

Classification and Rating Committee

Meeting Minutes

| Date | Time | Location | Staff Contact |
|------------------|---------|------------------------|---------------|
| October 26, 2021 | 9:30 AM | Webinar Teleconference | Brenda Keys |

1221 Broadway, Suite 900 • Oakland, CA 94612 • 415.777.0777 • Fax 415.778.7007 • www.wcirb.com • wcirb@wcirb.com

Released: November 1, 2021

Members:

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

Represented By:

Christine Closser
Janice Romero
Ellen Sonkin
Christine Glynn
Matt Zender
Gregory Hanel
Sarah Elston

California Department of Insurance

Yvonne Hauscarriague
Brentley Yim

WCIRB

Brenda Keys, Chair
Bill Mudge
David Bellusci
Mary Corning
Brian Gray
Kristen Marsh
Tony Milano
Eric Riley
Serina Wu
Julia Zhang

The meeting of the Classification and Rating Committee was called to order at 9:30 AM followed by a reminder of applicable antitrust restrictions, with Ms. Brenda Keys, Senior Vice President and Chief Legal Officer, presiding.

* * * * *

Approval of Minutes

The Minutes of the meeting held on September 22, 2021 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.

Notice

The information in these Minutes was developed by the Workers' Compensation Insurance Rating Bureau of California (WCIRB) for the purpose of assisting the WCIRB Classification and Rating Committee. The WCIRB cannot make any guarantees if this information is used for any other purpose and the WCIRB shall not be liable for any damages, of any kind, whether direct, indirect, incidental, punitive or consequential, arising from the use of or reliance upon this information for any other purpose.

© 2021 Workers' Compensation Insurance Rating Bureau of California. All rights reserved.

No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including, without limitation, photocopying and recording, or by any information storage or retrieval system without the prior written permission of the Workers' Compensation Insurance Rating Bureau of California (WCIRB), unless such copying is expressly permitted in this copyright notice or by federal copyright law. No copyright is claimed in the text of statutes and regulations quoted within this work.

Each WCIRB member company, including any registered third party entities, (Company) is authorized to reproduce any part of this work solely for the following purposes in connection with the transaction of workers' compensation insurance: (1) as necessary in connection with Company's required filings with the California Department of Insurance; (2) to incorporate portions of this work, as necessary, into Company manuals distributed at no charge only to Company employees; and (3) to the extent reasonably necessary for the training of Company personnel. Each Company and all agents and brokers licensed to transact workers' compensation insurance in the state of California are authorized to physically reproduce any part of this work for issuance to a prospective or current policyholder upon request at no charge solely for the purpose of transacting workers' compensation insurance and for no other purpose. This reproduction right does not include the right to make any part of this work available on any website or any form of social media.

Workers' Compensation Insurance Rating Bureau of California, WCIRB, WCIRB California, WCIRB Connect, WCIRB Inquiry, WCIRB CompEssentials, X-Mod Direct, eSCAD, Comprehensive Risk Summary, X-Mods and More, Annual Business Comparative and the WCIRB California logo (WCIRB Marks) are registered trademarks or service marks of the WCIRB. WCIRB Marks may not be displayed or used in any manner without the WCIRB's prior written permission. Any permitted copying of this work must maintain any and all trademarks and/or service marks on all copies.

To seek permission to use any of the WCIRB Marks or any copyrighted material, please contact the WCIRB at customerservice@wcirb.com.

Item III-A

Review of Dual Wage Classification Thresholds

The Committee members were reminded that, in 2016, the Committee adopted a modified process for the analysis of dual wage classification thresholds that includes an analytical review of the wage thresholds for each of the dual wage classifications every other year. The Agenda included a draft report analyzing all dual wage classification thresholds for September 1, 2022.

WCIRB staff presented a summary of the analytical approaches and results for each classification. Staff noted that, given the impact of the COVID-19 pandemic on the California economy, several economic measures for the construction industry were reviewed. This review did not contraindicate staff's analytical approaches for updating the dual wage classification thresholds as (a) the pandemic's impact on the construction industry in 2020 was less significant compared to the impact on other industries and (b) the effective date of the updated thresholds of September 1, 2022 is past the period most significantly impacted by the pandemic.

During the discussion, Committee members noted that some of the indicated increases in the thresholds were somewhat larger than indicated in the prior review. Staff explained that these increases are impacted by the larger than normal gap between the effective date of the current thresholds of January 1, 2020 and the proposed effective date of September 1, 2022, which is due to the transition to regulatory filings with September 1 effective dates. Staff noted that the next scheduled biannual review of the dual wage thresholds will be for policies effective September 1, 2024.

Following staff's presentation and the Committee's discussion, a motion was made, seconded and unanimously passed to recommend that the proposed changes to the dual wage classification thresholds be included in the WCIRB's September 1, 2022 Regulatory Filing.

Item III-B Payroll Limitations

The Committee was reminded that each year, WCIRB staff reviews current wage and payroll limits in the *California Worker's Compensation Uniform Statistical Reporting Plan—1995* (USRP) in light of projected wage inflation. The Committee was advised that the projected wage inflation from the current to the next filing period is approximately 3.4%. This wage inflation projection is based on the average wage forecasts from the UCLA Anderson School of Business and California Department of Finance.

The Committee reviewed the recommended changes to the maximum and minimum payroll limits and the per taxicab minimum that were included in the Agenda materials. Staff reminded the Committee that the proposed maximum payroll recommendation includes six classifications for which payroll limitations were approved by the Insurance Commissioner in his Decision on the September 1, 2021 Regulatory Filing.

Following staff's presentation, a motion was made, seconded and unanimously passed to propose that the following recommended payroll limitation adjustments be included in the September 1, 2022 Regulatory Filing.

| Wage and Payroll Limitation Recommendations | | | | | |
|---|---|-----------------|-----------------|-----------------------------------|-----------------|
| Class Code | Phraseology | Current | | Recommended for September 1, 2022 | |
| | | Payroll Minimum | Payroll Maximum | Payroll Minimum | Payroll Maximum |
| 7365 | <i>Taxicab Operations</i> (per year per taxicab) | \$39,700 | N/A | \$41,000 | N/A |
| 7607(1) | <i>Video Post-Production</i> (per year per employee) | N/A | \$144,300 | N/A | \$149,500 |
| 7607(2) | <i>Audio Post-Production</i> (per year per employee) | N/A | \$144,300 | N/A | \$149,500 |
| 7610 | <i>Radio, Television or Commercial Broadcasting Stations</i> (on-air personalities, entertainers and musicians/per year per person) | N/A | \$144,300 | N/A | \$149,500 |
| 8601(1) | <i>Engineers</i> (per year per employee) | N/A | N/A | N/A | \$149,500 |
| 8601(2) | <i>Oil or Gas Geologists or Scouts</i> (per year per employee) | N/A | N/A | N/A | \$149,500 |
| 8601(4) | <i>Forest Engineers</i> (per year per employee) | N/A | N/A | N/A | \$149,500 |
| 8741 | <i>Real Estate Agencies</i> (per year per employee) | N/A | N/A | N/A | \$149,500 |

| Wage and Payroll Limitation Recommendations | | | | | |
|---|--|-----------------|-----------------|-----------------------------------|-----------------|
| Class Code | Phraseology | Current | | Recommended for September 1, 2022 | |
| | | Payroll Minimum | Payroll Maximum | Payroll Minimum | Payroll Maximum |
| 8743 | <i>Mortgage Brokers</i> (per year per employee) | N/A | \$144,300 | N/A | \$149,500 |
| 8749 | <i>Mortgage Bankers</i> (per year per employee) | N/A | N/A | N/A | \$149,500 |
| 8801 | <i>Credit Unions</i> (per year per employee) | N/A | N/A | N/A | \$149,500 |
| 8803 | <i>Auditing, Accounting or Management Consulting Services</i> (per year per employee) | N/A | \$144,300 | N/A | \$149,500 |
| 8808 | <i>Banks</i> (per year per employee) | N/A | N/A | N/A | \$149,500 |
| 8820 | <i>Law Firms</i> (per year per employee) | N/A | \$144,300 | N/A | \$149,500 |
| 8822 | <i>Insurance Companies</i> (per year per employee) | N/A | N/A | N/A | \$149,500 |
| 8859(1) | <i>Computer Programming or Software Development</i> (per year per employee) | N/A | \$144,300 | N/A | \$149,500 |
| 8859(2) | <i>Internet or Web-Based Application Development or Operation</i> (per year per employee) | N/A | \$144,300 | N/A | \$149,500 |
| 9151 | <i>Theaters – musical entertainment</i> (performers and directors of performers/per year per person) | N/A | \$144,300 | N/A | \$149,500 |
| 9156 | <i>Theaters – dance, opera and theater companies</i> (performers and directors of performers/per year per person) | N/A | \$144,300 | N/A | \$149,500 |
| 9181 | <i>Athletic Teams or Athletic Facilities – players, umpires, referees and game officials</i> (per season per player) | N/A | \$144,300 | N/A | \$149,500 |

| Wage and Payroll Limitation Recommendations | | | | | |
|---|---|-----------------|-----------------|-----------------------------------|-----------------|
| Class Code | Phraseology | Current | | Recommended for September 1, 2022 | |
| | | Payroll Minimum | Payroll Maximum | Payroll Minimum | Payroll Maximum |
| 9610 | <i>Motion Pictures – production</i> (actors, musicians, producers and the motion picture director/per year per person) | N/A | \$144,300 | N/A | \$149,500 |
| N/A | Executive Officers, Partners, Individual Employers and Members of a Limited Liability Company | \$55,900 | \$144,300 | \$57,200 | \$149,500 |

Item III-C

Physical Audit Threshold

The Committee was advised that the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* (USRP) requires that all policies that generate a final premium at or above a specific threshold amount are subject to physical audit. The threshold has historically been set at a level that corresponds approximately with eligibility for experience rating so that the vast majority of payroll reflected in an experience rating calculation is subject to physical audit. The threshold has been reviewed on a regular basis and adjusted as appropriate to maintain the same approximate volume of policies subject to the physical audit requirement. The Committee was reminded that the physical audit threshold was last changed to \$10,500 effective January 1, 2020.

WCIRB staff summarized the two analytical approaches for computing the indicated level of the physical audit threshold for the September 1, 2022 Regulatory Filing. Based on the approximate average of these two indications, the indicated physical audit threshold for policies incepting on or after September 1, 2022 is approximately \$9,500. However, since the threshold was last changed for January 1, 2020 and is intended to be changed relatively infrequently and there is significant uncertainty to the future economic recovery after the COVID-19 pandemic, staff recommended maintaining the current physical audit threshold of \$10,500 for September 1, 2022. The Committee agreed with staff's recommendation that the physical audit threshold should not be revised effective September 1, 2022.

Item III-D

COVID-19 Claims in Experience Rating

The Committee was reminded that, given the unique nature of the COVID-19 exposure and the emerging pandemic, at the April 14, 2020 meeting, the Committee had recommended that claims arising directly from a COVID-19 diagnosis be excluded from the experience modification computation. This recommendation was reflected in the WCIRB's July 1, 2020 Regulatory Filing and adopted by the Insurance Commissioner.

The Committee was also reminded that while the Governing Committee approved making this recommendation to the Insurance Commissioner at the April 17, 2020 meeting, a Governing Committee member noted that there is a safety component related to the occurrence of COVID-19 claims at an employer's workplace and that it would be appropriate to consider removing the COVID-19 experience rating exclusion at some time after the initial emergency period. As a result, staff evaluated whether COVID-19 claims incurred in the future should continue to be excluded from experience rating.

Staff noted that the COVID-19 workers' compensation claim environment has changed significantly since the experience rating exclusion of COVID-19 claims was first recommended and adopted. In the early months of the pandemic, relatively little was known about how COVID-19 was transmitted, there was little in the way of widely accepted workplace safety protocols and tens of thousands of COVID-19 workers' compensation claims were being filed. Also, at the time, it was unclear to what extent some COVID-19 illnesses would be "presumed compensable" and, with some segments of the economy largely shutdown, the exposure to workplace COVID-19 varied dramatically by industry and within industry segment depending on whether the industry was deemed "essential" and how widely its workers were exposed to the public and other workers. In contrast, at this time, more than 18 months since the pandemic began, transmission of the virus is better understood, workplace safety protocols in consideration of the widespread availability of COVID-19 vaccines are available, the number of COVID-19 infections and workers' compensation claim filings are dropping, California Senate Bill No. 1159 has been in effect since September 2020 specifying when a worker has a rebuttable presumption of compensability that their COVID-19 infection is work-related and most businesses have re-opened or will be re-opening soon. As a result, staff is recommending that COVID-19 claims incurred after September 1, 2022 be included in experience modification computations.

The Committee discussed WCIRB staff's recommendation at length. A Committee member noted that, at this time, it is expected that COVID-19 claims will continue to arise in the foreseeable future, although likely at a lower rate than for much of 2020 and there is much more information available as to the virus' transmission and recommended employer safety protocols. Another Committee member, while supporting the recommendation, asked if any thought has been given to the treatment of claims arising in future pandemics. Staff advised that the WCIRB as well as other rating bureaus are considering modeling potential long-term costs resulting from future pandemics, but at this point, the treatment of claims arising from future pandemics in experience rating would be considered on a case-by-case basis.

Following the discussion, a motion was made, seconded and unanimously passed to recommend that the proposed rule changes regarding the inclusion of COVID-19 claims incurred on or after September 1, 2022 in experience modification computations, be included in the September 1, 2022 Regulatory Filing.

Recommendation

Amend Section IV, Rule 2, *Actual Losses and Actual Primary (Ap) Losses*, to exclude COVID-19 claims with accident dates from December 1, 2019 through August 31, 2022 from the computation of experience modifications.

PROPOSED

Section VI – Rating Procedure

2. Actual Losses and Actual Primary (Ap) Losses

Unless otherwise noted in this Rule, Actual Losses shall be the sum of the indemnity incurred loss and medical incurred loss on each claim, with the sum limited to the Maximum Loss Value shown in Table II of this Plan.

The experience rating calculation uses the primary component of Actual Losses, or Actual Primary Losses. Actual Primary Losses for each claim represents the more predictive and controllable portion of the claim and varies with a risk's Expected Losses. Unless otherwise noted in this Rule, Actual Primary Losses for each claim is determined by the formula:

Actual Primary Losses = \$0 if Actual Losses is \$250 or less;
= Actual Losses less \$250, if Actual Losses is more than \$250 but no more than the Primary Threshold applicable to the risk;
= Primary Threshold less \$250, if Actual Losses is more than the Primary Threshold applicable to the risk.

The Primary Threshold applicable to the risk is based on the risk's total Expected Losses for the experience period and is shown in Table II of this Plan.

-
-
-

- j. Claims directly arising from a diagnosis of Coronavirus disease 2019 (COVID-19), reported with a Catastrophe Number 12 pursuant to the Uniform Statistical Reporting Plan and an accident date on or after December 1, 2019 up to August 31, 2022, shall not be reflected in the computation of the experience modification.

-
-
-

* * * * *

Item III-E

COVID-19 – Basis of Payroll

The Committee was reminded that, in 2020, the Insurance Commissioner adopted two regulations that provided for special treatment of payroll during the California statewide stay-at-home order that resulted from the COVID-19 pandemic and concluded within specified periods of the stay-at-home order being lifted. The Committee was advised that the Governor issued an Executive Order on June 11, 2021 that rescinded the California statewide stay-at-home order and WCIRB staff, therefore, recommended that the elimination of these rules be proposed in the September 1, 2022 Regulatory Filing.

