

Classification and Rating Committee

Meeting Minutes

Date	Time	Location	Staff Contact
February 11, 2020	9:45 AM	WCIRB California 1221 Broadway, Suite 900 Oakland, CA	Brenda Keys
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Released: February 20, 2020

Members

Insurance Company of the West
National Union Fire Insurance Company of Pittsburgh PA
Preferred Employers Insurance Company
Republic Indemnity Company of America
Security National Insurance Company
State Compensation Insurance Fund
Zenith Insurance Company

Represented By

Jana Reznicek
Ellen Sonkin
John Bennett
Not present
Matt Zender
Gregory Hanel
Sarah Elston

California Department of Insurance

Brentley Yim

WCIRB

Brenda Keys, Chair
Bill Mudge
David Bellusci
Laura Carstensen
Brian Gray
Allison Lightfoot
Eric Riley

The meeting of the Classification and Rating Committee was called to order at 9:45 AM followed by a reminder of applicable antitrust restrictions, with Ms. Brenda Keys, Senior Vice President and Chief Legal Officer, presiding.

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Approval of Minutes

The Minutes of the meeting held on October 15, 2019 were distributed to the Committee members in advance of the meeting for review. As there were no corrections to the Minutes, a motion was made, seconded and unanimously approved to adopt the Minutes as written.

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Item III-A

Report on Extension of Payroll Limitations

Staff proposed to extend payroll limits to six additional classifications. The Committee was advised that applying a payroll limitation was recommended in that these classifications had (a) an unusually high level of employees with wages above the current payroll limitation level, (b) did not show evidence of increasing loss levels with increasing wages at high wage levels, (c) had relatively low advisory pure premium rates and (d) generally included clerical and outside sales employees within the definition of the classification. Specifically, staff recommended that payroll limitations be added to the following classifications:

- 8601(1), *Engineers – consulting – mechanical, civil, electrical or mining engineers or architects – not engaged in actual construction or operation – including Outside Salespersons and Clerical Office Employees*
- 8601(2), *Oil or Gas Geologists or Scouts – including mapping of subsurface areas – including Outside Salespersons and Clerical Office Employees*
- 8601(4), *Forest Engineers – including Outside Salespersons and Clerical Office Employees*
- 8741, *Real Estate Agencies – all employees – including Clerical Office Employees and Outside Salespersons*
- 8749, *Mortgage Bankers – all employees – including Clerical Office Employees and Outside Salespersons*
- 8801, *Credit Unions – all employees – including Clerical Office Employees and Outside Salespersons*
- 8808, *Banks – all employees – including appraisers, bank guards and attendants, field auditors, office machine repair, Clerical Office Employees and Outside Salespersons*
- 8822, *Insurance Companies – all employees – including Clerical Office Employees and Outside Salespersons*

Staff responded to questions about the need to adjust the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* to make clear the application of the payroll limitation as well as to adjust the calculation of experience modifications during the transition from uncapped to capped payroll.

Following this discussion, a motion was made, seconded and unanimously passed to include these proposed changes in the September 1, 2021 Regulatory Filing with a proposed effective date of September 1, 2022.

Recommendation

Amend Classification 8601(1), *Engineers*, to limit an employee's annual payroll to \$XXX,XXX and direct that the maximum payroll amount shall be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period.

PROPOSED

**ENGINEERS – consulting – mechanical, civil, electrical or mining engineers or architects – 8601(1)
not engaged in actual construction or operation – including Outside Salespersons and
Clerical Office Employees**

The entire remuneration of each employee shall be included, subject to a maximum of \$XXX,XXX per year. When the policy is in force for less than a 12-month period, the maximum payroll amount shall be prorated based upon the number of weeks in the policy period.

This classification applies to engineering or architectural consultants who provide technical advice to construction companies, land development companies, building contractors or similar concerns on a fee basis, or to the testing of construction building materials in connection with consulting engineering performed by the same employer. This classification also applies to land surveying prior to or during construction for separate concerns on a fee basis.

Engineering, when performed in support of an employer's own manufacturing, processing or construction operations, is assigned to the applicable manufacturing, processing or construction classification or to the applicable Standard Exception classification.

This classification also applies to fee-based construction management companies that do not engage in or supervise construction operations, but serve as an intermediary between the general contractor and project owner, or otherwise provide expertise regarding a construction project.

Forest engineers shall be classified as 8601(4), *Forest Engineers*.

Oil or gas geologists or scouts shall be classified as 8601(2), *Oil or Gas Geologists or Scouts*.

Fee-based testing operations, including but not limited to the testing of air, water, soil, metal, concrete and other building materials not resulting in recommendations, remediation options or design advice shall be classified as 4511, *Analytical or Testing Laboratories*.

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Recommendation

Amend Classification 8601(2), *Oil or Gas Geologists or Scouts*, which is part of the *Petroleum Industry* Group, to limit an employee's annual payroll to \$XXX,XXX and direct that the maximum payroll amount shall be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period.

PROPOSED

PETROLEUM INDUSTRY

OIL OR GAS GEOLOGISTS OR SCOUTS – including mapping of subsurface areas – including 8601(2)
Outside Salespersons and Clerical Office Employees

The entire remuneration of each employee shall be included, subject to a maximum of \$XXX,XXX per year. When the policy is in force for less than a 12-month period, the maximum payroll amount shall be prorated based upon the number of weeks in the policy period.

This classification applies to geologists or scouts who travel to potential oil drilling sites to observe and gather data that is compiled into reports that describe the probability that oil or gas deposits are present. This classification includes analyzing technical data from monitoring instruments and analyzing drilling mud or well cuttings to identify the types of subsurface formations in the region and the presence of hydrocarbons. This classification also applies to the geophysical exploration of subsurface areas using physical methods, including but not limited to seismic, gravitational, magnetic, electrical and electromagnetic methods to measure the physical properties of rock.

Consulting engineers, including but not limited to civil, electrical, mechanical and mining engineers who do not perform oil or gas related operations as described above shall be classified as 8601(1), *Engineers*.

Geologists or scouts who perform outside operations in connection with oil or gas well drilling or redrilling, oil or gas lease operations, or oil or gas pipeline operations by the employer shall be assigned to the applicable *Petroleum* Industry Group classification.

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Recommendation

Amend Classification 8601(4), *Forest Engineers*, to limit an employee's annual payroll to \$XXX,XXX and direct that the maximum payroll amount shall be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period.

PROPOSED

FOREST ENGINEERS – including Outside Salespersons and Clerical Office Employees 8601(4)

The entire remuneration of each employee shall be included, subject to a maximum of \$XXX,XXX per year. When the policy is in force for less than a 12-month period, the maximum payroll amount shall be prorated based upon the number of weeks in the policy period.

This classification includes timber cruising.

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Recommendation

Amend Classification 8741, *Real Estate Agencies*, to limit an employee's annual payroll to \$XXX,XXX and direct that the maximum payroll amount shall be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period.

PROPOSED

REAL ESTATE AGENCIES – all employees – including Clerical Office Employees and Outside Salespersons 8741

The entire remuneration of each employee shall be included, subject to a maximum of \$XXX,XXX per year. When the policy is in force for less than a 12-month period, the maximum payroll amount shall be prorated based upon the number of weeks in the policy period.

This classification applies to real estate agencies that represent buyers, sellers, lessees and lessors in real estate transactions.

The operation or management of rental property, construction and remodeling operations shall be separately classified.

This classification also applies to non-residing leasing agents of a property management company who are engaged exclusively in the rental or leasing of property to clients and who have no other duties of any kind except clerical office work and the property management company retains separate employees to manage the property.

Employers that specialize in residential and commercial mortgage brokerage or mortgage banking operations that do not engage in the direct lending of mortgage funds shall be classified as 8743, *Mortgage Brokers*.

Employers that specialize in the direct lending of funds for residential and commercial mortgages shall be classified as 8749, *Mortgage Bankers*.

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Recommendation

Amend Classification 8749, *Mortgage Bankers*, to limit an employee's annual payroll to \$XXX,XXX and direct that the maximum payroll amount shall be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period.

PROPOSED

MORTGAGE BANKERS – all employees – including Clerical Office Employees and Outside Salespersons **8749**

The entire remuneration of each employee shall be included, subject to a maximum of \$XXX,XXX per year. When the policy is in force for less than a 12-month period, the maximum payroll amount shall be prorated based upon the number of weeks in the policy period.

This classification applies to companies that specialize in direct lending of funds for residential or commercial mortgages. This classification includes loaning money held on deposit and funding loans through a line of credit.

Commissioned loan brokers engaged exclusively in matching qualified mortgage applicants with lenders with no direct lending of funds shall be classified as 8743, *Mortgage Brokers*.

Real estate agencies that represent buyers, sellers, lessees and lessors in real estate transactions shall be classified as 8741, *Real Estate Agencies*.

The operation of depository financial institutions that are licensed as banks to perform financial services, including but not limited to accepting deposits, paying interest, clearing checks, making loans and exchanging currency, shall be classified as 8808, *Banks*.

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Recommendation

Amend Classification 8801, *Credit Unions*, to limit an employee's annual payroll to \$XXX,XXX and direct that the maximum payroll amount shall be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period.

