To the Members of the Board

RE: New York Workers Compensation
Clarification of Classification Phraseology and Procedures

The Rates Committee has adopted, and the New York State Insurance Department has approved, with an issue date of August 1, 2005, the following amendments to the classification phraseologies for Codes 8392 and 2041 in the Classification Section of the New York Workers Compensation and Employers Liability Insurance Manual, the purpose of which is to clarify existing classification procedures.

a. Code 8392 “Automobile Parking Lot and Drivers”

Code 8392 applies to employers who operate various types of automobile parking and or storage facilities. In a recent Item Filing, the National Council on Compensation Insurance (NCCI) made changes to the phraseologies for this code, one of which was to include a phrase for valet parking services.

In New York, there are currently two phraseologies in the Classification Section of the New York Manual, one for automobile parking lots and one for automobile storage garages or parking stations. To add more clarity in assigning classifications for parking facilities, the changes shown on the attached Pages C-7a, C-7b, C-61 and C-84 have been adopted.

Three new entries for Code 8392 are included and a footnote has been added to indicate the types of facilities that are to be assigned to Code 8392 and to further indicate which employees are included under the governing class.

b. Code 2041 “Candy, Chocolate or Cocoa Mfg.”

Code 2041 applies to the manufacturing of all types of candies as well as chewing gum. In a recent NCCI filing, changes were made to this classification phraseology which includes the expansion of the existing footnote to encompass the varied types of confection manufacturing.
In New York, two new classification clarification entries have been added and the existing footnote has been expanded.

Attached for your reference are Pages C-15, C18, C-20, C-22 and C-41 of the Classification Section of the New York Manual which contain the amendments.

Please note that the above amendments do not change the current classification procedures. They are manual entries intended to clarify the current procedures.

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

Very truly yours,

Monte Almer

President

CD:tg
Encl.
AUTOMOBILE GASOLINE and/or SERVICE STATIONS:  (continued)

SELF-SERVICE GASOLINE—with CONVENIENCE STORE 8382
Applies to gasoline stations where the customer pumps the gasoline. The employee exposure is that of an attendant located in a separate structure who controls the amount of the sale and accepts payment from the customer.

Includes the operation of a convenience store selling a variety of items but not limited to groceries, soft drinks, coffee, tea, bread, snacks, newspapers, candy, cigarettes, windshield wiper fluid, etc. The sale and service of fast food is not limited to frankfurters, sandwiches, pizza, etc.

Separately Rate:
The operation of a full-service gasoline station and/or an automobile repair shop at the same location as Code 8391 “Automobile Gasoline Station—Full or Full and Self-Service & Drivers” or Code 8391 “Automobile Repair Shop—All Operations & Drivers.”

AUTOMOBILE CAR WASH & Drivers 8391

AUTOMOBILE LIGHTING, IGNITION or STARTING APPARATUS MFG. NOC 3648

AUTOMOBILE MFG. or ASSEMBLY 3808

AUTOMOBILE PARKING LOT & Drivers 8392
Applies to the operation of an automobile parking lot, parking station, storage garage, self-parking facility or valet parking service. Includes the operation of a rental car agency provided the cars are rented without chauffeurs and no mechanical work is performed on the vehicle. Includes employees such as parking attendants, counter personnel and cashiers.

AUTOMOBILE Storage Garage or PARKING STATION & Drivers 8392
Applies to the operation of an automobile parking lot, parking station, storage garage, self-parking facility or valet parking service. Includes the operation of a rental car agency provided the cars are rented without chauffeurs and no mechanical work is performed on the vehicle. Includes employees such as parking attendants, counter personnel and cashiers.

AUTOMOBILE RADIATOR MFG. 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.

AUTOMOBILE REPAIR Shop—ALL OPERATIONS—& Drivers 8391
Applies to automobile repair shops.

