



B U L L E T I N

January 5, 2007

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R.C. 2130

To the Members of the Board

**RE: New York Workers Compensation
Miscellaneous Manual Page Amendments**

The Rates Committee has adopted and the New York State Insurance Department has approved amendments to various manual pages to provide rule clarification and clarification for application of certain classification codes in the New York Workers Compensation and Employers Liability Insurance Manual. Explanations of the amendments are shown below. An issue date of January 1, 2007 has been established for these changes.

a. New York Construction Classification Premium Adjustment Program

In August of 2006, the application and instructions for the New York Construction Classification Premium Adjustment Program (CPAP) were updated to clarify and minimize the number of common questions employers have when attempting to complete the application. The changes included an explanation of limited payroll, a change of Policy "Inception" Date to Policy "Effective" Date, a note to inform the employer that executive officers' wages are not required if they are excluded from coverage and additional instructions for short-term policies. However, Rule IX.I-Construction Classification Premium Adjustment Program of the New York Manual and the New York Construction Classification Premium Adjustment Program Explanatory Endorsement (WC 31 03 19C) were not updated to reflect these amendments.

Attached are amended Pages R-54 and R-56 and endorsement WC 31 03 19D which reflect the changes previously made to the application and instructions.

Also attached is an amended Page R-1 that shows the most current version of WC 31 03 19 which is a mandatory endorsement that is required to be attached to each policy.

b. Code 4431 – Phonograph Record Mfg.

In reviewing recent changes made in other jurisdictions, it was noted that additional phraseologies were given for Code 4431 to show that this code also applies to the manufacture of other forms of visual and data recording media. Since these types of media are currently assigned to Code 4431 in New York as well, the Classification section was amended to include phraseology for digital or magnetic recording and storage media as shown on Pages C-25 and C-51.

c. Code 5606 – Executive Supervisors

The classification phraseology and footnote for Code 5606 – Contractor–Executive Supervisor were amended to include the types of individuals and criteria for assigning this classification. Since the amended footnote contains the same information as shown in the Digest of Rulings and Interpretations section of the New York Manual, the entry for Code 5606 in the Digest was eliminated.

Attached are Pages C-23, C-31 and D-35 that show the changes for Code 5606.

d. Code 8001 – Florist Store & Drivers

Page D-60 of the Digest of Rulings and Interpretations section of the New York Manual has been amended for Code 8001 to clarify that bushes and wreaths are an inclusion under this classification.

e. Codes 8031 and 8021 – Meat Fish or Poultry Store – Retail and Wholesale

The Classification section of the Manual, under Stores, currently contains an entry for a Meat, Fish or Poultry Store. To be consistent with other entries under Stores, a cross-reference has been included for a Fish, Meat or Poultry Store and one for a Poultry, Meat or Fish Store as shown on Pages C-86 and C-87.

f. Code 8072 – Book Stores

Code 8072, which includes businesses such as bookstores, video stores and magazine and newspaper stores, became effective on October 1, 2005. At that time, an entry for the Digest was not included in the New York Manual.

The existing cross-references were amended for clarity and new entries for magazine, newspaper and sheet music stores are now included in the Manual for Code 8072.

These amendments are shown on Pages C-85, C-86, C-87, C-88, D-65 and D-74.

g. Codes 8854 and 9051 – Health Care Services

The phraseology for these two codes currently states “Home Health Care Services.” The scope of these classes is to assign them to health care professional and non-professional employees who perform services either in a client’s residence or in a nursing home, hospital or school provided they are not employees of these facilities. The fact that ‘Home’ is currently included

in the phraseology has caused numerous inquiries and disputes since it is interpreted by some that these classifications apply only to home health aide individuals.

To clarify the application of these codes and minimize the confusion, amendments to the phraseology is shown on Page C-42. Please note that Home Health Care Services was formerly shown on Page C-43. Pages C-42 and C-43 were amended to show Health Care Services in its proper alphabetic order.

h. Rules and Procedures – Digest of Rulings and Interpretations

Section I–Rules and Procedures of the Digest has been amended for clarification of certain Rating Board procedures as shown on Pages D-1, D-2 and D-3.

- Rule A.1.e–Classifications Requiring Specific Approval has been amended to change “Classification Division” to “Underwriting Services.”
- Rule A.1.f–Non-Experience Rating Risks has been amended to clarify when approval for the use of a classification is required for non-experience rated risks.
- Since the Rating Board has changed its file number conventions, Rule F–Material Sent to the Rating Board has been amended to include instructions for reporting either the Coverage ID or the Combinable ID.

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

Very truly yours,

Monte Almer

President

CD:tg
Encl.

PART ONE—RULES

RULE I—GENERAL

A. WORKERS COMPENSATION

Workers Compensation as used in this manual means workmen's compensation, workers compensation or occupational disease.

B. STANDARD POLICY

Standard Policy means the standard provisions Workers Compensation and Employers Liability Insurance Policy and the Information Page approved by the New York State Insurance Department. Every policy affording coverage under the New York Workers' Compensation Law must have the following endorsements attached:

- ★ • WC 31 03 08 - New York Limit of Liability Endorsement;
- WC 31 03 19D - New York Construction Classification Premium Adjustment Program Explanatory Endorsement;
- WC 00 01 13 - Terrorism Risk Insurance Extension Act Endorsement
- WC 00 04 19 - Premium Due Date Endorsement;
- WC 00 04 21A - Domestic Terrorism, Earthquake and Catastrophic Industrial Accidents Premium Endorsement
- WC 00 04 22 - Foreign Terrorism Premium Endorsement

Exception: The Standard Policy shall not be used to provide coverage for employees subject to the New York Volunteer Firefighters' Benefit Law or the New York Volunteer Ambulance Workers' Benefit Law. Such coverage can be afforded only by means of a Volunteer Firefighters' Benefit Law Policy or a Volunteer Ambulance Workers' Benefit Law Policy, respectively.

C. ENDORSEMENT FORMS

Endorsement forms means authorized endorsements listed in the Alphabetical List of Endorsements in Part Four of this manual. All endorsements must be used in the form prescribed in this manual.

D. POLICY AND ENDORSEMENT FORMS

Refer to the Policy Forms and Authorized Endorsement section of this manual for a complete description of coverages and instructions on use of policy and endorsement forms.