PROPOSED

CREDIT UNIONS – all employees – including Clerical Office Employees and Outside Salespersons **8801**

The entire remuneration of each employee shall be included, subject to a maximum of \$XXX,XXX per year. When the policy is in force for less than a 12-month period, the maximum payroll amount shall be prorated based upon the number of weeks in the policy period.

This classification applies to not-for-profit, member-owned depository financial institutions that are chartered as federal or state credit unions providing financial services, including but not limited to share draft accounts, individual retirement accounts, savings accounts, travelers' checks and consumer and commercial loans.

Commissioned loan brokers engaged exclusively in matching qualified mortgage applicants with lenders with no direct lending of funds shall be classified as 8743, *Mortgage Brokers*.

Companies that specialize in direct lending of funds for residential or commercial mortgages shall be classified as 8749, *Mortgage Bankers*.

Real estate agencies that represent buyers, sellers, lessees and lessors in real estate transactions shall be classified as 8741, *Real Estate Agencies*.

The operation of depository financial institutions that are licensed as banks to perform financial services, including but not limited to accepting deposits, paying interest, clearing checks, making loans and exchanging currency shall be classified as 8808, *Banks*.

The operation of properties away from the credit union premises, including but not limited to trusts, repossessed properties and other business properties shall be separately classified.

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Recommendation

Amend 8808, *Banks*, to limit an employee's annual payroll to \$XXX,XXX and direct that the maximum payroll amount shall be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period.

PROPOSED

BANKS – all employees – including appraisers, bank guards and attendants, field auditors, office machine repair, Clerical Office Employees and Outside Salespersons **8808**

The entire remuneration of each employee shall be included, subject to a maximum of \$XXX,XXX per year. When the policy is in force for less than a 12-month period, the maximum payroll amount shall be prorated based upon the number of weeks in the policy period.

This classification applies to the operation of depository financial institutions that are licensed to perform financial services, including but not limited to accepting deposits, paying interest, clearing checks, making loans and exchanging currency. This classification also applies to depository financial institutions that operate entirely online or through electronic transactions.

The operation of properties away from the bank premises, including but not limited to trusts, repossessed properties and other business properties shall be separately classified.

Mortgage brokers shall be classified as 8743, *Mortgage Brokers*.

Mortgage bankers shall be classified as 8749, *Mortgage Bankers*.

Credit unions shall be classified as 8801, *Credit Unions*.

Check cashing locations at which the fees charged for check cashing, deferred deposit transactions, money orders and wire transfers equal or exceed 75% of gross receipts shall be classified as 8850, *Check Cashers*.

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Recommendation

Amend Classification 8822, *Insurance Companies*, to limit an employee's annual payroll to \$XXX,XXX and direct that the maximum payroll amount shall be prorated based upon the number of weeks in the policy period when the policy is in force for less than a 12-month period.

PROPOSED

INSURANCE COMPANIES – all employees – including Clerical Office Employees and Outside Salespersons 8822

The entire remuneration of each employee shall be included, subject to a maximum of \$XXX,XXX per year. When the policy is in force for less than a 12-month period, the maximum payroll amount shall be prorated based upon the number of weeks in the policy period.

This classification applies to employers licensed by the California Department of Insurance as insurance companies to underwrite a variety of commercial or personal coverages, including but not limited to health, disability, automobile, property, title, liability, workers' compensation, life and annuity insurance, and surety bonds.

Fee-based inspections for insurance, safety or valuation purposes shall be classified as 8720(1), *Inspection for Insurance, Safety or Valuation Purposes*.

The operations performed by insurance administrators, brokers, agents or adjusters who are not employed by a licensed insurance company shall be assigned to the employer's standard classification or to the applicable Standard Exception classification.

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Item III-B

Payroll – Remuneration: Severance, Overtime and Back Pay

The Committee was advised that the WCIRB evaluated the definition of payroll/remuneration and the rules regarding severance pay, overtime pay, and back pay found in Rule 1 and Appendix II of the USRP to enhance their clarity and consistency in order to promote accurate data reporting and, where possible, to align with other jurisdictions.

1. Severance Pay

Staff explained that severance payments are made only due to the termination of the employment relationship. Employees who are scheduled to be terminated due to an impending business closure or ownership change may receive retention pay to encourage them to continue working for a specified time. Since retention payments are not severance pay, staff recommended that the current definition of severance be amended to clarify that severance is only paid to an employee due to the termination of the employment relationship and is not included as remuneration, but that retention pay and similar payments to incentivize employees to remain employed for a period of time are included as payroll.

2. Overtime

Staff recommended defining and using the term “premium portion of overtime pay”; restructuring, simplifying and clarifying the overtime rule, including the examples; and updating the rule’s terminology to avoid ambiguity or confusion. The intent was to simplify and clarify the rule without making any substantive changes to the way in which overtime remuneration is currently reported.

A representative from the California Professional Association of Specialty Contractors who attended the meeting suggested additional revisions to the overtime rule examples. Staff agreed to further review the issues raised and bring the matter back to the next meeting for consideration and the Committee Members concurred.

3. Back Wages/Back Pay

Staff explained that the underlying rationale for the back pay reporting rule is that, to the extent possible, back pay should be reported as payroll within the policy period in which the employee earned the wages that generated the back pay. Staff recommended that the definition of back pay be amended to clarify that back pay consists of amounts paid or awarded to employees where the employer corrects or is ordered to make up the difference between what the employee was paid and the amount the employee should have been paid, and that only the back pay amounts earned during the subject policy period should be included as payroll for the subject policy.

The representative from the California Professional Association of Specialty Contractors noted that, in addition to back wages, employees may receive penalties and interest as part of their back pay awards and suggested revisions to the proposed rule to clarify that only the amounts paid or awarded as payroll should be reported as payroll. Staff and the Committee agreed with the suggested revision.

Following the Committee’s discussion, a motion was made, seconded and unanimously approved to include the proposed Severance and Back Pay changes, as revised, in the January 1, 2021 Regulatory Filing.

Recommendation

Amend Part 3, Section V, *Payroll – Remuneration*, Rule 1, *Payroll – Remuneration*, to amend the definition of *Payroll – Remuneration* for clarity and amend Subrule e, *Severance Pay*, to clarify that severance is only paid due to the termination of the employment relationship and that retention bonuses and similar payments that incentivize employees to remain employed for a period of time are included as payroll.

PROPOSED

Section V – Payroll – Remuneration

1. Payroll – Remuneration¹

As used in this Plan, payroll and remuneration are synonymous and mean the monetary value at which service is recompensed. Except as provided herein, remuneration includes all money earned and all substitutes for money earned during the policy period by employees and officers of the employer, and any other persons for whom voluntary coverage is provided under the policy, including: gross wages, salaries, commissions, bonuses, overtime payments, the market value of gifts, and vacation, holiday and sick pay; ~~overtime payments, the market value of gifts, and all substitutes for money earned during the policy period by employees and officers of the employer, and any other persons for whom voluntary coverage is provided under the policy.~~

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e. Severance Pay

Except as noted herein, payments to which an employee is only entitled only upon due to the termination of the employment relationship are not to be included in the as payroll. Payments, such as retention bonuses, that incentivize employees to remain employed for a period of time, including through termination, are included as payroll. In addition, ~~S~~sums, such as commissions, bonuses and accrued vacation and sick pay, commissions and bonuses, paid to an employee at the time the employment relationship is terminated are ~~to be included in the payroll,~~ provided such sums would have been payable to the employee at some future date if the employment relationship had not been terminated. Such sums accrued during periods for which the employer was legally self-insured shall not be included ~~in the as payroll.~~

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Recommendation

Amend the Back Wages/Back Pay entry in Appendix II, *Payroll Remuneration Table*, to clarify that back pay consists of amounts paid or awarded to employees where the employer corrects or is ordered to make up the difference between what the employee was paid and the amount the employee should have been paid.

PROPOSED

Appendix II

Payroll/Remuneration Table

Type of Compensation	Is Payment Included as Payroll?	Exception or Comment
•		
•		
•		
Back Wages/Back Pay		"Back Wages" or "Back Pay" refer to pay-ments made payroll amounts paid or <u>awarded</u> to employees as part of a remedy for wage violations where the employer <u>cor-rects or is</u> ordered to make up the difference between what the employee was paid and the amount s/he should have been
Awarded for time worked Amounts earned during the current <u>subject</u> policy period	Yes	
Awarded for time worked Amounts earned during a prior <u>different</u> policy period	No	Exclude when reporting payrolls for the cur-rent policy
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Item III-C

Proposed Classification Enhancements to the *California Workers' Compensation Uniform Statistical Reporting Plan—1995*

The Committee was reminded that the WCIRB continually reviews the standard classifications contained in the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* to ensure that the intended application of each classification is comprehensive and clear. Staff identified several classifications that could be clarified and, therefore, recommended revisions for clarity and consistency and to provide direction about how related operations are classified.

Following staff's presentation, a motion was made, seconded and unanimously passed to recommend that the proposed changes be included in the WCIRB's January 1, 2021 Regulatory Filing.

