To the Members of the Board

RE: New York Workers Compensation
Medical and Social Caseworkers – Code 8857

The Rates Committee has adopted, and the New York State Insurance Department has approved, effective October 1, 2003, for new and renewal business, the establishment of Code 8857 to apply to medical and social caseworkers who perform duties both in the office and in the field.

When Code 8854 “Counseling—Social Work” and Code 9051 “Home Health Care—Non-Professional Employees” were first established, they were intended for the typical home health care agency that provides hands-on services which includes bathing, dressing and feeding clients. The scope of these codes did not contemplate the agencies that act as an advocate of those in need. These agencies provide services akin to a social or medical caseworker which consists mainly of clerical-type functions.

These advocacy agencies assist clients in obtaining access to the various medical and social services provided by the government and private agencies. They sometimes refer to these employees as service coordinators. These services are performed in the office of the agency but employees do visit homes to discuss matters with the families and to provide the families with guidance as to the appropriate agencies that can assist with their needs. In addition, they may also have employees (sometimes known as habilitation specialists) who visit clients’ residences and teach them how to dress, brush their teeth, comb their hair and feed themselves.

Under current classification procedures, Code 8854 “Counseling—Social Work” applies to the service coordinators since some of the work they perform is conducted away from the employer’s premises. If all of their work duties were confined to the office, then the clerical code (8810) could apply to these coordinators. The habilitation specialists are assigned to Code 9051 “Home Health Care—Non-Professional Employees” as this class includes home health aides, personal care aides, all other types of home aides and home support personnel such as, but not limited to, homemakers, companions and those who provide shopping and personal grooming services to shut-ins.
Code 8857 has been established for the employees of these agencies who mainly perform referral services and guidance to their clients. The employees who perform any type of hands-on service to the clients will continue to be assigned to Code 9051 as this code contemplates such exposures.


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

Very truly yours,

Monte Almer

President

CD:tg
Encl
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.

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

8292

*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  8810

COUNTY EMPLOYEES NOC—See “MUNICIPAL”

CRACKER MFG.

2001

CRAYON, Pencil or Penholder MFG.

2942

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

2070

CREMATORY OPERATION & Drivers

9620

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

1470

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

3384

CUTLERY MFG. NOC

3122

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.

6017

With respect to non-pneumatic caisson or non-pneumatic cofferdam operations, the appropriate caisson or cofferdam classification shall apply 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.

6018

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.

2702
HOME HEALTH CARE SERVICES:
  Applies to any establishment providing health care services in the residence of individuals or families.

HOME HEALTH CARE—PROFESSIONAL EMPLOYEES
  Includes private duty registered and licensed practical nurses, physical, speech and/or occupational therapists, medical social workers and social case workers.

HOME HEALTH CARE—NON-PROFESSIONAL EMPLOYEES
  Includes home health aides, personal care aides, all other types of home aides and home support personnel such as homemakers, companions and services to shut-ins involving shopping or assistance with personal grooming.

* MEDICAL & SOCIAL CASE WORKERS—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—medical & social case workers

HOMELESS SHELTER—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.

HOMES FOR THE MENTALLY IMPAIRED—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.

HOSPITAL
  PROFESSIONAL EMPLOYEES
  ALL OTHER EMPLOYEES

HOSPITAL—VETERINARY—& Drivers

HOT HOUSE ERECTION—ALL OPERATIONS
MARINE APPRAISER or SURVEYOR

MARINE RAILWAY—ALL OPERATIONS—& Drivers:

- Coverage under U.S. ACT
- Coverage under STATE ACT ONLY
  Code 6882 may be used only upon specific assignment by the Rating Board.

MASONRY NOC

MATCH MFG.
Lumbering operations to be separately rated as Code 2702 "Logging or Lumbering & Drivers."

MATTRESS or Box Spring MFG.
Includes pillow, quilt or cushion mfg. Wire spring mfg. to be separately rated as Code 3300 "Bed Spring or Wire Mattress Spring Mfg." Excelsior to be separately rated as Code 2916 "Veneer Products Mfg."

MEAT PRODUCTS MFG. NOC
Code 2095 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 or handling of livestock.