E. APPLICATION OF MANUAL RULES

Rules apply separately to each policy, except as allowed by Rule VII—Premium Discount.

F. EFFECTIVE DATE

1. Manual

This manual applies only from the anniversary rating date which occurs on or after the effective date of this manual.

2. Changes

The effective date of a change in any rule, classification or rate is 12:01 a.m. on the date specified on the manual page. Any change will be issued on a reprinted page and will be designated by a ★. Unless specified otherwise, each change applies only from the anniversary rating date which occurs on or after the effective date of the change.

3. Form of Endorsement

A policy written under this deductible program shall attach the New York Benefits Deductible Endorsement (WC 31 03 15A) and shall state the appropriate deductible amount.

4. Exclusion

Policies written to provide Ex-Medical coverage, under Rule IX.E., are not eligible for inclusion under this deductible program.

I. CONSTRUCTION CLASSIFICATION PREMIUM ADJUSTMENT PROGRAM**1. Explanation**

The New York Construction Classification Premium Adjustment Program provides for a premium credit, for up to one year, for a policy which contains one or more construction classifications.

2. Application

★ The application must be received by the Rating Board six (6) months prior to the policy renewal effective date. The Rating Board will accept and process an application if it is received between the policy effective and expiration date, however, it must be accompanied by a letter stating the reason for the delay. Under no circumstances will an application be accepted for any policy if it is received after the expiration date of the policy. For short-term policies, the application must be received prior to the expiration date of the short-term policy. If it is received after the policy expiration, no credit will be calculated.

3. Credit Determination

- a. The insured shall submit the required payroll and hours worked information to the Rating Board for calculation of any applicable credit.
- b. The basis for determining the credit is the limited payroll of each employee for the number of hours worked (excluding overtime premium pay) for each construction classification (other than employees engaged in the construction of one or two-family residential housing) for the third quarter, as reported to taxing authorities, for the year preceding the policy date. Total payroll is to continue to be reported for employees engaged in the construction of one or two-family residential housing.

★ **NOTE:** Limited Payroll for commercial work means the weekly maximum (currently \$750 per week) for work on structures other than one or two family dwellings in accordance with the Payroll Limitation Law. If you perform commercial work under any eligible code(s) enter each employee for the weekly maximum only and their total hours worked (ex. 13 weeks @ \$750 per week = \$9,750 total wages).

POLICY EFFECTIVE DATE**THIRD QUARTER PAYROLL**

4/1/05 thru 3/31/06	2004
4/1/06 thru 3/31/07	2005
4/1/07 thru 3/31/08	2006
4/1/08 thru 3/31/09	2007
4/1/09 thru 3/31/10	2008
4/1/10 thru 3/31/11	2009

If the insured did not engage in operations for the complete quarter, then the last complete quarter prior to policy year inception shall be used or, if there was no complete quarter of operations prior to the policy inception, then the first complete quarter after policy inception shall be used.

4. Experience Modification

The policy must be experience rated to be eligible for this program.

5. Audit

- a. The carrier shall, upon audit, verify the information that was submitted by the insured and used in the calculation of the credit. If the carrier discovers an error in the original request for policy credit, the revised information must be submitted to the Rating Board for recalculation.
- b. If the insured does not furnish records to verify the payrolls and hours worked originally submitted and used in the calculation of the credit, there shall be no credit applied to the policy.

6. Information Page

The credit, authorized by the Rating Board, shall appear on Item 4 of the Information Page.

If a credit has not been authorized for the insured, the value of ".00" is to be shown on the Information Page.

7. Form of Endorsement

★ The New York Construction Classification Premium Adjustment Program Explanatory Endorsement (WC 31 03 19D) shall be attached to each policy.

8. Notification to Insured

Carriers are required to use a standardized text letter to notify all their insureds who have one or more construction classifications on their policy that they may be eligible for a premium adjustment credit. A copy of this form must be filed, by each carrier, with the Rating Board prior to the carrier's implementation of the program.

9. Statistical Code

Report the premium credit on the Information Page and Unit Statistical Report under Code 9046.

J. RATE TRANSITION PROGRAM

This program applies to insureds previously rated under certain classifications that have been discontinued. It does not apply to new risks or any other programs. The Rating Board will identify affected insureds and will notify the carriers of the insureds who are subject to the program. It is then the responsibility of the carrier to administer the program for manual rates on an ongoing basis.

The manual rate published on the rate pages may not apply to each insured upon renewal of a policy which was previously written on a discontinued code. For the first year after the elimination of a code, the manual rate for an insured will be equal to a 4-1 weighting of the rate used prior to the discontinuance of the code and the newly published rate. For the second year, a 3-2 weighting is used. A 2-3 weighting is used for the third year and a 1-4 weighting is used for the fourth year. The transition program does not apply after the fourth year.

CONSTRUCTION or ERECTION PERMANENT YARD

8227

Applies only to a permanent yard maintained by a construction or erection risk for the storage of material or the storage and maintenance of equipment. Not available at a construction site. May be used only upon specific assignment by the Rating Board. Mill operations or fabrication to be separately rated.

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CONTRACTOR—EXECUTIVE SUPERVISOR, CONSTRUCTION EXECUTIVE, CONSTRUCTION MANAGER, CONSTRUCTION SUPERINTENDENT OR PROJECT MANAGER

5606

Applies to Executive Supervisors, Construction Executives, Construction Managers, Construction Superintendents or Project Managers that perform administrative responsibilities for construction or erection projects. Executive Supervisors or Construction Executives are defined as those persons exercising supervisory control through job superintendents or foremen.

1. *This classification does not apply to any person who is directly in charge of construction work such as a superintendent or foremen or any person that is engaged in actual construction or erection work. The applicable construction or erection classification(s) shall be applied.*
2. *When actual construction or erection work is given to or placed with subcontractors that have their own supervisor or foremen on their payroll, the executive supervisor or construction executive of the general contractor shall be subject to Code 5606 provided that they meet the above criteria.*
3. *An executive officer of a corporation who performs the duties of an executive supervisor shall be assigned to Code 8809 "Executive Officers NOC" provided that such executive officer does not otherwise regularly and frequently perform the duties of a foreman, worker or outside salespersons.*

CONTRACTORS' MACHINERY DEALER—store or yard—& Drivers

8107

Operations include repair of machinery and parts sales at the insured's premises.