Recommendation

Amend Classification 9519(1), *Household Appliances*, to provide direction as to how related operations should be classified.

PROPOSED

HOUSEHOLD APPLIANCES – installation, service or repair – shop or outside

9519(1)

This classification applies to the installation, service or repair of household appliances, including but not limited to refrigerators, freezers, washers, dryers, dishwashers, ovens, ranges, broilers, barbeques, grills, fryers, dehumidifiers, trash compactors, garbage disposals, patio heaters, vacuum cleaners, sewing machines and portable air conditioning units for separate concerns on a fee basis. This classification also applies to the installation, service or repair of exercise equipment for household use.

This classification also applies to the installation, service or repair of beer coils; ~~or soft drink dispensing machines;~~ or countertop appliances used in commercial kitchens. It also applies to the repair of motorized wheelchairs or mobility scooters, ~~or the installation, service or repair of countertop appliances used in commercial kitchens~~ other than shop repair by the manufacturer.

This classification also applies to the installation, service or repair of automatic door openers. The installation of doors other than overhead doors shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation*. The installation of overhead doors shall be classified as 5108, *Door Installation – overhead doors*.

The shop repair of electric appliances by the manufacturer shall be classified as 3570, *Electric Appliance Mfg.*

The shop repair of motorized wheelchairs or mobility scooters by the manufacturer shall be classified as 3076(6), *Wheelchair Mfg.*

The shop repair of self-contained metal refrigerators or freezers by the manufacturer shall be classified as 3165(2), *Refrigerator Mfg.*

The shop repair of gas or electric household or commercial stoves or ovens by the manufacturer shall be classified as 3169(1), *Stove or Oven Mfg.*

The installation, service or repair of exercise equipment in health clubs, fitness studios or other commercial or public exercise facilities shall be classified as 3724(1), *Millwright Work*.

The installation, service or repair of appliances, other than countertop appliances, in commercial kitchens shall be classified as 3724(1), *Millwright Work*.

The installation, service or repair of commercial refrigeration systems or equipment, including but not limited to commercial ice makers, refrigerators and walk-in refrigerators, when any portion of these operations is performed away from the shop, shall be classified as 5183(2)/5187(2), *Refrigeration Equipment*.

The installation, service or repair of air conditioning systems that are not portable units shall be classified as 5183(3)/5187(3), *Heating or Air Conditioning Equipment*.

The installation, service or repair of water heaters shall be classified as 5183(1)/5187(1), *Plumbing*.

The installation or placement of house furnishings for other concerns on a fee basis shall be classified as 9521(1), *House Furnishings*.

The installation, service or repair of household water softening, conditioning or filtration systems shall be classified as 9519(4), *Water Softening, Conditioning or Filtration Systems*.

Electrical wiring shall be separately classified.

Repair departments at stores shall be classified in accordance with Section IV, Rule 6, *Stores*.

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Recommendation

Amend Classification 3570, *Electric Appliance Mfg.*, to clarify its intended application and provide direction as to how related operations should be classified.

PROPOSED

ELECTRIC APPLIANCE MFG. – N.O.C.

3570

This classification applies to the manufacture ~~or repair~~ of electric appliances, including but not limited to domestic appliances and portable cooking appliances. Electric appliances include but are not limited to lighting apparatus, flashlights, heating elements, portable space heaters, battery chargers, battery pack assemblies, and domestic appliances such as vacuum cleaners, food processors and hair dryers, microwave ovens, food processors, toaster ovens, waffle irons and slow cookers. This classification includes the shop repair of electric appliances by the manufacturer.

The shop repair of electric appliances by repair shops that are not the manufacturer shall be classified as 9519(1), *Household Appliances*.

The installation, service or repair of electric appliances away from the shop shall be separately classified as 9519(1), *Household Appliances*.

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Recommendation

Amend Classification 3076(6), *Wheelchair Mfg.*, to clarify its intended application and provide direction as to how related operations should be classified.

PROPOSED

WHEELCHAIR MFG. – metal

3076(6)

This classification applies to the manufacture of metal wheelchairs, including motorized wheelchairs and mobility scooters. This classification includes the shop repair of metal wheelchairs by the manufacturer.

~~Upholstery operations shall be separately classified as 9522(5), *Upholstering – wheelchair*.~~

The manufacture of metal furniture shall be classified as 3076(1), *Furniture Mfg. – metal*.

The shop repair of motorized wheelchairs or mobility scooters by repair shops that are not the manufacturer shall be classified as 9519(1), *Household Appliances*.

Upholstery operations shall be separately classified as 9522(5), *Upholstering – wheelchair*.

The repair of motorized wheelchairs ~~and~~ or mobility scooters away from the shop shall be separately classified as 9519(1), *Household Appliances*.

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Recommendation

Amend Classification 3165(2), *Refrigerator Mfg.*, to clarify its intended application and provide direction as to how related operations should be classified.

PROPOSED

REFRIGERATOR MFG. – metal

3165(2)

This classification applies to the manufacture ~~or shop repair~~ of self-contained metal refrigerators or freezers, refrigerated drink dispensing machines or refrigerated ice cream cabinets, and includes shop repair by the manufacturer.

The manufacture of metal refrigerator cabinets or enclosure panels that do not include refrigeration equipment shall be classified as 3076(1), *Furniture Mfg. – metal*.

The shop repair of self-contained metal refrigerators or freezers, refrigerated drink dispensing machines or refrigerated ice cream cabinets by repair shops that are not the manufacturer shall be classified as 9519(1), *Household Appliances*.

The installation, service or repair of self-contained metal refrigerators, refrigerated drink dispensing machines or refrigerated ice cream cabinets away from the shop shall be separately classified as 9519(1), *Household Appliances*.

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Recommendation

Amend Classification 3169(1), *Stove or Oven Mfg.*, to clarify its intended application and provide direction as to how related operations should be classified.

PROPOSED

STOVE OR OVEN MFG. – gas or electric

3169(1)

This classification applies to the manufacture of gas or electric commercial or household stoves or ovens used in cooking ~~and~~ or baking food, and includes shop repair by the manufacturer. This classification also applies to the manufacture of wood burning stoves.

~~The installation or shop repair of gas or electric household or household stoves or ovens by shops that are not the manufacturer shall be classified as 9519(1), *Household Appliances*.~~

~~The installation or repair of gas or electric commercial stoves or ovens shall be classified as 3724(1), *Millwright Work*.~~

The manufacture of industrial ovens shall be classified as 3175, *Furnace or Heater Mfg.*

The manufacture of commercial food processing equipment or machinery, including food conveyors and conveyor ovens, shall be classified as 3560(1), *Machinery Mfg. – commercial food processing equipment*.

The manufacture of microwave ovens ~~and/or~~ portable electric cooking appliances, including but not limited to toaster ovens, waffle irons and crock pots shall be classified as 3570, *Electric Appliance Mfg.*

The installation, service or repair of gas or electric household stoves or ovens away from the shop shall be separately classified as 9519(1), *Household Appliances*.

The installation or repair of gas or electric commercial stoves or ovens away from the shop shall be separately classified as 3724(1), *Millwright Work*.

The installation or repair of wood burning stoves away from the shop shall be separately classified.

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Recommendation

Amend Classification 3724(1), *Millwright Work*, to clarify its intended application and provide direction as to how related operations should be classified.

PROPOSED

MILLWRIGHT WORK – N.O.C. – erection or repair of machinery or equipment at customers' locations 3724(1)

This classification applies to the operation, installation, service or repair of machinery or equipment, including but not limited to agricultural, construction, industrial, sawmill, food processing and commercial equipment at customers' locations unless the work is specifically described by another classification. This classification also applies to the installation, service or repair of machinery or equipment, including but not limited to pumps (such as gasoline, oil or water pumps), conveyor systems, printing presses, automated "pick and place" machinery, industrial laundry equipment, filling and bottling equipment, industrial scales, escalators, gate openers, ~~riding lawn mowers~~ and air compressors, unless the work is specifically described by another classification. This classification also applies to stump grinding; rigging operations; or the installation or repair of spa or pool equipment when performed on a fee basis and not in connection with the employer's other operations at the same job or location.

This classification does not apply to the operation, installation or repair of machinery or equipment at facilities both occupied and operated by the employer; such operations shall be classified based on the employer's other classifiable operations.

The installation, service or repair of countertop appliances used in commercial kitchens shall be classified as 9519(1), *Household Appliances*.

Shop manufacturing or repair operations shall be separately classified.

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Recommendation

Amend Classification 5107, *Door, Door Frame or Pre-Glazed Window Installation*, which is part of the *Construction and Erection* Industry Group, for consistency with other proposed changes.

PROPOSED

DOOR, DOOR FRAME OR PRE-GLAZED WINDOW INSTALLATION – not overhead doors 5107

This classification applies to the installation or erection of prefabricated doors, door frames or pre-glazed windows within commercial or residential buildings, provided such operations are not performed in connection with structures framed by the employer at the same job or location.

The installation or erection of ~~prefabricated~~ doors, door frames or pre-glazed windows in connection with wood or steel framing performed by the employer at the same job or location shall be classified as 5403/5432, *Carpentry*, or 5632/5633, *Steel Framing*.

