board

RE: New York Workers Compensation
    Inside Salesperson–Classification Procedure

The Rates Committee has adopted, and the New York State Insurance Department has approved, effective October 1, 2003, for new and renewal business, the elimination of Code 8742 for inside salespersons and the elimination of inside salespersons as an inclusion under Code 8039.

Currently, in New York, Code 8742 applies to both outside and inside salespersons. Over the years, this procedure has resulted in various interpretations in using this code and has created confusion and inconsistencies in selecting the correct classification for store clerks who sell merchandise at their employer’s business location. For example, a salesperson or clerk in a store is assigned to the store class, however, if the store is considered a showroom, then the classification procedure allows Code 8742 to be assigned to the salesperson. Since it has been determined that there really is no difference in the duties of these salespersons, an adjustment in the classification procedure is warranted.

In reviewing the classification procedures of other jurisdictions, it appears that New York is the only jurisdiction that assigns Code 8742 to inside salespersons. The other jurisdictions assign these employees to the governing classification. Code 8742 applies, in these jurisdictions, solely to salespersons, collectors or messengers that work in the field and not to salespersons who work at an employer’s business location.

To be consistent in classification procedures in New York, and to also be consistent with the procedures followed in other jurisdictions, all reference to Code 8742 for inside salespersons is eliminated in both the Rules and Classification Section of the New York Workers Compensation and Employers Liability Insurance Manual as shown on the attached pages.

The inclusion of inside salespersons is also eliminated from the department store class (Code 8039).

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

Very truly yours,

Monte Almer

President
c. **Drivers, Chauffeurs and Their Helpers—Code 7380**—are employees engaged principally (more than 50% of their time) in such duties on or in connection with a vehicle. This classification also includes garage employees and employees using bicycles in their operations. *Refer to Rule IX.C.3.d. for Vehicles Under Contract.*

d. **Salespersons, Collectors or Messengers—Outside—Code 8742**—are employees engaged in such duties away from the employer’s premises. This classification shall not apply to employees who deliver merchandise. Employees who deliver merchandise by vehicle shall be classified as route salespersons or drivers. If they walk or use public transportation, they shall be assigned to the classification to which such delivery of merchandise is incidental.

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e. **Route Salespersons—Code 8751**—are employees who cover sales routes in vehicles, including private passenger automobiles, for the purpose of soliciting orders and, in addition to these sales activities, also deliver all or part of the merchandise they themselves have sold. This classification shall also include route supervisors and incidental garage employees. This classification does not apply to any employee who delivers merchandise which has been sold on the premises of the employer or by any other employee than the one who makes the delivery. This classification shall not be assigned in connection with any manual classification which specifically includes salespersons or drivers.

*  

f. **Executive Officers—NOC—Not Foremen, Workers or Outside Salespersons—Code 8809**—This classification is applicable to executive officers of a corporation, appointed in accordance with the charter or by-laws of such corporation, whose duties are of an executive, clerical or supervisory character. This classification shall not apply to any executive officer who regularly and frequently performs duties that are ordinarily undertaken by a foreman, worker or outside salesperson.

3. **General Inclusions**

a. Some operations appear to be separate businesses, but they are included within the scope of all classifications other than the standard exception classifications. These operations are called general inclusions and are:

   (1) Cafeterias and restaurants for the insured's employees. These operations shall be assigned to a separate classification if they are conducted in connection with construction, erection, lumbering or mining operations.

   (2) The manufacture of containers such as bags, barrels, bottles, boxes, cans, cartons or packing cases by the employer for use in the operations insured by the policy.
b. **Clerical** means clerical office employees, telecommuter employees and drafting employees as defined in Rule IV.B.2.a. and 2.b.

c. **Drivers** means drivers, chauffeurs and their helpers as defined in Rule IV.B.2.c.

d. **Includes or &.** If a classification contains "Includes" or "&," the operations or employees which are so designated shall not be assigned to a separate classification even though such operations or employees are described by another classification or are at a separate location. The absence from a business of any or all of the operations or employees described in the inclusion shall not render the classification inapplicable to the risk.

   *Example of 3d above:*

   Code 5184—Insulating—Steam Pipe or Boiler & Drivers—includes shop.
   This classification also applies to shop operations and drivers.

e. **No or Not:** A classification which includes a restrictive phrase beginning with “no” or “not” shall not apply to any risk which conducts any operation described in the restrictive phrase.

   *Exceptions to 3.e. above:*

   (1) For mercantile businesses, such as dealers or stores, or for mining businesses, this rule applies to each location.

   (2) For construction operations, this rule applies to each job or location.

   *Example of 3.e. above:*

   Code 8106—Steel Merchant—not applicable to junk dealers.
   This classification shall not be assigned to a steel merchant which also deals in junk. This type of risk shall be assigned to Code 8263 “Junk Dealers & Drivers.”

f. **NOC** means not otherwise classified. A classification designated "NOC" shall apply only if no other classification more specifically describes the insured’s business.

g. **OR:** Or also means and.

   *Example of 3.g. above:*

   Code 2590—Laundry or Dry Cleaning—Retail
   Laundry or Dry Cleaning also means Laundry and Dry Cleaning.