When an insured operates an automobile repair shop with a convenience store (no self-service sale of gasoline), apply Code 8391 and the appropriate store classification. Refer to Section III of the Digest of Rulings and Interpretations to determine the applicable store classification.

Refer to Code 8382 “Automobile Self-Service Gasoline with Convenience Store” for insureds operating a convenience store that is also engaged in selling self-service gasoline.
AUTOMOBILE SALES or Service AGENCY — ALL OPERATIONS — & Drivers
Automobile salespersons to be separately rated as Code 8748.

AUTOMOBILE SALESPERSONS

AUTOMOBILE TIRE DEALER & Drivers
Includes repairing, recapping, vulcanizing and mounting of tires on or away from premises. Tire salespersons to be separately rated as Code 8748.

AUTOMOBILE TIRE SALESPERSONS

AUTOMOBILE VALET PARKING SERVICE & Drivers
Applies to the operation of an automobile parking lot, parking station, storage garage, self-parking facility or valet parking service. Includes the operation of a rental car agency provided the cars are rented without chauffeurs and no mechanical work is performed on the vehicle. Includes employees such as parking attendants, counter personnel and cashiers.

AUTOMOBILE WHEEL MFG. — metal — not cast

AWNING or Tent MFG. — SHOP only
The installation, removal or repair of awnings or tents away from the shop shall be classified as Code 9539 "Awning Erection & Drivers."

AWNING, Tent or Canvas Goods ERECTION, Removal or Repair & Drivers
Applies to operations away from the shop.

BABY CARRIAGE MFG.

BAG MFG. — PAPER or PLASTIC
Paper mfg. to be separately rated as Code 4239. Plastic film mfg. to be separately rated as Code 4459.

BAG or Sack MFG. — cloth
Applies to the mfg. renovation or repair of cotton, burlap or gunny bags or sacks.

BAG RENOVATING
Applies to the renovating or repairing of cotton, burlap or gunny bags or sacks.

BAGEL MFG. & Route Salespersons, Route Supervisors, Drivers
Applies to shops engaged in making bagels from raw ingredients, not received frozen.

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 percent of the gross receipts.

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

Bagel Shops — retail continued on the next page.
PAPER OILING, Paraffining, Parchmentizing or WAXING
Paper mfg. to be separately rated as Code 4239.

PAPER STOCK, Bottle, Rubber or Rag DEALER—SECOND-HAND—& Drivers
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 8264 are conducted as a separate and distinct business.

PAPER NOC—ALL EMPLOYEES—& Drivers
Operation, care and maintenance of amusement devices to be separately rated as Code 9180 “Amusement Device Operation NOC—Not Traveling—& Drivers.”

PARKING LOT—AUTOMOBILE & Drivers
Applies to the operation of an automobile parking lot, parking station, storage garage, self-parking facility or valet parking service. Includes the operation of a rental car agency provided the cars are rented without chauffeurs and no mechanical work is performed on the vehicle. Includes employees such as parking attendants, counter personnel and cashiers.

PARQUET or Finished Wooden FLOOR INSTALLATION
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.

PASTE, Ink (writing) or Mucilage MFG.

PATROL or Detective, AGENCY & Drivers
Includes the operation of armored car service, watchmen, guards or patrol officers engaged in safeguarding property not owned or operated by the insured. Police officers, sheriffs, strike breakers or strike guards to be separately rated as Code 7720 “Police Officer & Driver.”

PATTERN MAKING NOC
Mfg. of metal jigs, fixtures, or dies to be separately rated. Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 2790 are conducted as a separate and distinct business.

PAVING—See “STREET or ROAD”

PAVING or REPAVING—floors, driveways, yards or sidewalks—& Drivers
Not available for division of payroll with Code 5222 “Concrete Construction in connection with bridges or culverts.” Self-bearing floors, airport runways, warming aprons, street or road construction to be separately rated.

PEANUT HANDLING
Applies to cleaning, grading or shelling. Hull grinding or mfg. to be separately rated as Code 2014 “Feed Mfg.”

