



NYCIRB

**New York Compensation
Insurance Rating Board**

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

June 1, 2022

R.C. 2561

Re: New York Workers' Compensation and Employers' Liability Manual
Classification Code Revisions; Effective Date: July 1, 2022

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 July 1, 2022.

Specifically, DFS approved an amendment to the following classification codes noting that they are subject to payroll limitation: Code 9157 (Theatrical Production in which any Players or Entertainers Dance, Skate or Perform Acrobatic Acts – Players, Entertainers or Musicians), and Code 9159 (Theatrical Production – NOC - Players, Entertainers or Musicians).

The following modified and final pages from the Manual, reflecting the approved amendments, are attached for your convenience: Classification Section – Pages C-603 and C-605.

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 light blue circular stamp.

Jeremy Attie
President and CEO

Enclosures

1st Reprint Original Printing

Effective ~~May 1, 2020~~ July 1, 2022

	Theatrical Production in Which Any Players or Entertainers Dance, Skate or Perform Acrobatic Acts – Players, Entertainers or Musicians	9157
<p>★</p>	<p><u>Note: The entire remuneration of all employees shall be included in computing premium, subject, however, to the maximum average weekly wage per employee. Refer to the “Miscellaneous Values” of Part Three – Loss Costs of this Manual for current weekly maximum amounts.</u></p>	
<p>Description</p>		
<p>Code 9157 applies to players, entertainers, or musicians of a theatrical production in which the players or entertainers dance, skate or perform acrobatic acts. This classification also applies to a traveling theater which performs at various locations. The theater genre consists of dramatic, opera, ballet or dance performances regardless of whether they perform at one location or as part of a traveling theater.</p> <p>Orchestras and musicians performing on stage are included with the professional employees of this classification. This classification also applies to musicians, entertainers and disc jockeys who perform at various social functions or in clubs, taverns, or lounges if there is dancing, skating or acrobatic acts in the performances.</p> <p>Players, entertainers or musicians that dance, skate or perform acrobatic acts employed by a hotel that does not own or operate a restaurant in or adjacent to the hotel are also subject to this classification.</p>		
<p>Assignment By Analogy</p>		
<p>Operations To Be Separately Rated</p>		
<p>1. Managers, stage hands, box office employees, usher or motion picture operations of a performance:</p> <p>(a) In which any players or entertainers dance, skate or perform acrobatic acts. Refer to Code 9158 “Theatrical Production in Which Any Players or Entertainers Dance, Skate or Perform Acrobatic Acts – All Other Employees.”</p> <p>(b) Theatrical production where the players, entertainers or musicians do not dance, skate or perform acrobatic acts. Refer to Code 9160 “Theatrical Production – NOC – All Other Employees.”</p>		
<p>2. Orchestra members of a theatrical production that are located off stage and theatrical productions that involve productions where the players, entertainers or musicians do not dance, skate or perform acrobatic acts. Refer to Code 9159 “Theatrical Production – NOC – Players, Entertainers or Musicians.”</p>		
<p>3. Players, entertainers or musicians employed by:</p> <p>(a) Casino (no hotel operations). Refer to Code 9061 “Clubs – NOC – All Employees & Clerical.”</p> <p>(b) Hotel. Refer to Code 9058 “Hotel – NOC – Restaurant Employees.”</p>		

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Effective ~~May 1, 2020~~ July 1, 2022

Theatrical Production – NOC – Players, Entertainers or Musicians		9159
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Description		
<p>Code 9159 applies to players, entertainers, or musicians of a theatrical production in which the players or entertainers do not dance, skate or perform acrobatic acts. This classification is applicable to a traveling theater which performs at various locations. The theater genre consists of dramatic, opera, ballet or dance performances whether they perform at one location or as part of a traveling theater.</p> <p>Orchestras and musicians performing on and offstage are included with the professional employees of this class. This classification not only applies to a theatrical production, it also applies to musicians, entertainers and disc jockeys who perform at various social functions and in clubs, taverns, or lounges if they do not dance, skate or perform acrobatic acts in their performances.</p> <p>Performers employed by a hotel that does not own or operate a restaurant in or adjacent to the hotel are also subject to this classification.</p>		
Assignment By Analogy		
Operations To Be Separately Rated		
<p>1. Theatrical productions in which any players or entertainers dance, skate or perform acrobatic acts. Refer to Code 9157 “Theatrical Production in Which Any Players or Entertainers Dance, Skate or Perform Acrobatic Acts – Players, Entertainers or Musicians.”</p>		
<p>2. Managers, stage hands, box office employees, usher or motion picture operations of a performance:</p> <p>(a) In which any players or entertainers dance, skate or perform acrobatic acts. Refer to Code 9158 “Theatrical Production in Which Any Players or Entertainers Dance, Skate or Perform Acrobatic Acts – All Other Employees.”</p> <p>(b) Performance theatrical production where the players, entertainers or musicians do not dance, skate or perform acrobatic acts. Refer to Code 9160 “Theatrical Production – NOC – All Other Employees.”</p>		

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Assignment By Analogy		
Operations To Be Separately Rated		
<p>1. Managers, stage hands, box office employees, usher or motion picture operations of a performance:</p> <p style="padding-left: 20px;">(a) In which any players or entertainers dance, skate or perform acrobatic acts. Refer to Code 9158 “Theatrical Production in Which Any Players or Entertainers Dance, Skate or Perform Acrobatic Acts – All Other Employees.”</p> <p style="padding-left: 20px;">(b) Theatrical production where the players, entertainers or musicians do not dance, skate or perform acrobatic acts. Refer to Code 9160 “Theatrical Production – NOC – All Other Employees.”</p>		
<p>2. Orchestra members of a theatrical production that are located off stage and theatrical productions that involve productions where the players, entertainers or musicians do not dance, skate or perform acrobatic acts. Refer to Code 9159 “Theatrical Production – NOC – Players, Entertainers or Musicians.”</p>		
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