July 2, 2015

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R.C. 2391

To: The Members of the Board

Edible Fruit Arrangements - Designation of Code 8001
Effective Date – October 1, 2015

Following approval by the New York State Department of Financial Services, and in accordance with the authorization of the Underwriting Committee, we hereby introduce amendments to the Manual regarding the language and interpretation for Classification Code 8001 – Florist Store & Drivers,’ which includes the addition of a new phraseology for ‘Edible Fruit and/or Vegetable Floral type Arrangements.’ The changes apply for new or renewal policies with effective dates on or after October 1, 2015.

Classification Code 8001 ‘Florist Store & Drivers’ has been updated to reflect new language and interpretation to include operations of businesses that make and deliver edible fruit and/or vegetable floral type arrangements. The business model for these types of establishments is similar or identical to the florist model, especially regarding the delivery aspect, and as a result, Code 8001 has been modified to include these operations and their driver exposure for retail and wholesale sales. The change results in standardizing how this type of business is being assigned and provides consistency with other jurisdictions.

Included with the bulletin are revised manual pages: Index page C-34; Part II, Classification Section, page C-85 and Digest of Rulings and Interpretations pages D-63, D-64, D-76 and D-77. The changes are also reflected in an updated version of the New York Workers Compensation & Employers Liability Manual which is available on the Board’s website at: www.nycirb.org.

Very truly yours,

Monte Almer

President

WVT:tg
Encl.
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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 exist:

1. The payroll subject to this classification is at least $900,000 per annum.
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.

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

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, Code 9072 or Code 9074. 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

★  Edible Fruit and/or Vegetable Floral type Arrangements – Wholesale or Retail - & Drivers

FISH, Meat or Poultry STORE—retail

Includes incidental preparation of meats and produce. Separately rate slaughtering operations as Code 2081.

FISH, Meat or Poultry Dealer—wholesale

Code 8021 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.

FLORIST STORE & Drivers

Includes service away from store premises. Separately rate cultivating or gardening as Code 0035.
8001 Florist Store & Drivers
Includes service away from store premises. Cultivating or gardening are to be separately rated as Code 0035 “Florist–cultivating or gardening–& Drivers.”

8001 Edible Fruit and/or Vegetable Floral type Arrangements – Wholesale or Retail & Drivers

Operations Covered
This classification applies to a store principally engaged in the wholesale or retail selling of fresh cut flowers, potted plants, bushes, shrubs, trees, wreaths, leaves and branches of natural vegetation, bulbs, and floral arrangements, including incidental florist supplies and accessories.

The service away from the store premises covered by this classification includes operations such as the floral decoration of homes, churches or other buildings for weddings, banquets and parties.

Code 8001 also applies to stores principally engaged in the wholesale or retail selling of fresh fruits and/or vegetables that are cut up and assembled into an arrangement. These stores may also dip the fresh fruit into chocolate that will be used in the arrangement.

Drivers will make deliveries to locations designated by the customer.

Operations Not Covered
1. Dealers principally engaged in the sale of garden supplies such as flower pots, fertilizer, sod, bird baths, statuary with incidental potted plants, trees, shrubs, bulbs, and grass seed are assigned to the “NOC” store classification, depending on whether the sales are principally retail (Code 8017) or principally wholesale (Code 8018).

2. The growing of flowers and potted plants in greenhouses or fields operated by the insured are to be separately rated as Code 0035 “Florist–cultivating or gardening–& Drivers.” If the insured also grows bushes, shrubs and trees, in addition to flowers and potted plants, at the same location, then all of the growing operations are subject to Code 0005 “Nursery Employees & Drivers.”

3. Operations performed on the premises of customers such as the planting or care of lawns, gardens, trees, shrubs, landscaping or other similar operations. Assign Code 0042 "Landscape Gardening & Drivers."

4. Stores principally engaged in the retail selling of fresh fruit baskets (other than edible floral type arrangements). Assign Code 8006 "Fruit Store – Retail."

5. Stores principally engaged in the wholesale selling of fresh fruit baskets (other than edible floral type arrangements). Assign Code 8048 “Fruit or Vegetable Store – Wholesale."

8006 Grocery Store–retail
No handling of fresh meats.

8006 Coffee, Tea or Spice Store–retail
No handling of fresh meats.

8006 Dairy Products Store–retail
No handling of fresh meats.

8006 Delicatessen Store–retail
No handling of fresh meats.

8006 Frozen or Frosted Food Store–retail
No handling of fresh meats.

8006 Fruit or Vegetable Store–retail
No handling of fresh meats.

All of the foregoing classification phraseologies are cross-references with Code 8006. Risks performing any of the operations specified in these phraseologies are assigned to Code 8006 in accordance with the procedures below:
Operations Covered

This classification applies to stores *principally* engaged in the retail selling of groceries, fresh fruits, vegetables, dairy products, frozen or frosted foods, coffee, tea, spices and delicatessen foods such as cold cuts, salads, pickles and smoked fish. Delicatessens may prepare salads and also cook meat such as roast beef, Virginia ham, barbecue chickens and spareribs.

These stores may also sell a minor amount of other merchandise such as soda, beer, household cleaning items, paper products, cigarettes and various sundry items.

Also, applies to stores principally engaged in the retail selling of fresh fruit baskets (other than edible floral type arrangements).

Operations Not Covered

1. This classification is not applicable to any of the above stores which also have a meat department that sells fresh and cured meats, fish or poultry. These types of stores are assigned to Code 8033 "Supermarket—retail" provided that the sale of fresh and cured meats, fish or poultry does not exceed 50% of the gross receipts for all merchandise sold by the insured.