The installation, service or repair of overhead doors, including tilt-up, sectional and roll-up doors, shall be classified as 5108, *Door Installation – overhead doors*.

The installation, service or repair of automatic door openers shall be separately classified as 9519(1), *Household Appliances*.

The installation of sheet glass windows or insulated glass units at customers' locations shall be separately classified as 5467/5470, *Glaziers*.

The installation of shower doors, screen doors or mirrors shall be separately classified as 5146(1), *Cabinet, ~~or~~ Fixtures or Trim Installation*.

* * * * *

Recommendation

Amend Classification 5183(2)/5187(2), *Refrigeration Equipment*, to provide direction as to how related operations should be classified.

PROPOSED

REFRIGERATION EQUIPMENT – not household units – installation, service or repair – including shop, yard or storage operations – employees whose regular hourly wage does not equal or exceed \$28.00 per hour – N.O.C. 5183(2)

This classification applies to the installation, service or repair of commercial refrigeration systems or equipment, including but not limited to walk-in refrigerators, commercial refrigerators or freezers, refrigerated display cases, refrigerated drinking fountains and ice makers.

The manufacture of commercial refrigeration systems or equipment, or shop repair of commercial refrigeration systems or equipment by employers that do not perform installation, service or repair at customers' locations shall be classified as 3165(1), *Air Conditioning or Refrigeration Equipment Mfg.*

The installation, service or repair of ~~household refrigeration equipment~~ self-contained metal refrigerators or freezers, refrigerated drink dispensing machines or refrigerated ice cream cabinets, other than shop repair by the manufacturer, shall be classified as 9519(1), *Household Appliances*.

The shop repair of self-contained metal refrigerators or freezers, refrigerated drink dispensing machines or refrigerated ice cream cabinets by the manufacturer shall be classified as 3165(2), Refrigerator Mfg.

REFRIGERATION EQUIPMENT – not household units – installation, service or repair – including shop, yard or storage operations – employees whose regular hourly wage equals or exceeds \$28.00 per hour – N.O.C. 5187(2)

Assignment of this classification is subject to verification at the time of final audit that the employee's regular hourly wage equals or exceeds \$28.00 per hour. The payroll of an employee whose regular hourly wage is not shown to equal or exceed \$28.00 per hour shall be classified as 5183(2), *Refrigeration Equipment*.

This classification applies to the installation, service or repair of commercial refrigeration systems or equipment, including but not limited to walk-in refrigerators, commercial refrigerators or freezers, refrigerated display cases, refrigerated drinking fountains and ice makers.

The manufacture of commercial refrigeration systems or equipment, or shop repair of commercial refrigeration systems or equipment by employers that do not perform installation, service or repair at customers' locations shall be classified as 3165(1), *Air Conditioning or Refrigeration Equipment Mfg.*

The installation, service or repair of ~~household refrigeration equipment~~ self-contained metal refrigerators or freezers, refrigerated drink dispensing machines or refrigerated ice cream cabinets, other than shop repair by the manufacturer, shall be classified as 9519(1), *Household Appliances*.

The shop repair of self-contained metal refrigerators or freezers, refrigerated drink dispensing machines or refrigerated ice cream cabinets by the manufacturer shall be classified as 3165(2), Refrigerator Mfg.

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Recommendation

Amend Classification 8015, *Stores – furniture*, which is part of the *Stores* Industry Group, to provide direction as to how related operations should be classified.

PROPOSED

STORES

STORES – furniture – wholesale or retail

8015

This classification applies to stores engaged in the sale or rental of furniture, including but not limited to couches, chairs, tables, dressers, bed frames, desks and bookcases. This classification also applies to furniture auctioneers.

This classification also applies to the operation of furniture galleries or showrooms that display samples of furniture for viewing and direct sale to customers. Such operations include but are not limited to the sale of furniture by salespersons, interior decorators or designers retained by the employer, and furniture shipping, receiving and delivery. This classification includes travel to customers' locations by salespersons, interior decorators or designers to gather information ~~and~~ or provide advice in support of furniture sales.

This classification does not apply to the operation of furniture galleries or showrooms that sell exclusively from samples to buyers for stores (no direct sales) and where no inventory (exclusive of showroom samples) is maintained at the gallery or showroom location. Such gallery or showroom salespersons shall be classified as 8742, *Salespersons – Outside*, provided they have no other duties of any kind in the service of the employer except clerical work or outside sales. See Part 3, Section IV, Rule 6, *Stores*.

Stores engaged only in the sale of mattresses or box springs shall be classified as 8017(1), *Stores – retail*.

The installation, service or repair of household appliances shall be separately classified as 9519(1), *Household Appliances*.

The installation of linoleum, vinyl, ~~carpet, rugs or cork~~, asphalt or rubber tile, or laminate (not hardwood) flooring within buildings, as well as the laying of carpets or rugs, shall be separately classified as 9521(2), *Floor Covering – installation*.

The installation of hardwood ~~flooring~~ or bamboo floors, including baseboard molding installed in connection therewith, shall be separately classified as 5436, *Hardwood Floor Laying*.

The installation of window coverings ~~and, including~~ associated hardware, within buildings shall be separately classified as 9521(3), *Window Covering*.

~~Stores engaged in the sale of mattresses and box springs only shall be classified as 8017(1), *Stores – retail*.~~

* * * * *

Recommendation

Amend Classification 9521(1), *House Furnishings*, to provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

HOUSE FURNISHINGS – ~~N.O.C.~~ – installation – including upholstering – ~~N.O.C.~~

9521(1)

This classification applies to the installation or placement of house furnishings, including but not limited to freestanding furniture, fireplace hardware, wall padding, wall upholstery, upholstered acoustical wall panels and decorative accessories when there is no other classification that more accurately describes the operations. This classification also applies to picture hanging or artwork installation services for separate concerns on a fee basis.

The installation of cabinets, fixtures, paneling, shutters, sliding wardrobe doors, accordion doors, bathtub enclosures, interior trim, ~~builders finish~~, display racks, exhibit booths, restaurant or store fixtures, theatrical scenery, modular office partitions or laminate, wood or plastic countertops, shall be classified as 5146(1), *Cabinet, ~~or~~ Fixtures or Trim Installation*.

Window covering installation other than shutters within buildings shall be classified as 9521(3), *Window Covering*.

~~Household appliance~~ The installation, service or repair of household appliances shall be classified as 9519(1), *Household Appliances*.

Painting or wallpaper installation shall be classified as 5474(1)/5482(1), *Painting or Wallpaper Installation*.

~~The~~ Transporting of household goods, or furniture, office furniture or fixtures for separate concerns on a fee basis shall be classified as 8293(2), *Furniture Moving*.

Floor covering or light fixture installation shall be separately classified.

* * * * *

Recommendation

Amend Classification 9522(5), *Upholstering – wheelchair*, for consistency with other proposed changes.

PROPOSED

UPHOLSTERING – wheelchair

9522(5)

This classification applies to the upholstering of wheelchair or mobility scooter seats or backs.

The manufacture or assembly of metal wheelchairs shall be classified as 3076(6), *Wheelchair Mfg.*

The repair of motorized wheelchairs or mobility scooters, other than shop repair by the manufacturer, shall be classified as 9519(1), *Household Appliances*.

* * * * *

Recommendation

Amend Classification 5146(1), *Cabinet or Fixtures*, which is part of the *Construction and Erection* Industry Group, to clarify its intended application.

PROPOSED

**CABINET, OR FIXTURES OR TRIM INSTALLATION – ~~portable; interior trim – installation –~~ 5146(1)
N.O.C.**

At a particular job or location, Classification 5146(1) shall not be used for division of payroll in connection with Classifications 5403/5432, *Carpentry*, or 5632/5633, *Steel Framing*.

This classification applies to the following operations when the employer does not also perform construction framing at the job or location: the installation of cabinets, fixtures, paneling, shutters, mirrors, sliding wardrobe doors, accordion doors, bathtub or shower enclosures, screen doors, window screens, interior trim, ~~builders finish~~, display racks, exhibit booths, restaurant or store fixtures, theatrical scenery, modular office partitions, unupholstered acoustical wall panels, or laminate, wood or plastic countertops; or the assembly, from prefabricated kits, of wooden residential greenhouses or similar wooden backyard structures, including but not limited to gazebos, play structures and hot tub enclosures. This classification also applies to the disassembly and reinstallation of modular furniture, partitions or workstations in connection with moving office furniture.

If the employer is engaged in wood or steel framing, any work described above that is performed at the same job or location shall be classified as 5403/5432, *Carpentry*, or 5632/5633, *Steel Framing*.

The installation of prefabricated doors, door frames or pre-glazed windows shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation*, provided no framing is performed by the employer at the same job or location.

~~If the employer is engaged in wood or steel framing, any work described above that is performed at such job or location shall be classified as 5403/5432, *Carpentry*, or 5632/5633, *Steel Framing*.~~

The installation of hardwood or bamboo floors, including baseboard molding installed in connection therewith, shall be classified as 5436, *Hardwood Floor Laying*.