For operations performed at the customers' premises, refer to the entry in Section II of the Digest of Rulings and Interpretations under "Machinery Installation, Service or Repair."

CONVALESCENT or Nursing HOME—ALL EMPLOYEES

8829

A convalescent or nursing home operated by a hospital, at the same location or adjacent to the hospital shall be assigned to Code 8833 "Hospital—Professional Employees" and Code 9040 "Hospital—All Other Employees."

CONVENIENCE STORE with Self-Service Gasoline Station

Refer to Section II of the Digest of Rulings and Interpretations.

COOPERAGE ASSEMBLY

2759

Stock mfg. to be separately rated as Code 2710 "Cooperage Stock Mfg."

COOPERAGE STOCK MFG.

2710

Applies to the manufacture of heads, hoops or staves. Cooperage assembly to be separately rated as Code 2759.

COPPER or Brass GOODS MFG.

3315

CORD, Rope or Twine MFG.—cotton, linen or silk

2302

CORRUGATED or Fiberboard CONTAINER MFG.

4244

Includes corrugating or laminating of paper. Paper or paper board mfg. to be separately rated as Code 4239.

COTTON BATTING, Wadding or Waste MFG.

2211

COTTON MERCHANT & Drivers

8103

Includes warehouse or yard employees.

COTTON SPINNING AND WEAVING

2302

DANCE CLUB , Bar, Lounge, Nightclub or Tavern—including entertainers and/or musicians <i>Applies to the operation of a bar, dance club, lounge, nightclub or tavern where the gross receipts of alcoholic beverages exceed 50% of the total receipts of food and non-alcoholic beverages.</i> <i>Refer to Section III of the Digest of Rulings and Interpretations to determine the application of the appropriate restaurant and/or bar classification.</i>	9074
DEBRIS REMOVAL – construction or erection <i>Applies to specialty contractors engaged in removing construction or erection debris provided they are not engaged in construction or erection operations. Code 5610 also applies to debris removal employees of a construction or erection contractor provided that the payroll for the cleaners, timekeepers and watchguards is greater than all other payroll of the employer subject to construction or erection classifications at the same job or location. Code 5610 can be applied to debris removal employees that are working on different floors of the job site that have already been completed by the tradespersons or to debris removal employees after the tradespersons left for the day provided their payroll meets the criterion.</i> <i>Timekeepers and watchguards employed by construction or erection contractors are present during the construction or erection operations. Watchguards also work nights, weekends and holidays to assure that vandalism and theft does not occur.</i> <i>This code does not apply to cleaner/debris removal employees working in conjunction with the tradespersons. Such employees are considered laborers and subject to the same classification as the tradesperson.</i> <i>The removal of debris left by a demolition contractor, shall be classified as Code 6217 "Excavation NOC & Drivers."</i>	5610
DECORATING & Drivers <i>Applies to interior or exterior work, including the hanging of flags or bunting for conventions or celebrations.</i>	9539
DECORATING or Painting NOC & Drivers <i>Includes incidental shop operations. Also includes the painting of metal storage tanks, fire escapes, staircases, balconies, shutters, window frames or sash.</i> <i>Painting ship hulls, metal structures over two stories in height or bridges to be separately rated.</i>	5474
DENTAL LABORATORY	4692
DENTIST & Clerical <i>Employees engaged in any type of service in or about premises, other than premises used for professional purposes, are to be separately rated.</i>	8832
DERRICK or Oil Rig ERECTION or DISMANTLING <i>Applies to rigs or derricks of metal, the construction of foundations or structures and the installation of equipment.</i>	5057
<i>Applies to rigs or derricks of wood, the construction of foundations or structures and the installation of equipment.</i>	5403
DETECTIVE or Patrol AGENCY & Drivers <i>Includes the operation of armored car services, 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 & Drivers."</i>	7723
DETINNING <i>Includes incidental mfg. of tin or tin compounds.</i>	3372
DIAMOND CUTTING or Polishing	3384
DIAPER SERVICE & Route Salespersons, Drivers <i>Includes the rental and cleaning of diapers.</i>	2594
DIE CASTING MFG. <i>Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 1925 are conducted as a separate and distinct business.</i>	1925
★ DIGITAL or Magnetic RECORDING/STORAGE MEDIA MFG. <i>Applies to audio or visual recording media mfg. and recording tape or disk mfg.</i>	4431
DIKE or Revetment CONSTRUCTION—ALL OPERATIONS to completion—& Drivers <i>Applies to river work only. Pile driving to be separately rated as Code 6003.</i>	6005
DISTILLATION—wood—& Drivers <i>Includes distillation of alcohol, mfg. of creosote from wood tar or acetates.</i>	1470

EQUIPMENT or Machinery **REPAIR** or Servicing at Customers' Premises **NOC & Drivers** **3737**
Applies to the repair or servicing of machinery at a customer's premises.

The erection or installation of machinery at a customer's premises to be separately rated as Code 3724 "Machinery or Equipment Erection or Installation NOC & Drivers."

Repair or servicing machinery at the insured's premises to be separately rated.

ESCALATOR or Elevator **MFG.** **3042**

ESSENTIAL OILS MFG. & distillation **4628**

EXCAVATION NOC & Drivers **6217**
Includes burrowing, filling or backfilling. 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.

EXCAVATION—ROCK—& Drivers **5508**
Includes incidental quarrying or stone crushing. No tunneling.

EXECUTIVE OFFICERS NOC—not foremen, workers or salespersons **8809**
Applies only to executive officers of a corporation who are elected or appointed in accordance with the charter or bylaws of such corporation. It does not apply to any executive officer who as a regular and frequent part of his/her duties performs such work as is ordinarily undertaken by a foreman, worker or salesperson.

★ **EXECUTIVE SUPERVISOR—CONSTRUCTION EXECUTIVE, CONSTRUCTION MANAGER, CONSTRUCTION SUPERINTENDENT** or **PROJECT MANAGER** **5606**

Applies to Executive Supervisors, Construction Executives, Construction Managers, Construction Superintendents or Project Managers that perform administrative responsibilities for construction or erection projects. Executive Supervisors or Construction Executives are defined as those persons exercising supervisory control through job superintendents or foremen.