* h. **Salespersons** means outside salespersons, collectors and messengers as defined in Rule IV.B.2.d.

i. **To Be Separately Rated:** If a classification requires operations or employees "to be separately rated," all such operations or employees shall be separately classified when the conditions of Rule IV.D.3. exist.
ATHLETIC TEAM or PARK:

**CONTACT SPORTS**
Includes players, coaches, managers, umpires and all players on salary list of insured. Contact sports include football, hockey and roller derbies. 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."

**NON-CONTACT SPORTS**
Includes players, coaches, managers, umpires and all players on the salary list of the insured. Non-contact sports include baseball and basketball. 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."

**OPERATION OF PARK & Drivers**
Applies to all employees other than players, coaches, managers or umpires.

ATOMIC ENERGY:

**PROJECT WORK**
All work, either construction or operation, performed for or under the direction of the Nuclear Regulatory Commission or any government agency may be rated on an individual risk basis. Each risk to be so rated shall be submitted by the carrier to the Rating Board for approval of the basis agreed upon by the carrier, the contractor and the Nuclear Regulatory Commission or government agency.

**RADIATION EXPOSURE NOC**
Where the operations involve research, manufacture, handling, transportation, use of or exposure to radioactive materials, and are not performed for or under the direction of the Nuclear Regulatory Commission or any government agency, a supplemental rate may be applied to such operations subject to the approval by the Rating Board.

*Exception*: Where the radiation hazard involved arises from a reactor or is equivalent to the radiation hazard of a reactor, the rating provisions of Code 9984 “Atomic Energy Project Work” will apply.

**ATTORNEY—ALL EMPLOYEES—& Clerical, Messengers, Drivers**
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.

**AUCTIONEERS & Salespersons—outside**
Includes solicitors and appraisers. Not livestock sales stables.

**AUDIO or Visual RECORDING MEDIA MFG.**
Includes tapes or disks. Phonograph record mfg. to be separately rated as Code 4431.

**AUDITORS, Accountant or Factory Cost or Office Systematizer—TRAVELING**
Includes insurance company premium auditors.

**AUTOMATIC SCREW MACHINE PRODUCTS MFG.**
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 3145 are conducted as a separate and distinct business.

**AUTOMATIC SPRINKLER HEAD MFG.**
CARRIER SYSTEM INSTALLATION or REPAIR & Drivers

 Applies to work inside of buildings only. Installation of freight carrier systems rated as Code 3724 "Machinery or Equipment Erection or Installation NOC & Drivers."

CARTRIDGE MFG. or LOADING—See “EXPLOSIVES”

CASE WORKERS—social services or medical work—traveling

 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

CASH REGISTER MFG.

CASH REGISTER MFG. 3574

CASINO GAMBLING—ALL EMPLOYEES—& Clerical

 Includes food, beverage and entertainment employees.

 Transport of patrons to be separately rated as Code 8394.

 Casino gambling operations in conjunction with a hotel to be rated as Code 9044.

CASINO GAMBLING—HOTEL—ALL OTHER EMPLOYEES—& Outside Salespersons

 Includes, but not limited to desk clerks, bellhops and maids.

 Musicians, players or entertainers to be separately rated only when restaurant operations are not conducted. See Code 9157 or Code 9159 "Theatrical Production."

RESTAURANT EMPLOYEES

 Includes musicians, players or entertainers.

 Transport of patrons to be separately rated as Code 8394.

 Casino gambling operations without a hotel to be rated as Code 9061.

CASKET or Coffin MFG. or ASSEMBLY—metal

CASKET or Coffin MFG. or ASSEMBLY—wood

Includes the mfg of metal fittings.

CASKET or Coffin UPHOLSTERING and Burial Garment Mfg.

CATERING—including entertainers and/or musicians

 Applies to full-service restaurants, buffet-type establishments, banquet halls, cafes, diners and other food establishments that provide wait service.

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

CATHEDRAL or Art Glass WINDOW MFG.

 Includes glass mfg.

CATTLE DEALER & Outside Salespersons, Drivers

 Not operating farm or ranches.

CEMENT MFG.

 Excavation or digging, dredging, mining or quarrying to be separately rated.
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.”

CLAIM ADJUSTERS or Special Agents—Insurance Co.—field work

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.

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, 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.

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.”

CLEANING or DYEING—See “DRY CLEANING or LAUNDRY”

CLEANING OUTSIDE SURFACES OF BUILDINGS & Drivers
Includes incidental waterproofing, painting, pointing, caulking and other repairing.

CLERICAL OFFICE EMPLOYEES NOC
Subject to the standard exception manual rule.

CLERICAL SERVICE CONTRACTOR—TRAVELING
Includes insurance company premium auditors.

CLERICAL TELECOMMUTER EMPLOYEES
Subject to the standard exception manual rule.

CLIPPINGS DEALER & Drivers
Applies to a 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.”

CLOCK MFG.

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.
HOTEL—CASINO GAMBLING—ALL OTHER EMPLOYEES—& Outside Salespersons
Includes, but not limited to, desk clerks, bellhops and maids.

Musicians, players or entertainers to be separately rated only when restaurant operations are not conducted. See Code 9157 and Code 9159 "Theatrical Production."

RESTAURANT EMPLOYEES
Includes musicians, players or entertainers.

Transport of patrons to be separately rated as Code 8394.