A Committee member asked if it would be confusing to remove the reference to these rules from the unit statistical reporting regulations since unit statistical reports (USR) that may be impacted by these rules will be filed after the rule is eliminated from the regulations. WCIRB staff clarified that the rules are effective as of the effective date of a policy, so any unit statistical reporting would use the regulations that are in effect as of the effective date of the policy to which that USR pertains.

Following the discussion, a motion was made, seconded and unanimously passed to include the proposed changes in the September 1, 2022 Regulatory Filing.

Recommendation

Amend Part 3, *Standard Classification System*, Section III, *General Classification Procedures*, to eliminate Rule 7, *Coronavirus Disease 2019 (COVID-19)* as the rule is no longer necessary.

PROPOSED

Section III – General Classification Procedures

-
-
-

7. ~~Coronavirus Disease 2019 (COVID-19)~~

- a. ~~Effective as of the date of a California statewide stay-at-home order and concluding sixty (60) days after the order is lifted, the payroll of an employee who meets the definition of a Clerical Office Employee, as detailed in Rule 4a, *Classifications 8810, Clerical Office Employees, and 8871, Clerical Telecommuter Employees*, and whose payroll for the balance of the policy period is not assignable to a standard classification that specifically includes Clerical Office Employees, shall be assigned to Classification 8810, *Clerical Office Employees*.~~

~~A single employee's payroll may be divided between Classification 8810 and another classification only once during this time period. Once the employee's duties are no longer exclusively clerical in nature, Classification 8810 shall not be assigned.~~

- b. ~~Effective as of the date of a California statewide stay-at-home order and concluding thirty (30) days after the order is lifted, payments made to an employee, including but not limited to sick or family leave payments, while the employee is performing no duties of any kind in service of the employer shall be excluded from remuneration; however, the excluded amounts shall be no greater than the employee's regular rate of pay.~~
- c. ~~Employers must maintain records that document the change in duties and that segregate such payments during the timeframes specified above.~~

* * * * *

Recommendation

Amend Part 4, *Unit Statistical Reporting Requirements*, Section IV, *Exposure Information*, Rule 1, *Classification Code*, and Rule 4, *Exposure Amount*, to remove references to Part 3, Section III, *General Classification Procedures*, Rule 7, *Coronavirus Disease 2019 (COVID-19)*, as the rule is no longer necessary.

PROPOSED

Section IV – Exposure Information

All exposure-related fields shall be reported as required for California in WCSTAT except as indicated below.

1. Classification Code

Report the appropriate 4-digit California standard classification code. ~~Report code 0012 for payments excluded from remuneration pursuant to Part 3, *Standard Classification System*, Section III, *General*~~

~~Classification Procedures, Rule 7, Coronavirus Disease 2019 (COVID-19), subrule b.~~ All records containing “Exposure Amount” must be assigned to a standard classification code developed in accordance with the provisions of this Plan ~~or code 0012.~~

Also, report statistical code 9740, *Catastrophe Provisions for Terrorism*, if applicable. Other statistical codes need not be reported. (See the definition of “Statistical Code” as applicable to this Plan.)

-
-
-

4. Exposure Amount

Report the total audited exposure for each standard classification code. (See the definition of “Audited Exposure” as applicable to this Plan.) ~~Report payments excluded from remuneration pursuant to Part 3, Standard Classification System, Section III, General Classification Procedures, Rule 7, Coronavirus Disease 2019 (COVID-19), subrule b.~~ Report payroll dollars rounded to the nearest whole dollar amount. Report non-payroll exposures to the nearest tenth of a unit. Payrolls or other applicable exposure amounts reported shall be obtained in accordance with the provisions of this Plan.

-
-
-

* * * * *

Recommendation

Amend Appendix II, *Payroll/Remuneration Table*, to remove a reference to Part 3, Section III, *General Classification Procedures, Rule 7, Coronavirus Disease 2019 (COVID-19)*, as the rule is no longer necessary.

PROPOSED

Appendix II

Payroll/Remuneration Table

| Type of Compensation | Is Payment Included as Payroll? | Exception or Comment |
|--|---------------------------------|---------------------------------------|
| • | | |
| • | | |
| • | | |
| Coronavirus Disease 2019 (COVID-19): Payments Made During a Statewide California Stay-at-Home Order | | See USRP, Part 3, Section III, Rule 7 |
| • | | |
| • | | |
| • | | |

* * * * *

Item III-F

Food Packaging and Processing – Container Manufacturing

2163, Bottling – beverages – no spirituous liquors, wine or beer

2063, Dairy Products or Ice Mfg.

2113, Fish or Seafood Products Mfg. – including packaging

2116, Fruit or Vegetable Juice or Concentrate Mfg.

2111(3), Fruit or Vegetable Pickling

2111(1), Fruit or Vegetable Preserving – including canning

2117, Fruit or Vegetable Processing – frozen

2095, Meat Products Mfg.

2111(2), Olive Handling – sorting, curing and canning

4831, Vitamin or Dietary Supplement Mfg. – compounding, blending or packaging only – not manufacturing ingredients

2142(1), Wineries

2121, Breweries

2142(2), Distilling

2142(3), Vinegar Mfg.

The Committee was advised that WCIRB staff reviewed the 29 classifications in the *Food Packaging and Processing* Industry Group to evaluate the differentiated classification treatment for the manufacture of containers when performed by employers that also package or process food. There are currently three different classification approaches reflected: (1) footnotes directing that the manufacture of containers be treated as a General Inclusion, (2) footnotes directing that bottle or can manufacturing shall be separately classified or (3) no specific direction – thus indicating that the General Inclusions rule applies. A copy of the draft report detailing the WCIRB's findings and recommendations was provided to the Committee in the Agenda.

During the presentation, the Committee was informed that staff evaluated the appropriate classification treatment for the manufacture of containers when performed by employers assigned to the *Food Packaging and Processing* Industry Group classifications to determine whether a uniform classification treatment could be established that is consistent with the General Inclusions rule and the unnecessary footnotes could be eliminated.

Staff explained that the General Inclusions rule directs that, unless otherwise indicated in a classification's phraseology, certain specified operations "[a]re included in all classifications other than Standard Exception classifications." Among those operations delineated in the General Inclusions rule is the "manufacturing of containers such as bags, barrels, bottles, boxes, cans, cartons or packing cases." Absent specific direction to the contrary, the manufacture of containers in connection with an employer's primary operations is not separately classified.

The treatment of container manufacturing has been a particular focus within the *Food Packaging and Processing* Industry Group classifications as most packaged or processed foods require some type of container. This issue was addressed on numerous occasions during the 1960s, 1970s and 1980s when employers requested that their container manufacturing operations be separately classified. As a result, footnotes were added to 10 classifications directing that the manufacture of cans or bottles be separately classified based on a finding that it was not typical or usual for employers within these classifications to manufacture their own cans or bottles and therefore such operation should not be considered a general inclusion.

Staff explained that with respect to employers with payroll reported in classifications directing that container manufacturing shall be separately classified (see Exhibit 1), a review of the Classification Inspection Reports for those employers found no instances of employers manufacturing their own cans,

bottles or other containers and no payroll was reported in Classifications 3220, *Can Mfg.*, or 4114, *Glassware Mfg.* Thus, while container manufacturing has never been a prevalent operation within these classifications, or the food processing and packaging industry in general, based on a review of how the industry currently operates, employers assigned to classifications directing that container manufacturing shall be separately classified no longer manufacture their own containers.

Staff advised the Committee that there appears to be no compelling reason for the continued disparate treatment of can and bottle manufacturing within the *Food Packaging and Processing* Industry Group. While establishing a uniform treatment across the Industry Group would not result in the reclassification of any employer's operations, it would advance the goal of having a consistent set of rules for the Industry Group.

Lastly, staff noted that a footnote in Classification 2113, *Fish or Seafood Products Mfg.*, which, in addition to requiring that can manufacturing be separately classified, also requires that the rendering of fish oil be separately classified. Staff's review of Inspection Reports and Unit Statistical Reports did not find any instances where employers that process or package fish and seafood also render or otherwise manufacture fish oil.

Based on the findings detailed in the report, the WCIRB recommended that the *Food Packaging and Processing* Industry Group classifications be updated to remove any reference to either the separate classification of container manufacturing or the General Inclusions rule. In that the footnote in Classification 2113 regarding fish oil rendering no longer reflects current operations, the WCIRB also recommended that it be deleted. In addition, the WCIRB recommended amending the footnotes in each of the subject classifications to clarify the intended application and provide direction as to how related operations should be classified, and for consistency with other changes.

Following staff's presentation, a motion was made, seconded and unanimously passed to recommend that the proposed changes be included in the September 1, 2022 Regulatory Filing.

Exhibit 1: Food Packaging and Processing Classifications

- I. Classifications with footnotes directing that the manufacture of containers shall be separately classified

| Code | Phraseology |
|---------|---|
| 2063 | <i>Dairy Products or Ice Mfg.</i> |
| 2142(2) | <i>Distilling</i> |
| 2113 | <i>Fish or Seafood Products Mfg.</i> |
| 2116 | <i>Fruit or Vegetable Juice or Concentrate Mfg.</i> |
| 2111(1) | <i>Fruit or Vegetable Preserving</i> |
| 2117 | <i>Fruit or Vegetable Processing – frozen</i> |
| 2095 | <i>Meat Products Mfg.</i> |
| 2111(2) | <i>Olive Handling – sorting, curing and canning</i> |
| 2142(3) | <i>Vinegar Mfg.</i> |
| 2142(1) | <i>Wineries</i> |

- II. Classifications with footnotes directing, either explicitly or implicitly, that the manufacture of containers be treated as a General Inclusion

| Code | Phraseology |
|------|---|
| 2163 | <i>Bottling</i> |
| 2121 | <i>Breweries</i> |
| 4831 | <i>Vitamin or Dietary Supplement Mfg.</i> |

- III. Classifications with no specific direction – thus indicating that the General Inclusion rule applies

| Code | Phraseology |
|---------|--|
| 2003 | <i>Bakeries or Cracker Mfg.</i> |
| 4717 | <i>Butter Substitutes Mfg.</i> |
| 4683(2) | <i>Cottonseed Oil Mfg. or Refining</i> |
| 6504 | <i>Food Products Mfg. or Processing – N.O.C.</i> |
| 2108 | <i>Fruit – citrus fruit packing and handling – including storage</i> |
| 2109 | <i>Fruit – dried fruit packing and handling</i> |
| 2107 | <i>Fruit – fresh fruit packing and handling</i> |
| 2102 | <i>Fruit or Vegetable Evaporation or Dehydrating</i> |
| 2111(3) | <i>Fruit or Vegetable Pickling</i> |
| 2123 | <i>Fruit or Vegetable Processing – fresh – ready-to-eat</i> |
| 2014(1) | <i>Grain or Rice Milling</i> |
| 2002 | <i>Macaroni Mfg.</i> |
| 0096 | <i>Nut Hulling, Shelling or Processing</i> |
| 2030 | <i>Sugar Mfg. or Refining – beet or cane – including beet dumps</i> |
| 4686(1) | <i>Vegetable Oil Mfg. or Refining – N.O.C.</i> |
| 8209 | <i>Vegetables – fresh vegetable or tomato packing and handling</i> |

Recommendation

Amend Classification 2163, *Bottling*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference to the General Inclusions rule, clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

FOOD PACKAGING AND PROCESSING

BOTTLING – beverages – no spirituous liquors, wine or beer

2163

This classification applies to the bottling or packaging of non-alcoholic beverages, including but not limited to soft drinks, sports drinks, coffee, tea and water. This classification includes the blending of purchased fruit juice or juice concentrates with water ~~and/or~~ flavorings to produce ~~fruit flavored drinks~~ beverages.

~~The manufacture of containers, including but not limited to cans, bottles and boxes in connection with the employer's beverage bottling or packaging operations shall be classified in accordance with Section III, Rule 5, *General Inclusions*.~~

The ~~production and bottling or canning~~ manufacture of non-alcoholic ~~fruit or vegetable juice, cider or juice concentrates~~ from fruit, vegetables, nuts or seeds shall be classified as 2116, ~~*Fruit or Vegetable Juice or Juice Concentrate Mfg.*~~

The production and bottling of wine, sparkling wine or alcoholic cider shall be classified as 2142(1), *Wineries*.

The production and bottling of distilled spirits shall be classified as 2142(2), *Distilling*.

The production and bottling or canning of beer or similarly brewed beverages shall be classified as 2121, *Breweries*.

~~The production and bottling or canning of milk or manufacturing or processing, including pasteurization, of dairy products shall be~~ separately classified as 2063, *Dairy Products or Ice Mfg.*

* * * * *

Recommendation

Amend Classification 2121, *Breweries*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference to the General Inclusions rule.

PROPOSED

FOOD PACKAGING AND PROCESSING

BREWERIES

2121

This classification applies to the production of beer or similarly brewed beverages, including but not limited to ale, lager, porter, stout and malt liquor. This classification includes the production of sake, the sale of brewing by-products, including but not limited to wet or dry feed grains and

brewer's yeast, and the distribution of beer or similarly brewed beverages in connection with the employer's production operations.

This classification also includes employees who provide tours of the production operations, including tours where product tasting samples are provided to customers not in connection with taproom, tasting room, retail store, or restaurant or tavern operations.

~~The manufacture of containers, including but not limited to cans and bottles in connection with the employer's production operations shall be classified in accordance with Section III, Rule 5, General Inclusions.~~

Taprooms, tasting rooms, restaurants, taverns or the preparation and serving of hot food, shall be separately classified as 9079(1), *Restaurants or Taverns*.

Beer brewing operations at restaurants where the beer brewed on-site is primarily (over 50% of gross receipts) sold to restaurant customers for on-site consumption shall be classified as 9079(1), *Restaurants or Taverns*.

The distribution of beer or similarly brewed beverages that were not produced by the employer to retailers or commercial users shall be classified as 7392, *Beer Dealers*.

The production of wine, sparkling wine or alcoholic cider shall be classified as 2142(1), *Wineries*.

The production of distilled spirits shall be classified as 2142(2), *Distilling*.

Retail stores shall be separately classified.

* * * * *

Recommendation

Amend Classification 2063, *Dairy Products or Ice Mfg.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that can manufacturing shall be separately classified and provide direction as to how related operations should be classified.

PROPOSED

FOOD PACKAGING AND PROCESSING

DAIRY PRODUCTS OR ICE MFG.

2063

This classification applies to the manufacturing or processing, including pasteurization, of dairy products, including but not limited to milk, evaporated milk, dairy beverages, powdered milk, cheese, ice cream, yogurt, whipped cream and butter, and includes the incidental packaging of products in containers, including but not limited to bottles, boxes, plastic containers and metal or paper cans. This classification also applies to route drivers who deliver bottled milk to customers and perform no other duties on the farm premises.

This classification also applies to the manufacture of ice or the purchase and resale of ice.

This classification also applies to the manufacture of sorbet, gelato or sherbet, as well as frozen dairy or nondairy novelty treats, including but not limited to ice pops, fruit juice bars, ice cream bars and ice cream sandwiches.