1. *This classification does not apply to any person who is directly in charge of construction work such as a superintendent or foremen or any person that is engaged in actual construction or erection work. The applicable construction or erection classification(s) shall be applied.*
 2. *When actual construction or erection work is given to or placed with subcontractors that have their own supervisor or foremen on their payroll, the executive supervisor or construction executive of the general contractor shall be subject to Code 5606 provided that they meet the above criteria.*
 3. *An executive officer of a corporation who performs the duties of an executive supervisor shall be assigned to Code 8809 "Executive Officers NOC" provided that such executive officer does not otherwise regularly and frequently perform the duties of a foreman, worker or outside salespersons.*
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EXERCISE or Health **INSTITUTE** **9055**

EXHIBITION—See "AMUSEMENT PARK"

EXPLOSIVES or **AMMUNITION MFG.:**

CARTRIDGE CHARGING or **LOADING & Drivers** **4767**
Includes all operations involving the handling of explosives or mixing of fulminate. Explosives or fulminate mfg. to be separately rated.

Code 0767F shall be assigned in conjunction with this code to reflect the non-ratable catastrophe loading. Premium generated by Code 0767 is not subject to experience rating or retrospective rating.

CARTRIDGE or **SHELL CASE MFG.**—metal **3315**
Insertion of percussion caps or primers, loading or testing with explosives to be separately rated.

Explosives or Ammunition Mfg. continued on the next page.

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HAIR GOODS MFG. <i>Applies to products made from human hair.</i>	2534
HARDWARE MFG. NOC	3146
HARNESS or Saddle MFG.	4902
HAT CLEANING Establishment	9585
HAT MFG. NOC	2501
HATTERS' FUR MFG.	2600
HAY BALING —by contractor—& Drivers	0050
HAY , Grain, Feed or Fertilizer DEALER & LOCAL MANAGERS, Drivers	8215
HEALTH or Exercise INSTITUTE	9055
★ HEALTH CARE SERVICES: <i>Applies to an establishment providing health care services for individuals or families in their residences, nursing homes, hospitals or schools.</i>	
★ MEDICAL or OTHER PROFESSIONAL SERVICES—traveling <i>Includes private duty registered and licensed practical nurses, physical, speech and/or occupational therapists.</i>	8854
★ DAILY LIVING SKILL SERVICES—traveling <i>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.</i>	9051
MEDICAL & social CASE WORKERS—traveling <i>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.</i> <i>No medical, rehabilitation or other related services provided.</i>	8857
INSIDE WORK ONLY —medical & social case workers	8810
HEAT TREATING —metal <i>Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 3307 are conducted as a separate and distinct business.</i>	3307
HEATER or Radiator MFG. <i>Applies to cast iron heaters or radiators.</i>	3081
HEATING and Air Conditioning DUCT WORK —shop and outside—& Drivers <i>Applies to fabrication, erection, installation or repair of duct work including the installation of the air conditioning and blower units. The repair or servicing of units after installation is to be separately rated under Code 3737 "Machinery or Equipment Repair or Servicing at Customers' Premises NOC & Drivers."</i> <i>Not available for division of payroll at the same job or location to which Code 5538 "Sheet Metal Work Erection, Installation or Repair NOC—shop or outside—& Drivers" applies.</i>	5536
HEMP or Jute SPINNING AND WEAVING	2302
HOD HOISTS —See "SCAFFOLDS"	

HOMELESS SHELTER—ALL EMPLOYEES—& Clerical **8865**
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.

HOMES FOR THE MENTALLY IMPAIRED—ALL EMPLOYEES—& Clerical **8865**
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.

HONE or Oil STONE MFG. & Drivers **1748**
Quarrying to be separately rated.

HORN GOODS MFG.—Fabricated Products Mfg. **4452**
Applies to the mfg. of horn goods by such operations as machining, bending, buffing or polishing.

HORSE SHOE MFG. **3146**
Steel making or rolling mills to be separately rated.

HORSE SHOW:

STABLE EMPLOYEES & Drivers **7201**

OPERATION by owner or lessee & Drivers **9016**
Includes musicians and box office employees. Operation or maintenance of amusement devices to be separately rated as Code 9180 "Amusement Device Operation NOC—Not Traveling—& Drivers."

HOSIERY MFG. **2362**
Yarn mfg. to be separately rated.

HOSPITAL:

PROFESSIONAL EMPLOYEES **8833**
ALL OTHER EMPLOYEES **9040**

Code 8833 and Code 9040 include the operation of a convalescent or nursing home when operated by a hospital at the same or an adjacent location.

HOSPITAL—VETERINARY—& Drivers **8831**

HOT HOUSE ERECTION—ALL OPERATIONS **5402**

**NEW YORK WORKERS COMPENSATION
AND EMPLOYERS LIABILITY MANUAL**
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LUMBER YARD —no second-hand materials—& local managers, Drivers	8232
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MACARONI MFG.	2002
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MACHINE SHOP NOC <i>Foundry operations to be separately rated.</i>	3632
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MACHINERY DEALER NOC —store or yard—& Drivers <i>Operations include repair of machinery and parts sales at the insured's premises.</i> <i>For operations performed at the customers' premises, see the entry in Section II of the Digest of Rulings and Interpretations under "Machinery Installation, Service or Repair."</i>	8107
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MACHINERY or Equipment ERECTION or INSTALLATION NOC & Drivers <i>Applies to the erection or installation of machinery at customers' premises.</i> <i>Repair or servicing machinery at customers' premises to be separately rated as Code 3737 "Machinery or Equipment Repair or Servicing at Customers' Premises NOC & Drivers."</i> <i>Repair or servicing machinery at insureds premises to be separately rated.</i>	3724
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MACHINERY or Equipment REPAIR or Servicing at Customers' Premises NOC & Drivers <i>Applies to the repair or servicing of machinery at a customers' premises.</i> <i>The erection or installation of machinery at a customers' premises to be separately rated as Code 3724 "Machinery or Equipment Erection or Installation NOC & Drivers."</i> <i>Repair or servicing machinery at insureds premises to be separately rated.</i>	3737
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MAGNESIUM METAL MFG. & Drivers <i>Milling or grinding of magnesium metal, mining or quarrying to be separately rated.</i>	1438
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★ MAGNETIC or Digital RECORDING/STORAGE MEDIA MFG. <i>Applies to audio or visual recording media mfg. and recording tape or disk mfg.</i>	4431
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MAILING or Addressing CO. <i>Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 8800 are conducted as a separate and distinct business.</i>	8800
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MALT HOUSE & Drivers <i>Includes distributing stations.</i>	2121
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MARBLE or Stone SETTING—inside <i>Applies to interior construction only. Not fireproof tile construction.</i>	5348
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MARINA OPERATIONS & Drivers:	
Coverage under U.S. ACT	6826F
Coverage under STATE ACT ONLY	6836

STORES:

Refer to the New York Digest of Rulings and Interpretations for detailed description of operations which are subject to all store classifications included in this section.