Casino gambling operations without a hotel to be rated as Code 9061.

HOTEL NOC—ALL OTHER EMPLOYEES & Drivers
Includes, but not limited to, desk clerks, bellhops and maids.

Musicians, players or entertainers to be separately rated only when restaurant operations are not conducted. See Code 9157 or Code 9159 "Theatrical Production."

RESTAURANT EMPLOYEES
Including musicians, players or entertainers.

HOTEL or Boarding House—RESORT—ALL OTHER EMPLOYEES—& Drivers
Includes, but not limited to, desk clerks, bellhops and maids.

Musicians, players or entertainers to be separately rated only when restaurant operations are not conducted. See Code 9157 and Code 9159 "Theatrical Production."

Operation of a commercial farm to be separately rated. See "Farms."

RESTAURANT EMPLOYEES
Includes musicians, players or entertainers.

HOTEL or Boarding House—SEASONAL—ALL OTHER EMPLOYEES—& Drivers
Includes, but not limited to, desk clerks, bellhops and maids.

Musicians, players or entertainers to be separately rated only when restaurant operations are not conducted. See Code 9157 and Code 9159 "Theatrical Production."

Operation of a commercial farm to be separately rated. See "Farms."

RESTAURANT EMPLOYEES
Includes musicians, players or entertainers.

HOUSE FURNISHINGS INSTALLATION NOC & upholstering

HOUSEHOLD APPLIANCES—ELECTRICAL—INSTALLATION. Service or Repair—& Drivers
Includes shop or outside employees and incidental parts department employees. Electrical wiring to be separately rated as Code 5190.

HYDROGEN or Oxygen MFG. & Drivers
Includes tank charging.
LINOLEUM MFG.  
4491

LINOTYPE or Hand COMPOSITION—ALL EMPLOYEES—& Drivers  
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 4361 are conducted as a separate and distinct business.

LIQUEFIED PETROLEUM GAS—See “GAS DEALER—L.P.G.”

LITHOGRAPHING  
Includes incidental assembling, stapling or binding of circulars, pamphlets or catalogues. Artists or designers engaged exclusively in creative work or original design, proofreaders, editors or clerical office employees or pre-press operators using desktop computers to be separately rated as Code 8810 “Clerical Office Employees.” Reporters, advertising or circulation solicitors to be separately rated as Code 8742 “Salespersons—outside.”  
Refer to Code 8012 for quick print shops and Code 8016 for photocopy shops.

LIVERY or Boarding STABLE—not sales stable—& Drivers  
7201

LIVERY SERVICE—PRIVATE—See “LIMOUSINE or Livery SERVICE—PRIVATE”

LIVERY SERVICE—PUBLIC—See “TAXICAB or Livery SERVICE—PUBLIC”

LIVESTOCK DEALER or Commission Merchant & Outside Salespersons, Drivers  
Not operating farms or ranches.

LIVESTOCK SALES CO. & Outside Salespersons, Drivers

LOCOMOTIVE WORKS  
3507

LOGGING or LUMBERING & Drivers  
Includes transportation of logs to mill, construction, operation, maintenance or extension of logging roads or logging railroads. Mill operations to be separately rated as Code 2710 “Sawmill.”

LOOM HARNESS or Reed MFG.  
3515

LOOSE-LEAF LEDGER or Notebook MFG.  
Mfg. of metal rings, posts, screws, separators or fittings to be separately rated as Code 3146 “Hardware Mfg. NOC.”

LOUNGE. Bar, Dance Club, Nightclub or Tavern—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.

LUGGAGE MFG.  
2683

Applies to the mfg. of traveling bags, luggage and trunk mfg. The mfg. of metal frames and hardware to be separately rated as Code 3146 “Hardware Mfg. NOC.”
NET MFG.
Not applicable to wire nets. Cordage or twine mfg. to be separately rated as Code 2302.

* NEWS AGENT or Distributor of Magazines or Other Periodicals—NOT RETAIL DEALER—and Outside Salespersons, Drivers

NEWSPAPER CARRIERS—including use of bicycles
Applies to newspaper carriers who are employed by publishers or dealers and who are engaged in selling and delivering newspapers to customers at their homes or business places. The actual earnings of the carriers, but excluding the value of tips, shall be used as payroll for the purpose of determining the premium under this classification.

NEWSPAPER PUBLISHING
Artists or designers engaged exclusively in creative work or original design, proofreaders, editors or clerical office employees to be separately rated as Code 8810 "Clerical Office Employees." Reporters, advertising or circulation solicitors to be separately rated as Code 8742 "Salespersons—Outside."

* NIGHTCLUB, Bar, Dance Club, Lounge or Tavern—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

NOTEBOOK or Loose-Leaf Ledger MFG.
Mfg. of metal rings, posts, screws, separators or fittings to be separately rated as Code 3146 "Hardware Mfg. NOC.

NURSERY EMPLOYEES & Drivers
Includes incidental landscape gardening.

NURSING or Convalescent HOME—ALL EMPLOYEES

NUT or Bolt MFG.
Steel making or rolling mills to be separately rated.

NUT CLEANING or SHELLING

OFFICE, Computing or Recording MACHINE MFG. NOC

OFFICE MACHINE or Appliance INSTALLATION, Inspection, Adjustment or REPAIR
Includes shop. Mfg. operations to be separately rated.

