

BULLETIN

August 22, 2012

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R.C. 2310

To: The Members of the Board

**RE: New York Workers Compensation & Employers Liability Manual
Classification Code 9058 – Hotel Restaurant Employees - Clarification
Issue Date - October 1, 2012**

In accordance with the authorization of the NYCIRB Underwriting Committee, and approval by the New York State Department of Financial Services, we hereby introduce amendments to the New York Workers Compensation and Employers Liability Manual pertaining to new footnotes and clarifying language for Code 9058, Hotel: Restaurant Employees, with an issue date of October 1, 2012.

Classification Code 9058, 'Hotel: Restaurant Employees,' has, on occasion, been reported on policies without its companion code which is either Code 9044 'Hotel-Casino Gambling-All Other Employees-& Outside Salespersons' or Code 9052 'Hotel NOC-All Other Employees & Drivers.'

In order to avoid ongoing misuse of this code, the Board has developed footnotes which have been added to the phraseologies pertaining to Code 9058 in the Manual. The footnotes indicate that this code can only be used in conjunction with Code 9044 'Hotel-Casino Gambling-All Other Employees-& Outside Salespersons' or Code 9052 'Hotel NOC-All Other Employees & Drivers.' These footnotes appear under various entries for Code 9058, and can be specifically found on Manual Pages C-12, C-19, and C-46, as provided with this Bulletin.

The changes are also included in an updated version of the New York Workers Compensation & Employers Liability Manual which is available via the Board's website at: www.nycirb.org.

Very truly yours,

Monte Almer

President

**WVT:tg
Encl.**

BILLIARD TABLE MFG. 2883
Includes installation.

BLACKSMITH 3111
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 3111 are conducted as a separate and distinct business.

BLAST FURNACE OPERATION & Drivers 1438
Includes maintenance and repair of furnaces or operations incidental to storage or handling of materials or product. Separately rate mining, slag excavation, quarrying, coke manufacturing or the erection of furnaces.

BOARDING HOUSE or Hotel-RESORT-ALL OTHER EMPLOYEES-& Drivers 9052
Includes, but not limited to, desk clerks, bellhops and maids.

Musicians, players or entertainers to be separately rated only when restaurant operations are not conducted. See Code 9157 or Code 9159 "Theatrical Production."

Separately rate the operation of a commercial farm. See "Farms."

RESTAURANT EMPLOYEES 9058
Includes musicians, players or entertainers.

★ *May only be used in conjunction with either Code 9044 or Code 9052 for restaurant and/or beverage service operations conducted within or adjacent to a hotel or motel.*

BOARDING HOUSE or Hotel-SEASONAL-ALL OTHER EMPLOYEES-& Drivers 9052
Includes, but not limited to, desk clerks, bellhops and maids.

Musicians, players or entertainers to be separately rated only when restaurant operations are not conducted. See Code 9157 or Code 9159 "Theatrical Production."

Separately rate the operation of a commercial farm. See "Farms."

RESTAURANT EMPLOYEES 9058
Includes musicians, players or entertainers.

★ *May only be used in conjunction with either Code 9044 or Code 9052 for restaurant and/or beverage service operations conducted within or adjacent to a hotel or motel.*

BOARDING or Livery STABLE-not sales stable-& Drivers 7201

BOAT BUILDING or REPAIR & Drivers:

Coverage under **U.S. ACT** 6824F
Code 6824F is applicable to the construction of wood, metal, fiberglass or plastic yachts, motor boats, sailboats or rowboats 65 feet and over in length and not exceeding 150 feet in length overall.

Includes shop and yard work.

Not applicable to repair of any recreational vessel or to dismantling any part of a recreational vessel in connection with the repair of such vessel.

Coverage under **STATE ACT ONLY** 6834
Code 6834 is applicable to the construction of wood, metal, fiberglass or plastic yachts, motor boats, sailboats or rowboats under 65 feet in length.

Includes shop and yard work.

Applicable to repair of any recreational vessel or to dismantling any part of a recreational vessel in connection with the repair of such vessel.

