



NYCIRB

New York Compensation
Insurance Rating Board
733 Third Avenue
New York, NY 10017
Tel: (212) 697-3535

December 3, 2020

R.C. 2530

Re: New York Workers' Compensation and Employers' Liability Manual
Classification Codes Revisions; Effective Date: January 1, 2021

Members of the Rating Board:

I write to inform you that the New York State Department of Financial Services ("DFS") has approved amendments to the Rating Board's New York Workers' Compensation and Employers' Liability Manual ("Manual"), which are detailed herein, attached hereto, and are effective on January 1, 2021.

Specifically, DFS approved changes to the following classification codes: 3384 (Precious Stone Setting); 6826F (Marina & Drivers – Coverage Under U.S. Act); 6836 (Marina & Drivers – Coverage Under State Act Only); and 8871 (Telecommuter Clerical Employees).

The following modified and final pages from the Manual, reflecting the approved amendments, are attached for your convenience: Classifications Section – Pages C-207, C-401, C-401a, C-404, C404a and C-570.

If you have any questions, please contact Mr. Mark Battistelli, Vice President of Underwriting Services at (212) 697-3535, ext. 113 or at underwritingservices@nycirb.org.

Very truly yours,

A handwritten signature in blue ink, appearing to read "JA", is written over a faint, larger signature.

Jeremy Attie
President and CEO

Enclosures

Original Printing 1st Reprint

Effective January 1, 2021 ~~May 1, 2020~~

	Precious Stone Setting	3384
	Description	
★	Code 3384 applies to employers engaged in manufacturing custom jewelry. Jewelry is exclusively designed as one of a kind pieces such as rings, pendants, bracelets etc. for individual clients. Mountings may be created from photos or sketches. No mass production is done. This classification also applies to employers that are engaged in precious stone setting <u>by hand</u> and diamond cutting or polishing.	
	Assignment By Analogy	
	Cutting or polishing precious stones such as diamonds, emeralds, rubies and sapphires.	
	Operations To Be Separately Rated	
	1. Jewelry manufacturing – not custom. Precious stone setting by foot press. Refer to Code 3383 “Jewelry Mfg.”	

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Marina & Drivers – Coverage Under U.S. Act		6826F
★	<p>Note: <u>Refer to Rule XI U.S. Longshore and Harbor Workers' Act Section (A) General Explanation.</u> Applicable to waterfront operations including the operation of boat docks, storage facilities, repair shops or marine railways. Also applicable to the sale or repair of boats and engines, including the sale of parts or accessories, dockside snack bars, and all dockside employees.</p>	
Description		
★	<p>Code 6826F applies to employers engaged in providing waterfront facilities for recreational boats of various sizes, from small inboard and outboard motorboats to seagoing yachts. <u>This classification includes the operation of boat docks, storage facilities, repair shops, and marine railways.</u></p> <p>Marinas usually have some boat handling equipment but leave the heavy handling work to the repair and storage yards. The amount of equipment that they install or provide may sometimes depend upon the proximity of other yards capable of hauling out boats of all types and sizes. However, they usually have a boom hoist, jib crane or other small boat hoisting rig for launching and recovery. A marina provides any of a variety of services for boats and boat owners such as in-season wet and dry berthing, winter storage, limited repair facilities and maintenance, launching for transients, marine supplies stores, fuel and fueling equipment, dockside electricity, fresh water, restrooms and showers, clubhouse or administration buildings, and automobile parking space.</p> <p>Certain marina customers may moor their vessels in water some distance from the marina. The marina may transport these customers to their vessels using watercraft. These operations may be assigned to this classification. However, caution should be exercised in assigning these transportation operations to these marina classifications since coverage for these operations may fall under Admiralty Law jurisdiction.</p>	
Assignment By Analogy		
★	<p><u>Boat yards – hauling, repairing, selling gas and storage</u></p>	
Operations To Be Separately Rated		
★	<p>1. <u>Boat building:</u></p> <p>(a) <u>Not exceeding 150 feet in length. Refer to Code 6834 "Boat Building or Repair & Drivers – Coverage Under State Act Only" and Code 6824F "Boat Building or Repair & Drivers – Coverage Under U.S. Act."</u></p> <p>(b) <u>Or repair of wood boats exclusively. Refer to Code 6801F "Boat Building – NOC – Wood & Drivers – Coverage Under U.S. Act."</u></p>	