★	AUDIO or Video Cassette, Record or Compact Disc STORE—retail	8072
	<i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	
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	AUTO PARTS and ACCESSORIES STORE—wholesale	7999
	AUTOMOBILE ACCESSORIES STORE NOC—retail—& Drivers	8046
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	BAGEL SHOPS—retail	8043
	<i>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.</i>	
	<i>This class can only be applied if the sale of prepared items is less than 50% of the total receipts.</i>	
	<i>Bagel manufacturing to be separately rated as Code 2003 "Bakery & Route Salespersons, Route Supervisors, Drivers."</i>	
	<i>If the gross receipts of prepared items is more than 50% of the total gross receipts, the entire operation, including the bagel manufacturing, shall be rated as Code 9072 "Restaurant—Fast Food & Drivers."</i>	
	<i>The retail sale of bagels sold without spreads or made into sandwiches shall be assigned to Code 8017 "Retail Store NOC" provided the majority (more than 50%) of the sales are derived from the sale of NOC items.</i>	
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★	BOOK STORE—retail	8072
	<i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	
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	CLOTHING or Wearing Apparel STORE—retail	8008
	CLOTHING or Wearing Apparel STORE—wholesale	8032
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	COFFEE, Tea or Spice STORE—retail	8006
	<i>No handling of fresh meats.</i>	
	COFFEE, Tea or Spice STORE—wholesale	8034
.....		
★	COMPACT DISC, Record, Video or Audio Cassette STORE—retail	8072
	<i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	
.....		
	DAIRY PRODUCTS STORE—retail	8006
	<i>No handling of fresh meats.</i>	
	DAIRY PRODUCTS STORE—wholesale	8034
.....		
	DELICATESSEN STORE—retail	8006
	<i>No handling of fresh meats.</i>	
.....		
	DEPARTMENT STORE—retail	8039
	<i>Includes installation of house furnishings and shall apply to each location of a risk at which all of the following conditions exists:</i>	
	<i>1. The payroll subject to this classification is at least \$400,000 per annum.</i>	
	<i>Department Store—retail continued on the next page.</i>	

STORES: Department Store—retail(continued)

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
Furniture
Giftware
Hardware
Jewelry

Luggage
Sporting Goods
Stationery/Greeting Cards
Toys

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.*

DRUG or Cigar STORE—retail—INCLUDING SERVICE OF FOOD—not restaurants	8043
<i>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 "Restaurant—Full-Service—including entertainers and/or musicians", Code 9072 "Restaurant—Fast Food & Drivers" or Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern—including entertainers and/or musicians." The term food as used in this classification does not include ice cream and soft drinks.</i>	
DRUG or Cigar STORE—NO SERVICE OF FOOD—retail	8017
<i>The service of ice cream and soft drinks is included under this classification.</i>	
DRUG STORE—wholesale	8047
DRY CLEANING or LAUNDRY Collecting or DISTRIBUTING STORE	8017
<i>No dry cleaning or laundering at the same location.</i>	
DRY CLEANING or LAUNDRY Store—SELF-SERVICE	8017
<i>No dry cleaning or laundering at the same location.</i>	
DRY GOODS STORE—retail	8008
DRY GOODS STORE—wholesale	8032
★ FISH, Meat or Poultry STORE—retail	8031
<i>Includes incidental preparation of meats and produce. Slaughtering operations are separately rated as Code 2081.</i>	
★ FISH, Meat or Poultry STORE—wholesale	8021
<i>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.</i>	
FLORIST STORE & Drivers	8001
<i>Includes service away from store premises. Cultivating or gardening to be separately rated as Code 0035 "Florist—cultivating or gardening—& Drivers."</i>	

STORES: (continued)

FROZEN or Frosted FOOD STORE—retail <i>No handling of fresh meats.</i>	8006
FROZEN or Frosted FOOD STORE—wholesale	8034
.....	
FRUIT or Vegetable STORE—retail <i>No handling of fresh meats.</i>	8006
FRUIT or Vegetable STORE—wholesale	8048
.....	
FURNITURE STORE—wholesale or retail—& Drivers <i>Includes the installation of house furnishings.</i>	8044
<i>Refer to the Digest of Rulings and Interpretations for further explanation.</i>	
.....	
GREETING CARD DEALER—wholesale	4310
.....	
GROCERY STORE—retail <i>No handling of fresh meats.</i>	8006
GROCERY STORE—wholesale	8034
.....	
HARDWARE STORE—retail	7998
HARDWARE STORE—wholesale	7999
.....	
HIDE or Leather DEALER	8105
.....	
JEWELRY STORE <i>Applies to wholesale or retail stores.</i>	8013
.....	
LINEN , Towel, Uniform or Apron SUPPLY COMPANY <i>No laundering at the same location.</i>	8032
.....	
★ MAGAZINE or Newspaper STORE—retail <i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	8072
.....	
MEAT , Fish or Poultry STORE—retail <i>Includes incidental preparation of meats and produce. Slaughtering operations are separately rated as Code 2081.</i>	8031
MEAT , Fish or Poultry DEALER—wholesale <i>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.</i>	8021
.....	
★ NEWSPAPER or Magazine STORE—retail <i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	8072
.....	
★ POULTRY , Meat or Fish STORE—retail <i>Includes incidental preparation of meats and produce. Slaughtering operations are separately rated as Code 2081.</i>	8031
★ POULTRY , MEAT or Fish DEALER—wholesale <i>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.</i>	8021
.....	