OFFICE or Factory Cost SYSTEMATIZER, Accountant or Auditor—TRAVELING
Includes insurance company premium auditors.

OIL CLOTH MFG.
C-62 NEW YORK WORKERS COMPENSATION
AND EMPLOYERS LIABILITY MANUAL
Effective October 1, 2003
1st Reprint

PEN POINT MFG. 3383

PENCIL MFG.—mechanical 4432

PENCIL, Penholder or Crayon MFG. 2942

PENCIL STOCK MFG.—wood. 2735

PENHOLDER, Crayon or Pencil MFG. 2942

PET GROOMING & Drivers 8831

PHARMACEUTICAL or Surgical GOODS MFG. NOC 4693

PHARMACEUTICAL. Drug or Medicine 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.

PHARMACEUTICAL. Drug or Medicine 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.

PHONOGRAPH RECORD MFG. 4431

PHOSPHATE WORKS & Drivers 1452
Mining to be separately rated.

* PHOTOCOPY SHOPS—ALL EMPLOYEES—& Clerical, Outside Salespersons, Drivers 8016
Shall not be assigned to any risk also engaged in offset printing, lithographic reproduction or any other type of printing at the same location.

Refer to Code 4299 "Printing" and Code 8012 "Quick Printing" for additional classifications.

PHOTOENGRAVING 4351
POWER PLOW or Traction Engine MFG.

PRECIOUS STONE SETTING

PRECISION MACHINED PARTS MFG. NOC
Applies to manufacturers of parts for arms, aircraft or similar apparatus. Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 3629 are conducted as a separate and distinct business. This classification shall apply only to risks where the plans or specifications require that not less than 50% of all machining operations performed by the risk shall be held to final tolerances of .001" or closer.

May be used only upon specific assignment by the Rating Board.

PRINTING
Includes incidental assembling, stapling or binding of circulars, pamphlets or catalogues. Artists or designers, engaged exclusively in creative work or original design, proofreaders, editors, clerical office employees or pre-press operators using desktop computers to be separately rated as Code 8810 "Clerical Office Employees." Reporters, advertising or circulation solicitors to be separately rated as Code 8742 “Salespersons–outside.”

Refer to Code 8012 for quick print shops and Code 8016 for photocopy shops.

PRINTING or Bookbinding MACHINERY MFG.

PROJECTILE or Shell MFG.—See “EXPLOSIVES”

PUBLIC LIBRARY or MUSEUM:

* PROFESSIONAL EMPLOYEES—includes attendants and ushers

ALL OTHER EMPLOYEES & Drivers

PUBLIC LIVERY—See “TAXICAB or Livery SERVICE—PUBLIC”

PULP MFG.—CHEMICAL process
Logging or lumbering to be separately rated as Code 2702.

PULP MFG.—GROUND WOOD process
Logging or lumbering to be separately rated as Code 2702.

PUMP MFG.
Foundry operations to be separately rated.
QUARRY—CEMENT ROCK or LIMESTONE—surface—& Drivers 1624
Includes: operations of crushers; construction, repair or maintenance of all buildings, structures or equipment; installation of machinery.

QUARRY NOC & Drivers 1624
Includes: operation of crushers; construction, repair or maintenance of all buildings, structures or equipment; installation of machinery.

QUICK PRINTING 8012
This classification applies to risks that provide reproductions by means of offset type duplicators on paper sizes less than 18 x 23 inches. Finishing operations include, but are not limited to, automatic and manual platemaking, assembling, stapling and binding of materials.

QUILT MFG. 2571
No mattress or box spring mfg. The preparation of filling material to be separately rated.

RACING STABLE & Drivers 8280
This classification includes trainers and jockeys. 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.”

RADIATOR MFG.—AUTOMOBILE 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.

RADIATOR or Heater MFG. 3081
Applies to cast iron radiators or heaters.

RADIO or Television BROADCASTING STATION—ALL EMPLOYEES—& Clerical, Outside Salespersons, Drivers 7610
Includes players, entertainers or musicians. 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.”

RADIO or Television Set INSTALLATION, SERVICE or REPAIR & Drivers 9519
Includes shop or outside employees, incidental parts department employees, erection of antennae. Electrical wiring to be separately rated as Code 5190. Tower erection to be separately rated as Code 5040 “Iron or Steel Erection—Towers.”
SALES STABLE & Outside Salespersons, Drivers

SALESPERSONS, Collectors or Messengers—outside

Subject to the standard exception manual rule.

SALT, Borax or Potash PRODUCING or REFINING & Drivers

Includes driving of wells and pumping. Mining to be separately rated as Code 1170.

SALVAGE OPERATIONS & INCIDENTAL WRECKING

Applies to operations in damaged buildings, including incidental wrecking, shoring or other structural work and the handling of machinery.

SALVAGE OPERATIONS—NO WRECKING—& Drivers

Applies to the removing, sorting, reconditioning and distributing of merchandise in damaged buildings—including incidental operations away from such buildings—no wrecking, shoring or other structural operations.

Not available for division of payroll with Code 5709 "Salvage Operations & Incidental Wrecking."

SAMPLE CARD MFG.

