

**STATE OF CALIFORNIA
DEPARTMENT OF INSURANCE
45 Fremont Street, 21st Floor
San Francisco, California 94105**

REG-2018-00008

August 21, 2018

NOTICE OF AVAILABILITY OF REVISED TEXT

On July 5, 2018, California Insurance Commissioner Dave Jones issued a Notice of Proposed Action and Notice of Public Hearing, in response to a filing by the Workers' Compensation Insurance Rating Bureau (WCIRB) proposing amendments to the Insurance Commissioner's regulations pertaining to the Classification of Risks, Recording and Reporting of Data, Statistical Reporting and Experience Rating to be effective January 1, 2019, or January 1, 2020, as follows:

- Approval of proposed amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.
- Approval of proposed amendments to the *Miscellaneous Regulations for the Recording and Reporting of Data—1995* as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.
- Approval of proposed amendments to the *California Workers' Compensation Experience Rating Plan—1995* as proposed by the WCIRB as the Insurance Commissioner's designated statistical agent.

On August 1, 2018, the WCIRB submitted a supplemental filing, attached, proposing further modifications to its filing. A hearing was held on August 3, 2018, at which the Hearing Officer directed the WCIRB to provide additional information in support of its August 1, 2018 filing, including a revision of the text of the amended filing to comply with the provisions of 1 California Code of Regulations section 46. On August 3, 2018, the WCIRB submitted its revised supplemental filing, also attached.

PUBLIC COMMENT INVITED:

The WCIRB proposes to further modify amendments to the following classifications: 8873, 8876(1), 8876(2), 9085, 8869, 8818, and Section VIII. The Commissioner now solicits written comments on these changes only. The changes made are sufficiently related to the original text such that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. Accordingly, in line with the provisions of California Government Code Section 11346.8(c)¹, the Commissioner is soliciting written public comment on these changes.

¹ The California Workers' Compensation Insurance Regulatory Filing (REG-2018-00008) is exempt from the rulemaking provisions of Chapter 3.5 of the Administrative Procedure Act (APA). (See Gov. Code section 11340.9(g).) Nevertheless, in an effort to afford ample notice to the public, the Commissioner uses the APA's

A copy of the proposed sections to be revised, with the further amendments to the proposed changes clearly indicated, will be available for public comment and inspection for at least 15 days before the proposed action is adopted. Deletions from the WCIRB's initial filing are indicated in double-strikethrough; additions to the WCIRB's initial filing are indicated in double-underline. This document may be inspected between the hours of 9:00 a.m. and 4:00 p.m., by arrangement with the contact person listed below, at the Department's offices at 45 Fremont Street, 21st Floor, San Francisco, California 94105. The document is also available on the Department's website; in order to access this and other documents associated with this rulemaking action, please copy the following URL into your web browser: www.insurance.ca.gov/0250-insurers/0500-legal-info/0200-regulations/proposed-regulations.cfm.

CONTACT PERSON:

All written comments submitted in response to this Notice and all general or substantive questions regarding this Notice should be directed to the contact person listed below:

Patricia Hein, Attorney IV
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4430
Email: patricia.hein@insurance.ca.gov
Fax: (415) 904-5490

Please note that under the California Public Records Act (Government Code Section 6250, et seq.), your written and oral comments, and associated contact information (e.g., your address, phone number, e-mail, etc.) become part of the public record and can be released to the public upon request.

SUBMISSION OF WRITTEN COMMENTS:

All written comments on the changes to the proposed regulations must be received by the contact person, at her address as listed above, no later than **5:00 p.m. on September 5, 2018**. Comments received via email or facsimile by **5:00 p.m. on September 5, 2018** will also be accepted and considered.

AUTOMATIC MAILING:

A copy of this notice, together with the text of the proposed regulations showing the changes, will automatically be sent to any person who testified or submitted written comments at the public hearing, to any person whose comments were received during the public comment period, and to any person who requested notification of the availability of such changes.

provisions as a guideline and for purposes of these revisions has elected to provide notice and an opportunity to comment in line with Government Code section 11346.8(c).

