R.C. 2035

To the Members of the Board

RE:  New York Workers Compensation
     Installation of Paver Stones – Classification Procedure

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 in the classification procedure for Code 0042 to include the installation of paver stones.

Currently, the installation of paver stones is assigned to Code 5022 “Masonry NOC.” For the last several years, the installation of paver walkways and stone retaining walls has routinely been used in landscape design. However, the process of installing pavers is a dry process that does not include the mortar/masonry process contemplated by the assignment of Code 5022.

Code 0042 “Landscape Gardening and Drivers” applies to employers who are primarily engaged in performing landscape operations such as grass cutting, weed control, lawn spraying, laying out of grounds (preparation of the land which involves clearing and grading), planting trees, shrubs, flowers and lawns. It also includes the placing of rocks for rock gardens, railroad ties to prevent soil erosion and the placing of stones, wood chips and similar materials on the ground after planting.

Based upon the above, the footnote for Code 0042 has been expanded to allow the installation of pavers provided it is part of an overall landscape project. If it is not part of a landscape project, then Code 5022 continues to apply. The attached Page C-48 from the New York Workers Compensation and Employers Liability Insurance Manual contains the amended phraseology for Code 0042.

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

Very truly yours,

Monte Almer

President

CD:tg
Encl.
LANDSCAPE GARDENING & Drivers

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

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* 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.

LAST or Shoe Form MFG.

LATHING & Drivers

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

LAUNDRY or Dry Cleaning Collecting or DISTRIBUTING STORE

No laundering or dry cleaning at the same location.

LAUNDRY or Dry Cleaning—COMMERCIAL—& Route Salespersons, Drivers

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

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

No laundering or dry cleaning at the same location.

LAW OFFICE—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.