SAND or Gravel DIGGING & Drivers

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

SASH, Door or ASSEMBLED MILLWORK MFG. & Drivers

Code 2737 and Code 2731 "Planing or Molding Mills" or Code 2802 "Carpentry—shop only—& Drivers" shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses. Where a risk deals in any lumber or building materials or in any fuel and materials, in addition to products manufactured, all storage or yard operations and all drivers shall be assigned to the appropriate yard or dealer classification.
STEVEDORING: (continued)

**NOC**

When policies are issued covering both classification Code 7317F and Code 7309F, no division of payroll shall be permitted in connection with the loading or unloading of any one vessel.

*S*科**YARD & Outside Salespersons, Drivers**

Code 8288 and Code 2089 "Packing House" shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses. No butchering.

**STONE, Mosaic, Terrazzo or Tile WORK—inside**

Applies to interior construction work only. Not fireproof tile construction.

**STONE CRUSHING & Drivers**

No quarrying. Includes construction, repair or maintenance of all buildings, structures or equipment and the installation of machinery. Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 1710 are conducted as a separate and distinct business.

**STONE CUTTING or POLISHING—MARBLE or Limestone—& Drivers**

Available only to risks whose books of account show that gross receipts from handling or processing marble or limestone, or both, constitute at least 80% of the total receipts from all kinds of stone during the policy period. Stone cutting in quarries shall be rated as Code 1624 "Quarry NOC & Drivers." Quarrying or mining to be separately rated.

**STONE CUTTING or POLISHING NOC & Drivers**

Stone cutting in quarries shall be rated as Code 1624 "Quarry & Drivers." Quarrying or mining to be separately rated.

**STONE or Marble SETTING—inside**

Applies to interior construction only. Not fireproof tile construction.

**STORAGE WAREHOUSE—COLD**

**STORAGE WAREHOUSE—FURNITURE—& Drivers**

Includes packing or handling household goods away from insured's premises.

**STORAGE WAREHOUSE NOC**

Applies to general merchandise. Drivers to be separately rated as Code 7219 "Trucking NOC—All Employees—& Drivers."
STORES:
Refer to the New York Digest of Rulings and Interpretations for detailed description of operations which are subject to all store classifications included in this section.

**AUTO PARTS AND ACCESSORIES STORE—wholesale**

**AUTOMOBILE ACCESSORIES STORE NOC—retail—& Drivers**

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**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% of the gross receipts.

Bagel manufacturing to be separately rated as Code 2003 "Bakery & Route Salespersons, Route Supervisors, Drivers."

*If the sale of prepared items is more than 50% of the gross receipts, the entire operation, including the bagel manufacturing, shall be rated as Code 9072 "Restaurant–Fast Food & Drivers."

The retail sale of bagels sold without spreads or made into sandwiches shall be assigned to Code 8017 “Retail Store NOC” provided the majority (more than 50%) of the sales are derived from the sale of NOC items.

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**CLOTHING or Wearing Apparel STORE—retail**

**CLOTHING or Wearing Apparel STORE—wholesale**

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**COFFEE, Tea or Spice STORE—retail**

No handling of fresh meats.

**COFFEE, Tea or Spice STORE—wholesale**

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**DAIRY PRODUCTS STORE—retail**

No handling of fresh meats.

**DAIRY PRODUCTS STORE—wholesale**

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**DELICATESSEN STORE—retail**

No handling of fresh meats.

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**DEPARTMENT STORE—retail**

Includes installation of house furnishings and shall apply to each location of a risk at which all of the following conditions exists:

1. The payroll subject to this classification is at least $400,000 per annum.

Department Store—retail continued on the next page.
* STORES: Department Store—retail (continued)

2. The merchandise handled must include:
   a. Wearing Apparel
   b. Linens/Domestics
   c. House Furnishings (other than furniture)
   d. Two or more of the following:

   | Cosmetics   | Luggage        |
   | Furniture   | Sporting Goods |
   | Giftware    | Stationery/Greeting Cards |
   | Hardware    | Toys           |
   | Jewelry     |                |

3. The total combined annual sales of items 2.a., 2.b. and 2.c. above must exceed 50% of the total annual sales. Also, the total annual sales of wearing apparel, jewelry and cosmetics must not exceed 80% of the total annual sales.

* DRUG or Cigar STORE—retail—INCLUDING SERVICE OF FOOD—not restaurants

Any location at which more than 50% of the sales is derived from the service of food consumed on the premises shall be assigned to Code 9071 “Restaurant–Full-Service–including entertainers and/or musicians”, Code 9072 “Restaurant–Fast Food & Drivers” or Code 9074 “Bar, Dance Club, Lounge, Nightclub or Tavern–including entertainers and/or musicians.” The term food as used in this classification does not include ice cream and soft drinks.

* DRUG or Cigar STORE—NO SERVICE OF FOOD—retail

The service of ice cream and soft drinks is included under this classification.

* DRUG STORE—wholesale

* DRY CLEANING or LAUNDRY Collecting or DISTRIBUTING STORE

No dry cleaning or laundering at the same location.

* DRY CLEANING or LAUNDRY Store—SELF-SERVICE

No dry cleaning or laundering at the same location.