August 3, 2018

Hand Delivered

The Honorable Dave Jones
Insurance Commissioner
California Department of Insurance
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Bill Mudge
President
& Chief Executive Officer

**RE: California Workers' Compensation Insurance Regulatory Filing
Effective January 1, 2019 and January 1, 2020
CDI File No. REG-2018-00008 – Basis of August 1, 2018 Amendments**

Dear Commissioner Jones:

On June 29, 2018, the Workers' Compensation Insurance Rating Bureau of California (WCIRB) submitted a regulatory filing to the California Department of Insurance that included proposed changes to the Standard Classification System. Amendments to the filing were submitted on August 1, 2018. This letter is in response to the California Department of Insurance's request for additional information regarding the WCIRB's amended filing during today's public hearing on the filing. Additionally, the WCIRB was asked to submit a copy of the proposed rule changes formatted in accordance with 1 CCR §46 of the California Code of Regulations. A copy of the reformatted proposed amendments is enclosed with the revisions shown as double strikeouts and double underlines.

The WCIRB's amended regulatory filing included clarifying revisions to the wording for three of the new classifications proposed to be effective January 1, 2019 based on feedback from an association representing employers impacted by some of the proposed changes. Specifically, on July 20, 2018, the California Association for Adult Day Services (CAADS) advised the WCIRB that the recommended wording for the proposed Classification 8876(1), *Adult Day Health Care or Community-Based Adult Services*, was not sufficiently clear as to the licensing requirements and did not clearly address circumstances in which some, but not a majority, of an Adult Day Center's clients are developmentally disabled. The CAADS representative indicated that, without clarifying changes to the proposed rules, there may be significant confusion about the application of this classification, as well as Classification 8873, *Training or Day Programs for Adults with Developmental Disabilities*, and Classification 8876(2), *Senior Day Programs or Activity Centers – N.O.C.*

Given these concerns, the WCIRB worked closely with the CAADS representative to develop amendments to Classifications 8873, 8876(1) and 8876(2). Specifically, the August 1, 2018 amendments to Classification 8876(1) replace the term *Community-Based Adult Services* with *Adult Day Program Centers* because this more accurately describes the program license issued by the California Department of Public Health. Because Adult Day Programs provide services to both developmentally disabled and non-developmentally disabled clients, and therefore are assignable to both Classifications 8873 and 8876(1), it was necessary to also amend these classifications to clarify when Adult Day Programs are assignable to each classification. Classification 8873, which was created to apply to programs that provide services to developmentally disabled adults, was amended to clarify that it includes Adult Day Programs where 50% or more of the center's clients are developmentally disabled. Classification 8876(1),

The Honorable Dave Jones
California Department of Insurance
August 3, 2018

which was created to apply to licensed programs that provide daytime services to seniors and adults with chronic medical, cognitive or mental health conditions or disabilities, was amended to clarify that it includes Adult Day Programs where less than 50% of the center's clients are developmentally disabled. Classification 8876(2), which applies to senior programs that are not licensed, was amended to clarify the distinction between Classification 8873 and 8876(1). None of these amendments alter the intended scope of the proposed classifications. The other changes to Classifications 8873, 8876(1) and 8876(2) as well as to Classifications 9085, 8869 and Section VII, *Abbreviated Classifications*, were made for consistency with the changes described above.

In addition to the proposed clarifying amendments to the classification wording proposed for Classifications 8873, 8876(1) and 8876(2), the WCIRB also submitted a minor proposed editorial change to Classification 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*, to correct an erroneous cross-reference footnote regarding the classification of newspaper reporters, advertising or circulation solicitors that was effective January 1, 2018.

Please do not hesitate to contact us if you have any questions or need additional information in this regard.

Sincerely,



Bill Mudge
President & CEO

DB:smd

Enclosure

cc: Brentley Yim, CDI
Dave Bellusci, WCIRB
Brenda Keys, WCIRB

Establish Classification 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities*, to differentiate these operations from the proposed Classification 8868, *Colleges or Schools – private – not vocational schools – professors, teachers or academic professionals – including Clerical Office Employees and Outside Salespersons*.