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Recommendation

Amend Classification 5467/5470, *Glaziers*, which is part of the *Construction and Erection* Industry Group, for consistency with other proposed changes.

PROPOSED

GLAZIERS – away from shop – employees whose regular hourly wage does not equal or exceed \$33.00 per hour **5467**

This classification applies to the installation of glass panes or insulated glass units within framework in connection with residential or commercial buildings. This classification includes the incidental installation of framework and glass cutting at the job site.

The installation of prefabricated doors, door frames or pre-glazed windows within residential or commercial buildings shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation*, provided such operations are not performed in connection with structures framed by the employer at the same job or location. If the employer is engaged in wood or light gauge steel framing, the installation of doors, door frames or pre-glazed windows at such job or location shall be classified as 5403/5432, *Carpentry*, or 5632/5633, *Steel Framing*.

The installation of tub or shower enclosures, mirrors, mirrored wardrobe doors or window screens shall be separately classified as 5146(1), *Cabinet, ~~or~~ Fixtures or Trim Installation*.

~~The repair or replacement of automobile or truck glass shall be separately classified as 8389, *Automobile or Truck Repair Facilities*.~~

The application of window film or glass tinting shall be classified as 9507, *Sign Painting or Lettering and Quick Sign Shops*.

The shop cutting of glass shall be classified as 4130, *Glass Merchants*.

The repair or replacement of automobile or truck glass shall be separately classified as 8389, *Automobile or Truck Repair Facilities*.

GLAZIERS – away from shop – employees whose regular hourly wage equals or exceeds \$33.00 per hour **5470**

Assignment of this classification is subject to verification at the time of final audit that the employee's regular hourly wage equals or exceeds \$33.00 per hour. The payroll of an employee whose regular hourly wage is not shown to equal or exceed \$33.00 per hour shall be classified as 5467, *Glaziers*.

This classification applies to the installation of glass panes or insulated glass units within framework in connection with residential or commercial buildings. This classification includes the incidental installation of framework and glass cutting at the job site.

The installation of prefabricated doors, door frames or pre-glazed windows within residential or commercial buildings shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation*, provided such operations are not performed in connection with structures framed by the employer at the same job or location. If the employer is engaged in wood or light gauge steel framing, the installation of doors, door frames or pre-glazed windows at such job or location shall be classified as 5403/5432, *Carpentry*, or 5632/5633, *Steel Framing*.

The installation of tub or shower enclosures, mirrors, mirrored wardrobe doors or window screens shall be separately classified as 5146(1), *Cabinet, ~~or~~ Fixtures or Trim Installation*.

~~The repair or replacement of automobile or truck glass shall be separately classified as 8389, Automobile or Truck Repair Facilities.~~

The application of window film or glass tinting shall be classified as 9507, *Sign Painting or Lettering and Quick Sign Shops*.

The shop cutting of glass shall be classified as 4130, *Glass Merchants*.

The repair or replacement of automobile or truck glass shall be separately classified as 8389, Automobile or Truck Repair Facilities.

* * * * *

Recommendation

Amend Classification 2806(2), *Shutter Mfg.*, for consistency with other proposed changes.

PROPOSED

SHUTTER MFG. – wood or plastic

2806(2)

This classification applies to the manufacture of interior or exterior shutters from wood, synthetic wood ~~and/or~~ plastic materials.

The installation of shutters shall be classified as 5146(1), *Cabinet, ~~or~~ Fixtures or Trim Installation*.

The manufacture of metal, wood, fabric or plastic window coverings, including but not limited to mini blinds, vertical blinds, louvered blinds and window shades shall be classified as 2852, *Window Blind Mfg. or Assembly*.

The manufacture of wood doors or windows shall be classified as 2806(1), *Door, Sash or Window Mfg. – wood*.

When an employer deals in any lumber or building materials or in any fuel and materials in addition to products manufactured, yard operations, including drivers and their helpers, shall be separately classified as 8232(1), *Lumberyards*, 8232(2), *Building Material Dealers*, or 8232(3), *Fuel and Material Dealers*, depending on the products sold.

~~The manufacture of wood doors and windows shall be classified as 2806(1), *Door, Sash or Window Mfg. – wood*.~~

* * * * *

Recommendation

Amend Classification 2812, *Cabinet Mfg.*, for consistency with other proposed changes.

PROPOSED

CABINET MFG. – wood – including the manufacture of commercial or industrial fixtures **2812**

This classification applies to the manufacture of cabinets ~~and~~or fixtures, including but not limited to kitchen and bathroom cabinets, commercial showcases, trade show exhibition booths and retail displays that are designed to be affixed to building walls or floors. This classification also applies to the manufacture of wood or laminate countertops.

The manufacture of metal cabinets or fixtures shall be classified as 3076(1), *Furniture Mfg. – metal*.

Upholstery operations shall be separately classified as 9522(1), *Upholstering – N.O.C.*

For employers that deal in any lumber or building materials or in any fuel and materials in addition to performing cabinet manufacturing operations, yard operations, including drivers and their helpers, shall be separately classified as 8232(1), *Lumberyards*, 8232(2), *Building Material Dealers*, or 8232(3), *Fuel and Material Dealers*, depending on the products sold.

The installation of cabinets, fixtures ~~and~~or wood or laminate countertops shall be separately classified as 5146(1), *Cabinet, ~~or~~ Fixtures or Trim Installation*.

The manufacture of solid plastic, composite acrylic, stone or cultured marble countertops shall be separately classified.

~~The manufacture of metal cabinets and fixtures shall be classified as 3076(1), *Furniture Mfg. – metal*.~~

* * * * *

Recommendation

Amend Classification 3060(3), *Door or Window Mfg. – screen*, to clarify its intended application.

PROPOSED

DOOR OR WINDOW SCREEN MFG. – ~~screen~~metal or plastic framed **3060(3)**

This classification applies to the manufacture of metal or plastic framed screen doors or window screens.

~~The installation of screen doors or window screens shall be separately classified as 5146(1), *Cabinet or Fixtures*.~~

The manufacture of wood framed screen doors or window screens shall be classified as 2806(1), *Door, Sash or Window Mfg. – wood*.

The manufacture of metal, plastic or combination metal, plastic ~~and~~or glass doors or windows shall be classified as 3060(1), *Door or Window Mfg. – metal or plastic*.

The manufacture of metal or plastic door or window frames shall be classified as 3060(2), *Door or Window Frame Mfg. – metal or plastic.*

The installation of screen doors or window screens shall be separately classified as 5146(1), *Cabinet, Fixture or Trim Installation.*

* * * * *

Recommendation

Amend Classification 4130, *Glass Merchants*, to clarify its intended application, and for consistency with other proposed changes.

PROPOSED

GLASS MERCHANTS – including bending, grinding, beveling or silvering plate glass – including counterpersons 4130

This classification applies to glass ~~dealers or shops~~ merchants that sell glass stock or insulated glass units to other concerns. This classification also applies to related fabrication, including but not limited to the cutting, beveling, tempering, laminating and polishing of glass as required by customer orders, and the incidental engraving of the fabricated glass. This classification also applies to the manufacture of mirrored glass by silvering. This classification includes the shop repair of glass items, including but not limited to windows, mirrors and table tops.

Glass cutting operations that are performed in connection with door or window manufacturing operations by the same employer shall be classified as 3060(1), *Door or Window Mfg. – metal or plastic.*

The manufacture of hand-blown glass or hand-assembled glass products shall be classified as 4111(1), *Glassware Mfg. – no automatic or semi-automatic machines.*

The manufacture of glass products by use of automatic or semi-automatic machines shall be classified as 4114, *Glassware Mfg. – N.O.C.*

The manufacture of stained glass windows, leaded glass windows, art glass panels, glass mosaics or lampshades shall be classified as 4111(3), *Cathedral or Art Glass Products Mfg.*

The installation of tub or shower enclosures, mirrors, mirrored wardrobe doors or window screens shall be separately classified as 5146(1), *Cabinet, ~~or Fixtures~~ or Trim Installation.*

The repair or replacement of automobile or truck glass shall be separately classified as 8389, *Automobile or Truck Repair Facilities.*

The installation of glass panes or insulated glass units at customers' locations shall be separately classified as 5467/5470, *Glaziers.*

* * * * *

Recommendation

Amend Classification 5020, *Ceiling Installation*, which is part of the *Construction and Erection Industry Group*, to clarify its intended application and for consistency with other proposed changes.

PROPOSED

CEILING INSTALLATION – suspended acoustical grid type panels

5020

This classification applies to the installation of suspended ceilings, including but not limited to acoustical, t-bar, grid or luminous suspended panel ceilings.

This classification also applies to the installation of acoustical ceiling panels that are applied directly to existing ceilings.

~~This classification also applies to the installation of luminous suspended ceilings.~~

The installation of lighting fixtures shall be classified as 5140/5190, *Electrical Wiring*.

The installation of upholstered acoustical wall panels shall be classified as 9521(1), *House Furnishings*.

The installation of acoustical wall panels that are not upholstered shall be classified as 5146(1), *Cabinet, or Fixtures or Trim Installation*.