The manufacture of non-alcoholic juice or juice concentrates from fruit, vegetables, nuts or seeds shall be separately classified as 2116, *Juice or Juice Concentrate Mfg.*

The sale of individual servings of ice cream or frozen yogurt for consumption by the walk-in trade on or away from the premises, including the incidental sale of hand packed ice cream or prepackaged ice cream confections sold as such, shall be classified as 8078(3), *Ice Cream or Frozen Yogurt Shops*, at each separate location at which the sale of individual servings of ice cream or frozen yogurt for consumption on or away from the premises equals or exceeds 50% of gross receipts.

The manufacture of dry ice shall be classified as 4635, *Oxygen or Hydrogen Mfg.*

The mixing or packaging of artificial (blue) ice shall be classified as 4828, *Chemical Mixing or Repackaging*.

The manufacture of butter substitutes shall be classified as 4717, *Butter Substitutes Mfg.*

The bottling or packaging of nondairy, nonalcoholic beverages shall be classified as 2163, *Bottling*.

~~Can manufacturing shall be separately classified.~~

* * * * *

Recommendation

Amend Classification 2142, *Distilling – N.O.C.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that bottle manufacturing shall be separately classified.

PROPOSED

FOOD PACKAGING AND PROCESSING

DISTILLING – N.O.C.

2142(2)

This classification applies to the production of distilled spirits, including but not limited to vodka, rum, whiskey, brandy, tequila and liqueurs.

This classification includes employees who provide tours of the production operations, including tours where product tasting samples are provided to customers not in connection with tasting room, retail store, or restaurant or tavern operations.

Tasting rooms, restaurants, taverns or the preparation and serving of hot food shall be separately classified as 9079(1), *Restaurants or Taverns*.

The production of wine, sparkling wine or alcoholic cider shall be classified as 2142(1), *Wineries*.

The production of vinegar shall be classified as 2142(3), *Vinegar Mfg.*

The production of beer or similarly brewed beverages shall be classified as 2121, *Breweries*.

Blending and bottling purchased wine or distilled spirits shall be classified as 8041, *Stores – wine or spirits – wholesale*.

~~Bottle manufacturing shall be separately classified.~~

Retail stores shall be separately classified.

* * * * *

Recommendation

Amend Classification 2113, *Fish or Seafood Products Mfg. – including packaging.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the references that can manufacturing and rendering of fish oil shall be separately classified and clarify the intended application.

PROPOSED

FISH OR SEAFOOD PRODUCTS MFG. – including packaging

2113

This classification applies to the processing and packaging of fish ~~and~~ seafood, including but not limited to tuna, salmon, cod, halibut, herring, white fish, mackerel, eel, shrimp, abalone, crab, scallops, caviar and oysters. Processing operations include but are not limited to steaming, smoking, curing, blending, mixing, breading, cooking and canning. This classification also applies to the manufacture of fish ~~and~~ seafood products, including but not limited to fish sticks, fish cakes, crab cakes, breaded fish fillets and imitation crab meat.

Employers engaged in the purchase, cutting, trimming, deboning and resale of fish shall be classified as 8021, *Stores – meat, fish or poultry – wholesale*, or 8031, *Stores – meat, fish or poultry – retail*.

~~Can manufacturing and the rendering of fish oil shall be separately classified.~~

* * * * *

Recommendation

Amend Classification 2116, *Fruit or Vegetable Juice or Concentrate Mfg.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that bottle or can manufacturing shall be separately classified, clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

FOOD PACKAGING AND PROCESSING

~~FRUIT OR VEGETABLE JUICE OR~~ JUICE CONCENTRATE MFG.

2116

This classification applies to the manufacture of non-alcoholic ~~fruit or vegetable juice, cider or juice concentrates from fresh fruit, or vegetables, nuts or seeds.~~

The manufacturing or processing, including pasteurization, of dairy products shall be separately classified as 2063, *Dairy Products or Ice Mfg.*

Blending ~~purchased fruit juice or juice~~ concentrates with water ~~and/or~~ flavorings to produce non-alcoholic ~~fruit flavored drinks~~ beverages shall be classified as 2163, *Bottling*.

The production of wine, sparkling wine or alcoholic cider shall be classified as 2142(1), *Wineries*.

~~Bottle or can manufacturing shall be separately classified.~~

* * * * *

Recommendation

Amend Classification 2111 (3), *Fruit or Vegetable Pickling*, which is part of the *Food Packaging and Processing* Industry Group, to clarify the intended application, provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

FOOD PACKAGING AND PROCESSING

FRUIT OR VEGETABLE PICKLING

2111(3)

This classification applies to the curing ~~or~~, pickling ~~and canning~~ of vegetables ~~and/or~~ fruits, including but not limited to cucumbers, onions, garlic, cabbage, chilies, peppers, beets and apples.

The washing, sorting, grading, curing ~~and/or~~ canning of olives shall be classified as 2111(2), *Olive Handling*.

The preserving ~~and/or~~ canning of fruits ~~and/or~~ vegetables that are not cured or pickled shall be classified as 2111(1), *Fruit or Vegetable Preserving*.

Growing or harvesting, including field packing, of crops, shall be assigned to the applicable *Farms* Industry Group classification.

* * * * *

Recommendation

Amend Classification 2111(1), *Fruit or Vegetable Preserving*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that can manufacturing shall be separately classified, provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

FOOD PACKAGING AND PROCESSING

FRUIT OR VEGETABLE PRESERVING – including canning

2111(1)

This classification applies to the preserving or canning of fruits ~~and~~or vegetables, including but not limited to oranges, apples, peaches, cherries, blackberries, strawberries, plums, prunes, figs, tomatoes and beans. This classification also applies to the production of jams, jellies, applesauce, tomato sauce ~~and~~or tomato paste.

The processing of “ready-to-eat” fruits ~~and~~or vegetables that are packaged as “ready-to-eat” or “pre-washed” and sold for immediate consumption without need for further peeling, trimming, washing or cooking shall be classified as 2123, *Fruit or Vegetable Processing – fresh – ready-to-eat*.

The processing ~~and~~or canning of olives shall be classified as 2111(2), *Olive Handling*.

The curing or, pickling ~~and~~ ~~canning~~ of vegetables ~~and~~or fruits shall be classified as 2111(3), *Fruit or Vegetable Pickling*.

Frozen fruit or vegetable processing shall be classified as 2117, *Fruit or Vegetable Processing – frozen*.

The drying of fruit or vegetables shall be classified as 2102, *Fruit or Vegetable Evaporation or Dehydrating*.

~~Fruit or vegetable~~ The manufacture of non-alcoholic juice or juice concentrates
~~manufacturing from fruit, vegetables, nuts or seeds shall be classified as 2116, *Fruit or*~~
~~*Vegetable Juice or Juice Concentrate Mfg.*~~

~~Can manufacturing shall be separately classified.~~

Growing or harvesting, including field packing, of crops, shall be assigned to the applicable *Farms* Industry Group classification.

* * * * *

Recommendation

Amend Classification 2117, *Fruit or Vegetable Processing – frozen*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that can manufacturing shall be separately classified and for consistency with other proposed changes.

PROPOSED

FOOD PACKAGING AND PROCESSING

FRUIT OR VEGETABLE PROCESSING – frozen

2117

This classification applies to the freezing and processing of fresh produce, including but not limited to the steaming, blanching, cooking, cutting, slicing and packaging of fresh frozen produce, including but not limited to broccoli, cauliflower, zucchini, squash, carrots, bell peppers, potatoes, peas, lima beans, peaches, apricots and berries.

The preserving and canning of fruits ~~and/or~~ vegetables shall be separately classified as 2111(1), *Fruit or Vegetable Preserving*.

The drying of fruit or vegetables shall be separately classified as 2102, *Fruit or Vegetable Evaporation or Dehydrating*.

~~Can manufacturing shall be separately classified.~~

Growing or harvesting, including field packing of crops, shall be assigned to the applicable *Farms* Industry Group classification.

* * * * *

Recommendation

Amend Classification 2095, *Meat Products Mfg.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that can manufacturing shall be separately classified and for consistency with other proposed changes.

PROPOSED

FOOD PACKAGING AND PROCESSING

MEAT PRODUCTS MFG.

2095

This classification applies to the manufacture of meat products, including but not limited to sausage; bacon; hot dogs; hamburger patties; ground meat; bologna; jerky and cured, smoked, dried or canned meats. This classification also applies to the manufacture of pet food from meat products.

Employers engaged in the cutting of sides or quarters of beef to produce steaks, roasts, chops ~~and/or~~ other meat portions, including ground meat in connection therewith, for sale to others shall be classified as 8021, *Stores – meat, fish or poultry – wholesale*, or 8031, *Stores – meat, fish or poultry – retail*.

~~Can manufacturing shall be separately classified.~~

* * * * *

Recommendation

Amend Classification 2111 (2), *Olive Handling – sorting, curing and canning*, which is part of the *Food Packaging and Processing* Industry Group, to clarify the intended application, remove the reference that can manufacturing shall be separately classified and for consistency with other proposed changes.

PROPOSED

FOOD PACKAGING AND PROCESSING

OLIVE HANDLING – sorting, curing ~~and/or~~ canning

2111(2)

This classification applies to the processing of olives, including but not limited to washing, sorting, grading, pitting, stuffing, curing, ~~and/or~~ canning ~~or bottling of olives~~.

The preserving ~~and/or~~ canning, of fruits ~~and/or~~ vegetables shall be classified as 2111(1), *Fruit or Vegetable Preserving*.

The curing ~~or~~, pickling ~~and canning~~ of vegetables ~~and/or~~ fruits shall be classified as 2111(3), *Fruit or Vegetable Pickling*.

The extraction and refining of olive oil shall be classified as 4683(1), *Vegetable Oil Mfg. or Refining*.

~~Can manufacturing shall be separately classified.~~

Growing or harvesting of olives shall be classified as 0016, *Orchards – citrus or deciduous fruits*.

* * * * *

Recommendation

Amend Classification 2142 (3), *Vinegar Mfg.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that bottle manufacturing shall be separately classified.

PROPOSED

FOOD PACKAGING AND PROCESSING

VINEGAR MFG.

2142(3)

This classification applies to the manufacture of various types of vinegar, including but not limited to distilled, cider, malt, balsamic, rice and wine vinegar.

The production of wine, sparkling wine or alcoholic cider shall be classified as 2142(1), *Wineries*.

The production of distilled spirits shall be classified as 2142(2), *Distilling*.

~~Bottle manufacturing shall be separately classified.~~

* * * * *

Recommendation

Amend Classification 4831, *Vitamin or Dietary Supplement Mfg.*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that container manufacturing is included in the classification and clarify the intended application.

PROPOSED

FOOD PACKAGING AND PROCESSING

VITAMIN OR DIETARY SUPPLEMENT MFG. – compounding, blending or packaging only – not 4831 manufacturing ingredients

This classification applies to the production or packaging of vitamins or dietary supplements involving mixing, blending, forming or packaging purchased dietary ingredients, including but not limited to vitamins, minerals, herbs or other botanicals, enzymes and amino acids. Vitamins and dietary supplements have only negligible caloric value and are not a substitute for food. Vitamins or dietary supplements may be produced in various forms, including but not limited to tablet, caplet, capsule, powder or liquid form. ~~Vitamins and dietary supplements have only negligible caloric value and are not a substitute for food. This classification includes the manufacture of containers that are used in the employer's production operations.~~

This classification also applies to the growing, harvesting and processing of algae to produce algae-based dietary supplements.

The manufacture or processing of food products shall be classified as 6504, *Food Products Mfg. or Processing*, unless the operations are more specifically described by another *Food Packaging and Processing* Industry Group classification.

The manufacturing, blending or packaging of drugs, medicines or pharmaceutical preparations that are intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease shall be classified as 4611, *Drug, Medicine or Pharmaceutical Preparations Mfg.*

Compounding pharmacies that combine, mix or alter ingredients in response to a prescription to create a medication tailored to the medical needs of an individual patient shall be classified as 8017(1), *Stores – retail*.

The production or packaging of products intended to be rubbed, poured, sprinkled or sprayed on, or otherwise applied to, the human body for cleansing, beautifying, promoting attractiveness or altering appearance shall be classified as 4623, *Cosmetic, Personal Care or Perfumery Products Mfg.*

* * * * *

Recommendation

Amend Classification 2142(1), *Wineries*, which is part of the *Food Packaging and Processing* Industry Group, to remove the reference that bottle manufacturing shall be separately classified and for consistency with other proposed changes.

PROPOSED

FOOD PACKAGING AND PROCESSING

WINERIES

2142(1)

This classification applies to the production of wine, sparkling wine or alcoholic cider.

This classification includes employees who provide tours of the production operations, including tours where product tasting samples are provided to customers not in connection with tasting room, retail store, or restaurant or tavern operations.

Tasting rooms shall be separately classified as 8060, *Stores – wine, beer or spirits – retail*.

Restaurants, taverns or the preparation and serving of hot food shall be separately classified as 9079(1), *Restaurants or Taverns*.

The production of beer or similarly brewed beverages shall be classified as 2121, *Breweries*.

The production of distilled spirits shall be classified as 2142(2), *Distilling*.

The manufacture of vinegar shall be classified as 2142(3), *Vinegar Mfg.*

~~The production/manufacture of nonalcoholic fruit juice or cider juice concentrates from fruit, vegetables, nuts, or seeds shall be classified as 2116, *Fruit or Vegetable Juice or Juice Concentrate Mfg.*~~

Blending and bottling purchased wine or distilled spirits shall be classified as 8041, *Stores – wine or spirits – wholesale*.

~~Bottle manufacturing shall be separately classified.~~

Retail stores shall be separately classified.

Growing or harvesting, including field packing, of crops shall be assigned to the applicable *Farms* Industry Group classification.

* * * * *

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

PROPOSED

Abbreviated Classifications – Numeric Listing

-
-
-
-
-
-
-

2116 Fruit/Vegetable Juice/Juice Concentrate Mfg

* * * * *

Item III-G

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. WCIRB staff identified several classifications that could be clarified and, therefore, recommended revisions for clarity, consistency and to provide direction about how related operations are classified.

As there were no questions about the proposed changes, a motion was made, seconded and unanimously passed to recommend that the proposed changes be included in the September 1, 2022 Regulatory Filing.

Recommendation

Amend Classification 3828, *Automobile or Truck Parts Rebuilding*, which is part of the *Automotive Industry Group*, to provide direction as to how related operations should be classified.

PROPOSED

AUTOMOTIVE INDUSTRY

AUTOMOBILE OR TRUCK PARTS REBUILDING – including incidental machining

3828

This classification applies to employers engaged in the machining and rebuilding of automobile, truck or motorcycle parts. The operations include but are not limited to engine rebuilding, cylinder reboring, valve grinding, turning down brake drums or rotors, rebabbiting, carburetor ~~and~~ alternator rebuilding, and fuel ~~and~~ water pump rebuilding. This classification does not apply to employers that remove or install parts or otherwise perform repair work directly upon automobiles, trucks or motorcycles on a fee basis. Automobile or truck service or repair facilities shall be assigned to the applicable *Automotive Industry Group* classification.

This classification does not apply to automobile or truck parts machining and rebuilding operations that are performed in connection with the service or repair of automobiles or trucks by the employer; such operations shall be assigned to the applicable *Automotive Industry Group* classification.