PROPOSED

TRAINING OR ADULT DAY PROGRAM CENTERS FOR ADULTS WITH DEVELOPMENTAL DISABILITIES

8873

This classification applies to Independent Living Skills (ILS) training or vocational training contracted through Regional Centers for developmentally disabled adults. Services provided include but are not limited to job placement; psychological counseling; communication skills training; community and social skills training; and physical, occupational or speech therapy.

This classification also applies to Adult Day Program (ADP) centers that are licensed by the California Department of Social Services ~~and where 50% or more of the center's clients are developmentally disabled adults.~~ Services provided ~~adults with developmental disabilities~~ include but are not limited to protective supervision, structured activities, health monitoring, meals or respite care ~~at the center.~~

Adult Day Program (ADP) centers that are licensed by the California Department of Social Services where less than 50% of the center's clients are developmentally disabled shall be classified as 8876(1), *Adult Day Health Care or Adult Day Program Centers*.

Senior day programs or senior activity centers that are not licensed by the California Department of Public Health or the California Department of Social Services and provide activities or services to senior citizens shall be classified as 8876(2), *Senior Day Programs or Activity Centers*.

Supported Living Services (SLS) or In-Home Support Services (IHSS) for developmentally disabled adults shall be classified as 8827(1), *Home Care Services*.

When a training or day program places consumers or students in an employment or training position with a separate employer, the classification of the consumer or student workers shall be determined as though the consumer or student workers are employees of the separate employer.

Sheltered workshop or supported employment program operations shall be separately classified.

* * * * *

Establish Classification 8876(1), *Adult Day Health Care or Adult Day Program Centers*, to differentiate these operations from the proposed Classification 8868, *Colleges or Schools – private – not vocational schools – professors, teachers or academic professionals – including Clerical Office Employees and Outside Salespersons*.

PROPOSED

ADULT DAY HEALTH CARE OR COMMUNITY-BASED ADULT SERVICES DAY PROGRAM CENTERS

8876(1)

This classification applies to Adult Day Health Care (ADHC) centers or Community-Based Adult Services (CBAS) programs licensed by the California Department of Public Health that provide services to seniors or adults with chronic medical, cognitive or mental health conditions or disabilities who are at risk of needing institutionalized care. The services provided by these centers/programs include but are not limited to nursing care; therapeutic activities; social services; personal care; nutritional counseling; mental health services; and physical, occupational or speech therapy. This classification also applies to Adult Day Program (ADP) centers that are licensed by the California Department of Social Services where less than 50% of the center's clients are developmentally disabled. This classification includes transportation services for program attendees.

Adult Day Health Care (ADHC) centers provide daytime services to seniors and adults with chronic medical, cognitive or mental health conditions or disabilities who are at risk of needing institutionalized care. Services include but are not limited to nursing care; therapeutic activities; social services; personal care; nutritional counseling; mental health services; and physical, occupational or speech therapy.

Adult Day Program (ADP) centers provide services that include but are not limited to structured activities, socialization, health monitoring, meals and respite care.

Hot food preparation shall be separately classified as 9079(1), *Restaurants or Taverns*.

Non-licensed senior day programs or senior activity centers shall be classified as 8876(2), *Senior Day Programs or Activity Centers*.

Adult Day Program (ADP) centers that provided services to adults with where 50% or more of the center's clients are developmentally disabled shall be classified as 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities*.

Non-licensed senior day programs or senior activity centers that are not licensed by the California Department of Public Health or the California Department of Social Services shall be classified as 8876(2), *Senior Day Programs or Activity Centers*.

Senior programs offered by non-profit community associations, including but not limited to YMCAs, YWCAs and Jewish Community Centers shall be classified as 9067(1), *Clubs – community health and wellness*.

Hot food preparation shall be separately classified as 9079(1), *Restaurants or Taverns*.

* * * * *

Establish Classification 8876(2), *Senior Day Programs or Activity Centers – N.O.C.*, to differentiate these operations from the proposed Classification 8868, *Colleges or Schools – private – not vocational schools – professors, teachers or academic professionals – including Clerical Office Employees and Outside Salespersons.*

PROPOSED

SENIOR DAY PROGRAMS OR ACTIVITY CENTERS – N.O.C.