Insulation work shall be separately classified.

* * * * *

Recommendation

Amend Classification 5403/5432, *Carpentry*, which is part of the *Construction and Erection Industry Group* to clarify its intended application and for consistency with other proposed changes.

PROPOSED

CARPENTRY – including the installation of interior trim, builders finish, doors and cabinet work in connection therewith – employees whose regular hourly wage does not equal or exceed \$35.00 per hour – N.O.C.

5403

This classification applies to rough carpentry, or a combination of rough and finish carpentry operations in connection with the new construction or remodeling of residential or commercial buildings.

This classification also applies to the installation of shingle roofing ~~and/or~~ the installation or application of insulation materials in buildings or within building walls, but only if installed by the same employer ~~who that~~ performs the carpentry work in constructing new buildings or additions to existing buildings at the same job or location. All other roofing shall be separately classified.

The making, erecting or stripping of forms in connection with concrete work shall be assigned to the appropriate concrete classification.

The installation of cabinets, fixtures, ~~or interior trim and builders finish~~ shall be classified as 5146(1), *Cabinet, ~~or~~ Fixtures or Trim Installation*, only if the employer performs no rough carpentry operations at the same job or location.

The installation of prefabricated doors, door frames or pre-glazed windows shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation*, only if the employer performs no rough carpentry operations at the same job or location.

The structural framing of residential or commercial structures using light gauge, cold formed steel studs and joists shall be classified as 5632/5633, *Steel Framing*.

CARPENTRY – including the installation of interior trim, ~~builders finish~~, doors and cabinet work in connection therewith – employees whose regular hourly wage equals or exceeds \$35.00 per hour – N.O.C. 5432

Assignment of this classification is subject to verification at the time of final audit that the employee's regular hourly wage equals or exceeds \$35.00 per hour. The payroll of an employee whose regular hourly wage is not shown to equal or exceed \$35.00 per hour shall be classified as 5403, *Carpentry*.

This classification applies to rough carpentry, or a combination of rough and finish carpentry operations in connection with the new construction or remodeling of residential or commercial buildings.

This classification also applies to the installation of shingle roofing ~~and/or~~ the installation or application of insulation materials in buildings or within building walls, but only if installed by the same employer ~~who that~~ performs the carpentry work in constructing new buildings or additions to existing buildings at the same job or location. All other roofing shall be separately classified.

The making, erecting or stripping of forms in connection with concrete work shall be assigned to the appropriate concrete classification.

The installation of cabinets, fixtures, ~~or interior trim and builders finish~~ shall be classified as 5146(1), *Cabinet, ~~or~~ Fixtures or Trim Installation*, only if the employer performs no rough carpentry operations at the same job or location.

The installation of prefabricated doors, door frames or pre-glazed windows shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation*, only if the employer performs no rough carpentry operations at the same job or location.

The structural framing of residential or commercial structures using light gauge, cold formed steel studs and joists shall be classified as 5632/5633, *Steel Framing*.

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Recommendation

Amend Classification 5632/5633, *Steel Framing*, which is part of the *Construction and Erection Industry Group*, to clarify its intended application and for consistency with other proposed changes.

PROPOSED

STEEL FRAMING – light gauge – including the incidental installation of interior trim, ~~builders finish, doors and cabinet work~~ – employees whose regular hourly wage does not equal or exceed \$35.00 per hour **5632**

This classification applies to the structural framing of buildings using cold formed, light gauge steel studs and joists that are #15 gauge or lighter.

This classification also applies to incidental carpentry operations, including but not limited to the installation of interior trim, ~~builders finish, doors and~~ cabinets; the installation of shingle roofing; and the installation or application of insulation materials in buildings or within building walls, but only if such work is performed by the same employer ~~who that~~ performs light gauge steel framing in constructing new buildings or additions to existing buildings at the same job or location. All other roofing shall be separately classified.

The making, erecting or stripping of forms in connection with concrete work shall be assigned to the appropriate concrete classification.

The assembly of light gauge steel building components, including but not limited to wall panels and trusses at a permanent shop or yard location shall be classified as 3066(1), *Sheet Metal Products Mfg.*

The erection of steel structures constructed from steel beams shall be classified as 5040(1), *Iron or Steel Erection – structural and exterior installation*, or 5059, *Iron or Steel Erection – structural – in the construction of buildings not over two stories in height*.

STEEL FRAMING – light gauge – including the incidental installation of interior trim, ~~builders finish, doors and cabinet work~~ – employees whose regular hourly wage equals or exceeds \$35.00 per hour **5633**

Assignment of this classification is subject to verification at the time of final audit that the employee's regular hourly wage equals or exceeds \$35.00 per hour. The payroll of an employee whose regular hourly wage is not shown to equal or exceed \$35.00 per hour shall be classified as 5632, *Steel Framing*.

This classification applies to the structural framing of buildings using cold formed, light gauge steel studs and joists that are #15 gauge or lighter.

This classification also applies to incidental carpentry operations, including but not limited to the installation of interior trim, ~~builders finish, doors and~~ cabinets; the installation of shingle roofing; and the installation or application of insulation materials in buildings or within building walls, but only if such work is performed by the same employer ~~who that~~ performs light gauge steel framing in constructing new buildings or additions to existing buildings at the same job or location. All other roofing shall be separately classified.

The making, erecting or stripping of forms in connection with concrete work shall be assigned to the appropriate concrete classification.

The assembly of light gauge steel building components, including but not limited to wall panels and trusses at a permanent shop or yard location shall be classified as 3066(1), *Sheet Metal Products Mfg.*

The erection of steel structures constructed from steel beams shall be classified as 5040(1), *Iron or Steel Erection – structural and exterior installation*, or 5059, *Iron or Steel Erection – structural – in the construction of buildings not over two stories in height.*

* * * * *

Recommendation

Amend Classification 5436, *Hardwood Floor Laying*, which is part of the *Construction and Erection* Industry Group, to provide direction as to how related operations should be classified.

PROPOSED

HARDWOOD FLOOR LAYING – including finishing

5436

This classification applies to the installation of unfinished, prefinished or engineered hardwood or bamboo flooring or the refinishing of hardwood or bamboo floors. This classification includes the installation of baseboard molding performed in connection with floor installation or refinishing.

The installation of linoleum, vinyl, cork, asphalt or rubber tile, or laminate floor covering (not hardwood) flooring within buildings, as well as the laying of carpets or rugs, shall be classified as 9521(2), *Floor Covering – installation*.

The installation of tile, stone, mosaic or terrazzo flooring shall be classified as 5348, Tile, Stone, Mosaic or Terrazzo Work.

* * * * *

Recommendation

Amend Classification 3560(2), *Machinery Mfg. – industrial*, to clarify its intended application and provide direction as to how related operations should be classified.

PROPOSED

MACHINERY MFG. – industrial – N.O.C.

3560(2)

This classification applies to the manufacture or shop repair of stationary industrial machinery utilized in metal working, woodworking, plastics manufacturing, textiles, paper producing, printing or chemical industries. This includes industrial machinery such as lathes, drills, compressors, autoclaves, printing equipment, bindery equipment, robotics equipment, power presses, plating units, autoclaves and chemical mixers and robotic systems that are not material handling systems.

~~Installation or repair operations away from the shop shall be separately classified.~~

The manufacture or shop repair of portable power tools or machinery shall be classified as 3501(1), *Machinery Mfg. – portable tools*.

The manufacture of commercial food processing equipment or machinery shall be classified as 3560(1), *Machinery Mfg. – commercial food processing equipment*.

The manufacture or shop repair of material handling equipment, including robotic material handling systems, shall be classified as 3560(3), *Machinery Mfg. – material handling equipment*.

~~The manufacture of portable power tools shall be classified as 3501(1), *Machinery Mfg. – portable tools*.~~

The manufacture or shop repair of agricultural, construction, mining or ore milling equipment shall be classified as 3507, *Machinery or Equipment Mfg.*

Installation, service or repair operations away from the shop shall be separately classified.

* * * * *

Recommendation

Amend Classification 3501(1), *Machinery Mfg. – portable tools*, to clarify its intended application and provide direction as to how related operations should be classified.

PROPOSED

MACHINERY MFG. – portable tools

3501(1)

This classification applies to the manufacture or shop repair of portable power tools or machinery, including but not limited to spray guns, pneumatic tools, ~~portable~~ air compressors, compactors, grinders, vibrators, chain saws, ~~power~~ saws, ~~power~~ staple guns, hand drills, routers, ~~and~~ sanders, and portable lawn care equipment such as leaf blowers, lawn mowers ~~(non-riding)~~, lawn edgers, hedgers and seeders. This classification also applies to the manufacture or shop repair of household lawn or garden tractors.

The manufacture of non-powered cutting, machining or hand tools shall be classified as 3099, *Tool Mfg.*

The manufacture or shop repair of swimming pool or spa equipment shall be classified as 3501(2), *Machinery Mfg. – swimming pool or spa*.

The manufacture or shop repair of ~~riding lawn mowers~~ agricultural, construction or ore mining or milling equipment shall be classified as 3507, *Machinery or Equipment Mfg.*

The manufacture of stationary industrial machinery shall be classified as 3560(2), *Machinery Mfg. – industrial*.