Motorcycle service or repair facilities shall be classified as 8400, *Motorcycle Dealers or Repair Facilities*.

Payroll of a parts department, when more than 50% of the parts are sold commercially and are not machined or rebuilt by the employer nor used in the employer's machining or rebuilding operations, shall be separately classified as 8046, *Stores – automobile or truck parts or accessories*.

The manufacture of automobile parts shall be classified as 3840, *Automobile, Truck or Motorcycle Parts Mfg.*

* * * * *

Recommendation

Amend Classification 8840, *Churches, Temples, Mosques and Synagogues – clergy, professional assistants, organists or members of choir*, to clarify the intended application, provide direction as to how related operations should be classified and for consistency with previously approved changes.

PROPOSED

CHURCHES, TEMPLES, MOSQUES AND SYNAGOGUES – clergy, professional assistants, organists or members of choir – including Clerical Office Employees and Clerical Telecommuter Employees

8840

When lodging is provided by the employer, the total remuneration shall include the market value of such lodging to the employee.

Employees assigned to this classification provide spiritual leadership, teaching, counseling, guidance ~~and/or~~ support for their congregations. Employees include but are not limited to clergy, organists, choir directors ~~and/or~~ members, audio video technicians, youth directors, Sunday school teachers, religious studies instructors ~~for religious studies~~, pastoral counselors, and clerical office ~~employees~~ clerical telecommuter staff.

This classification also applies to nursery attendants, childcare employees ~~and/or~~ baby-sitters provided their duties are restricted to providing care for children or infants during religious services.

Overnight camps operated by the employer shall be separately classified as 9048(1), *Camps*. The operation of child day care centers where ~~by~~ services are provided to the public for a fee shall be separately classified as 9059, *Day Care Centers*.

The operation of retail stores for the display and sale of merchandise to congregation members or the general public shall be separately classified.

The operation of shops for the preparation and sale of coffee, tea or other nonalcoholic beverages to congregation members or the general public shall be separately classified as 8078(2), *Beverage Preparation Shops*.

The operation of academic schools for educating children in subjects, including but not limited to reading, language arts, mathematics, science, arts, history and geography shall be ~~separately~~ classified in accordance with the provisions of the Multiple Enterprises rule.

Also refer to companion Classification 9015(4), *Churches, Temples, Mosques and Synagogues* – all employees other than clergy, professional assistants, organists, members of choir, Clerical Office Employees or Clerical Telecommuter Employees.

If an employee who performs duties described by Classification 8840 also performs duties described by Classification 9015(4), the payroll of that employee may be divided between Classifications 8840 and 9015(4), provided the employer maintains accurate records supported by time cards or time book entries that show such division. Refer to Part 3, Section V, Rule 3.

* * * * *

Recommendation

Amend Classifications 5195, *Communications Cabling*, to clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

COMMUNICATIONS CABLING – within buildings – including shop, yard or storage operations 5195

This classification applies to the installation or repair of low voltage cable for voice or data transmission or the splicing of fiber optic cable or low voltage wire within buildings, utility vaults or boxes. This classification also applies to splicing fiber optic cables at ground level for other concerns on a fee basis.

Classification 5195 does not apply when the low voltage cable is installed or repaired in connection with the installation or repair of equipment or systems, including but not limited to instruments, controls, telecommunication antennas, computers or telephone systems, cable or satellite television systems, building automation or energy management control systems and

sound or alarm systems by the same employer. In such cases, all operations shall be assigned to the appropriate installation classification.

The installation or repair of computer or telephone systems or equipment shall be classified as 5193, *Computer or Telephone System or Equipment Installation, Service or Repair*.

The installation or repair of television, video, audio or radio equipment shall be classified as 9516, *Television, Video, Audio or Radio Equipment Installation, Service or Repair*.

The installation or repair of security alarm, fire alarm or life safety systems shall be classified as 7605, *Security Alarm, Fire Alarm or Life Safety Systems Installation, Service or Repair*.

The installation or repair of programmable industrial controls shall be classified as 5130(1), *Programmable Industrial Controls Installation, Service or Repair*.

The installation or repair of building automation or energy management control systems shall be classified as 5130(2), *Building Automation or Energy Management Control Systems Installation, Service or Repair*.

The installation or repair of telecommunication antennas or antenna equipment that are located on rooftops, towers, structures or other exterior locations shall be classified as 9531(1), *Telecommunication Antenna Equipment Installation, Service or Repair*.

The installation or repair of satellite or non-satellite antennas or antenna equipment for television or internet connectivity shall be classified as 9531(2), *Satellite Television or Internet Antenna Equipment Installation, Service or Repair*.

The installation or repair of underground cabling shall be classified as 6325, *Conduit Construction or Underground Wiring*.

The installation or repair of aerial cabling shall be classified as 7601, *Aerial Line Construction*.

* * * * *

Recommendation

Amend Classifications 6325, *Conduit Construction or Underground Wiring*, to clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

CONDUIT CONSTRUCTION OR UNDERGROUND WIRING – including tunneling at street crossings

6325

This classification applies to the construction or repair of conduit for underground electric power cables or wires, or for low voltage or fiber optic networks for telephone, television, communication, data, fire alarm or similar networks. This classification also applies to the installation or repair of underground cabling within existing conduit, the installation or repair of underground cabling without conduit or the splicing of underground cabling. This classification also applies to the installation or repair of street lighting systems, traffic signal systems or commercial parking lot lighting systems. This classification includes excavation operations performed by the same employer in support of its conduit construction, repair or underground wiring operations.

All tunneling other than at street crossings shall be separately classified.

~~Splicing fiber optic cables at ground level for other concerns on a fee basis shall be classified as 5195, *Communications Cabling*.~~

Aerial line construction or repair for telephone, television, communication, data, fire alarm or similar low voltage or fiber optic networks shall be separately classified as 7601, *Aerial Line Construction*.

Aerial electric power line construction or repair shall be separately classified as 7538, *Electric Power Line Construction*.

Splicing fiber optic cables at ground level for other concerns on a fee basis shall be classified as 5195, *Communications Cabling*.

* * * * *

Recommendation

Amend Classification 2589(2), *Dry Cleaning – N.O.C.*, to clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

DRY CLEANING – ~~N.O.C. commercial~~ – including repairing or pressing, and cash and carry departments on plant premises **2589(2)**

This classification applies to locations at which 50% or more of gross receipts are derived from the dry cleaning of garments, linens or other household items that are owned by commercial customers rather than the general public.

Locations at which more than 50% of gross receipts are derived from the dry cleaning or laundering of garments, linens or other household items that are owned by the general public shall be classified as 2589(1), *Dry Cleaning or Laundry*.

Commercial laundry operations, including the rental and laundering of clothing, towels, linens, diapers ~~and~~ or similar items shall be classified as 2585(1), *Laundries*.

* * * * *

Recommendation

Amend Classifications 5190/5140, *Electrical Wiring*, to clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

ELECTRICAL WIRING – within buildings – including installation or repair of electrical fixtures ~~or appliances~~ – including shop, yard or storage operations – employees whose regular hourly wage does not equal or exceed \$32.00 per hour **5190**

This classification applies to the installation or repair of electrical wiring, circuit breaker panels, switches, outlets, lighting fixtures or related electrical wiring system components within buildings. This classification includes the installation and connection of electrical appliances when performed in connection with electrical wiring. This classification also applies to the installation of lighting fixtures onto exterior building surfaces or the maintenance of interior or exterior lighting.

~~The installation of electrical machinery or auxiliary apparatus shall be separately classified.~~

The installation or repair of aerial electric power lines shall be classified as 7538, *Electric Power Line Construction*.

The installation or repair of electrical wiring underground, including trenching and the placement of conduit, shall be classified as 6325, *Conduit Construction or Underground Wiring*.

The installation or repair of exterior pole mounted lighting, including but not limited to street lights and traffic signals, shall be classified as 6325, *Conduit Construction or Underground Wiring*.

The installation or repair of low voltage communications cabling within buildings for voice or data transmission shall be classified as 5195, *Communications Cabling*.

The installation or repair of photovoltaic solar panels, electrical machinery or auxiliary apparatus shall be separately classified as 3724(2), *Electrical Machinery or Auxiliary Apparatus*.

ELECTRICAL WIRING – within buildings – including installation or repair of electrical fixtures ~~or appliances~~ – including shop, yard or storage operations – employees whose regular hourly wage equals or exceeds \$32.00 per hour **5140**

Assignment of this classification is subject to verification at the time of final audit that the employee's regular hourly wage equals or exceeds \$32.00 per hour. The payroll of an employee whose regular hourly wage is not shown to equal or exceed \$32.00 per hour shall be classified as 5190, *Electrical Wiring*.

This classification applies to the installation or repair of electrical wiring, circuit breaker panels, switches, outlets, lighting fixtures or related electrical wiring system components within buildings. This classification includes the installation and connection of electrical appliances when performed in connection with electrical wiring. This classification also applies to the installation of lighting fixtures onto exterior building surfaces or the maintenance of interior or exterior lighting.

~~The installation of electrical machinery or auxiliary apparatus shall be separately classified.~~

The installation or repair of aerial electric power lines shall be classified as 7538, *Electric Power Line Construction*.

The installation or repair of electrical wiring underground, including trenching and the placement of conduit, shall be classified as 6325, *Conduit Construction or Underground Wiring*.

The installation or repair of exterior pole mounted lighting, including but not limited to street lights and traffic signals, shall be classified as 6325, *Conduit Construction or Underground Wiring*.

The installation or repair of low voltage communications cabling within buildings for voice or data transmission shall be classified as 5195, *Communications Cabling*.

The installation or repair of photovoltaic solar panels, electrical machinery or auxiliary apparatus shall be separately classified as 3724(2), *Electrical Machinery or Auxiliary Apparatus*.

* * * * *

Recommendation

Amend Classification 3643(1), *Electric Power or Transmission Equipment Mfg.*, which is part of the *Electronics* Industry Group, to provide direction as to how related operations should be classified.

PROPOSED

ELECTRONICS INDUSTRY

ELECTRIC POWER OR TRANSMISSION EQUIPMENT MFG. – N.O.C.

3643(1)

This classification applies to the manufacture or shop repair of electric power or transmission equipment, including but not limited to generators, converters, electromagnetic components, solenoids, turbines, transformers and power supplies with a power rating of 746 watts (one horsepower) or more that is not specifically described by another classification.

The manufacture or shop repair of generators, converters, or transformers ~~and power supplies~~ rated at less than 746 watts shall be classified as 3179, *Electrical Apparatus Mfg.* The manufacture or repair of electric or power transmission equipment that is rated both at less than 746 watts and at 746 watts and above shall be classified based on the primary (over 50% of shop time) operation.

The manufacture or shop repair of power supplies rated at less than 746 watts shall be classified as 3573, *Power Supply Mfg.*

The manufacture or ~~shop~~ repair of electric motors shall be classified as 3569, *Electric Motor Mfg. or Repair*.

The installation or repair of generators, converters, transformers ~~and~~ or power supplies away from the shop shall be classified as 3724(2), *Electrical Machinery or Auxiliary Apparatus*.

* * * * *

Recommendation

Amend Classification 8827(2), *Nursing Care*, to clarify the intended application.

PROPOSED

HEALTH AND HUMAN SERVICES

NURSING CARE – in private residences – all employees

8827(2)

This classification applies to home care agencies that provide registered nurses, licensed vocational nurses or certified nursing assistants to deliver in-home nursing care services to patients. This classification includes the provision of nonmedical services, including but not limited to companionship and assistance with meals, dressing, ~~companionship~~, housekeeping and/or personal hygiene in connection with in-home nursing care.

This classification also includes home infusion therapy services when performed in connection with in-home nursing care services. Home infusion therapy services that are not performed in connection with in-home nursing care services shall be classified as 8852, *Home Infusion Therapists*.

Employers that provide in-home personal care services, including but not limited to companionship and assistance with meals, dressing, personal hygiene, or housekeeping and ~~companionship~~ for customers who are in need of such services due to age, illness or disability shall be classified as 8827(1), *Home Care Services*.

Private residence cleaning services that are not performed in connection with in-home nursing care services shall be classified as 9096, *Residential Cleaning Services*.

* * * * *

Recommendation

Amend Classification 8720(1), *Inspection for Insurance, Safety or Valuation Purposes*, to provide direction as to how related operations should be classified and for consistency with previously approved changes.

PROPOSED

INSPECTION FOR INSURANCE, SAFETY OR VALUATION PURPOSES – N.O.C. – including Outside Salespersons

8720(1)

This classification applies to employers that perform inspections for insurance, safety or valuation purposes on a fee basis, including but not limited to boiler inspections, electric meter inspection and testing, backflow valve inspection and testing, energy efficiency inspections, fire protection and safety inspections, log scaling and agricultural products inspection. This classification also applies to monitoring the flow of fluids on oil leases or along pipelines on a fee basis.

This classification also applies to insurance claims or insurance fraud investigations performed on a fee basis that involve surveillance of persons without their knowledge.

Insurance claims or insurance fraud investigation companies that exclusively perform investigations that do not require surveillance of persons without their knowledge shall be classified as 8742, *Salespersons – Outside*, ~~or~~ 8810, *Clerical Office Employees*, or 8871.

Clerical Telecommuter Employees, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*. Insurance claims investigations performed by insurance companies shall be classified as 8822, *Insurance Companies*.

Investigation operations for other than insurance claims or insurance fraud shall be separately classified as 7721(1), *Detective or Private Investigative Agencies*.

When performed in connection with an employer's own operations, other than construction or erection, the operating crew of Unmanned Aircraft Systems (aerial drones) with an aircraft system and payload total combined weight of less than 55 pounds shall be classified in accordance with Section III, Rule 5, *General Inclusions*.

Property appraisal (or property appraisal in combination with clerical activities) on a fee basis shall be classified as 8742, *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

The weighing, grading, inspecting or sampling of merchandise at docks, railway stations or warehouses on a fee basis shall be classified as 8720(3), *Weighers, Samplers or Inspectors of Merchandise on Docks or at Railway Stations or Warehouses*.

The fee inspection of boats, ships or marine vessels for safety or to determine seaworthiness or the fee inspection or surveying of cargo that may have been damaged in marine transit shall be classified as 7248, *Marine Appraisers or Surveyors*.

The provision of legal support services on a fee basis, including but not limited to process serving of summons, subpoenas ~~and/or~~ complaints; filing court documents; or reproducing documents shall be classified as 8821, *Law Firm Support Services*.

* * * * *

Recommendation

Amend Classification 2585(1), *Laundries*, to clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

LAUNDRIES – N.O.C. commercial – all employees – ~~including cash and carry departments on the premises~~ 2585(1)

This classification applies to the washing and pressing of fabric items, including but not limited to clothing, uniforms, draperies, diapers and linens for commercial customers on a fee basis. ~~This classification also applies to specialty processing by stone washing, bleaching or hand sanding and dyeing of clothing items.~~ This classification also applies to the rental and laundering of clothing, towels, linens, diapers and clothing or similar items.

This classification also applies to the commercial processing of cow hide.

Stone washing, bleaching, sanding or dyeing clothing when performed for other concerns on a fee basis and not in connection with clothing manufacturing operations by the same employer shall be classified as 2585(2), *Dyeing*.