8876(2)

This classification applies to senior day programs or senior activity centers that are not licensed by the California Department of Public Health or the California Department of Social Services and provide activities or services to senior citizens. Services including but are not limited to day trips; educational or exercise classes; social activities; nutritional support and meals; resource and referral counseling; and other programs in order to promote socialization and active, healthy lifestyles. This classification includes transportation services for clients.

~~This classification includes transportation services for program attendees.~~

Adult Day Health Care (ADHC) centers or Community-Based Adult Services (CBAS) programs licensed by the California Department of Public Health shall be classified as 8876(1), *Adult Day Health Care or Community-Based Adult Services* Day Program Centers.

Senior programs offered by non-profit community associations, including but not limited to YMCAs, YWCAs and Jewish Community Centers shall be classified as 9067(1), *Clubs – community health and wellness.*

Adult Day Program (ADP) centers that are licensed by the California Department of Social Services where less than 50% of the center's clients are developmentally disabled shall be classified as 8876(1), *Adult Day Health Care or Adult Day Program Centers.*

Adult Day Program (ADP) centers that are licensed by the California Department of Social Services and provide adults with where 50% or more of the center's clients are developmentally disabilities protective supervision, structured activities, health monitoring, meals or respite care at the center disabled shall be classified as 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities.*

Hot food preparation shall be separately classified as 9079(1), *Restaurants or Taverns.*

* * * * *

Amend Classification 9085, *Residential Care Facilities for the Developmentally Disabled*, which is part of the *Health and Human Services* Industry Group, for clarity and consistency with other proposed changes.

PROPOSED

HEALTH AND HUMAN SERVICES

RESIDENTIAL CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED – including supervisors and receptionists

9085

This classification applies to the operation of residential facilities that provide care and supervision for children or adults who are developmentally disabled. The term developmental

disability refers to a severe and chronic disability that is attributable to a mental or physical impairment that begins before an individual reaches adulthood.

This classification includes certified administrators, including but not limited to Nursing Home Administrators, Residential Care Facility for the Elderly Administrators, Adult Residential Facility Administrators and Qualified Intellectual Disabilities Professionals. This classification also includes employees who provide tours of the facility, including but not limited to tours for marketing, admission or inspection purposes.

This classification also applies to intermediate care facilities that may retain nursing staff to provide intermittent skilled nursing services (not continuous skilled nursing care) for developmentally disabled children or adults. Facilities that provide 24-hour continuous skilled nursing care for residents shall be classified as 8829(1), *Skilled Nursing Facilities*.

~~The operation of schools and/or Independent Living Skills (ILS) instructional programs that are administered through state-contracted Regional Centers shall be separately classified as 8868, *Colleges or Schools*~~ 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities*, or 8874, *Special Educational Services for Children or Youth*. The provision of Supported Living Services (SLS) or In-Home Support Services (IHSS) to developmentally disabled individuals shall be classified as 8827(1), *Home Care Services*.

~~The operation of~~ residential facilities that provide nonmedical care and supervision for children (not developmentally disabled) shall be classified as 8823, *Residential Care Facilities for Children*.

~~The operation of~~ residential facilities that provide assisted care and supervision for adults (not developmentally disabled) shall be classified as 9070(3), *Residential Care Facilities for Adults*.

~~The operation of~~ residential facilities that provide assisted care and supervision for the elderly (not developmentally disabled) shall be classified as 9070(1), *Residential Care Facilities for the Elderly*.

* * * * *

Establish Classification 8869, *Vocational Schools – private – professors, teachers or academic professionals*, to differentiate these operations from the proposed Classification 8868, *Colleges or Schools – private – not vocational schools – professors, teachers or academic professionals – including Clerical Office Employees and Outside Salespersons*.