Installation, service or repair operations away from the shop shall be separately classified.

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Recommendation

Amend Classification 3175, *Furnace or Heater Mfg.*, to provide direction as to how related operations should be classified.

PROPOSED

FURNACE OR HEATER MFG.

3175

This classification applies to the manufacture of industrial ovens or kilns, or commercial or household furnaces. This classification also applies to the manufacture of metal fireplaces, gas or propane space heaters, paint booth heaters, industrial clothes dryers or crematory equipment.

~~The installation, service or repair of industrial ovens or kilns shall be classified as 3724(1), Millwright Work.~~

The installation, service or repair of heaters or furnaces within commercial or residential buildings away from the shop shall be classified as 5183(3)/5187(3), *Heating or Air Conditioning Equipment*, provided the same employer does not engage in the installation of ductwork at the same job or location. The installation or repair of heating or air conditioning equipment where ductwork installation is performed by the employer at the same job or location shall be classified as 5538(2)/5542(2), *Heating or Air Conditioning Ductwork*.

The manufacture or shop repair by the manufacturer of portable electric space heaters shall be classified as 3570, *Electric Appliance Mfg.*

The manufacture of wood burning stoves, or gas or electric commercial or household stoves or ovens used in cooking or baking food shall be classified as 3169(1), *Stove or Oven Mfg.*

The manufacture of commercial or household water heaters if 50% or more of the metal used is lighter than #9 gauge shall be classified as 3169(2), *Water Heater Mfg.* If more than 50% of the metal used is #9 gauge or heavier, the manufacture of commercial or household water heaters shall be classified as 3620(1), *Boiler Mfg.*

The manufacture or shop repair of swimming pool or spa water heaters shall be classified as 3501(2), *Machinery Mfg. – swimming pool or spa*.

~~The manufacture of commercial food processing equipment or machinery shall be classified as 3560(1), Machinery Mfg. — commercial food processing equipment.~~

The manufacture or shop repair of industrial autoclaves shall be classified as 3560(2), *Machinery Mfg. – industrial*.

The installation, service or repair of industrial ovens or kilns shall be separately classified.

* * * * *

Recommendation

Amend Classification 3507, *Machinery or Equipment Mfg.*, to provide direction as to how related operations should be classified.

PROPOSED

MACHINERY OR EQUIPMENT MFG. – agricultural, construction, mining or ore milling

3507

This classification applies to the manufacture or shop repair of agricultural, construction, mining or ore milling equipment, including but not limited to tractors, combines, harvesters, road construction equipment, boom cranes, personnel lifts, plaster spraying equipment, bridge crane trucks, oil well drilling equipment, earth moving equipment, paving equipment, jaw crushers, hammer mills and grinding mills.

The manufacture or shop repair of portable power tools, portable power machinery or household lawn or garden tractors shall be classified as 3501(1) *Machinery Mfg. – portable tools*.

~~The repair of agricultural, construction, mining or ore milling machinery or equipment away from the shop shall be separately classified as 3724(1), *Millwright Work*.~~

The manufacture of commercial food processing equipment or machinery shall be classified as 3560(1), *Machinery Mfg. – commercial food processing equipment*.

The manufacture of stationary industrial machinery utilized in metal working, woodworking, plastics manufacturing, textiles, paper producing, printing ~~and~~ or chemical industries shall be classified as 3560(2), *Machinery Mfg. – industrial*.

The manufacture of ~~conveyors, pallet jacks, loading and unloading equipment, industrial carts, packaging equipment and labeling~~ material handling equipment shall be ~~assigned~~ classified as 3560(3), *Machinery Mfg. – material handling equipment*.

The repair of agricultural, construction, mining or ore milling machinery or equipment away from the shop shall be separately classified as 3724(1), *Millwright Work*.

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Recommendation

Amend Classification 3560(1), *Machinery Mfg. – commercial food processing equipment*, to clarify its intended application.

PROPOSED

MACHINERY MFG. – commercial food processing equipment

3560(1)

This classification applies to the manufacture or shop repair of commercial food processing equipment or machinery, including but not limited to bakery machinery, food choppers, mixers, grinders, slicing machines, meat and poultry processing machinery, fruit or vegetable grading equipment, bottling equipment, food packaging equipment and juice extractors.

~~Installation or repair operations away from the shop shall be separately classified.~~

The manufacture of household food processing appliances shall be classified as 3570, *Electric Appliance Mfg.*

The manufacture of commercial or household ovens ~~and~~ stoves shall be classified as 3169(1), *Stove or Oven Mfg.*

Installation or repair operations away from the shop shall be separately classified.

* * * * *

Recommendation

Amend Classification 3560(3), *Machinery Mfg. – material handling equipment*, to clarify its intended application and provide direction as to how related operations should be classified.

PROPOSED

MACHINERY MFG. – material handling equipment

3560(3)

This classification applies to the manufacture or shop repair of material handling equipment, including but not limited to conveyors, pallet jacks, loading and unloading equipment, industrial carts, robotic material handling systems, and packaging equipment ~~and~~ labeling equipment.

~~Installation or repair operations away from the shop shall be separately classified.~~

The manufacture of forklift trucks shall be classified as 3815(1), *Truck, Truck Trailer or Bus Mfg. or Assembling.*

The manufacture of portable power tools shall be classified as 3501(1), *Machinery Mfg. – portable tools.*

The manufacture or shop repair of agricultural, construction, mining or ore milling equipment shall be classified as 3507, *Machinery or Equipment Mfg.*

Installation or repair operations away from the shop shall be separately classified.

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Recommendation

Amend Classification 3681(1), *Instrument Mfg.*, which is part of the *Electronics* Industry Group, to provide direction as to how related operations should be classified.

PROPOSED

ELECTRONICS INDUSTRY

INSTRUMENT MFG. – electronic – professional or scientific – N.O.C.

3681(1)

This classification applies to the manufacture or shop repair of electronic instruments that are not specifically described by another classification, including but not limited to electronic altimeters, air speed indicators and telemetry instruments, electronic centrifuges, cell sequencers, bio-

sensor equipment, mass spectrometers, electronic scales, programmable electronic control systems, electronic point of sale (POS) systems, calculators, electron and laser microscopes, electron accelerators and fraction collectors, electronic toxic gas or vapor detection systems, radiation monitoring equipment, ohm meters, frequency synthesizers and printed circuit board test equipment. This classification also applies to the manufacture of electronic or electronically controlled manufacturing equipment for the semiconductor industry, including but not limited to vapor ovens, wafer inspection stations, wafer probe systems, wet processing equipment, photo mask inspection equipment, diffusion etching machines, wafer cleaning equipment, wafer dicing saws and plasma etching machines.

This classification also applies to the manufacture or fee-based shop repair of Unmanned Aircraft Systems (aerial drones) with an aircraft system and payload total combined weight of less than 55 pounds.

The operating crew of Unmanned Aircraft Systems (aerial drones) with a total combined weight of less than 55 pounds, including but not limited to test flight operations performed by the manufacturer shall be classified in accordance with Section III, Rule 5, *General Inclusions*.

The installation or repair of instruments, or the repair of Unmanned Aircraft Systems (aerial drones) with a total combined weight of less than 55 pounds, away from shop shall be separately classified as 5128, *Instrument Installation, Service or Repair*.

The manufacture of Unmanned Aircraft Systems (aerial drones) with a total combined weight of 55 pounds or heavier shall be classified as 3830(2), *Unmanned Aircraft System Mfg.*

The manufacture of electronic medical equipment used for diagnostic or treatment purposes shall be classified as 3572, *Medical Instrument Mfg.*

The manufacture of non-electronic instruments shall be classified as 3682, *Instrument Mfg. – non-electronic*.

The manufacture of industrial robotic systems shall be classified as 3560(2), *Machinery Mfg. – industrial*, or 3560(3), *Machinery Mfg. – material handling equipment*.

~~The operating crew of Unmanned Aircraft Systems (aerial drones) with a total combined weight of less than 55 pounds, including but not limited to test flight operations performed by the manufacturer shall be classified in accordance with Section III, Rule 5, *General Inclusions*.~~

~~The installation or repair of instruments, or the repair of Unmanned Aircraft Systems (aerial drones) with a total combined weight of less than 55 pounds, away from shop shall be separately classified as 5128, *Instrument Installation, Service or Repair*.~~

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Recommendation

Amend Classification 3099, *Tool Mfg.*, for clarity and to provide direction as to how related operations should be classified.

PROPOSED

TOOL MFG. – N.O.C.

3099

This classification applies to tool manufacturing ~~and/or~~ maintenance operations that are not specifically described by another manufacturing or assembling classification. This classification includes the manufacture and maintenance of products, including but not limited to non-powered hand tools, cutting and machining tools, abrasive sanding disks and belts, dies, molds, and jigs and fixtures used to position materials for machining.

This classification also applies to the sharpening of knives, blades ~~and/or~~ cutting tools.