* DRY GOODS STORE—retail

* DRY GOODS STORE—wholesale

* FLORIST STORE & Drivers

Includes service away from store premises. Cultivating or gardening to be separately rated as Code 0035 “Florist—cultivating or gardening—& Drivers.”
TAXIDERMIST 9600

TAXIMETER or Speedometer MFG. 3685
Applies to professional or scientific instruments.

TELECOMMUTER CLERICAL EMPLOYEES 8871
Subject to the standard exception manual rule.

TELECOMMUTER DRAFTING EMPLOYEES 8871
Subject to the standard exception manual rule.

TELEPHONE or TELEGRAPH CO.:

OFFICE or Exchange EMPLOYEES & Clerical 8901

ALL OTHER EMPLOYEES & Drivers 7600
Includes operation, maintenance, extension of lines and making of service connection.

TELEPHONE, Telegraph or Fire Alarm LINE CONSTRUCTION & Drivers 7601
Shall not be assigned to a risk engaged in operations described by Code 7600 "Telephone or Telegraph Co.—All Other Employees—& Drivers."

TELEPHONE, Television, Radio or Telecommunications Device MFG. NOC 3681

* TELEVISION or Radio BROADCASTING STATION—ALL EMPLOYEES—& Clerical, Outside Salespersons, Drivers 7610
Includes players, entertainers or musicians. 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."

TELEVISION or Radio SET INSTALLATION, SERVICE or REPAIR & Drivers 9519
Includes shop or outside employees, incidental parts department employees, erection of antennae. Electrical wiring to be separately rated as Code 5190. Tower erection to be separately rated as Code 5040 "Iron or Steel Erection—Towers."

TELEVISION, Radio, Telephone or Telecommunications Device MFG. NOC 3681

TENNIS CLUB & Clerical 9065
Applicable to public or private clubs with tennis, handball, paddleball, racquetball or squash as the principal activity of the club.

TENT, Awning or Canvas Goods ERECTION, Removal or Repair & Drivers 9539
Applies to operations away from the shop.
Section II

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 outside 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—not marine .......................................................... 5701</td>
<td></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 .............................................. GC</td>
<td></td>
</tr>
<tr>
<td>Construction or Removal of Temporary Buildings .................................. Various</td>
<td></td>
</tr>
<tr>
<td>Drains or Culverts—construction or installation .................................... GC</td>
<td></td>
</tr>
</tbody>
</table>
Junk and Scrap Dealer (continued):

4. In all other cases, Code 8263 "Junk Dealer" shall be assigned if the materials handled include iron or steel scrap; and Code 8500 "Metal Scrap Dealer" shall be assigned if the materials handled include non-ferrous metal scrap but no iron or steel scrap.

Live Poultry—salespersons selling live poultry direct from railroad cars shall be assigned to the appropriate dealer classification, not to Code 8742 "Salespersons—outside."

Manure in bulk—incl. drivers .......................................................... 9403
Metal Dealers—non-ferrous (not junk or scrap dealers)—incl. drivers ........................................ 8106
Newspapers (over-issued) or Paper Clippings (new) ...................................................... 8103
Plumbers' Supplies—faucets, valves, fittings, accessories and tools only—no handling of pipe, tubs, sinks, radiators, tanks, boilers or other fixtures ....................................................... 7999
Pulpwood—including incidental barking ................................................................. 8232
Refrigerators—commercial—including refrigerated showcases and ice cream cabinets—incl. drivers ................................................................. 8044
Remnants or Mill Ends—new goods only—wholesale ........................................... 8103

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Sash or Screens—metal—including incidental glazing or assembling incl. drivers—(Manufacture of special sizes to be separately rated) ................................................................. 8235
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Shingles—incl. drivers .................................................................................. 8232
Slag—incl. drivers .................................................................................. 8232
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NEW YORK RULINGS AND INTERPRETATIONS

Section II

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Iron or Steel Erection—elevated railroads, highways or viaducts—incl. drivers ........................................ 5040

Iron Work—manufacturing bent steel sections ........................................................................... 3067

J

Jewelry:

  Beads—stringing by hand .................................................................................. 3383
  Plastic Jewelry Mfg.—from sheets or rods ................................................................. 4452

Jewelry Castings—See Castings.

L

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  Weaving Cloth Labels ................................................................................................. 2303
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Nailhead or Metal Ornamentation Mfg. ............................................................................ 3129
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Necktie Mfg.—knitted .......................................................................................... 2362
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Package Consolidators—receiving, consolidating and shipping small packages for others ............................... 8018
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Painting:
  Iron and steel fire escapes, landings, balconies, iron shutters, iron window frames and sash—incl. drivers .......................................................... 5474
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Parking Meters Installation, Service or Repair—including storage; shop and outside operations; outside salespersons, drivers .................................................... 5192
Pattern Mfg.—incidental foundry operations performed by a pattern manufacturer shall be assigned to the appropriate foundry classification.

Peanut Butter Mfg. .............................................................................................. 6504
Permanent Wave Pad Mfg. ..................................................................................... 2553
Phonograph Records—recording on master records—no record manufacturing (Musicians, players or entertainers to be separately rated) .......................................................... 4352
Photographers—Newspapers—field work ............................................................. 8742
Retail v. Wholesale (continued)

Wholesale transactions include:

1. Sales to others for resale.

2. Sales of raw materials, supplies or parts to builders, contractors, commercial or industrial firms, repair shops, institutions, schools, municipalities or others for use in their operations.