PEN MFG.—fountain or ballpoint
STEVEDORING: (continued)

NOC 7309F
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.

STOCKYARD & Outside Salespersons, Drivers 8288
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 5348
Applies to interior construction work only. Not fireproof tile construction.

STONE CRUSHING & Drivers 1710
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 1809
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 1810
Stone cutting in quarries shall be rated as Code 1624 “Quarry & Drivers.” Quarrying or mining to be separately rated.

STONE or Marble SETTING—inside 5348
Applies to interior construction only. Not fireproof tile construction.

★ STORAGE GARAGE or Parking Station—AUTOMOBILE & Drivers 8392
Applies to the operation of an automobile parking lot, parking station, storage garage, self-parking facility or valet parking service. Includes the operation of a rental car agency provided the cars are rented without chauffeurs and no mechanical work is performed on the vehicle. Includes employees such as parking attendants, counter personnel and cashiers.

STORAGE WAREHOUSE—COLD 8291

STORAGE WAREHOUSE—FURNITURE—& Drivers 8293
Includes packing or handling household goods away from insured’s premises.

STORAGE WAREHOUSE NOC 8292
Applies to general merchandise. Drivers to be separately rated as Code 7219 “Trucking NOC—All Employees—& Drivers.”
CABINET WORK—NO POWER WOODWORKING MACHINERY

Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 2881 are conducted as a separate and distinct business.

CABINET WORK—WITH POWER MACHINERY

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

CABLE INSTALLATION & Drivers

Applies to cable installation in conduits or subways. Conduit construction to be separately rated as Code 6325.

CABLE MFG.—insulated electrical

Wire drawing to be separately rated as Code 1924 or Code 3241.

CABLE MFG. or Wire Drawing—NOT IRON or STEEL

CABLE or Wire Rope MFG.—IRON or STEEL

Wire drawing to be separately rated as Code 1924 or Code 3241.

CAISSON WORK—ALL OPERATIONS to completion

Includes pile driving, excavation, masonry or concrete work. Applies to all employees working under air pressure and all others engaged in or upon the caisson or the apparatus connected therewith.

CALCIUM CARBIDE MFG. & Drivers

Mining, slag excavation, quarrying or coke mfg. to be separately rated.

CAMP OPERATION—RECREATIONAL or educational—ALL EMPLOYEES—& Drivers

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

CAMP OPERATION—TOURIST—Assign appropriate HOTEL CLASSIFICATION

CAN MFG.

CANDLE MFG.

Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 4710 are conducted as a separate and distinct business.

CANDY, Chocolate or Cocoa MFG.

Applies to, but not limited to, the manufacturing of candy bars, chocolate bars, chewing gum, glacéed fruit, jellybeans, lollipops, licorice, breath mints and taffy.

Includes mfg. from cocoa beans.

CANNERY NOC

CANVAS GOODS, Awning or Tent ERECTION, Removal or Repair & Drivers

Applies to operations away from the shop.

CANVAS GOODS MFG. NOC—shop

The installation, removal or repair of canvas products away from the shop shall be classified as Code 9539 "Canvas Goods Erection & Drivers."
CEMENT or Concrete DISTRIBUTING TOWER INSTALLATION, repair or removal
Not applicable to contractors who erect, repair or remove concrete or cement distributing towers as an incidental part of their construction work. When so performed, such operations shall be included in the classification with which such work is associated.

CEMENT or Concrete WORK—FLOORS, DRIVEWAYS, yards or sidewalks—& Drivers
Not available for division of payroll with Code 5222 “Concrete Construction in connection with Bridges or Culverts.” Self-bearing floors, airport runways, warming aprons, street or road construction to be separately rated.