Classification 3099 shall be assigned to the payroll of a tool and die department operated by a plastic products manufacturer provided certain conditions are met. Refer to the Plastic Products Manufacturing Industry Group. For all other types of manufacturers, the payroll of a tool and die department shall ~~be~~ classified as 3099 when more than 50% of the tools ~~and/or~~ dies are sold commercially and are not used in any way in the employer's production operations. Otherwise, the payroll of a tool and die department shall be assigned to the governing classification. (See Section II, *Classification Terminology*, for the definition of "Governing Classification.")

~~The hot forming of metal to produce tool parts, including but not limited to gears, shafts and blades shall be separately classified as 3110(1), *Forging Works*.~~

The manufacture or shop repair of portable power tools shall be classified as 3501(1), *Machinery Mfg. – portable tools*.

The hot forming of metal to produce tool parts, including but not limited to gears, shafts and blades shall be separately classified as 3110(1), *Forging Works*

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Recommendation

Amend Classification 3110(1), *Forging Works*, to clarify its intended application and provide direction as to how related operations should be classified.

PROPOSED

FORGING WORKS – drop or machine – including trimming or grinding, heat treating and die making operations

3110(1)

This classification applies to the heating and shaping of metal using compressive forces. This classification includes incidental processing operations, including but not limited to heat treating and trimming and grinding to remove excess metal ~~and heat treating~~. This classification also includes the manufacture of tool parts or dies that are used in the employer's operations.

~~The machining of forged parts to produce finished parts or products, including but not limited to connectors, fittings, valves, couplings, connecting rods, cylinders, engine mounts, pliers, hammers, sledges, wrenches and sockets shall be separately classified.~~

The manufacture of hand-forged iron, brass, bronze or steel products shall be classified as 3110(3), *Blacksmithing*.

The casting of iron shall be classified as 3081, *Foundries – iron*.

The casting of steel shall be classified as 3082, *Foundries – steel castings*.

The casting of nonferrous metal shall be classified as 3085, *Foundries – nonferrous*.

The machining of forged parts to produce finished parts or products, including but not limited to connectors, fittings, valves, couplings, connecting rods, cylinders, engine mounts, pliers, hammers, sledges, wrenches and sockets shall be separately classified.

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Recommendation

Amend Classification 9521(3), *Window Covering*, for consistency with other proposed changes.

PROPOSED

WINDOW COVERING – installation – within buildings

9521(3)

This classification applies to the installation of window coverings, including but not limited to blinds, shades and draperies, within buildings.

The installation of wooden or plastic shutters ~~and~~ or window screens shall be classified as 5146(1), *Cabinet, ~~or~~ Fixtures or Trim Installation*.

The manufacture or assembly of window coverings, including blinds, and shades, ~~and wooden shutters~~ shall be classified as 2852, *Window Blind Mfg. or Assembly*.

The manufacture of fabric curtains and draperies shall be classified as 2501(1), *Clothing Mfg.*

The installation of prefabricated doors, door frames or pre-glazed windows shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation*, provided no framing is performed by the employer at the same job or location.

The installation of window security bars and security shutters shall be classified as 5102(1), *Iron, Steel, Brass, Bronze or Aluminum Erection*.

The sale of window coverings shall be separately classified using the applicable Stores Industry Group classification.

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Recommendation

Amend Classification 3060(1), *Door or Window Mfg. – metal or plastic*, for consistency with other proposed changes.

PROPOSED

DOOR OR WINDOW MFG. – metal or plastic – including shop glazing

3060(1)

This classification applies to the manufacture or shop repair of metal, plastic or combination metal, plastic or glass doors or windows, including but not limited to entry doors, patio doors, garage doors, mirrored wardrobe doors, shower doors, revolving doors, casement windows, sliding windows, awning windows and skylights. This classification also applies to the manufacture of metal, plastic or combination metal, plastic or glass tub or shower enclosures, moveable interior wall partitions, bulletin boards or basketball backboards.

~~The manufacture of wood doors or windows shall be separately classified as 2806(1), *Door, Sash or Window Mfg. – wood*.~~

~~The installation of tub or shower enclosures, mirrored wardrobe doors, screen doors or window screens shall be separately classified as 5146(1), *Cabinet or Fixtures*.~~

The manufacture of metal or plastic door or window frames shall be classified as 3060(2), *Door or Window Frame Mfg.*

The manufacture of metal or plastic framed screen doors or window screens shall be classified as 3060(3), *Door or Window Screen Mfg. – ~~screen~~*.

The installation of prefabricated doors, door frames or pre-glazed windows shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation*, provided such operations are not performed in connection with structures framed by the employer at the same job or location. If the employer is engaged in wood or light gauge steel framing at the same job or location, the installation of prefabricated doors, door frames or pre-glazed windows at such job or location shall be classified as 5403/5432, *Carpentry*, or 5632/5633, *Steel Framing*.

The installation of glass panes or insulated glass units within framework in connection with residential or commercial buildings, including the incidental installation of framework and glass cutting at the job site, shall be classified as 5467/5470, *Glaziers*.

The installation of overhead or roll up doors shall be classified as 5108, *Door Installation*.

The installation of tub or shower enclosures, mirrored wardrobe doors, screen doors or window screens shall be separately classified as 5146(1), *Cabinet, Fixture or Trim Installation*.

The manufacture of wood doors or windows shall be separately classified as 2806(1), *Door, Sash or Window Mfg. – wood*.

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Recommendation

Amend Classification 3060(2), *Door or Window Frame Mfg.*, for consistency with other proposed changes.

PROPOSED

DOOR OR WINDOW FRAME MFG. – metal or plastic

3060(2)

This classification applies to the manufacture of metal or plastic door or window frames. This classification also applies to the manufacture of metal or plastic frames or components for use in the manufacture of mirrors, skylights, screen doors, window screens, patio covers or sunroom enclosures.

~~The installation of screen doors or window screens shall be separately classified as 5146(1), Cabinet or Fixtures.~~

~~The manufacture of wood doors or windows shall be separately classified as 2806(1), Door, Sash or Window Mfg.~~

The manufacture of metal, plastic or combination metal, plastic or glass doors or windows shall be classified as 3060(1), *Door or Window Mfg. – metal or plastic*.

The manufacture of metal or plastic framed screen doors or window screens shall be classified as 3060(3), *Door or Window Screen Mfg.*—~~screen~~.

The installation of prefabricated doors, door frames or pre-glazed windows shall be classified as 5107, *Door, Door Frame or Pre-Glazed Window Installation*, provided such operations are not performed in connection with structures framed by the employer at the same job or location. If the employer is engaged in wood or light gauge steel framing at the same job or location, the installation of prefabricated doors, door frames or pre-glazed windows at such job or location shall be classified as 5403/5432, *Carpentry*, or 5632/5633, *Steel Framing*.

The installation of unglazed metal window frames shall be classified as 5102(1), *Iron, Steel, Brass, Bronze or Aluminum Erection*.

The installation of glass panes or insulated glass units within framework in connection with residential or commercial buildings, including the incidental installation of framework and glass cutting at the job site, shall be classified as 5467/5470, *Glaziers*.

The installation of screen doors or window screens shall be separately classified as 5146(1), Cabinet, Fixture or Trim Installation.

The manufacture of wood doors or windows shall be separately classified as 2806(1), Door, Sash or Window Mfg.

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Recommendation

Amend Classification 8293(2), *Furniture Moving*, for consistency with other proposed changes.

PROPOSED

FURNITURE MOVING – including packing or handling

8293(2)

This classification applies to transporting, preparing or packing furniture or household goods for other concerns on a fee basis. This classification also applies to transporting, preparing or packing office furniture or fixtures for other concerns on a fee basis.

The storage of new furniture for furniture manufacturers or stores shall be classified as 8292, *Warehouses – general merchandise*.

The storage of furniture or household goods for other concerns on a fee basis shall be classified as 8293(1), *Warehouses – furniture*.

The storage of portable storage units, regardless of their contents, shall be classified as 8292, *Warehouses – general merchandise*.

The transporting of furniture under contract for furniture manufacturers or stores shall be classified as 7219(1), *Trucking Firms*.

The disassembly and reinstallation of modular furniture, partitions or workstations in connection with moving office furniture shall be separately classified as 5146(1), *Cabinet, ~~or~~ Fixtures or Trim Installation*.

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Recommendation

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

PROPOSED

Section VIII – Abbreviated Classifications – Numeric Listing

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- 3060(3) Door/Window Screen Mfg–screen
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- 5146(1) Cabinet/Fixtures/Trim Installation
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Recommendation

Amend Appendix I, *Construction and Erection Classifications*, to amend Classification 5146(1), *Cabinet or Fixtures*, as a *Construction or Erection* classification and for consistency with proposed classification phraseology.

PROPOSED

Appendix I

Construction and Erection Classifications

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5146(1) Cabinet/Fixtures/Trim Installation

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Item III-D

Wage Report Demo

Staff presented an updated Wage, Payroll and Exposure Report, which is available to Members on WCIRB's Analytics Portal.

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The meeting was adjourned at 10:40 AM.

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Note to Committee Members: These Minutes, as written, have not been approved. Please refer to the Minutes of the meeting scheduled for April 14, 2020 for approval and/or modification.