PROPOSED

VOCATIONAL SCHOOLS – private – professors, teachers or academic professionals

8869

This classification applies to professors, teachers or academic professionals at private vocational schools, trade schools or career colleges who train students to perform jobs that require specific skills. Vocational schools do not provide general academic education, but focus on preparation for specific jobs or careers, and include but are not limited to schools that provide degree or certificate programs in construction, cosmetology, computer technology, media technology, culinary arts, paralegal studies, medical assistance, automotive and mechanical technology and ground-based aviation instruction. Academic professionals include but are not limited to deans, chancellors, vice chancellors, directors, principals, assistant principals, presidents, vice presidents, librarians, registrars, curriculum developers, psychologists, speech

therapists and counselors; and their responsibilities typically include planning, directing, administering, counseling or curriculum development.

This classification also applies to vocational training or professional development programs or workshops, including but not limited to computer skills, media arts, safety training, first aid and CPR, management and communication skills, continuing education seminars, and sales and marketing coaching.

Private or nonpublic colleges or schools that provide general academic education shall be classified as 8868, *Colleges or Schools – private – not vocational schools – professors, teachers or academic professionals.*

Vehicle operator training that includes behind the wheel instruction using automobiles, trucks, buses or other motor vehicles shall be classified as follows:

- Instructors – 8748, *Automobile or Truck Dealers – vehicle salespersons*
- Vehicle maintenance and repair – 8391, *Automobile or Truck Dealers – all employees other than vehicle salespersons*

The operation of vocational schools or training programs by municipal, state or other public agencies, including but not limited to community colleges, shall be classified as 8875(1), *Public Colleges or Schools.*

Also refer to companion Classification 9102, *Vocational Schools – private – all employees other than professors, teachers or academic professionals.*

If an employee who performs duties described by Classification 8869 also performs duties described by Classification 9102, *Vocational Schools – private – all employees other than professors, teachers or academic professionals*, the payroll of that employee may be divided between Classifications 8869 and 9102, provided the employer maintains accurate records supported by time cards or time book entries that show such division. Refer to Section V, Rule 3.

When a vocational school or program places students in an employment or training position with a separate employer, the classification of the student workers shall be determined as though the student workers are employees of the separate employer.

Vocational training for developmentally disabled individuals shall be classified as 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities.*

Vocational training provided by social service organizations to individuals who are not developmentally disabled shall be classified as 8872, *Social Service, Charitable or Welfare Organizations.*

Members of the flying crew of employers that provide flight instruction or training shall be separately classified as 7424(2), *Aircraft Operation – flight schools and pilot training – members of the flying crew.*

* * * * *

Amend Classification 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to correct a cross-reference.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

NEWSPAPER PUBLISHING OR PRINTING – editing, designing, proofreading and photographic composing – including Clerical Office Employees

8818

This classification applies to pre-press activities and Clerical Office Employees of employers engaged in publishing or printing newspapers. Pre-press activities include editing, designing, proofreading, and photographic composition including negative stripping and plate making.

Newspaper reporters, advertising or circulation solicitors shall be separately classified as ~~8742(4)~~8746, *Newspaper Publishing or Printing – reporters, advertising or circulation solicitors*~~photographers~~.

Also refer to companion Classification 4304, *Newspaper Publishing or Printing – all other employees*.

* * * * *

Amend Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency with other proposed changes.

PROPOSED

Section VIII – Abbreviated Classifications – Numeric Listing

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8873 Training/Adult Day Program Centers – ~~dev disabled adults~~

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8876(1) Adult Day Health Care/~~Services~~Program Centers

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-
-

* * * * *

August 1, 2018

Hand Delivered

The Honorable Dave Jones
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Bill Mudge
President
& Chief Executive Officer

RE: California Workers' Compensation Insurance Amended Regulatory Filing
Effective January 1, 2019 and January 1, 2020
CDI File No. REG-2018-00008

Dear Commissioner Jones:

Pursuant to California Insurance Code section 11734, the Workers' Compensation Insurance Rating Bureau of California (WCIRB), a licensed rating organization and the Insurance Commissioner's designated statistical agent, is submitting the enclosed amendments to the regulatory filing for your review and approval.