The rental of fabric items, including but not limited to towels, linens, gowns, scrubs and lab coats shall be classified as 8017(8), *Linen Rental or Restroom Supply Services*, provided no laundry operations are performed by the employer.

Locations at which more than 50% of gross receipts are derived from the dry cleaning or laundering of garments, linens and/or other household items that are owned by the general public shall be classified as 2589(1), *Dry Cleaning or Laundry*.

Self-service laundries that retain attendants to perform wash and fold activities shall be classified as 2589(1), *Dry Cleaning or Laundry*.

~~Cash and carry facilities, situated away from the dry cleaning or laundry location, that solely engage in the receipt and distribution of items to be cleaned shall be classified as 8017(1), Stores – retail.~~ Locations at which 50% or more of gross receipts are derived from the dry cleaning of garments, linens or other household items that are owned by commercial customers rather than the general public shall be classified as 2589(2), *Dry Cleaning – commercial*.

~~Self-service laundries that retain attendants to perform “fluff and fold” activities shall be classified as 2589(1), *Dry Cleaning or Laundry*.~~ Cash and carry facilities, situated away from the dry cleaning or laundry location, that solely engage in the receipt and distribution of items to be cleaned shall be classified as 8017(1), *Stores – retail*.

Self-service laundries that do not retain attendants to perform “fluff wash and fold” activities shall be classified 8017(1), *Stores – retail*.

~~Dyeing of textile, bleaching, mercerizing or finishing fabrics raw materials,~~ not finished garments or other finished fabric products, shall be classified as 2413, *Textiles*.

* * * * *

Recommendation

Amend Classification 8821, *Law Firm Support Services*, to provide direction as to how related operations should be classified.

PROPOSED

LAW FIRM SUPPORT SERVICES – including Clerical Office Employees, Clerical Telecommuter Employees and Outside Salespersons

8821

This classification applies to employers providing legal support services to attorneys ~~and/or~~ law firms on a fee basis, including but not limited to process serving summonses, complaints ~~and/or~~ subpoenas, preparing ~~and/or~~ filing court documents and the photocopying, scanning ~~and/or~~ ~~microfilming~~ imaging of documents by registered professional photocopiers.

Licensed attorneys ~~and/or~~ law firms that provide legal services to clients on a fee or pro bono basis shall be classified as 8820, *Law Firms*.

The video ~~taping~~ recording of depositions ~~and/or~~ courtroom proceedings shall be separately classified as 9610, *Motion Pictures – production*.

* * * * *

Recommendation

Amend Classification 9015(5), *Libraries – private – all employees other than librarians, professional assistants, Clerical Office Employees or Clerical Telecommuter Employees*, for consistency with previously approved changes.

PROPOSED

LIBRARIES – private – all employees other than librarians, professional assistants, Clerical Office Employees ~~or~~ and Clerical Telecommuter Employees **9015(5)**

This classification applies to employees other than librarians, professional assistants₂ and clerical office ~~employees~~ employees or clerical telecommuter staff, including but not limited to janitorial, maintenance, delivery and security personnel.

Also refer to companion Classification 8811, *Libraries – private – librarians or professional assistants*.

* * * * *

Recommendation

Amend Classification 8811, *Libraries – private – librarians or professional assistants*, for consistency with previously approved changes.

PROPOSED

LIBRARIES – private – librarians or professional assistants – including Clerical Office Employees and Clerical Telecommuter Employees **8811**

This classification applies to librarians, professional library assistants₂ and clerical office ~~employees~~ employees or clerical telecommuter staff who engage in activities, including but not limited to conducting research, ordering books ~~and~~ or publications, maintaining reference systems, assisting customers to locate ~~and~~ or check out materials and performing general clerical ~~and~~ or administrative functions in support of the library.

With the exception of a single permanent job reassignment, it is not permissible to divide a single employee's payroll, within a single policy period, between this classification and any other classification.

Also refer to companion Classification 9015(5), *Libraries – private – all employees other than librarians, professional assistants, Clerical Office Employees or Clerical Telecommuter Employees*.

Public libraries shall be classified as 8812, *Libraries – public – librarians or professional assistants*.

* * * * *

Recommendation

Amend Classification 3030, *Iron or Steel Works – structural*, which is part of the *Metal Working Classifications* Industry Group, to provide direction as to how related operations should be classified.

PROPOSED

METAL WORKING CLASSIFICATIONS

IRON OR STEEL WORKS – structural – shop – fabricating or assembling girders, beams, columns, trusses, stringers or other structural iron or steel **3030**

This classification applies to the fabrication of structural iron or steel components, including but not limited to girders, beams, columns, trusses, communications towers, light standards and stringers from materials such as “I”, “H” ~~and/or~~ “C” beams; channel, angle ~~and/or~~ bar stock; pipe; tubing; and sheet plate.

The erection of structural steel shall be separately classified.

Employers engaged in the fabrication of both structural and non-structural iron or steel products shall be classified as 3030 if 50% or more of the shop time is devoted to the fabrication of structural iron or steel products. If more than 50% of the shop time is devoted to the fabrication of non-structural iron or steel products, the operations shall be classified as 3040, *Iron or Steel Works – non-structural*.

The fabrication of miscellaneous non-structural metal products shall be classified as 3620(2), *Plate Steel Products Fabrication*, if more than 50% of the metal used is #9 gauge or heavier.

The cutting, bending, forming ~~and/or~~ assembly of reinforcing steel at a permanent shop or yard shall be classified as 3039, *Reinforcing Steel Fabrication*.

* * * * *

Recommendation

Amend Classification 3647(2), *Lead Mfg., Reclaiming or Alloying*, which is part of the *Metal Working Classifications* Industry Group, to clarify the intended application.

PROPOSED

METAL WORKING CLASSIFICATIONS

LEAD MFG., RECLAIMING OR ALLOYING – including litharge and lead oxide manufacturing **3647(2)**

This classification applies to the extraction and processing of lead or the reclaiming of lead from used lead-based batteries or other scrap materials.

* * * * *

Recommendation

Amend Classification 3039, *Reinforcing Steel Fabrication*, which is part of the *Metal Working Classifications* Industry Group, to clarify the intended application.

PROPOSED

METAL WORKING CLASSIFICATIONS

REINFORCING STEEL FABRICATION – at permanent shop or yard location

3039

This classification applies to the cutting, bending, forming ~~and/or~~ assembly of reinforcing steel at a permanent shop or yard location.

The fabrication of reinforcing steel at job sites shall be assigned to the appropriate construction classification.

* * * * *

Recommendation

Amend Classification 8812, *Libraries – public – librarians or professional assistants*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, to clarify the intended application and for consistency with previously approved changes.

PROPOSED

MUNICIPAL, STATE OR OTHER PUBLIC AGENCIES

LIBRARIES – public – librarians or professional assistants – including Clerical Office Employees and Clerical Telecommuter Employees

8812

This classification applies to librarians, professional library assistants, and clerical office ~~employees or clerical telecommuter staff~~ who engage in activities, including but not limited to conducting research, ordering books ~~and/or~~ publications, maintaining reference systems, assisting customers to locate ~~and/or~~ check out materials and performing general clerical ~~and/or~~ administrative functions ~~in support of the public library~~.

With the exception of a single permanent job reassignment, it is not permissible to divide a single employee's payroll, within a single policy period, between this classification and any other classification.

Employees other than librarians, professional assistants, and clerical office ~~employees or clerical telecommuter staff~~, including but not limited to janitorial, maintenance, delivery and security personnel, shall be classified as 9420, *Municipal, State or Other Public Agency Employees – all other employees*.

Private libraries shall be classified as 8811, *Libraries – private – librarians or professional assistants*.

* * * * *

Recommendation

Amend Classification 8813(2), *Bookbinding Operation – editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, for consistency with previously approved changes and for clarity.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

BOOKBINDING OPERATION – editing, designing, proofreading ~~and or~~ photographic composing – including Clerical Office Employees and Clerical Telecommuter Employees 8813(2)

This classification applies to pre-bindery activities ~~and Clerical Office Employees~~ of employers engaged in bookbinding or binder manufacturing operations. Pre-bindery activities include but are not limited to editing, designing, proofreading, and photographic composition, including negative stripping and plate making.

Also refer to companion Classification 4299(2), *Bookbinding Operation – all other employees*.

* * * * *

Recommendation

Amend Classification 8807, *Newspaper, Magazine or Book Publishing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, for consistency with previously approved changes and for clarity.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

NEWSPAPER, MAGAZINE OR BOOK PUBLISHING – no printing or distribution – editing, designing, proofreading, ~~and or~~ photographic composing – including Clerical Office Employees and Clerical Telecommuter Employees 8807

This classification applies to pre-press activities ~~and Clerical Office Employees~~ of employers engaged in publishing printed newspapers, magazines or books where all printing and distribution is conducted by separate concerns. Pre-press activities include editing, designing, proofreading, and photographic composing, including negative stripping and plate making.

Newspaper reporters, photographers and advertising or circulation solicitors employed by newspaper publishers or printers shall be separately classified as 8746, *Newspaper Publishing or Printing – reporters or photographers – including Outside Salespersons*.

Newspaper printing operations shall be classified as 4304, *Newspaper Publishing or Printing – all other employees*, or 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*.

Magazine or book printing operations shall be classified as 4299(1), *Printing Operation – all other employees*, or 8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*.

* * * * *

Recommendation

Amend Classification 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, for consistency with previously approved changes and for clarity.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

**NEWSPAPER PUBLISHING OR PRINTING – editing, designing, proofreading ~~and/or~~
photographic composing – including Clerical Office Employees and Clerical
Telecommuter 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 8746, *Newspaper Publishing or Printing – reporters or photographers*.

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

* * * * *

Recommendation

Amend Classification 8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, for consistency with previously approved changes and for clarity.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

**PRINTING OPERATION – editing, designing, proofreading ~~and/or~~ photographic composing –
including Clerical Office Employees and Clerical Telecommuter Employees** **8813(1)**

This classification includes pre-press activities ~~and clerical office employees~~ of employers engaged in commercial off-set printing. Pre-press activities include but are not limited to editing, designing, proofreading, and photographic composition, including negative stripping and plate making.

Also refer to companion Classification 4299(1), *Printing Operation – all other employees*.

* * * * *

Recommendation

Amend Classification 8846(1), *Printing Operation – screen printing – editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, for consistency with previously approved changes and for clarity.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

**PRINTING OPERATION – screen printing – editing, designing, proofreading ~~and/or~~ 8846(1)
photographic composing – including Clerical Office Employees and Clerical
Telecommuter Employees**

This classification applies to pre-press activities ~~and clerical office employees~~ of employers engaged in fee-based screen printing. Pre-press activities include but are not limited to the design ~~and/or~~ development of artwork and the preparation of screens. This classification also includes the post-printing cleaning of screens.

Also refer to companion Classification 4295(1), *Printing Operation – screen printing – all other employees*.

* * * * *

Recommendation

Amend Classification 8846(2), *Screen Printed Merchandise Dealers*, which is part of the *Printing, Publishing and Duplicating* Industry Group, for consistency with previously approved changes and for clarity.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

**SCREEN PRINTED MERCHANDISE DEALERS – editing, designing, proofreading ~~and/or~~ 8846(2)
photographic composing – including Clerical Office Employees and Clerical
Telecommuter Employees**

This classification applies to the pre-press operations ~~and clerical office employees~~ of screen printed merchandise dealers. Pre-press activities include but are not limited to the design ~~and/or~~ development of artwork and the preparation of screens. This classification also includes the post-printing cleaning of screens.

Also refer to companion Classification 4295(2), *Screen Printed Merchandise Dealers – all other employees*.

* * * * *

Recommendation

Amend Classification 8875(1), *Public Colleges or Schools – all employees*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, for consistency with previously approved changes.

PROPOSED

PUBLIC COLLEGES OR SCHOOLS – all employees – including cafeteria, Clerical Office Employees, Clerical Telecommuter Employees and Outside Salespersons **8875(1)**

This classification applies to all operations of public colleges or schools, including but not limited to instruction, dormitories, cafeterias, book stores, transportation services, counseling, building ~~and/or~~ landscape maintenance, janitorial, libraries, athletic programs, parking, security, and administration, ~~clerical office employees and outside salespersons~~. This classification includes day care, preschools and before or after school programs operated by public colleges or schools.

This classification also applies to the operation of charter schools.

This classification also applies to state or county vocational schools or training programs and to school counselors who are provided to public schools by separate concerns under contract.

Private college or school operations shall be classified as 8868, *Colleges or Schools – private – not automobile schools – professors, teachers or academic professional employees*, and 9101, *Colleges or Schools – private – not automobile schools – all employees other than professors, teachers or academic professional employees*.

Day care, preschools or before or after school programs operated by separate employers at public school locations shall be classified as 9059, *Day Care Centers*.

* * * * *

Recommendation

Amend Classification 5225, *Reinforcing Steel Installation*, to clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

REINFORCING STEEL INSTALLATION – placing for concrete construction **5225**

This classification applies to the installation of reinforcing steel, including but not limited to rebar, welded wire mesh and post tension cables in connection with concrete construction operations, except when performed by the same employer in connection with operations assigned to Classifications 5201(1)/5205(1), *Concrete or Cement Work – pouring or finishing of concrete sidewalks, driveways, patios, curbs or gutters*; 5201(2)/5205(2), *Concrete or Cement Work – pouring or finishing of concrete floor slabs, poured in place and on the ground, and concrete slab-type foundations, for other than concrete buildings or structural steel buildings of multi-story construction*; or 5222(2), *Chimney Construction*. Reinforcing steel installation is included in these classifications.

Reinforcing steel installation ~~performed by specialty contractors in connection with the canal construction of canal, irrigation or drainage systems, or cross-country water pipelines, sewers, tunnels, caissons and dams or with operations assigned to Classification 5201(1)/5205(1), Concrete or Cement Work, and 5201(2)/5205(2), Concrete or Cement Work,~~ shall be assigned to the classification describing the construction with which such reinforcing steel installation is connected shall be classified as 6361(1), *Canal Construction* or 6361(2), *Cross-Country Water Pipeline Construction*.

The cutting, bending, forming ~~and/or~~ assembly of reinforcing steel at a permanent shop or yard location shall be classified as 3039, *Reinforcing Steel Fabrication*.

* * * * *

Recommendation

Amend Classification 7721(1), *Detective or Private Investigative Agencies*, to provide direction as to how related operations should be classified.

PROPOSED

DETECTIVE OR PRIVATE INVESTIGATIVE AGENCIES

7721(1)

This classification applies to private investigators or detectives who are retained by clients to conduct investigations of matters, including but not limited to individuals' backgrounds, personal ~~and/or~~ business disputes, theft, embezzlement and fraud. These operations involve surveillance of persons without their knowledge.

This classification also applies to ~~employers engaged on a contract basis in~~ asset repossession or airport baggage inspection on a contract basis.

Employees who solely conduct investigations by researching documents ~~and/or~~ conducting interviews at locations away from the employer's premises shall be classified as 8742, *Salespersons – Outside*, subject to the Standard Exceptions rule. See Part 3, Section III, Rule 4, *Standard Exceptions*.

Insurance claims investigation shall be separately classified as 8720(1), *Inspection for Insurance, Safety or Valuation Purposes*.