* MEDICAL or social REFERRAL SERVICES—advocate—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

* MEDICAL SOCIAL WORKERS or social case workers—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

MEDICINE, Drug 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.

MEDICINE, Drug or Pharmaceutical PREPARATION—no mfg. of ingredients
Applies to compounding, blending or packing operations only. Code 4611, 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.

MESSENGER SERVICE COMPANIES:

BICYCLE DELIVERY OF ENVELOPES, PARCELS, or PACKAGES

DELIVERING MAIL, PARCELS or PACKAGES—ALL EMPLOYEES—& Drivers
Applies to risks engaged in such local delivery of envelopes and packages by vehicle. Parcels or packages must be limited to 100 pounds or less. May only be used upon specific assignment by the Rating Board.

FOOT DELIVERIES OF ENVELOPES, PARCELS or PACKAGES
REAL ESTATE AGENCY—outside employees—& collectors  
Care, custody and maintenance or construction work to be separately rated.

RECORDING—Masters and Stock Tapes—music  
Players, entertainers or musicians to be separately rated as Code 9157 or Code 9159 “Theatrical Production.”

RECORDING TAPE or DISK MFG.  
Phonograph record mfg. to be separately rated as Code 4431.

RECREATIONAL VEHICLE—Campground or PARK

REED or Loom Harness MFG.

* REFERRAL SERVICES—medical or social—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

REFRIGERATION UNIT MFG.  
Manufacturing housings or assembling complete units to be separately rated as Code 3076 “Fireproof Equipment Mfg.”

REFRACTOR Y PRODUCTS MFG. & Drivers  
Includes the mfg. of fire bricks, boilers or stoker tiles, special refractory shapes, enameled bricks, retorts, flue linings, muffles, crucibles and similar products manufactured from refractory clays with or without other refractory materials. Includes clay, shale or sand digging. Underground mining or quarrying to be separately rated.

REFUSE, Ashes or Garbage COLLECTION & Drivers  
Reduction, rendering or fertilizer plants to be separately rated.

RELIGIOUS HOUSE OF WORSHIP:

PROFESSIONAL EMPLOYEES  
Includes clergy, assistants, organist and choir members.

ALL OTHER EMPLOYEES & Drivers

RENDERING WORKS NOC & Drivers  
No garbage reduction. Code 4665 and Code 4583 “Fertilizer Mfg. & Drivers” or 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.

RESIDENTIAL CARE 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.
SLATE SPLITTING or Roofing Slate Mfg. & Drivers 1624
Includes: quarrying; construction, repair or maintenance of all buildings, structures or equipment; installation of machinery.

SLAUGHTERING 2081
Includes the handling of livestock, preparation of dressed meat, rendering, washing of casings, salting of hides or cooking of offal. Code 2081 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.

SMELTING—electric process 1439
Includes the mfg. of carborundum, artificial carbon or graphite. Blast furnace operations or steel mfg. to be separately rated.

SMELTING, Sintering or Refining LEAD & Drivers 1430

SMELTING, Sintering or Refining—METALS—NOT IRON or LEAD—NOC—& Drivers 1438
Insureds who recover lead in the process in any form or quantity to be separately rated as Code 1430 “Smelting, Sintering or Refining Lead & Drivers.”

SMOKESTACK or Chimney LINING—not metal 5000
Includes foundation and applies to stone, brick or concrete chimneys. Also includes guniting and lining operations.

SNOW PLOWING & Drivers 9402

SOAP or Synthetic Detergent MFG. 4720
Contemplates the mfg. of bar soap, granulated, powdered and sprayed soaps, soap chips and flakes, liquid soap and synthetic detergents which have characteristics and end-uses similar to soap.

SOAPSTONE or Soapstone Products MFG. & Drivers 1748
Quarrying to be separately rated.

* SOCIAL CASE WORKERS or social medical workers—traveling 8857
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.

INSIDE WORK ONLY 8810

SODA WATER FOUNTAIN or Apparatus MFG. 3634

SOUNDPROOFING—See “INSULATION WORK NOC”

SPAR or Flint GRINDING & Drivers 1741
Digging, mining or quarrying to be separately rated. Risks engaged in grinding materials which do not contain more than 5% free silica shall be classified as Code 1747 “Emery Works & Drivers.”