STORES: (continued)

★	RECORD , Compact Disc, Video or Audio Cassette STORE—retail <i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	8072
.....		
	RETAIL STORE NOC—INCLUDING SERVICE OF FOOD —not restaurants <i>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 "Restaurant—Full-Service—including entertainers and/or musicians", Code 9072 "Restaurant—Fast Food & Drivers" or Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern—including entertainers and/or musicians." The term food as used in this classification does not include ice cream and soft drinks.</i>	8043
.....		
	RETAIL STORE NOC—NO SERVICE OF FOOD <i>The service of ice cream and soft drinks is included under this classification.</i>	8017
.....		
★	SHEET MUSIC STORE—retail <i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	8072
.....		
	SHIP CHANDLER—wholesale	7999
.....		
	SHOE STORE—retail	8008
	SHOE STORE—wholesale	8032
.....		
★	SOFTWARE STORE—retail <i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	8072
.....		
	SUPERMARKET—retail <i>Applicable to a combined retail meat, grocery & provision store 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. If the sale of fresh and cured meats, fish or poultry exceeds 50% of the gross receipts for all merchandise sold, such operations shall be assigned to Code 8031 "Meat, Fish or Poultry Store—Retail."</i>	8033
.....		
★	VIDEO Cassette, Record or Compact Disc STORE—retail <i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	8072
.....		
	WHOLESALE STORE NOC	8018
.....		
	STORM DOOR, STORM SASH, SCREENS or Weather Stripping INSTALLATION	5428
.....		
	STOVE MFG.	3169
.....		
	STREET CLEANING & Drivers	9402
.....		
STREET or ROAD CONSTRUCTION:		
	PAVING or REPAVING & Drivers <i>Applies to all kinds of paving or repaving, surfacing or resurfacing or scraping, including airport runways or warming aprons. Separately rate: clearing of right of way, earth or rock excavation, filling or grading, tunneling, bridge or culvert building, quarrying and stone crushing.</i>	5506
	ROCK EXCAVATION & Drivers <i>Includes incidental quarrying or stone crushing. No tunneling.</i>	5508
<i>Street or Road Construction continued on the next page.</i>		

**SECTION I
RULES AND PROCEDURES****A. POLICY WRITING****1. Classifications****a. Authorized Classifications**

Authorized classification(s) are classifications that are shown on a rate card promulgated by the Rating Board. The top portion of the rate card shows the classification(s) that are authorized by the Rating Board. The classification(s) for every policy issued for a risk must be written in strict accordance with the classification(s) shown on the rate card. If the rate card for the current term of insurance has not been issued and a previous rate card exists, the policy must be written with the classification(s) shown on the existing rate card. In the case of construction or erection risks, any appropriate construction or erection classification, subject to verification at the time of audit, may be used provided that the phrase "Miscellaneous Contracting Classifications" is authorized on the current or previous rate card.

b. Non-Authorized Classifications

Except as noted above, no other classification(s) can be used other than standard exception classifications, provided the classification(s) authorized for the risk do not include standard exception classification employments in their phraseologies. Classifications shown on the lower portion of the rate card are used in the calculation of the experience rating modification and may or may not be authorized. *Refer to a. above for Authorized Classifications.*

c. Change of Operation or Location

The Rating Board is to be notified, in writing, of any change in the operation or location of a risk which may affect the classification. Details of the change in operations, as well as the carrier's comments, should be brought to the Rating Board's attention for a determination of the proper classification(s). Any policy written with classification(s) not authorized by the Rating Board, will be issued a Notice of Criticism informing the carrier of the authorized classification(s).

d. A-Rated Classifications

If a risk is subject to a classification with a symbol (a) rate, the policy must be written on a "rate to be determined" basis. When submitting a policy written with an a-rated classification, a letter describing the insured's operations should be sent to the Rating Board. Any policy written with an a-rated classification which does not include a letter describing the insured's operations is subject to disapproval.

e. Classifications Requiring Specific Approval

If a risk is subject to a classification which contains a footnote requiring specific Rating Board approval prior to its use, the classification cannot be applied to the policy until a determination of the proper classification is made by the Rating Board. A letter describing the insured's operations and requesting approval of the classification is to be forwarded to the Rating Board to the attention of Underwriting Services.

f. **Non-Experience Rated Risks**

A policy for a non-experience rated risk may be written in accordance with classification procedures contained in this manual, as supplemented by rulings and interpretations published in the Digest or in bulletins issued by the Rating Board. For these risks, prior Rating Board approval to use a specific classification is not required unless the classification(s) is an a-rated classification, the classification requires specific Rating Board approval or the classification(s) has been authorized for the risk.

★

2. **Experience Rated and Merit Rated Risks**

If the Rating Board has promulgated either an experience rating or merit rating factor, a carrier is required to issue a policy with the applicable factor. *Refer to the New York Experience Rating Plan Manual for rules and procedures applicable to the Experience Rating Plan and the Merit Rating Plan.*

B. WRITTEN INQUIRIES

The Rating Board will respond to written inquiries received from the insured, the insuring carrier or the agent or broker of record for a particular risk, provided there is evidence of coverage for the policy term in question, and also if such inquiry is received within twelve months of the expiration date of the policy term in question. All other individuals must furnish the Rating Board with a letter of authority from the insured, on the insured's stationery, authorizing such individual as its representative.

Note: The Rating Board will *not* consider a change in classification(s) or rate(s) for a risk that may have been improperly classified when the inquiry is received at the Rating Board later than twelve months *after* the expiration date of the policy term in question.

C. TELEPHONE INQUIRIES

The Rating Board will discuss, over the telephone, matters such as classification assignments, manual rule interpretations, ownership rules, experience modifications and merit rating factors relating to an individual insured *only* with the insuring carrier, the agent or broker of record or the insured. All other individuals must furnish the Rating Board with a letter of authority from the insured, on the insured's stationery, authorizing such individual as their representative.

General inquiries, not regarding a particular risk, are answered by a Rating Board employee who is knowledgeable in the specific nature of the call.

Comments or views expressed by the Rating Board relating to an individual risk are not binding and must be regarded as advisory suggestions.

D. NOTICE OF CLASSIFICATIONS CHANGED BY THE RATING BOARD

When a change in classification is warranted following a routine, random or requested inspection of a risk, the change in classification is effective for the term of insurance in effect at the time the inspection was conducted as well as for the current term of insurance, if not the same. The Rating Board is also permitted to make a change in classification for the twelve-month period preceding the actual date of inspection if the change is warranted for such term of insurance.

