To: The Members of the Board

Payroll Remuneration Rule for Entertainers
Issue Date: April 1, 2014

In accordance with the authorization of the Underwriting Committee, and approval by the New York State Department of Financial Services, an amendment to the Manual regarding clarification on the premium determination for entertainers when classified within codes which are inclusive of the entertainment exposure, has been implemented with an issue date of April 1, 2014.

This change clarifies that entertainers who are classified under a code that includes entertainers in the code’s phraseology will receive the same treatment as if they had been classified simply as an entertainer and would have had their payroll capped as per the non-executive officer maximum payroll shown on the Miscellaneous Values Page of the Manual.

This change results in an update to the Classification Section of the Manual, Page C-71, regarding the Restaurant Classification Codes. The clarification is being made to include entertainers regardless of their classification code regarding application of the non-executive officers maximum remuneration.

The revised page is attached and also reflected in an updated version of the New York Workers Compensation & Employers Liability Manual which is available via the Digital Library on the Board’s website at: www.nycirb.org.

Very truly yours,

Monte Almer

President

WVT:tg
Encl.
RESTAURANT:

FAST FOOD & DRIVERS
Applies to fast food type restaurants including, but not limited, to pizza parlors, sandwich shops, donut shops, concession stands, hamburger, taco or fried chicken establishments. This class also includes take-out food establishments. These types of establishments prepare and serve food and non-alcoholic beverages which can be consumed on or off the premises.

FULL-SERVICE—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.

Tavern, Bar, Dance Club, Lounge or Nightclub serving food
Refer to Code 9074 — Tavern, Bar, Dance Club, Lounge or Nightclub—including entertainers and/or musicians.

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

Operated by a hotel or motel – See “Hotel”
The entire remuneration of all entertainers shall be included in computing premium subject, however, to the maximum average weekly wage per employee shown in the “Miscellaneous Values” pages as “Maximum Remuneration.”

RETIREMENT LIVING 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.

Separately rate the operation of an alcohol or drug rehabilitation facility, homeless shelter, home for the mentally impaired or a residential care facility, with no nursing or medical personnel on staff, as Code 8865.

REVETMENT or Dike CONSTRUCTION—ALL OPERATIONS to completion—& Drivers
Applies to river work only. Separately rate pile driving as Code 6003.

RIDING ACADEMY or Club & Drivers

ROAD or STREET CONSTRUCTION—See “STREET or ROAD CONSTRUCTION”

ROAD or Street MAKING MACHINERY MFG.

ROCK EXCAVATION & Drivers
Includes incidental quarrying or stone crushing. No tunneling.

ROCK WOOL MFG.
Separately rate excavation or digging, dredging, mining or quarrying.

ROLLER or Ball BEARING MFG.
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 3638 are conducted as a separate and distinct business.

ROLLER SKATING RINK
Separately rate full-service restaurant as Code 9071, fast food restaurant as Code 9072, or the operation of a bar, dance club, lounge, nightclub or tavern as Code 9074.