* * * * *

Recommendation

Amend Classification 1438, *Smelting, Sintering, Refining or Alloying*, for consistency with other proposed changes.

PROPOSED

SMELTING, SINTERING, REFINING OR ALLOYING – metal – not lead – N.O.C.

1438

This classification applies to the extraction, purification, refining or alloying of metal, including but not limited to gold, silver, tin, zinc, aluminum, calcium carbide, brass, bronze and copper (not lead) using metallurgical processes, such as heating, cooling, exposure to chemicals or electrolytes and compression. This classification includes the pouring of molten metal to produce ingots.

~~The manufacture, alloying, sintering, refining or recovery of lead shall be classified as 3647(2), Lead Mfg., Reclaiming or Alloying.~~

* * * * *

Recommendation

Amend Classification 9529(3), *Tent – erection, removal or repair*, to clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

TENT – erection, removal or repair – away from shop

9529(3)

This classification applies to the installation, removal or repair of tents at customer locations.
This classification also applies to the covering of silage piles on a fee basis.

~~The Tent manufacture of tents shall be classified as 2576, *Awning, Tarp or Canvas Goods Mfg.*~~

The erection, removal or repair of awnings away from the shop shall be separately classified as 5102(4), *Iron, Steel, Brass, Bronze or Aluminum Erection*.

~~The operations of a Stores for the purpose of the sale that sell or rental of tents shall be classified in accordance with Section IV, *Special Industry Classification Procedures*, Rule 6, *Stores*.~~

* * * * *

Recommendation

Amend Classification 5650, *Termite Control Work*, to provide direction as to how related operations should be classified.

PROPOSED

TERMITE CONTROL WORK – all operations – including shop, yard or storage operations, 5650 Outside Salespersons and estimators

This classification applies to the control ~~and/or~~ extermination of termites ~~and/or~~ other wood-destroying pests ~~and/or~~ organisms by any method, including but not limited to fumigation, spraying insecticides and applying orange oil ~~and/or~~ hot or cold thermal treatments. This classification also applies to structural repair operations that are conducted incidental to termite control work. This classification also applies to the application of insecticides onto soil ~~and/or~~ structures to control termites in connection with new construction.

The control ~~and/or~~ extermination of pests, including but not limited to rodents and insects other than termites or other wood-destroying pests shall be separately classified as 9031, *Pest or Nuisance Wildlife Control*.

The structural repair of wood framed buildings that is not incidental to termite control work at a particular job or location shall be classified as 5403/5432, *Carpentry*.

* * * * *

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

PROPOSED

Section I – Abbreviated Classifications – Numeric Listing

-
-
-
- 3647(2) Lead Mfg/Reclaiming/Alloying
-
-
-

* * * * *

Item III-H

Proposed Non-Substantive Amendments

The Committee was advised that the WCIRB was proposing several non-substantive changes to the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* (USRP) and *California Workers' Compensation Experience Rating Plan—1995* (ERP) for clarity, internal consistency, consistency with the Workers Compensation Insurance Organizations' (WCIO) Worker Compensation Policy Reporting Specifications (WCPOLS) and the California Department of Industrial Relations' Fiscal Year Assessments, and to use gender-neutral terminology.

As there were no questions about the proposed changes, a motion was made, seconded and unanimously passed to recommend that the proposed changes to the USRP and ERP be included in the WCIRB's September 1, 2022 Regulatory Filing.

Proposed Non-Substantive Amendments to the *California Workers' Compensation Uniform Statistical Reporting Plan—1995*

Recommendation

Amend Part 2, *Policy Reporting Requirements*, Section III, *Reporting Requirements*, Rule 1, *Header Record (Record 01)*, Subrule a, *Legal Nature of Insured Code*, for consistency with the Workers Compensation Insurance Organizations' (WCIO) Workers Compensation Policy Reporting Specifications (WCPOLS).

PROPOSED

Section III – Reporting Requirements

1. Header Record (Record 01)

All Header Record (Record 01) data and fields shall be reported as required for California in WCPOLS and as further detailed below.

a. Legal Nature of Insured Code

Report the code that best describes the type of entity(ies) being insured.

| Code | Description |
|-------------|--|
| 01 | Individual |
| 02 | Partnership |
| 03 | Corporation |
| 04 | Association, Labor Union, Religious Organization |
| 05 | Limited Partnership |
| 06 | Joint Venture |
| 07 | Common Ownership |
| 09 | Joint Employers |
| 10 | Limited Liability Company (LLC) |
| 11 | Trust or Estate |
| 13 | Limited Liability Partnership (LLP) |
| 14 | Governmental Entity |
| 99 | Other |

The use of "07", Common Ownership, is permitted only for policies insuring two or more entities if the entities are combinable in accordance with the Experience Rating Plan.

The use of "09", Joint Employers, is permitted when two or more entities do not share common ownership but have joint liability to pay workers' compensation to employees engaged in connection with the same work but are not a partnership or a joint venture.

The use of "99", Other, is only permitted if none of the other values are applicable. If reporting "99", further detail in Text for "Other" Legal Nature of Entity Insured shall be provided.

* * * * *

Recommendation

Amend Part 3, *Standard Classification System*, Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*, Subrule c, *Standard Exception Classification Procedures*, for consistency with previously approved changes.

PROPOSED

Section III – General Classification Procedures

-
-
-

4. Standard Exceptions

-
-
-

c. Standard Exception Classification Procedures

-
-
-

- (2) Where a classification phraseology specifically includes Clerical Office Employees, Clerical Telecommuter Employees or Outside Salespersons, ~~or both~~, such employees shall be assigned to that classification regardless of whether their work is conducted at the same or at a separate location.

A list of classifications that include Clerical Office Employees, Clerical Telecommuter Employees or Outside Salespersons, ~~or both~~, can be found in Appendix IV.

Example

An employer operates as a physicians' practice at 1534 Elm Street, employing doctors, nurses and receptionists. All operations at this location are assignable to Classification 8834, *Physicians' Practices and Outpatient Clinics – all employees – including Clerical Office Employees and Clerical Telecommuter Employees*. At a separate location, 3415 Oak Street, the employer maintains a clerical office staff who conduct all of the billing and scheduling in support of the Elm Street operations. Since the Oak Street operations support the employer's Elm Street medical office (assigned to Classification 8834), the operations at the separate Oak Street location are also assignable to Classification 8834.

- (3) When an employer's clerical office staff meet the definition of Clerical Office Employees, are engaged in operations in connection with other operations performed by the employer and such other operations are assigned to two or more classifications, one or more of which includes Clerical Office Employees and one or more of which does not include Clerical Office Employees, the payroll of the clerical office staff shall be assigned in accordance with the following:

-
-
-

- (d) The procedures stated above for classifying an employer's clerical office staff shall also apply when classifying an employer's clerical telecommuter staff, as well as its outside salespersons staff (see example below).

Example

At location 1, an employer operates an outpatient clinic assigned to Classification 8834, *Physicians' Practices and Outpatient Clinics – all employees – including Clerical Office Employees and Clerical Telecommuter Employees*. At location 2, the same employer operates a convalescent nursing facility – assigned to Classification 8829(2), *Convalescent Nursing Facilities – including supervisors and receptionists*. In an area that is separate from all other work-places, the employer maintains clerical and administrative office staff who work exclusively at the office to conduct payroll and billing activities in support of both the outpatient clinic and the convalescent nursing facility. Under Scenario A (below), the convalescent nursing facility assigned to Classification 8829 (which does not specifically include Clerical Office Employees/Clerical Telecommuter Employees) generates more payroll than the outpatient clinic and, therefore, the clerical office staff working in support of both operations are assignable to Classification 8810. Under Scenario B, since the outpatient clinic generates more payroll than the convalescent nursing facility, the clerical office staff working in support of both operations are assignable to Classification 8834. In both scenarios, regardless of which operation generates more payroll, the clerical office staff working exclusively in support of the convalescent nursing facility are assignable to Classification 8810, and the clerical office staff working exclusively in support of the outpatient clinic are assignable to Classification 8834.

| Scenario | Location 1: Outpatient Clinic Payroll | Location 2: Convalescent Nursing Facility Payroll | Clerical Employees Working in Support of Both the Outpatient Clinic and the Convalescent Nursing Facility |
|----------|---|---|---|
| A | \$200,000 | \$655,000 | 8810, <i>Clerical Office Employees</i> |
| B | \$750,000 | \$655,000 | 8834, <i>Physicians' Practices and Outpatient Clinics – all employees – including Clerical Office Employees and Clerical Telecommuter Employees</i> |

Example

An employer operates an automobile and truck parts store, assignable to Classification 8046, *Stores – automobile or truck parts or accessories – wholesale or retail – including ~~Inside Salespersons or~~ Outside Salespersons*. This employer also maintains a department for the repair of automobiles or trucks on a fee basis, and employees engaged in these operations are assignable to Classification 8389, *Automobile or Truck Repair Facilities*. The employer maintains outside sales staff to conduct marketing and outside sales operations in support of the automobile and truck parts store and promote the service and repair operations. Under Scenario C (below), the vehicle repair operations assigned to Classification 8389 (which do not specifically include Outside Salespersons) generate more payroll than the auto parts store operations assigned to Classification 8046 and, therefore, the outside sales staff working in support of both operations are assignable to Classification 8742. Under Scenario D, since the auto parts store operations generate more payroll than the vehicle repair operations, the outside sales staff working in support of both operations are assignable to Classification 8046. In both scenarios, regardless of which operation generates more payroll, outside sales staff working exclusively in support of the repair operations are assignable to Classification 8742, and outside sales staff working exclusively in support of the auto parts store operations are assignable to Classification 8046.

| Scenario | Auto Parts Store Payroll | Vehicle Repair Payroll | Assigned Classification for Outside Salespersons Working in Support of Both the Auto Parts Store and Vehicle Repair |
|----------|--------------------------|------------------------|---|
| C | \$200,000 | \$655,000 | 8742, Salespersons – Outside |
| D | \$750,000 | \$655,000 | 8046, Stores – automobile or truck parts or accessories – wholesale or retail – including inside Salespersons or Outside Salespersons |

* * * * *

Recommendation

Amend Part 3, *Standard Classification System*, Section III, *General Classification Procedures*, Rule 5, *General Inclusions*, Subrule k, and Rule 6, *General Exclusions*, Subrule g, for consistency with previously approved changes.

PROPOSED

Section III – General Classification Procedures

-
-
-

5. General Inclusions

The operations listed below are included in all classifications other than Standard Exception classifications. Except as provided in Section VII, *Standard Classifications*, general inclusions shall not be separately classified, all other provisions contained herein notwithstanding. Any operation described by a general inclusion shall nevertheless be subject to division of payroll if conducted as a separate and distinct enterprise and having no relation to the operations described by any other classification.

-
-
-
- k. Unmanned Aircraft System (aerial drone) operation – aircraft system and payload total combined weight of less than 55 pounds – all members of the operating crew. Operations performed in support of the employer's Construction or Erection operations shall be classified in accordance with Part 3, Section IV, Rule 2, *Construction or Erection Work*. Operating crew members working remotely from a home or office location with no exposure outside of the clerical office shall be classified as 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule.

6. General Exclusions

Subject to division of payroll rules, the following operations are excluded from all classifications, including Standard Exceptions, unless specifically included in the language of the classification. Operations

described by general exclusions shall require division of payroll, notwithstanding that the classification wording may include the term *all* as in such phrases as *all employees*, *all operations*, etc.

-

-

-

- g. Unmanned Aircraft System (aerial drone) operation – aircraft system and payload total combined weight of 55 pounds or heavier – all members of the operating crew. Operating crew members working remotely from ~~an~~ home or office location with no exposure outside of the clerical office shall be classified as 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule.

-

-

-

* * * * *

Recommendation

Amend Part 3, Section IV, *Special Industry Classification Procedures*, Rule 2, *Construction or Erection Work*, and Rule 8, *Labor Contractors*, for consistency with previously approved changes and clarity.

PROPOSED

Section IV – Special Industry Classification Procedures

-

-

-

2. Construction or Erection Work

-

-

-

When an employer retains one or more employees as members of a crew that operates Unmanned Aircraft Systems (aerial drones) with an aircraft system and payload total combined weight of less than 55 pounds in connection with its construction or erection operations, such members of the Unmanned Aircraft System (aerial drone) operating crew shall be classified as 8720(4), *Unmanned Aircraft System Operation*, provided they are engaged exclusively in such operations, or are engaged in such work for any portion of their time and devote the balance of their time to clerical office duties or outside sales. Employees who are members of an Unmanned Aircraft System (aerial drone) operating crew and also perform or supervise construction or erection operations shall be classified based on the construction or erection operations they supervise or perform. Operating crew members working remotely from ~~an~~ home or office location with no exposure outside of the clerical office shall be classified as 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule.

-

-

-

8. Labor Contractors

The classification of workers provided to a client under any type of employee leasing arrangement (temporary or otherwise) shall be determined as though the workers are employees of the client. The limitations and conditions of the classification(s) so assigned and all Standard Classification System rules pertaining thereto shall be applicable.

Clerical office staff retained by the labor contractor to conduct its ~~internal office~~ own clerical functions shall be assigned to Classification 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule, notwithstanding that temporary or leased workers are assigned to classifications that specifically include Clerical Office Employees or Clerical Telecommuter Employees.

Examples

A labor contractor provides a shipping clerk to a client that operates a woodworking shop that produces furniture and cabinets. The woodworking shop operations are assigned to Classifications 2883, *Furniture Mfg. – wood*, and 2812, *Cabinet Mfg. – wood*. The shipping clerk works exclusively in the cabinet department (2812) preparing cabinets for shipment. The shipping clerk is assigned to Classification 2812.

A labor contractor staffs an administrative office for a client operating a hospital. The hospital operations are assigned to Classification 9043, *Hospitals – all employees – including Clerical Office Employees, Clerical Telecommuter Employees and Outside Salespersons*. Normally, an administrative office would be assigned to Classification 8810, *Clerical Office Employees*; however, the phraseology of Classification 9043 includes Clerical Office Employees. Therefore, the administrative office staff provided to the hospital is assigned to Classification 9043.

* * * * *

Recommendation

Amend Classification 7410, *Aircraft Operation – agricultural – dusting, spraying or seeding – not members of the flying crew*, which is part of the *Aircraft Operation* Industry Group, for consistency with previously approved changes.

PROPOSED

AIRCRAFT OPERATION

AIRCRAFT OPERATION – agricultural – dusting, spraying or seeding – not members of the flying crew 7410

This classification applies to the ground operations of employers engaged in the aerial application of materials, including but not limited to pesticides, insecticides, fungicides, fertilizers, herbicides and seeds onto farmlands. This classification also includes the ground operations of employers engaged in the aerial application of insecticides for mosquito control purposes. Ground operations include but are not limited to mixing and loading materials onto the aircraft, directing pilots during application of materials and aircraft fueling, service and repair.

This classification also applies to the operating crew of Unmanned Aircraft Systems (aerial drones) with an aircraft system and payload total combined weight of 55 pounds or heavier used for agricultural operations, including but not limited to dusting, spraying and seeding, in accordance with the General Exclusions rule. See Section III, Rule 6, *General Exclusions*.