2. If the sale of fresh and cured meats, fish or poultry exceeds 50% of the gross receipts for all merchandise sold by the insured, such operations are assigned to Code 8031 "Meat, Fish or Poultry Store—retail."

3. Stores *principally* engaged in the wholesale or retail selling of fresh fruits and/or vegetables that are cut up and assembled into an arrangement. Assign Code 8001 "Edible Fruit and/or Vegetable Floral type Arrangements – Wholesale or Retail - & Drivers."

4. Stores *principally* engaged in the wholesale selling of fresh fruit baskets (other than edible floral type arrangements). Assign Code 8048 "Fruit or Vegetable Store – Wholesale."

8008 .......... Clothing or Wearing Apparel Store—retail

8008 .......... Dry Goods Store—retail

8008 .......... Shoe Store—retail

Operations Covered

This classification applies to a store *principally* engaged in selling any or all of the following merchandise at retail:

1. Ready-to-wear clothing and wearing apparel, including suits, coats, dresses, knitwear, hats, shoes, rubbers, slippers, undergarments, sleeping and lounging clothes, ties, hosiery, haberdashery, gloves, scarfs and aprons. This classification also includes any incidental alteration work.

2. Dry goods, including piece goods, yard goods, embroideries, veilings, laces, textile trimmings, curtains, draperies, blankets, bedspreads, sheets, pillowcases, tablecloths, napkins, towels and handkerchiefs.

3. Miscellaneous sewing accessories such as buttons, buckles, slides, tapes, buckram, yarn, thread, thimbles, needles, pins, hooks and eyes, dress shields, hat bodies, artificial flowers and zippers.

Other types of operations assigned to this classification are:

1. Demonstration of wearing apparel in retail stores.

2. Coat or hat checkroom concessions.
8046........Automobile Accessories Store NOC—retail & Drivers (continued)

Operations Not Covered


2. Risks principally engaged in the retail selling of tires and tubes including installation. Assign Code 8391 "Automobile Tire Dealer & Drivers."

3. Stores principally engaged in the retail sale of household electrical appliances, paint, toys, sporting goods or kitchen utensils. Assign Code 8017 "Retail Store NOC."

4. Stores principally engaged in the retail sale of hardware. Assign Code 7998 "Hardware Store—retail."

8047........Drug Store—wholesale

Operations Covered

This classification applies to stores which are principally engaged in the wholesale distribution of drugs, medicines and pharmaceutical ingredients used for the compounding and dispensing of prescriptions.

In addition, such stores perform, as a minor and incidental operation, the selling of other merchandise such as cosmetics, hair preparations, combs, brushes, toothpaste, mouthwash, deodorants, disinfectants, soap, shampoo, baby products, bandages, dressings, cotton, fever thermometers, heating pads, vaporizers, sterilizers, elastic stockings, abdominal supports, splints, rubber water bottles, ice caps and shower caps.

Operations Not Covered

1. Wholesale stores which are principally engaged in selling the miscellaneous merchandise described above, and which also sell a minor amount of medicines and drugs. Assign Code 8018 "Wholesale Store NOC."

2. The compounding, blending, or mixing of drugs, medicines or pharmaceutical ingredients. Assign Code 4611 "Drug, Medicine or Pharmaceutical Preparation—no mfg. of ingredients."

8048........ Fruit or Vegetable Store—wholesale

Operations Covered

This classification applies to dealers principally engaged in the wholesale distribution of fresh fruits or vegetables. Such dealers, as a part of their wholesale operations, may also perform incidental repackaging of the merchandise into retail-size bunches, boxes, bags or similar containers.

In addition, these dealers may also sell a minor amount of groceries, dairy products and frozen foods.

Also, applies to stores principally engaged in the wholesale selling of fresh fruit baskets (other than edible floral type arrangements).
8048.......... Fruit or Vegetable Store—wholesale (continued)

Operations Not Covered

1. Dealers principally engaged in the wholesale distribution of groceries, dairy products and frozen foods with a minor amount of fresh fruits or vegetables. Assign Code 8034 "Grocery Store—wholesale."

2. Risks principally engaged in packing fresh fruits, including sorting, grading and washing of the fruit. Assign Code 2105 "Fruit Packing."

3. Risks principally engaged in packing fresh vegetables, including sorting, grading and washing vegetables. Assign Code 8209 "Vegetable Packing & Drivers."

4. Stores principally engaged in the wholesale or retail selling of fresh fruits and/or vegetables that are cut up and assembled into an arrangement. Assign Code 8001 “Edible Fruit and/or Vegetable Floral type Arrangements – Wholesale or Retail - & Drivers.”

5. Stores principally engaged in the retail selling of fresh fruit baskets (other than edible floral type arrangements). Assign Code 8006 “Fruit Store – Retail.”

8068...Art Gallery & Clerical

 Applies to wholesale or retail sales of artwork.
 Includes appraising of the artwork on the premises of the art gallery.

Operations Covered

This classification applies to the operation of an art gallery. The sales may be wholesale or retail in nature and the art featured may consist of one or more types of art such as:

Antique Maps                Installation Art               Photography
Drawings                    Lithographs                  Sculptures
Historical Artifacts        Paintings

The sales of the artwork can be sold either on a wholesale or retail basis. Artwork may be purchased directly from artists or others and displayed in a gallery, store front, showroom or office type setting. The salesperson may assist customers with their selection and will process the transaction. The artwork may be taken directly by the customer or packed and shipped by the gallery staff to a specific designation specified by the customer.

Operations Not Covered

1. Stores principally engaged in the retail selling of posters or framed prints. Assign Code 8017 “Retail Store NOC – No Service of Food.”

2. Stores principally engaged in the wholesale selling of posters or framed prints. Assign Code 8018 “Wholesale Store NOC.”