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	1. Boat building not exceeding 150 feet in length. Refer to Code 6834 "Boat Building or Repair & Drivers – Coverage Under State Act Only" and Code 6824F "Boat Building or Repair & Drivers – Coverage Under U.S. Act."
	2. Boat building or repair of wood boats exclusively. Refer to Code 6801F "Boat Building – Wood & Drivers – Coverage Under U.S. Act."
★	<u>3. Boat salespersons selling boats. Refer to Code 8748 "Automobile Salespersons."</u>
★	<u>4. Lifeguards – swimming pool operation. Refer to Code 9015 "Baths."</u>
★	<u>5. Marina operation – State Act Only. Refer to Code 6836 "Marina & Drivers – Coverage Under State Act Only."</u>
★	<u>6. Store operations. Refer to the applicable store classification.</u>
	7. Boat rental or livery. Refer to Code 7038 "Boat Livery – Boats Under 15 Tons – Program I", Code 7090 "Boat Livery – Boats Under 15 Tons – Program II – State Act, " and Code 7050 "Boat Livery – Boats Under 15 Tons – Program II – USL Act."
★	<u>8. Restaurants. Refer to Code 9071 "Restaurant – Full-Service – Including Entertainers and/or Musicians," Code 9072 "Restaurant – Fast Food & Drivers," and Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern – Including Entertainers and/or Musicians."</u>

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Marina & Drivers – Coverage Under State Act Only		6836
★	<p>Note: Applicable to waterfront operations including the operation of boat docks, storage facilities, repair shops or marine railways. Also applicable to the sale or repair of boats and engines, including the sale of parts or accessories, dockside snack bars, and all dockside employees.</p> <p style="text-align: center;"><u>Refer to Rule XI “U.S. Longshore and Harbor Workers’ Act” Section (A) General Explanation.</u></p>	
Description		
★	<p>Code 6836 applies to employers engaged in providing waterfront facilities for recreational boats of various sizes, from small inboard and outboard motorboats to seagoing yachts. <u>Includes boat docks, storage facilities, repair shops, and marine railways.</u></p> <p>Marinas usually have some boat handling equipment but leave the heavy handling work to the repair and storage yards. The amount of equipment that they install or provide may sometimes depend upon the proximity of other yards capable of hauling out boats of all types and sizes. However, they usually have a boom hoist, jib crane or other small boat hoisting rig for launching and recovery. A marina provides any of a variety of services for boats and boat owners such as in-season wet and dry berthing, winter storage, limited repair facilities and maintenance, launching for transients, marine supplies stores, fuel and fueling equipment, dockside electricity, fresh water, restrooms and showers, clubhouse or administration buildings, and automobile parking space.</p> <p>Certain marina customers may moor their vessels in water some distance from the marina. The marina may transport these customers to their vessels using watercraft. These operations may be assigned to <u>this classification.</u> Code 6826F “Marina & Drivers – Coverage Under U.S. Act.” However, caution should be exercised in assigning these transportation operations to these marina classifications since coverage for these operations may fall under Admiralty Law jurisdiction.</p>	
Assignment By Analogy		
★	<p><u>Boat yards – hauling, repairing selling gas and storage</u></p>	
Operations To Be Separately Rated		
	<p>1. Boat building:</p> <p style="padding-left: 20px;">(a) Not exceeding 150 feet in length. Refer to Code 6834 “Boat Building or Repair & Drivers – Coverage Under State Act Only” and Code 6824F “Boat Building or Repair & Drivers – Coverage Under U.S. Act.”</p> <p style="padding-left: 20px;">(b) Or repair of wood boats exclusively. Refer to Code 6801F “Boat Building – NOC – Wood & Drivers – Coverage Under U.S. Act.”</p>	

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	<p>2. Boat rental or livery. Refer to Code 7038 "Boat Livery – Boats Under 15 Tons – Program I," Code 7090 "Boat Livery – Boats Under 15 Tons – Program II – State Act," and Code 7050 "Boat Livery – Boats Under 15 Tons – Program II – USL Act."</p>
★	<p><u>3. Boat salespersons selling boats. Refer to Code 8748 "Automobile Salespersons."</u></p>
★	<p><u>4. Lifeguards – swimming pool operation. Refer to Code 9015 "Baths."</u></p>
★	<p><u>5. Marina operation – Coverage Under U.S. Act. Refer to Code 6826F "Marina & Drivers – Coverage Under U.S. Act."</u></p>
★	<p><u>6. Store operations. Refer to the applicable store classification.</u></p>
★	<p><u>7. Restaurants. Refer to Code 9071 "Restaurant – Full-Service – Including Entertainers and/or Musicians," Code 9072 "Restaurant – Fast Food & Drivers," and Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern – Including Entertainers and/or Musicians."</u></p>