The WCIRB has provided notice of the amended filing to interested individuals and organizations affected by the changes. In addition, a copy of this amended filing will be posted in the Publications and Filings section of the WCIRB's website (wcirb.com).

We are submitting these amendments to make clarifying changes to the classification wording for several of the proposed classifications for groups of employers currently assigned to the private school classification (Classification 8868). These amendments are based on feedback provided by some of the affected employers and include amendments to the proposed wording for Classifications 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities*; 8876(1), *Adult Day Health Care or Adult Day Program Centers*; and 8876(2), *Senior Day Programs or Activity Centers – N.O.C.*, as well as related amendments for consistency. In addition, a minor editorial change was proposed to Classification 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*, to correct a cross-reference. These proposed amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* are proposed to become effective January 1, 2019 and applied to a policy with an effective date on or after January 1, 2019.

We will endeavor to provide you with any additional information you may require.

Sincerely,



Bill Mudge
President & CEO

BM:smd
Enclosures

Part 3 — Standard Classification System

Amend Section VII, *Standard Classifications*, Rule 2, *Standard Classifications*, as indicated below:

Establish Classification 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities*, to differentiate these operations from the proposed Classification 8868, *Colleges or Schools – private – not vocational schools – professors, teachers or academic professionals – including Clerical Office Employees and Outside Salespersons*.

PROPOSED

TRAINING OR ADULT DAY PROGRAM CENTERS FOR ADULTS WITH DEVELOPMENTAL DISABILITIES

8873

This classification applies to Independent Living Skills (ILS) training or vocational training contracted through Regional Centers for developmentally disabled adults. Services provided include but are not limited to job placement; psychological counseling; communication skills training; community and social skills training; and physical, occupational or speech therapy.

This classification also applies to Adult Day Program (ADP) centers that are licensed by the California Department of Social Services where 50% or more of the center's clients are developmentally disabled adults. Services provided include but are not limited to protective supervision, structured activities, health monitoring, meals or respite care.

Adult Day Program (ADP) centers that are licensed by the California Department of Social Services where less than 50% of the center's clients are developmentally disabled shall be classified as 8876(1), *Adult Day Health Care or Adult Day Program Centers*.

Senior day programs or senior activity centers that are not licensed by the California Department of Public Health or the California Department of Social Services and provide activities or services to senior citizens shall be classified as 8876(2), *Senior Day Programs or Activity Centers*.

Supported Living Services (SLS) or In-Home Support Services (IHSS) for developmentally disabled adults shall be classified as 8827(1), *Home Care Services*.

When a training or day program places consumers or students in an employment or training position with a separate employer, the classification of the consumer or student workers shall be determined as though the consumer or student workers are employees of the separate employer.

Sheltered workshop or supported employment program operations shall be separately classified.

* * * * *

WCIRB Amended January 1, 2019 Regulatory Filing

Establish Classification 8876(1), *Adult Day Health Care or Adult Day Program Centers*, to differentiate these operations from the proposed Classification 8868, *Colleges or Schools – private – not vocational schools – professors, teachers or academic professionals – including Clerical Office Employees and Outside Salespersons*.

PROPOSED

ADULT DAY HEALTH CARE OR ADULT DAY PROGRAM CENTERS

8876(1)

This classification applies to Adult Day Health Care (ADHC) centers licensed by the California Department of Public Health. This classification also applies to Adult Day Program (ADP) centers that are licensed by the California Department of Social Services where less than 50% of the center's clients are developmentally disabled. This classification includes transportation services for program attendees.

Adult Day Health Care (ADHC) centers provide daytime services to seniors and adults with chronic medical, cognitive or mental health conditions or disabilities who are at risk of needing institutionalized care. Services include but are not limited to nursing care; therapeutic activities; social services; personal care; nutritional counseling; mental health services; and physical, occupational or speech therapy.

Adult Day Program (ADP) centers provide services that include but are not limited to structured activities, socialization, health monitoring, meals and respite care.

Adult Day Program (ADP) centers that provide services to adults where 50% or more of the center's clients are developmentally disabled shall be classified as 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities*.