Notification of the change will be given to the insurance carrier(s) that insured the risk for the term(s) of insurance that are affected by the change. If the carrier(s) disagree with the Rating Board's determination, the carrier(s) may request, in writing, a reevaluation of the classification assignment stating the reason(s) for their disagreement.

E. POLICY CHECKING

The Rating Board, as part of its policy examination process, checks policies to verify that they have been properly written using rules, forms of coverage, procedures and rates contained in the various manuals published by the Rating Board. A letter of criticism will be sent to a carrier if the policy issued by that carrier is not written correctly. The receipt of a policy, at the Rating Board, without disapproval, does not imply that the Rating Board has approved the policy as written.

F. MATERIAL SENT TO THE RATING BOARD

It is essential that all material submitted to the Rating Board contain the complete name of the insured, whether or not the material is a policy, endorsement, cancellation, reinstatement or correspondence. The name of the insured is essential as it is used to identify the Rating Board's record of an insured. The complete name of the insured on all documents will avoid material from being returned requesting additional information.

It is requested that a carrier not issue a policy using the term "et al" as the name of the insured when a risk covers several entities. If, however, a policy must be issued with the insured's name as "et al," an endorsement must be attached to the policy listing the individual insured name(s).

★ The Rating Board assigns unique numbers to each employer. The first number is a seven-digit "Coverage ID" and the second number is a nine-digit "Combinable ID." The handling of correspondence and other inquiries will be handled more expeditiously if either the Coverage ID or the Combinable ID and carrier policy number are referenced.

Material sent to the Rating Board should be addressed to the attention of an individual or department, if known, to ensure prompt handling.

G. RESPONSES TO RATING BOARD LETTERS AND CRITICISMS

Carriers are required to respond to criticisms within the time period shown on the criticism letter to avoid penalties for non-compliance. Prompt responses to letters or requests for additional information will avoid follow-up letters and additional delays in resolving a particular matter or issue.

Note: Responses should be specifically addressed to the Rating Board person who sent the criticism letter.

Section 2313, Subdivision (q) of the New York Insurance Law requires the Rating Board to notify the Superintendent of Insurance of any case in which an insurer does not, within sixty days, furnish satisfactory evidence to the Rating Board of the correction of any error or omission previously called to its attention by the Rating Board. Section 2315, Subdivision (e) also makes it an offense, punishable by fine imposed by the Superintendent of Insurance, for any carrier who willfully withholds information from or furnishes false or misleading information to the Rating Board. *Refer to Rule F. "Incorrect Underwriting" of the Administrative Rules and Procedures section of the Manual.*

H. BASIS OF PREMIUM**1. Aircraft Operated by a Proprietor or Copartner**

The per passenger seat surcharge specified in the manual, in connection with Code 7421 "Aircraft Operation," is to be charged to a proprietor or member of a copartnership who operates the aircraft in the conduct of their business even if there are no other employees engaged in the operation of an aircraft.

★

Cord or Twine Mfg.—paper 2913

Cosmetics Mfg.—no mfg. of ingredients 4611

Cough Drops Mfg 4611

Crocheting—by hand 2388

Curtains—*See Draperies*

D

Dam Construction:

In addition to operations covered by the dam construction classifications, Codes 6017, 6018 and 2702, appearing in the manual, various other operations, which have been found to occur in connection with dam construction jobs and for which the classifications above referred to make no specific provision, shall be assigned in accordance with the following schedule:

Operations	Code No.
Building Wrecking—not marine	5701
Construction, Installation or Removal of Temporary Facilities, Machinery and Equipment—incl. trestles, bridges, barricades, fences, light and power equipment in accordance with the provisions of Rule IV.D.7 of the manual	GC
Construction or Removal of Temporary Buildings	Various
Drains or Culverts—construction or installation	GC

7999 . . . Hardware Store—wholesale — Operations Covered (continued)

Other types of risks included in this classification are wholesale dealers of the following items:

1. Radio or television parts.
2. Aircraft parts and accessories.
3. Air conditioning or refrigerator parts.
4. Oil burners and parts.
5. Welding supplies such as tanks, torches, welding rods and face masks.
6. Cutlery.
7. Sewing machine heads and parts.

Operations Not Covered

1. Wholesale or retail dealers *principally* engaged in selling plumbers' supplies such as tubs, sinks, radiators, tanks, boilers and other plumbing fixtures or equipment. Assign Code 8111 "Plumbers' Supplies Dealer & Drivers."
2. Wholesale or retail dealers *principally* engaged in selling wire, cable or metal conduit. Assign Code 8106 "Iron or Steel Merchant & Drivers."
3. Wholesale or retail dealers *principally* engaged in selling metal pipe, rods, tubes, sheet metal, iron, steel or non-ferrous metals. Assign Code 8106 "Iron or Steel Merchant & Drivers."

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."

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.

Operations Not Covered

1. Dealers *principally* engaged in the sale of garden supplies such as flower pots, fertilizer, sod, birdbaths, 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."

★

8017 . . . Retail Store NOC—no service of food	(continued)
8017 . . . Drug or Cigar Store—no service of food—retail	(continued)
8017 . . . Dry Cleaning or Laundry Collecting or Distributing Store	(continued)
8017 . . . Dry Cleaning or Laundry Store—self-service	(continued)

Operations Not Covered

- Code 8017 does not apply to any retail store that is described by any other specialty retail store classification.
- Stores *principally* engaged in mail order sales of merchandise to individuals, such as the merchandise described above. Assign Code 8018 "Wholesale Store NOC."
- Retail stores and drug or cigar stores otherwise assignable to this classification but which are also engaged in serving food (other than ice cream and soft drinks). Assign Code 8043 "Retail Store NOC—including service of food—not restaurants" provided that the receipts from the service of food do not exceed 50% of the store's gross receipts. If the receipts from service of food exceeds 50% of the gross receipts, assign either Code 9071 "Restaurant—Full-Service—including entertainers and/or musicians", Code 9072 "Restaurant—Fast Food & Drivers" or Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern—including entertainers and/or musicians."
- The installation, service or repair of household appliances by a retail store. Assign Code 9519 "Household Appliances—Electrical—Installation, Service or Repair—& Drivers."
- The installation of carpets, linoleum and non-ceramic floor tile by a retail store. Assign Code 9521 "House Furnishings Installation NOC."
- Hat or coat checkroom concessions. Assign Code 8008 "Clothing or Wearing Apparel Store—retail."
- Stores principally engaged in selling audio or video cassettes, books, records, compact discs or software principally to private individuals. Assign Code 8072 "Audio or Video Cassette, Book, Record, Compact Disc or Software Store-retail."
- ★ Stores principally engaged in selling magazines, newspapers or sheet music to private individuals. Assign Code 8072 "Newspaper or Magazine Store—retail or Sheet Music Store—retail."