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	Telecommuter Clerical Employees	8871
	Note: Code 8871 is subject to the Standard Exception Manual Rule IV – Classifications of this Manual. This classification is not available for division of payroll.	
	Description	
★	<p>Code 8871 applies to <u>telecommuter</u> employees whose duties include the creation or maintenance of financial or other records of the employer, the handling of correspondence, technical drafting, telephone work which includes sales by phone, and any other related duties of the employer from their residence.</p> <p>A residence office is a clerical work area located in the dwelling of the clerical telecommuter employee or telecommuter drafting employee. The dwelling of the employee must be separate and distinct form <u>from</u> the location of the employer.</p> <p><u>Telecommuter employees must spend more than 50 percent of their time performing clerical or drafting functions from their residence.</u></p>	
	Assignment By Analogy	
★	Drafting employees	
	Operations To Be Separately Rated	
	<ol style="list-style-type: none"> 1. Clerical office employees engaged in performing work at the employer's premises. Refer to Code 8810 "Clerical Office Employees – NOC." 	

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	Description	
★	Code 3384 applies to employers engaged in manufacturing custom jewelry. Jewelry is exclusively designed as one of a kind pieces such as rings, pendants, bracelets etc. for individual clients. Mountings may be created from photos or sketches. No mass production is done. This classification also applies to employers that are engaged in precious stone setting by hand and diamond cutting or polishing.	
	Assignment By Analogy	
	Cutting or polishing precious stones such as diamonds, emeralds, rubies and sapphires.	
	Operations To Be Separately Rated	
	1. Jewelry manufacturing – not custom. Precious stone setting by foot press. Refer to Code 3383 “Jewelry Mfg.”	

Marina & Drivers – Coverage Under U.S. Act		6826F
★	Note: Refer to Rule XI U.S. Longshore and Harbor Workers' Act Section (A) General Explanation.	
Description		
★	<p>Code 6826F applies to employers engaged in providing waterfront facilities for recreational boats of various sizes, from small inboard and outboard motorboats to seagoing yachts. This classification includes the operation of boat docks, storage facilities, repair shops, and marine railways.</p> <p>Marinas usually have some boat handling equipment but leave the heavy handling work to the repair and storage yards. The amount of equipment that they install or provide may sometimes depend upon the proximity of other yards capable of hauling out boats of all types and sizes. However, they usually have a boom hoist, jib crane or other small boat hoisting rig for launching and recovery. A marina provides any of a variety of services for boats and boat owners such as in-season wet and dry berthing, winter storage, limited repair facilities and maintenance, launching for transients, marine supplies stores, fuel and fueling equipment, dockside electricity, fresh water, restrooms and showers, clubhouse or administration buildings, and automobile parking space.</p> <p>Certain marina customers may moor their vessels in water some distance from the marina. The marina may transport these customers to their vessels using watercraft. These operations may be assigned to this classification. However, caution should be exercised in assigning these transportation operations to these marina classifications since coverage for these operations may fall under Admiralty Law jurisdiction.</p>	
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Operations To Be Separately Rated		
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	2. Boat building or repair of wood boats exclusively. Refer to Code 6801F "Boat Building – Wood & Drivers – Coverage Under U.S. Act."
★	3. Boat salespersons selling boats. Refer to Code 8748 "Automobile Salespersons."
★	4. Lifeguards – swimming pool operation. Refer to Code 9015 "Baths."
★	5. Marina operation – State Act Only. Refer to Code 6836 "Marina & Drivers – Coverage Under State Act Only."
★	6. Store operations. Refer to the applicable store classification.
	7. Boat rental or livery. Refer to Code 7038 "Boat Livery – Boats Under 15 Tons – Program I", Code 7090 "Boat Livery – Boats Under 15 Tons – Program II – State Act, " and Code 7050 "Boat Livery – Boats Under 15 Tons – Program II – USL Act."
★	8. Restaurants. Refer to Code 9071 "Restaurant – Full-Service – Including Entertainers and/or Musicians," Code 9072 "Restaurant – Fast Food & Drivers," and Code 9074 "Bar, Dance Club, Lounge, Nightclub or Tavern – Including Entertainers and/or Musicians."

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