* 3. Sales by firms that conduct a mail order business, or from catalogs or samples in a salesroom or showroom or conducted over the Internet that involve handling or shipping the actual merchandise to the customer regardless of whether the sales are made to retail or wholesale establishments.

* If no merchandise is handled or shipped by the insured at the same or from another location and the orders involve written responses only, the appropriate retail store classification is assigned.

4310 Greeting Card Dealer—wholesale

4310 Greeting Card Mfg.

Operations Covered

This classification applies to risks engaged in the wholesale distribution of greeting cards or the manufacturing of greeting cards.

1. Wholesale dealers in greeting cards buy finished cards from the manufacturers of such products for resale to retail stores. Wholesale dealers also engage in some finishing operations usually performed by greeting card manufacturers such as pasting, or attaching novelties, decorations and ribbons. Operations also include sorting, examining, collating, counting, boxing and shipping.

2. Manufacturers of greeting cards engage in operations such as lithographing, printing, cutting, stripping, folding, pasting, attaching decorations, novelties, and ribbons, sorting, examining, collating, counting, boxing, packing and shipping.

Operations Not Covered

1. Risks engaged solely in printing for firms which manufacture greeting cards, not performing any subsequent operations on the printed stock. Assign Code 4299 "Printing or Lithographing."

2. Retail stores engaged principally in selling greeting cards. Assign Code 8017 "Retail Store NOC."

7998 Hardware Store—retail

Operations Covered

This classification applies to retail dealers principally engaged in selling articles such as nails, screws, bolts, washers, gaskets, brackets, locks, hinges, electrical outlet boxes, switches, fuses, plugs, sockets, hand or machine tools, portable electric tools, plumbing fittings and garden tools and equipment including lawn movers and snow plows.
SECTION III

8034 Grocery Store—wholesale (continued)
8034 Coffee, Tea or Spice Store—wholesale (continued)
8034 Dairy Products Store—wholesale (continued)
8034 Frozen or Frosted Food Store—wholesale (continued)

Operations Not Covered

1. Wholesale dealers principally engaged in selling fresh fruits or vegetables. Assign Code 8048 "Fruit or Vegetable Store—wholesale."

2. Wholesale dealers principally engaged in selling soda, household cleaning supplies or paper products. Assign Code 8018 "Wholesale Store NOC."

3. Wholesale dealers principally engaged in selling beer in bottles, cans, kegs or barrels. Assign Code 7390 "Beer or Ale Dealers—wholesale—& Drivers."


5. Wholesale dealers principally engaged in selling milk. Assign Code 2070 "Milk Depot or Milk Dealer & Route Salespersons, Route Supervisors, Drivers."

* 8039 Department Store—retail

Operations Covered

This classification applies to retail stores which have various departments each selling a specific type of merchandise.

If a department store has more than one location, each must meet all three of the following conditions in order to qualify for assignment of Code 8039.

1. The payroll subject to this classification is to be at least $400,000 per annum.

2. The merchandise handled must include:
   a. Wearing apparel; and
   b. Linens/domestics; and
   c. Home furnishings (other than furniture); and
   d. Two or more of the following: Cosmetics Hardware Sporting goods
      Furniture Jewelry Stationery/greeting cards
      Giftware Luggage Toys

3. The total combined annual sales of wearing apparel, linens/domestics, and house furnishings (other than furniture) must exceed 50% of the total annual sales of all merchandise sold. Also, the total annual sales of wearing apparel, jewelry and cosmetics may not exceed 80% of the total annual sales.

This classification includes making custom house furnishings such as draperies, slip covers, and window shades.

This classification also covers the installation of house furnishings, such as draperies and rods, slip covers, window shades, venetian blinds, carpets, linoleum and non-ceramic floor tiles.
* 8039 Department Store—retail (continued)

Operations Not Covered

1. Concessions in a department store are rated on the basis of the operations performed by the concessionaire and are not assigned to the department store classification.

2. The installation (other than delivery) and the service or repair of household appliances such as television sets, refrigerators, washing machines and air conditioners. Assign Code 9519 "Household Appliances—Electrical—Installation, Service or Repair—& Drivers."

3. The installation of automobile accessories, tires, air conditioners, and light repair work on automobiles. Assign Code 8391 "Automobile Service Station & Drivers."

8043 Retail Store NOC—including service of food—not restaurants

Any location at which 50% of the sales is derived from the service of food consumed on the premises shall be assigned to either Code 9071 "Restaurant–Full-Service—including entertainers and/or musicians", Code 9072 "Restaurant–Fast Food & Drivers" or Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern—including entertainers and/or musicians." The term "food" as used in this classification does not include ice cream and soft drinks.

8043 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.

8043 Drug or Cigar Store—retail—including service of food—not restaurants

Any location at which 50% of the sales is derived from the service of food consumed on the premises shall be assigned to either Code 9071 "Restaurant–Full-Service—including entertainers and/or musicians", Code 9072 "Restaurant–Fast Food & Drivers" or Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern—including entertainers and/or musicians." The term "food" as used in this classification does not include ice cream and soft drinks.