Senior day programs or senior activity centers that are not licensed by the California Department of Public Health or the California Department of Social Services shall be classified as 8876(2), *Senior Day Programs or Activity Centers*.

Senior programs offered by non-profit community associations, including but not limited to YMCAs, YWCAs and Jewish Community Centers shall be classified as 9067(1), *Clubs – community health and wellness*.

Hot food preparation shall be separately classified as 9079(1), *Restaurants or Taverns*.

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WCIRB Amended January 1, 2019 Regulatory Filing

Establish Classification 8876(2), *Senior Day Programs or Activity Centers – N.O.C.*, to differentiate these operations from the proposed Classification 8868, *Colleges or Schools – private – not vocational schools – professors, teachers or academic professionals – including Clerical Office Employees and Outside Salespersons.*

PROPOSED

SENIOR DAY PROGRAMS OR ACTIVITY CENTERS – N.O.C.

8876(2)

This classification applies to senior day programs or senior activity centers that are not licensed by the California Department of Public Health or the California Department of Social Services and provide activities or services to senior citizens. Services include but are not limited to day trips; educational or exercise classes; social activities; nutritional support and meals; resource and referral counseling; and other programs in order to promote socialization and active, healthy lifestyles. This classification includes transportation services for clients.

Adult Day Health Care (ADHC) centers licensed by the California Department of Public Health shall be classified as 8876(1), *Adult Day Health Care or Adult Day Program Centers.*

Senior programs offered by non-profit community associations, including but not limited to YMCAs, YWCAs and Jewish Community Centers shall be classified as 9067(1), *Clubs – community health and wellness.*

Adult Day Program (ADP) centers that are licensed by the California Department of Social Services where less than 50% of the center's clients are developmentally disabled shall be classified as 8876(1), *Adult Day Health Care or Adult Day Program Centers.*

Adult Day Program (ADP) centers that are licensed by the California Department of Social Services where 50% or more of the center's clients are developmentally disabled shall be classified as 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities.*

Hot food preparation shall be separately classified as 9079(1), *Restaurants or Taverns.*

* * * * *

Amend Classification 9085, *Residential Care Facilities for the Developmentally Disabled*, which is part of the *Health and Human Services Industry Group*, for clarity and consistency with other proposed changes.

PROPOSED

HEALTH AND HUMAN SERVICES

RESIDENTIAL CARE FACILITIES FOR THE DEVELOPMENTALLY DISABLED – including supervisors and receptionists

9085

This classification applies to the operation of residential facilities that provide care and supervision for children or adults who are developmentally disabled. The term developmental disability refers to a severe and chronic disability that is attributable to a mental or physical impairment that begins before an individual reaches adulthood.

WCIRB Amended January 1, 2019 Regulatory Filing

This classification includes certified administrators, including but not limited to Nursing Home Administrators, Residential Care Facility for the Elderly Administrators, Adult Residential Facility Administrators and Qualified Intellectual Disabilities Professionals. This classification also includes employees who provide tours of the facility, including but not limited to tours for marketing, admission or inspection purposes.

This classification also applies to intermediate care facilities that may retain nursing staff to provide intermittent skilled nursing services (not continuous skilled nursing care) for developmentally disabled children or adults. Facilities that provide 24-hour continuous skilled nursing care for residents shall be classified as 8829(1), *Skilled Nursing Facilities*.

~~The operation of schools and/or independent Living Skills (ILS) instructional programs that are administered through state-contracted Regional Centers shall be separately classified as 8868, *Colleges or Schools* 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities*, or 8874, *Special Educational Services for Children or Youth*. The provision of Supported Living Services (SLS) or In-Home Support Services (IHSS) to developmentally disabled individuals shall be classified as 8827(1), *Home Care Services*.~~

~~The operation of residential facilities that provide nonmedical care and supervision for children (not developmentally disabled) shall be classified as 8823, *Residential Care Facilities for Children*.~~

~~The operation of residential facilities that provide assisted care and supervision for adults (not developmentally disabled) shall be classified as 9070(3), *Residential Care Facilities for Adults*.~~

~~The operation of residential facilities that provide assisted care and supervision for the elderly (not developmentally disabled) shall be classified as 9070(1), *Residential Care Facilities for the Elderly*.~~

* * * * *

Establish Classification 8869, *Vocational Schools – private – professors, teachers or academic professionals*, to differentiate these operations from the proposed Classification 8868, *Colleges or Schools – private – not vocational schools – professors, teachers or academic professionals – including Clerical Office Employees and Outside Salespersons*.