The operating crew of Unmanned Aircraft Systems (aerial drones) with a total combined weight of 55 pounds or heavier used for other than agricultural operations shall be separately classified as 7428(1), *Aircraft Operation – other than agricultural or scheduled air carriers – not members of the flying crew*, in accordance with the General Exclusions rule. See Section III, Rule 6, *General Exclusions*.

The operating crew of Unmanned Aircraft Systems (aerial drones) with a total combined weight of less than 55 pounds shall be classified in accordance with Section III, Rule 5, *General Inclusions*.

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

The repair of Unmanned Aircraft Systems (aerial drones) with a total combined weight of 55 pounds or heavier on a fee basis, or repair work performed by the manufacturer away from shop shall be classified as 7428(3), *Aircraft Remanufacture, Conversion, Modification and Repair Companies*.

Unmanned Aircraft Systems (aerial drones) operating crew members working remotely from an home or office location with no exposure outside of the clerical office shall be classified as 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

Also refer to companion Classification 7409, *Aircraft Operation – agricultural – dusting, spraying or seeding – members of flying crew*.

* * * * *

Recommendation

Amend Classification 7428(1), *Aircraft Operation – other than agricultural or scheduled air carriers – not members of the flying crew*, which is part of the *Aircraft Operation* Industry Group, for consistency with previously approved changes.

PROPOSED

AIRCRAFT OPERATION

AIRCRAFT OPERATION – other than agricultural or scheduled air carriers – not members of the flying crew – including gate and ticket counter personnel at airports – N.O.C. 7428(1)

This classification applies to the ground operations of employers engaged in aircraft operations not more specifically described by another *Aircraft Operation* Industry Group classification, including but not limited to charter passenger or cargo air transport; air ambulance services; air freight services (nonscheduled); aerial firefighting; aerial exhibitions; aerial patrol; aerial advertising, skywriting, sightseeing or survey work; aerial log lifting and transport; and aerial news reporting. Ground operations include but are not limited to loading or unloading baggage or freight; assisting passengers with boarding or disembarking the aircraft; assisting passengers with ticket information or checking baggage; and aircraft fueling, service or repair.

This classification also applies to the operating crew of Unmanned Aircraft Systems (aerial drones) with an aircraft system and payload total combined weight of 55 pounds or heavier used

for other than agricultural operations, in accordance with the General Exclusions rule. See Section III, Rule 6, *General Exclusions*.

The operating crew of Unmanned Aircraft Systems (aerial drones) with a total combined weight of 55 pounds or heavier used for agricultural operations, including but not limited to dusting, spraying or seeding, shall be separately classified as 7410, *Aircraft Operation – agricultural – dusting, spraying or seeding – not members of the flying crew*, in accordance with the General Exclusions rule. See Section III, Rule 6, *General Exclusions*.

The operating crew of Unmanned Aircraft Systems (aerial drones) with a total combined weight of less than 55 pounds shall be classified in accordance with Section III, Rule 5, *General Inclusions*.

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

The repair of Unmanned Aircraft Systems (aerial drones) with a total combined weight of 55 pounds or heavier on a fee basis, or repair work performed by the manufacturer away from shop shall be classified as 7428(3), *Aircraft Remanufacture, Conversion, Modification and Repair Companies*.

Unmanned Aircraft Systems (aerial drones) operating crew members working remotely from a home or office location with no exposure outside of the clerical office shall be classified as 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

Instructors who are not members of the flying crew shall be separately classified as 8868, *Colleges or Schools – private – not automobile schools – professors, teachers or academic professional employees*, and ground photographic laboratory employees shall be separately classified as 4361(1), *Photographers*.

Also refer to companion Classification 7424(1), *Aircraft Operation – other than agricultural or scheduled air carriers – members of the flying crew*.

* * * * *

Recommendation

Amend Classification 8850, *Check Cashers*, for consistency with previously approved changes.

PROPOSED

CHECK CASHERS – all employees – including tellers, guards, Clerical Office Employees, Clerical Telecommuter Employees and Outside Salespersons 8850

This classification applies to each separate check cashing or money transfer location at which the fees charged for check cashing, deferred deposit transactions, payday loans, remittances, money orders or wire transfers equal or exceed 75% of gross receipts. ~~This classification includes Clerical Office Employees and Outside Salespersons at the same location or at separate locations.~~

Check cashing operations performed by retail stores where fees charged for check cashing, deferred deposit transactions, payday loans, remittances, money orders or wire transfers do not

equal or exceed 75% of gross receipts shall be assigned to the applicable retail Stores Industry Group classification.

Banks shall be classified as 8808, *Banks*.

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

* * * * *

Recommendation

Amend the cross-reference for Classification 9011(2), *Commercial and Residential Mixed-Use Building Operation – not Homeowners Associations – all other employees*, for consistency with other proposed changes.

PROPOSED

COMMERCIAL AND RESIDENTIAL MIXED-USE BUILDING OPERATION – not Homeowners Associations – all other employees – including resident employees and, resident Clerical Office Employees and resident Clerical Telecommuter Employees

See Property Management/Operation.

* * * * *

Recommendation

Amend Classification 5102, *Iron, Steel, Brass, Bronze or Aluminum Erection – non-structural*, for clarity.

PROPOSED

IRON, STEEL, BRASS, BRONZE OR ALUMINUM ERECTION – non-structural

5102

This classification applies to the installation of non-structural architectural or ornamental metal work, including but not limited to handrails, balcony rails, grille work, bumper rails, window guards, staircases, awnings, metal burners, free-standing mezzanines, exterior metal tanks that are not elevated on steel structures and other non-structural iron or steel erection. This classification also applies to the installation of curtain wall panels.

This classification includes specialty contractors performing welding or cutting at construction sites in connection with operations described by Classification 5102.

This classification also applies to the erection of commercial or residential greenhouse or solarium metal framing, or the installation of pre-glazed windows or wall panels if installed by the same employer that erects the greenhouse or solarium metal framing at the same job or location.

This classification includes the installation of elevated floors, including but not limited to data center floors; ~~and~~ the installation of access steps, ramps or railings installed in connection with the elevated floors.

This classification also applies to the installation of unglazed metal window frames.

Non-structural iron or steel erection operations when performed by the same employer in connection with structural steel erection at the same job or location shall be classified as 5040, *Iron or Steel Erection – structural.*

The installation of glass panes or insulated glass units within framework at 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 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.

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

* * * * *

Recommendation

Amend Classification 9610, *Motion Pictures – production*, for consistency with previously approved changes.

PROPOSED

MOTION PICTURES – production – in studios and outside – all employees

9610

The entire remuneration of actors, musicians, producers and the motion picture director shall be included subject to a maximum of \$144,300 per year per person. When such employees do not work the entire year, the payroll limitation shall be prorated based upon the number of weeks in which such employees worked during the policy period.

This classification applies to companies that specialize in the production of motion pictures, television features, commercials, music videos, videotaped depositions, videotaped court proceedings or industrial films that are recorded on motion picture film stock, videotape, digital or other media.

Employees engaged exclusively in the electronic editing of digital files using computerized editing equipment are assignable to Classification 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

Employees who create animation using computer or digital applications are assignable to Classification 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

The payroll limitation of this classification is applicable to the director responsible for all aspects of production. The payroll for all other directors such as assistant and associate directors is not subject to limitation.

The payroll limitation also applies to motion picture producers responsible for overseeing the financial, administrative or creative aspects of a motion picture.

* * * * *

Recommendation

Amend Classification 9011(1), *Apartment or Condominium Complex Operation – N.O.C. – not Homeowners Associations – all other employees*, which is part of the *Property Management/Operation* Industry Group, for consistency with previously approved changes.

PROPOSED

PROPERTY MANAGEMENT/OPERATION

APARTMENT OR CONDOMINIUM COMPLEX OPERATION – N.O.C. – not Homeowners Associations – all other employees – including resident employees, and resident Clerical Office Employees and resident Clerical Telecommuter Employees 9011(1)

When lodging is provided by the employer, the total remuneration shall include the market value of such lodging to the employee.

This classification applies to employers engaged in the management and operation of residential apartment or condominium complexes comprised of one or more multi-unit buildings with four or more units per building. This classification includes property managers engaged in the direct supervision of employees engaged in the operation, maintenance and care of properties. Such operations include but are not limited to cleaning and maintaining lobbies and common areas, maintaining ventilation and heating systems, changing door locks and directories, interior remodeling, exterior landscape maintenance, swimming pool maintenance, security and the operation of parking facilities.

Also refer to companion Classification 8740(1), *Apartment or Condominium Complex Operation – N.O.C. – not Homeowners Associations – property management supervisors*. Classification 8740(1) applies to non-residing property management supervisors who exercise direction through maintenance or operations supervisors who directly supervise employees engaged in the operation, maintenance and care of properties. Classification 8740(1) also applies to non-residing property management supervisors who oversee apartment or condominium complexes at which all operation, maintenance and care activities are conducted by separate concerns and no payroll is assignable to 9011(1). Property managers not meeting the above conditions shall be classified as 9011(1).

Non-residing employees engaged exclusively in the rental or leasing of property to clients and who have no other duties of any kind in the service of the employer except clerical office work shall be separately classified as 8741, *Real Estate Agencies*, provided separate employees are retained to manage the property.

New construction, alteration or demolition work shall be separately classified.

The preparation or serving of hot foods shall be separately classified as 9079(1), *Restaurants or Taverns*.

The management and operation of individual apartment or condominium units (not apartment or condominium complexes), single-family residences, duplexes, triplexes and other residential

properties consisting of not more than three units per building shall be classified as 9015(1), *Building Operation – N.O.C. – all other employees*.

The management and operation of properties, including but not limited to residential homes and apartment or condominium complexes, by homeowners associations shall be classified as 9066, *Homeowners Associations and Housing Cooperatives*.

* * * * *

Recommendation

Amend Classification 9007, *Apartment or Condominium Complex Operation for Seniors – age restricted – not Congregate Living Facilities or Homeowners Associations – all other employees*, which is part of the *Property Management/Operation* Industry Group, for consistency with previously approved changes.

PROPOSED

PROPERTY MANAGEMENT/OPERATION

APARTMENT OR CONDOMINIUM COMPLEX OPERATION FOR SENIORS – age restricted – not 9007
Congregate Living Facilities or Homeowners Associations – all other employees – including resident employees, and resident Clerical Office Employees and resident Clerical Telecommuter Employees

When lodging is provided by the employer, the total remuneration shall include the market value of such lodging to the employee.

This classification applies to employers engaged in the management and operation of apartment or condominium complexes comprised of one or more multi-unit buildings with four or more units per building that, in compliance with state or federal housing laws, restrict tenancy to persons who have reached a minimum age (typically either 55 or 62 depending on the type of facility). This classification includes property managers engaged in the direct supervision of employees engaged in the operation, maintenance and care of properties. Such operations include but are not limited to cleaning and maintaining lobbies and common areas, maintaining ventilation and heating systems, changing door locks and directories, interior remodeling, exterior landscape maintenance, swimming pool maintenance, security and the operation of parking facilities.

Also refer to companion Classification 8740(6), *Apartment or Condominium Complex Operation for Seniors – age-restricted – not Congregate Living Facilities or Homeowners Associations – property management supervisors*. Classification 8740(6) applies to non-residing property management supervisors who exercise direction through maintenance or operations supervisors who directly supervise employees engaged in the operation, maintenance and care of properties. Classification 8740(6) also applies to non-residing property management supervisors who oversee such apartment or condominium complexes for seniors at which all operation, maintenance and care activities are conducted by separate concerns and no payroll is assignable to 9007. Property managers not meeting the above conditions shall be classified as 9007.

Non-residing employees engaged exclusively in the rental or leasing of property to clients and who have no other duties of any kind in the service of the employer except clerical office work shall be separately classified as 8741, *Real Estate Agencies*, provided separate employees are retained to manage the property.

New construction, alteration or demolition work shall be separately classified.

The preparation or serving of hot foods shall be separately classified as 9079(1), *Restaurants or Taverns*.

Those facilities that, for a single monthly fee, provide a service package that typically includes a living unit, one to three meals a day, in-unit housekeeping and personal laundry service shall be classified as 8851, *Congregate Living Facilities for the Elderly*.

The management and operation of individual apartment or condominium units (not apartment or condominium complexes), single-family residences, duplexes, triplexes and other residential properties consisting of not more than three units per building shall be classified as 9015(1), *Building Operation – N.O.C. – all other employees*.

* * * * *

Recommendation

Amend Classification 9011(2), *Commercial and Residential Mixed-Use Building Operation – not Homeowners Associations – all other employees*, which is part of the *Property Management/Operation Industry Group*, for consistency with previously approved changes.

PROPOSED

PROPERTY MANAGEMENT/OPERATION

COMMERCIAL AND RESIDENTIAL MIXED-USE BUILDING OPERATION – not Homeowners Associations – all other employees – including resident employees and, resident Clerical Office Employees and resident Clerical Telecommuter Employees 9011(2)

When lodging is provided by the employer, the total remuneration shall include the market value of such lodging to the employee.

This classification applies to employers engaged in the management and operation of combined commercial and residential mixed-use multi-unit properties comprised of one or more mixed-use multi-unit buildings with four or more units per building. This classification includes property managers engaged in the direct supervision of employees engaged in the operation, maintenance and care of properties. Such operations include but are not limited to cleaning and maintaining lobbies and common areas, maintaining ventilation and heating systems, changing door locks and directories, interior remodeling, exterior landscape maintenance, swimming pool maintenance, security and the operation of parking facilities.

Also refer to companion Classification 8740(7), *Commercial and Residential Mixed-Use Building Operation – not Homeowners Associations – property management supervisors*. Classification 8740(7) applies to property management supervisors who exercise direction through maintenance or operations supervisors who directly supervise employees engaged in the operation, maintenance and care of commercial and residential mixed-use buildings. Classification 8740(7) also applies to non-residing property management supervisors who oversee commercial and residential mixed-use buildings at which all operation, maintenance and care activities are conducted by separate concerns and no payroll is assignable to 9011(2). Property managers not meeting the above conditions shall be classified as 9011(2).

Non-residing employees engaged exclusively in the rental or leasing of property to clients and who have no other duties of any kind in the service of the employer except clerical office work

shall be separately classified as 8741, *Real Estate Agencies*, provided separate employees are retained to manage the property.

New construction, alteration or demolition work shall be separately classified.

The preparation or serving of hot foods shall be separately classified as 9079(1), *Restaurants or Taverns*.

The management and operation of only the residential portion of a commercial and residential mixed-use building where a separate concern manages the commercial portion shall be classified as 9011(1), *Apartment or Condominium Complex Operation – N.O.C. – not Homeowners Associations – all other employees*.

The management and operation of only the commercial portion of a commercial and residential mixed-use building where a separate concern manages the residential portion shall be classified as 9009, *Commercial Properties – N.O.C. – all other employees*.

The management and operation of individual apartment or condominium units (not apartment or condominium complexes), single-family residences, duplexes, triplexes and other residential properties consisting of not more than three units per building shall be classified as 9015(1), *Building Operation – N.O.C. – all other employees*.

The management and operation of properties, including but not limited to residential homes and apartment or condominium complexes by homeowners associations shall be classified as 9066, *Homeowners Associations and Housing Cooperatives*.

* * * * *

Recommendation

Amend Classification 9010, *Mobile Home Park Operation – all other employees*, which is part of the *Property Management/Operation Industry Group*, for consistency with previously approved changes.