Operations Covered

This classification applies to retail drug stores, cigar stores, confectionery stores, or other "NOC" retail stores which, in addition to selling merchandise such as cigars, cigarettes, candy, stationery, drugs and medicines, also serve food (other than ice cream or soft drinks). This classification applies only if the receipts from the service of food are less than 50% of the gross receipts for the entire store.

Code 8043 also applies to retail bagel shops that are principally engaged in selling bagels that are made into sandwiches or sold with spreads such as butter, lox, jelly, cream cheese, provided that the receipts from the service of food are less than 50% of the gross receipts for the entire store.

Operations Not Covered

1. Retail drug stores, cigar stores, confectionery stores, and other "NOC" retail stores which also serve food (other than ice cream and soft drinks), where the receipts from service of food exceed 50% of the gross receipts for the entire store. Assign Code 9071 "Restaurant–Full-Service—including entertainers and/or musicians", Code 9072 "Restaurant–Fast Food & Drivers" or Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern—including entertainers and/or musicians."

2. Retail drug stores, cigar stores, confectionery stores, or other "NOC" retail stores which also serve ice cream or soft drinks (but no food). Assign Code 8017 "Retail Store NOC."
8043 Retail Store NOC—including service of food—not restaurants (Continued)
8043 Bagel Shops—retail (Continued)
8043 Drug or Cigar Store—retail—including service of food—not restaurants (Continued)

Operations Not Covered (continued)

Bagel manufacturing shall be inclusive under Code 9072 “Restaurant–Fast Food & Drivers” when the receipts from the service of food such as bagels that are made into sandwiches or sold with spreads such as butter, lox, jelly, cream cheese are more than 50% of the gross receipts for the entire store.

8044 Furniture Store—wholesale or retail & Drivers
Includes the installation of house furnishings.

Operations Covered
1. This classification applies to wholesale dealers or retail stores principally engaged in selling furniture including antique furniture for homes, lawns, gardens, office and hotels. The furniture may be sold directly from the floor of the store or ordered from catalogues and samples on display in a showroom and subsequently shipped by the store to the customer. The word “furniture” as used in this classification includes living room, dining room, bedroom or kitchen sets and individual pieces such as sofas, chairs, tables, beds, chests, breakfronts, bookcases, pianos and organs.

2. In addition, furniture stores may sell a minor amount of other merchandise such as bedding, carpets, linoleum, lighting fixtures, lamps, household appliances, mirrors, pictures, radio and television sets or kitchen cabinets.

3. This classification also includes the delivery and setting merchandise in place, the installation of home furnishings, such as carpets, linoleum, draperies, pictures or mirrors and the polishing and minor repair of furniture on the insured’s premises or at the customer’s location.

Operations Not Covered
1. Stores principally engaged in selling bedding, carpets, linoleum, lighting fixtures, lamps, household appliances, mirrors, pictures, radio and television sets or kitchen cabinets. Assign Code 8017 “Retail Store NOC” or Code 8018 “Wholesale Store NOC” depending upon whether or not the sales are principally retail or wholesale.

2. The installation of furniture or fixtures not performed by a furniture wholesaler or retailer. Assign Code 5429 “Furniture or Fixtures Installation NOC.” Code 5429 is not available for division of payroll with Code 5403 “Carpentry NOC,” Code 5645 “Carpentry—Detached Dwellings” or Code 5651 “Carpentry—Dwellings—Three Stories or Less” at the same job or location.
HOMES
—Aged—includes nursing and medical personnel .............................................. 8829
—Aged—no nursing or medical personnel on staff ............................................... 8866
—Children’s ........................................................................................................ 8833/9040
—Invalid ............................................................................................................. 8829
—Maternity .......................................................................................................... 8833/9040
—Mentally Disturbed—includes nursing and medical personnel ....................... 8833/9040
—Mentally Disturbed—no nursing or medical personnel on staff ...................... 8865
—Nursing—includes nursing and medical personnel ......................................... 8829
—Nursing—no nursing or medical personnel on staff ....................................... 8866
—Orphan ............................................................................................................. 8833/9040

HOSPITAL
—Professional Employees .................................................................................... 8833
—All Other Employees ....................................................................................... 9040

INSPECTOR
—Board of Health ................................................................................................ 9410
—Building ............................................................................................................ 9410
—Electrical ........................................................................................................... 9410
—Mine—periodical .............................................................................................. 9410

INVESTIGATOR—outside ....................................................................................... 9410

JAIL—All Employees ............................................................................................ 7720

JANITOR OR MAINTENANCE
—Clerical Facility Only ....................................................................................... 9026
—Medical Facilities ............................................................................................. 9040
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—Residential Facility For Aged ........................................................................... 8829
—Schools, Libraries & Museums ......................................................................... 9101

LABORATORY— Technician, Bacteriologist, Biochemist ..................................... 9410

LANDFILL—sanitary .............................................................................................. 6217

LIBRARY OR MUSEUM—public
—Curators, Librarians .......................................................................................... 8838
—Maintenance & Drivers .................................................................................... 9101
—Ushers or Attendants ......................................................................................... 8838

MAYOR & COMMISSIONERS ............................................................................. 8810

* MEALS-ON-WHEELS PROGRAMS ..................................................................... 9072

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—Landscaping Maintenance ............................................................................... 9102
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