PROPOSED

VOCATIONAL SCHOOLS – private – professors, teachers or academic professionals

8869

This classification applies to professors, teachers or academic professionals at private vocational schools, trade schools or career colleges who train students to perform jobs that require specific skills. Vocational schools do not provide general academic education, but focus on preparation for specific jobs or careers, and include but are not limited to schools that provide degree or certificate programs in construction, cosmetology, computer technology, media technology, culinary arts, paralegal studies, medical assistance, automotive and mechanical technology and ground-based aviation instruction. Academic professionals include but are not limited to deans, chancellors, vice chancellors, directors, principals, assistant principals, presidents, vice presidents, librarians, registrars, curriculum developers, psychologists, speech therapists and counselors; and their responsibilities typically include planning, directing, administering, counseling or curriculum development.

This classification also applies to vocational training or professional development programs or workshops, including but not limited to computer skills, media arts, safety training, first aid and

WCIRB Amended January 1, 2019 Regulatory Filing

CPR, management and communication skills, continuing education seminars, and sales and marketing coaching.

Private or nonpublic colleges or schools that provide general academic education shall be classified as 8868, *Colleges or Schools – private – not vocational schools – professors, teachers or academic professionals.*

Vehicle operator training that includes behind the wheel instruction using automobiles, trucks, buses or other motor vehicles shall be classified as follows:

- Instructors – 8748, *Automobile or Truck Dealers – vehicle salespersons*
- Vehicle maintenance and repair – 8391, *Automobile or Truck Dealers – all employees other than vehicle salespersons*

The operation of vocational schools or training programs by municipal, state or other public agencies, including but not limited to community colleges, shall be classified as 8875(1), *Public Colleges or Schools.*

Also refer to companion Classification 9102, *Vocational Schools – private – all employees other than professors, teachers or academic professionals.*

If an employee who performs duties described by Classification 8869 also performs duties described by Classification 9102, *Vocational Schools – private – all employees other than professors, teachers or academic professionals*, the payroll of that employee may be divided between Classifications 8869 and 9102, provided the employer maintains accurate records supported by time cards or time book entries that show such division. Refer to Section V, Rule 3.

When a vocational school or program places students in an employment or training position with a separate employer, the classification of the student workers shall be determined as though the student workers are employees of the separate employer.

Vocational training for developmentally disabled individuals shall be classified as 8873, *Training or Adult Day Program Centers for Adults with Developmental Disabilities.*

Vocational training provided by social service organizations to individuals who are not developmentally disabled shall be classified as 8872, *Social Service, Charitable or Welfare Organizations.*

Members of the flying crew of employers that provide flight instruction or training shall be separately classified as 7424(2), *Aircraft Operation – flight schools and pilot training – members of the flying crew.*

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Amend Classification 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to correct a cross-reference.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

NEWSPAPER PUBLISHING OR PRINTING – editing, designing, proofreading and photographic composing – including Clerical Office Employees

8818

This classification applies to pre-press activities and Clerical Office Employees of employers engaged in publishing or printing newspapers. Pre-press activities include editing, designing, proofreading, and photographic composition including negative stripping and plate making.

Newspaper reporters, advertising or circulation solicitors shall be separately classified as ~~8742(4)8746, Newspaper Publishing or Printing – reporters, advertising or circulation solicitors~~ photographers.

Also refer to companion Classification 4304, *Newspaper Publishing or Printing – all other employees*.

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Amend Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency with other proposed changes.

PROPOSED

Section VIII – Abbreviated Classifications – Numeric Listing

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- 8873 Training/Adult Day Program Centers
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- 8876(1) Adult Day Health Care/Program Centers
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