8018 . . . Wholesale Store NOC

Operations Covered

This classification applies to stores which are *principally* engaged in the wholesale selling of merchandise not described by any other specialty wholesale store classification. Stores assigned to this classification sell items such as:

Art supplies	Giftware	Pocketbooks
Audio cassettes	Hotel supplies	Radios
Books	Household appliances	Records
Candy	Housewares	Sheet music
Carpets and linoleum	Ice	Sick room supplies
Cellular phones	Lamps and Lighting fixtures	Soft drinks
Cigars and cigarettes	Musical instruments, other than pianos and organs	Stationery and related items
Compact discs	Pagers	Televisions
Computers	Paint and related supplies	Tires—no installation
Computer software	Photographic supplies and equipment	Toys
Cosmetics and toilet items		Video tapes and games
Fur skins		Wines and liquors

Stores *principally* engaged in the wholesale or retail mail order sales of merchandise such as the merchandise described above are also included in this classification.

SECTION III

Issued January 1, 2007

2nd Reprint**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.

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."

- ★ **8072 . . Audio, Video Cassette, Record or Compact Disc Store—retail**
8072 . . Book Store—retail
8072 . . Magazine or Newspaper Store—retail
8072 . . Sheet Music Store—retail
8072 . . Software Store—retail

Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, household or electronic equipment:

Operations Covered

This classification applies to stores which are principally engaged in the retail selling of any or all of the following merchandise:

Audio Cassettes	Records
Books	Sheet Music
Comic Books	Software
Compact Discs	Video Cassettes
Magazines	Video Games
Newspapers	

Operations Not Covered

1. Retail drug stores, cigar stores, confectionery stores, and other "NOC" retail stores which also serve food (other than ice cream and soft drinks), where the receipts from service of food exceeds 50% of the gross receipts for the entire store. Assign Code 9071 "Restaurant—Full-Service—including entertainers and/or musicians", Code 9072 "Restaurant—Fast-Food & Drivers" or Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern—including entertainers and/or musicians. If the receipts from the service of food do not exceed 50% of the gross receipts for the entire store. Assign Code 8043 "Retail Store NOC—including service of food—not restaurants."
2. Retail drug stores, cigar stores, confectionery stores, or other "NOC" retail stores which also serve ice cream or soft drinks (but no food). Assign Code 8017 "Retail Store NOC."
3. Stores principally engaged in the retail sale of musical instruments, computers or other related hardware, household appliances or electronic equipment. Assign Code 8017 "Retail Store NOC."

**NEW YORK CONSTRUCTION CLASSIFICATION PREMIUM ADJUSTMENT PROGRAM
EXPLANATORY ENDORSEMENT**

The New York Construction Classification Premium Adjustment Program (NYCCPAP) allows premium credits for some employers in the construction industry. These credits exist to recognize the difference in wage rates between employers within the same construction industries in New York.

The declarations section of this policy will show a credit of 0.00% if you are not eligible for this credit, or if you are eligible for this credit and have not yet applied for a credit. Credits are earned for average wages in excess of \$15.50 per hour for each eligible class. If your policy shows one of the following classification codes, and you are experience rated, you are eligible to apply for an NYCCPAP credit:

0042	5057	5193	5429	5491	5606	6003	6229	6306	7855
3365	5059	5213	5443	5506	5610	6005	6233	6319	8227
3724	5069	5221	5445	5507	5645	6017	6235	6325	9526
3726	5102	5222	5462	5508	5648	6018	6251	6400	9527
3737	5160	5223	5473	5536	5651	6045	6252	6701	9534
5000	5183	5348	5474	5538	5701	6204	6254	7536	9539
5022	5184	5402	5479	5545	5703	6216	6259	7538	9545
5037	5188	5403	5480	5547	5709	6217	6260	7601	9549
5040	5190	5428							9553

The basis for determining the credit is the limited payroll of each employee for the number of hours worked (excluding overtime premium pay) for each construction classification (other than employees engaged in the construction of one or two-family residential housing) for the third quarter, as reported to taxing authorities, for the year preceding the policy date. Total payroll is to continue to be reported for employees engaged in the construction of one or two-family residential housing. For example:

★	<u>POLICY EFFECTIVE DATE</u>	<u>THIRD QUARTER PAYROLL</u>
	4/1/05 thru 3/31/06	2004
	4/1/06 thru 3/31/07	2005
	4/1/07 thru 3/31/08	2006
	4/1/08 thru 3/31/09	2007
	4/1/09 thru 3/31/10	2008
	4/1/10 thru 3/31/11	2009

If you have any eligible classes on your policy, you should have been notified by your insurance carrier or the New York Compensation Insurance Rating Board approximately nine months prior to the inception date of this policy. If you believe you may be eligible for a credit and have not received an application, you should immediately contact your agent, insurance carrier, or the New York Compensation Insurance Rating Board.

Credits are calculated by the New York Compensation Insurance Rating Board. You must submit a completed application to: Attention: Field Services Department, New York Compensation Insurance Rating Board, 200 East Forty-Second Street, New York, New York 10017.

★ Applications must be received by the Rating Board six (6) months prior to the policy renewal effective date. The Rating Board will accept and process an application if it is received between the policy effective and expiration date, however, it must be accompanied by a letter stating the reason for the delay. Under no circumstances will an application be accepted for any policy if it is received after the expiration date of the policy. For short-term policies the application must be received prior to the expiration date of the short-term policy. If it is received after the policy expiration, no credit will be calculated.

The New York Workers Compensation and Employers Liability Insurance Manual, and not this endorsement, govern the implementation and use of the NYCCPAP.