CASH REGISTER MFG.	3574
CASINO GAMBLING—ALL EMPLOYEES—& Clerical <i>Includes food, beverage and entertainment employees.</i> <i>Separately rate the transport of patrons as Code 8394.</i> <i>Separately rate casino gambling operations in conjunction with a hotel as Code 9044.</i>	9061
CASINO GAMBLING—HOTEL—ALL OTHER EMPLOYEES—& Outside Salespersons <i>Includes, but not limited to desk clerks, bellhops and maids.</i> <i>Musicians, players or entertainers to be separately rated only when restaurant operations are not conducted.</i> <i>See Code 9157 or Code 9159 "Theatrical Production."</i>	9044
RESTAURANT EMPLOYEES <i>Includes musicians, players or entertainers.</i> <i>Separately rate the transport of patrons as Code 8394.</i> <i>Separately rate casino gambling operations without a hotel as Code 9061.</i> <i>May only be used in conjunction with either Code 9044 or Code 9052 for restaurant and/or beverage service operations conducted within or adjacent to a hotel or motel.</i>	9058
CASKET or Coffin MFG. or ASSEMBLY—metal	3076
CASKET or Coffin MFG. or ASSEMBLY—wood <i>Includes the manufacturing of metal fittings.</i>	2883
CASKET or Coffin UPHOLSTERING and Burial Garment Mfg.	9522
CATERING —including entertainers and/or musicians <i>Applies to full-service restaurants, buffet-type establishments, banquet halls, cafes, diners and other food establishments that provide wait service.</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>	9071
CATHEDRAL or Art Glass WINDOW MFG. <i>Includes glass manufacturing.</i>	4133
CATTLE DEALER & Outside Salespersons, Drivers <i>Not operating farm or ranches.</i>	8288
CELLULAR Telephone Store—Retail <i>Includes incidental service or repair of cellular telephones</i>	8069
CEMENT MFG. <i>Separately rate excavation or digging, dredging, mining or quarrying.</i>	1701
CEMENT or Concrete DISTRIBUTING TOWER INSTALLATION , repair or removal <i>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.</i>	5403

HOTEL–CASINO GAMBLING–ALL OTHER EMPLOYEES–& Outside Salespersons **9044**
Includes, but not limited to, desk clerks, bellhops and maids.

Separately rate musicians, players or entertainers only when restaurant operations are not conducted. See Code 9157 and Code 9159 "Theatrical Production."

RESTAURANT EMPLOYEES **9058**

Includes musicians, players or entertainers.

Separately rate the transport of patrons as Code 8394.

Separately rate casino gambling operations, without a hotel, as Code 9061.

- ★ *May only be used in conjunction with either Code 9044 or Code 9052 for restaurant and/or beverage service operations conducted within or adjacent to a hotel or motel.*

HOTEL NOC–ALL OTHER EMPLOYEES & Drivers **9052**
Includes, but not limited to, desk clerks, bellhops and maids.

Separately rate musicians, players or entertainers only when restaurant operations are not conducted. See Code 9157 or Code 9159 "Theatrical Production."

RESTAURANT EMPLOYEES **9058**

Including musicians, players or entertainers.

- ★ *May only be used in conjunction with either Code 9044 or Code 9052 for restaurant and/or beverage service operations conducted within or adjacent to a hotel or motel.*

HOTEL or Boarding House–RESORT–ALL OTHER EMPLOYEES–& Drivers **9052**
Includes, but not limited to, desk clerks, bellhops and maids.

Separately rate musicians, players or entertainers only when restaurant operations are not conducted. See Code 9157 and Code 9159 "Theatrical Production."

Separately rate the operation of a commercial farm. See "Farms."

RESTAURANT EMPLOYEES **9058**

Includes musicians, players or entertainers."

- ★ *May only be used in conjunction with either Code 9044 or Code 9052 for restaurant and/or beverage service operations conducted within or adjacent to a hotel or motel.*

HOTEL or Boarding House–SEASONAL–ALL OTHER EMPLOYEES–& Drivers **9052**
Includes, but not limited to, desk clerks, bellhops and maids.

Separately rate musicians, players or entertainers only when restaurant operations are not conducted. See Code 9157 and Code 9159 "Theatrical Production."

Separately rate the operation of a commercial farm. See "Farms."

RESTAURANT EMPLOYEES **9058**

Includes musicians, players or entertainers.

- ★ *May only be used in conjunction with either Code 9044 or Code 9052 for restaurant and/or beverage service operations conducted within or adjacent to a hotel or motel.*

HOUSE FURNISHINGS INSTALLATION NOC & upholstery **9521**

HOUSEHOLD APPLIANCES–ELECTRICAL–INSTALLATION, Service or Repair–& Drivers **9519**
Includes shop or outside employees and incidental parts department employees. Separately rate electrical wiring as Code 5190.

HYDROGEN or Oxygen MFG. & Drivers **4635**
Includes tank charging.