CEMETERY OPERATION & Drivers

CHAIN MFG.—FORGED

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

CHARITABLE or Welfare ORGANIZATION

PROFESSIONAL EMPLOYEES—& Clerical
Applies to professional employees of a charitable or welfare organization such as therapists, teachers (except workshop), nurses, physicians, psychiatrists, counselors, social workers, evaluation/testing and clerical office employees. Code 9111 shall only be used in conjunction with Code 8837 “Charitable or Welfare Organization—All Other Operations—& Drivers.”

ALL OTHER OPERATIONS & Drivers
Includes stores and collecting, conditioning and resale of used donated articles of the household type.

CHAUFFEURS & Helpers NOC—commercial
Subject to the standard exception manual rule.

CHEESE or Butter MFG. & Route Salespersons, Route Supervisors, Drivers

CHEMICAL BLENDING or MIXING NOC—ALL OPERATIONS—& Drivers
Shall not be assigned to a risk engaged in the manufacture of chemicals.

CHEMICAL MFG. NOC—ALL OPERATIONS—& Drivers
Includes blending or mixing. Shall not be assigned to a risk that is engaged exclusively in the blending or mixing of chemicals. The following is a partial list of chemical manufacturing processes contemplated by Code 4829: alcoholysis; alkylation; amination; calcination; carboxylation; compression of gases; distillation; esterification; halogenation; nitration; oxidation; reduction; sulphonation.

CHEWING GUM MFG.
Applies to, but not limited to, the manufacturing of candy bars, chocolate bars, chewing gum, glaceed fruit, jellybeans, lollipops, licorice, breath mints and taffy.
Includes mfg. from cocoa beans.

CHIMNEY CONSTRUCTION—not metal
Includes foundation and applies to stone, brick or concrete chimneys. Also includes guniting and lining operations.

CHOCOLATE, Candy, or Cocoa MFG.
Applies to, but not limited to, the manufacturing of candy bars, chocolate bars, chewing gum, glaceed fruit, jellybeans, lollipops, licorice, breath mints and taffy.
Includes mfg. from cocoa beans.

CIGARETTE, Cigar or Tobacco MFG.
Includes the rehandling and warehousing of prepared tobacco.
CLOTHING MFG.

CLOTH SPONGING & Route Salespersons, Drivers

CLUB—COUNTRY, golf, fishing or yacht—& Clerical
The actual remuneration of golf caddies shall be included in determining the premium for the risk. If the actual remuneration of caddies is not available then the total number of rounds caddied shall be used to compute the payroll by multiplying the number of rounds caddied by the club’s posted rate. In no event shall the caddy rate be less than the State Minimum Rate for caddies.

If neither the actual remuneration not the total number of rounds caddied can be determined, then the remuneration for caddies shall be taken as follows:

Include one round per week for each member with golf playing privileges for each week or portion thereof that the course was open during the policy period, and multiply by the club’s posted caddy rate. In no event, shall the caddy rate be less than the State Minimum Rate for caddies.

CLUB or Riding Academy—& Drivers

CLUB—SHOOTING—& Drivers
Includes ticket sellers or collectors and applies to amusement devices not otherwise classified.

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

CLUBS NOC—ALL EMPLOYEES—& Clerical
Includes food, beverage and entertainment employees.

Transport of patrons to be separately rated as Code 8394.

COAL BILLET or Briquet MFG. & Drivers
Mfg. of by-products to be separately rated as Code 1470 “Charcoal Mfg. & Drivers.”

COAL DOCK OPERATION & Stevedoring
Applies to coal docks using mechanical apparatus. Not applicable to contract stevedores or coal merchants operating yards.

COAL MERCHANT & Drivers

COAT FRONT MFG.

COCOA, Candy or Chocolate MFG.
Applies to, but not limited to, the manufacturing of candy bars, chocolate bars, chewing gum, glaceed fruit, jellybeans, lollipops, licorice, breath mints and taffy.

Includes mfg. from cocoa beans.

COCONUT SHREDDING or DRYING
CONCRETE CONSTRUCTION in connection with BRIDGES or CULVERTS

Applies only when clearance is more than 10 feet at any point or entire distance between terminal abutments exceeds 20 feet. Includes making, setting up or taking down forms, scaffolds, falsework or concrete distributing apparatus; the mfg. of concrete piles at the job location; and the pouring of concrete into hollow steel piles. Excavation, pile driving, all work in tunnels, subways, caissons or cofferdams to be separately rated.

CONCRETE CONSTRUCTION NOC

Includes foundations or the making, setting up or taking down forms; scaffolds, falsework or concrete distributing apparatus. Excavation, pile driving; all work in sewers, tunnels, subways, caissons or cofferdams to be separately rated.

Not available for division of payroll with Code 5222 “Concrete Construction in connection with Bridges or Culverts” at the same job or location.

CONCRETE or Cement DISTRIBUTING TOWER INSTALLATION, repair or removal

Not applicable to contractors who erect, repair or remove concrete or cement distributing towers as an incidental part of their construction work. When so performed, such operations shall be included in the classification with which such work is associated.

CONCRETE or Cement WORK—FLOORS, DRIVEWAYS, yards or sidewalks—& Drivers

Not available for division of payroll with Code 5222 “Concrete Construction in connection with Bridges or Culverts.” Self-bearing floors, airport runways, warming aprons, street or road construction to be separately rated.

CONCRETE PRODUCTS MFG. & Drivers

Applies to shop or yard work only. Includes the mfg. of concrete blocks, bricks, poles, piles, beams, sewer pipes, tile, or similar products, and may be applied only when the operations described are conducted as a commercial enterprise at a permanent location. Not available at a construction site or for any plant established or operated in connection with construction work.

CONDUIT CONSTRUCTION—FOR CABLES or WIRES—& Drivers

CONFECTION MACHINERY MFG.

CONFECTION MFG.

Applies to, but not limited to, the manufacturing of candy bars, chocolate bars, chewing gum, glaceed fruit, jellybeans, lollipops, licorice, breath mints and taffy.

Includes mfg. from cocoa beans.

CONSTRUCTION ELEVATORS—See “Scaffolds”

CONSTRUCTION MACHINERY, Dredge or Steam Shovel MFG. NOC

CONSTRUCTION or Agricultural MACHINERY MFG.
GLUE MFG. & Drivers
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 4653 are conducted as a separate and distinct business.

GOLD LEAF MFG.

GOLF CLUB—See "CLUB—COUNTRY—& Clerical"

GRADING OF LAND NOC & Drivers
Includes borrowing, burrowing, filling or back-filling. Separately rate: mass rock excavation, grading or excavation in connection with street or road construction, pile driving, shaft sinking; caisson or cofferdam work, underpinning to be separately rated.

GRAIN ELEVATOR OPERATION
Floating elevators to be separately rated under the appropriate vessel classification.

GRAIN, Feed or Hay or Fertilizer DEALER & LOCAL MANAGERS, Drivers

GRAIN MILLING

GRAPHITE MFG.—not artificial—& Drivers
Artificial graphite mfg. rated as Code 1439 "Smelting—electric process."

GRAVEL or Sand 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.

GREASE or Oil MIXING OR BLENDING
Code 4712 and Code 1463 "Oil Refining—petroleum—& Drivers" or Code 8350 "Oil or Gasoline Dealer & Drivers" shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses. Rendering to be separately rated as Code 4665. Petroleum refining to be separately rated as Code 1463 "Oil Refining—petroleum—& Drivers."

GREENHOUSE ERECTION—ALL OPERATIONS

GREETING CARD MFG.

GUM MFG.—Chewing
Applies to, but not limited to, the manufacturing of candy bars, chocolate bars, chewing gum, glazed fruit, jellybeans, lollipops, licorice, breath mints and taffy.
Includes mfg. from cocoa beans.

GUNITING—not chimneys
Guniting on chimneys to be separately rated as Code 5000 "Chimney Construction."