PROPOSED

PROPERTY MANAGEMENT/OPERATION

**MOBILE HOME PARK OPERATION – all other employees – including resident employees and, 9010
resident Clerical Office Employees and resident Clerical Telecommuter Employees**

When lodging is provided by the employer, the total remuneration shall include the market value of such lodging to the employee.

This classification applies to employers engaged in the management and operation of mobile home parks where tenants are provided with a space for the placement of the mobile home and utility services. The mobile home unit may be owned by the tenant or the mobile home may be owned by the park owner and rented or leased to the resident. Spaces are rented on a month-to-month or extended lease basis. This classification includes property managers engaged in the direct supervision of employees engaged in the operation, maintenance and care of mobile home parks. Such operations include but are not limited to cleaning and maintaining restrooms, lobbies, swimming pools and common areas, general property repairs, exterior landscape maintenance and security.

Also refer to companion Classification 8740(4), *Mobile Home Park Operation – property management supervisors*. Classification 8740(4) applies to non-residing property management supervisors who exercise direction through maintenance or operations supervisors who directly supervise employees engaged in the operation, maintenance and care of mobile home parks. Classification 8740(4) also applies to non-residing property management supervisors who oversee mobile home parks at which all operation, maintenance and care activities are conducted by separate concerns and no payroll is assignable to 9010. Mobile home park property managers not meeting the above conditions shall be classified as 9010.

Non-residing employees engaged exclusively in the rental or leasing of property to clients and who have no other duties of any kind in the service of the employer except clerical office work shall be separately classified as 8741, *Real Estate Agencies*, provided separate employees are retained to manage the property.

New construction, alteration or demolition work shall be separately classified.

The preparation or serving of hot foods shall be separately classified as 9079(1), *Restaurants or Taverns*.

The management and operation of recreational vehicle parks and campgrounds shall be classified as 9015(1), *Building Operation – N.O.C. – all other employees*.

* * * * *

Recommendation

Amend Classification 8290, *Warehouses – self-storage – all other employees*, for consistency with previously approved changes.

PROPOSED

PROPERTY MANAGEMENT/OPERATION

WAREHOUSES – self-storage – all other employees – including resident employees, and-resident Clerical Office Employees and resident Clerical Telecommuter Employees 8290

When lodging is provided by the employer, the total remuneration shall include the market value of such lodging to the employee.

This classification applies to employers engaged in the operation of self-storage warehouses. This classification includes self-service warehouse managers engaged in the direct supervision of employees engaged in the operation, maintenance and care of self-storage warehouses. Such operations include but are not limited to opening and closing access gates, directing customers to storage spaces, maintaining common areas and landscaping, security and repairing or maintaining storage units, and working at the front counter to rent or sell supplies, including but not limited to storage, shipping and moving boxes, packaging tape, security locks, rope, dollies and moving tools.

Also refer to companion Classification 8740(5), *Warehouses – self-storage – property management supervisors*. Classification 8740(5) applies to non-residing property management supervisors who exercise direction through maintenance or operations supervisors who directly supervise employees engaged in the operation, maintenance and care of self-storage warehouses. Classification 8740(5) also applies to non-residing property management supervisors who oversee self-storage warehouses at which all operation, maintenance and care activities

are conducted by separate concerns and no payroll is assignable to Classification 8290. Self-storage warehouse property managers not meeting the above conditions shall be classified as 8290.

* * * * *

Recommendation

Amend Classification 4492, *Sign Mfg.*, which is part of the *Sign Industry Group*, for consistency with previously approved changes.

PROPOSED

SIGN INDUSTRY

SIGN MFG. – metal, plastic or wood – N.O.C.

4492

This classification applies to the manufacture of metal, plastic or wood signs, including but not limited to cabinet signs or sign backings, channel letter signs, two-dimensional signs and three-dimensional signs, involving the fabrication and assembly of sign parts. This classification includes sign painting or the application of painted, printed or adhesive lettering or graphics onto signs manufactured by the employer.

Employees engaged exclusively in the design or production of adhesive lettering or graphics using office type computers or plotters/printers shall be classified as 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

Employers engaged in the fee-based production of signs, banners and related products by application of painted, printed or adhesive lettering or graphics onto surfaces, including but not limited to purchased sign blanks shall be classified as 9507, *Sign Painting or Lettering and Quick Sign Shops*.

Neon tube fabrication shall be separately classified as 4111(2), *Incandescent Lamp and Fluorescent Tube Mfg.*

Sign erection, installation or repair away from the shop shall be separately classified.

* * * * *

Recommendation

Amend Classification 9507, *Sign Painting or Lettering and Quick Sign Shops*, which is part of the *Sign Industry Group*, for consistency with previously approved changes.

PROPOSED

SIGN INDUSTRY

SIGN PAINTING OR LETTERING AND QUICK SIGN SHOPS – shop or outside – including counterpersons 9507

This classification applies to employers that apply painted, printed or adhesive lettering or graphics onto surfaces on a fee basis, including but not limited to customers' buildings, structures, windows, banners and purchased sign blanks. This classification includes the application of painted, printed or adhesive lettering, signage, striping, adhesive wraps or window tint film onto automobiles, trucks or buses by employers not engaged in automobile, truck or bus painting or body repairing.

Employees engaged exclusively in the design or production of painted, printed or adhesive lettering or graphics using office type computers or plotters/printers shall be classified as 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*. The application of painted, printed or adhesive lettering or graphics onto a surface shall be classified as 9507.

The manufacture of metal, plastic or wood signs involving the fabrication and assembly of sign parts and associated sign painting or application of painted, printed or adhesive lettering or graphics onto signs manufactured by the employer shall be classified as 4492, *Sign Mfg. – metal, plastic or wood*.

The production of signs, banners and related products or the application of painted, printed or adhesive lettering or graphics onto surfaces at customers' locations or onto customers' vehicles by advertising companies shall be classified as 9549, *Advertising Companies*.

* * * * *

Recommendation

Amend Classification 1803, *Stone Cutting or Fabrication*, for consistency with previously approved changes.

PROPOSED

STONE CUTTING OR FABRICATION – shop 1803

This classification applies to the cutting or fabrication of stone slabs, including but not limited to granite, marble, travertine, quartz, limestone and onyx to produce products such as countertops, backsplashes, cemetery monuments, ceiling and wall veneer, mantels, floor tile, tabletops and exterior building panels or components.

Employees engaged exclusively in the design or production of stencils using office type computers or plotters/printers shall be classified as 8810, *Clerical Office Employees*, or 8871, *Clerical*

Telecommuter Employees, subject to the Standard Exceptions rule. See Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*.

The installation of architectural non-load bearing stone products, such as countertops, back-splashes, ceiling and wall veneer, mantels, and tile, including stone cutting or fabrication at the installation site, shall be classified as 5348, *Tile, Stone, Mosaic or Terrazzo Work*.

The installation of cemetery monuments, including stone cutting or fabrication at the installation site, shall be classified as 5027/5028, *Masonry*.

Quarrying or stone cutting in quarries shall be classified as 1624(1), *Quarries*.

* * * * *

Recommendation

Amend Classification 7365, *Taxicab Operations*, for consistency with previously approved changes.

PROPOSED

TAXICAB OPERATIONS – all employees

7365

Payroll shall include the entire remuneration earned by all taxicab drivers during the policy period. In the event an employer does not keep verifiable payroll records for all taxicab drivers, the minimum remuneration for taxicab drivers shall not be less than \$39,700 per annum per taxicab dispatched by or operated under the auspices of the insured. The minimum payroll amount is in consideration of taxicab downtime, vacation time or other periods during which the taxicab is not in operation, as well as the use of a single taxicab by multiple drivers. The per annum payroll amount shall be prorated only when the taxicab is not dispatched by or under the auspices of the insured or registered for the full policy period or when the policy period is less than one year.

This classification applies to the operation of taxicab services engaged in transporting the general public on a fee basis. Taxicab operations provide passenger transportation services that are available for immediate hire with fares that must be determined by either zone or meter. This classification includes the maintenance and repair of vehicles in connection with taxicab operations by the same employer.

Dispatchers engaged in clerical activities shall be separately classified as 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

Transportation services provided to passengers exclusively on a scheduled route, charter or other pre-arranged basis, including Transportation Network Companies (TNC) that employ drivers, shall be classified as 7382, *Bus, Shuttle Van or Limousine Operations*.

* * * * *

Recommendation

Amend Classification 8720(4), *Unmanned Aircraft System Operation – aircraft system and payload total combined weight of less than 55 pounds*, for consistency with previously approved changes.

PROPOSED

UNMANNED AIRCRAFT SYSTEM OPERATION – aircraft system and payload total combined weight of less than 55 pounds – including Outside Salespersons 8720(4)

This classification applies to the operating crew of Unmanned Aircraft Systems (aerial drones) with an aircraft system and payload total combined weight of less than 55 pounds that are operated on a fee basis. This classification includes shop or field repair of Unmanned Aircraft Systems (aerial drones) in connection with such operations.

This classification also applies to the operating crew of Unmanned Aircraft Systems (aerial drones) with a total combined weight of less than 55 pounds that are operated in support of the employer's construction or erection operations, provided the operating crew members are engaged exclusively in such operations, or are engaged in such work for any portion of their time and devote the balance of their time to clerical office duties or outside sales. Employees who are members of an Unmanned Aircraft Systems (aerial drone) operating crew and also perform or supervise construction or erection operations shall be classified based on the construction or erection operations they supervise or perform. See Section IV, Rule 2, *Construction or Erection Work*.

When performed in connection with an employer's own operations, other than construction or erection, the operating crew of Unmanned Aircraft Systems (aerial drones) with a total combined weight of less than 55 pounds shall be classified in accordance with Section III, Rule 5, *General Inclusions*.

Operation of Unmanned Aircraft Systems (aerial drones) with a total combined weight of 55 pounds or heavier shall be classified in accordance with Section III, Rule 6, *General Exclusions*. The operating crew of Unmanned Aircraft Systems (aerial drones) with a total combined weight of 55 pounds or heavier used for other than agricultural operations shall be separately classified as 7428(1), *Aircraft Operation – other than agricultural or scheduled air carriers – not members of the flying crew*. The operating crew of Unmanned Aircraft Systems (aerial drones) with a total combined weight of 55 pounds or heavier used for agricultural operations, including but not limited to dusting, spraying and seeding, shall be separately classified as 7410, *Aircraft Operation – agricultural – dusting, spraying or seeding – not members of the flying crew*.

Unmanned Aircraft Systems (aerial drones) operating crew members working remotely from an home or office location with no exposure outside of the clerical office shall be classified as 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

The fee-based 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*.

* * * * *

Recommendation

Amend Classification 7607(1), *Video Post-Production*, for consistency with previously approved changes.

PROPOSED

VIDEO POST-PRODUCTION – computer or electronic – all employees – including Clerical Office Employees, Clerical Telecommuter Employees and Outside Salespersons **7607(1)**

The entire remuneration of each employee shall be included, subject to a maximum of \$144,300 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 engaged exclusively in computer or electronic video post-production operations for other concerns in connection with motion pictures, television features, commercials or similar productions, on a contract basis.

This classification does not apply to computer or electronic video post-production operations performed in connection with motion pictures, television features, commercials or similar productions by the same employer; such operations shall be classified as 8810, *Clerical Office Employees*, or 8871, *Clerical Telecommuter Employees*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

Non-computer or non-electronic post-production operations, including but not limited to developing film, production of prints by exposing raw film stock, or editing film prints by cutting or splicing shall be classified as 4362, *Motion Pictures – negative and print processors, distributors and film exchanges*.

Audio post-production operations performed on a contract basis in connection with audio or music recording or mixing, or scoring of motion pictures, television features, commercials or similar productions shall be classified as 7607(2), *Audio Post-Production*.

Audio or music recording studios or contract video duplication shall be classified as 7610, *Radio, Television or Commercial Broadcasting Stations*.

* * * * *

Recommendation

Amend Part 4, *Unit Statistical Reporting Requirements*, Section II, *Definitions*, Rule 12, *Final Premium(s)*, Subrule h, for consistency with the California Department of Industrial Relations' Fiscal Year Assessments.

PROPOSED

Section II – Definitions

-
-
-

12. Final Premium(s)

Reported in the "Standard Premium Total" field on the unit statistical report, this is the total premium charged to the policyholder, EXCEPT that it does not include the following:

-
-
-

- h. Policy assessments, including but not limited to California Insurance Guarantee Association (CIGA) assessments, California Workers' Compensation Administration Revolving Fund assessments, California ~~w~~Workers' ~~e~~Compensation ~~f~~Fraud ~~s~~urcharges Account assessments, Uninsured Employers Benefits Trust Fund assessments, Occupational Safety and Health Fund assessments, Labor Enforcement and Compliance Fund assessments, and Subsequent Injuries Benefits Trust Fund assessments.

-
-
-

* * * * *

Recommendation

Amend Part 4, *Unit Statistical Reporting Requirements*, Section V, *Loss Information*, Subsection B, Loss Data Elements, Rule 6, *Type of Settlement*, for consistency with Workers Compensation Policy Reporting Specifications (WCPOLS).

PROPOSED

Section V – Loss Information

B. Loss Data Elements

All loss-related fields shall be reported on all claims as required for California in WCSTAT except as indicated below.

-
-
-

6. Type of Settlement Code

Report the code that identifies the certain settlement situation for the claim.

| Code | Description |
|------|---------------------------------|
| 00 | Claim Not Subject to Settlement |
| 03 | Stipulated Award* |
| 04 | Findings and Award* |
| 05 | Non-Compensable** |
| 06 | Compromise and Release* |
| 09 | All Other Settlements |

* See Section II, *Definitions*, for definitions as applicable to this Plan.

** See Section II, *Definitions*, Rule 27, *Non-Compensable Claim(s)*, for definition of a non-compensable claim. The insurer shall submit a statement to the WCIRB when a non-compensable claim meets the requirements of California Labor Code Section 3761 (d).

* * * * *

Recommendation

Amend Appendix III, *Injury Description Codes*, Section B, *Nature of Injury (Positions 3-4)* and Section C, *Cause of Injury (Positions 5-6)*, to add a Nature of Injury code to address any adverse reaction to any vaccination and update the wording for the related Cause of Injury Code and the Pandemic Cause of Injury Code.

PROPOSED

Appendix III

Injury Description Codes

-
-
-

B. Nature of Injury (Positions 3-4)

| Code | Narrative Description |
|---|---|
| I. Specific Injury | |
| • | |
| • | |
| • | |
| 38. <u>Adverse Reaction to a Vaccination or Inoculation</u> | |
| • | |
| • | |
| • | |
| • | |
| • | |
| • | |
| C. Cause of Injury (Positions 5-6) | |
| X. Miscellaneous Causes | |
| 82. Absorption, Ingestion or Inhalation, NOC | Not Otherwise Classified in Any Other Code. Applies Only to Non-Impact Cases in Which the Injury Resulted from Inhalation, Absorption (Skin Contact), or Ingestion of Harmful Substances, <u>or Vaccinations</u> |

83. Pandemic

~~A disease outbreak affecting large populations or a whole region, country or continent~~
Includes Disease Epidemic that has Spread Across a Large Region

-
-
-

* * * * *

Proposed Non-Substantive Amendments to the *California Workers' Compensation Experience Rating Plan—1995*

Recommendation

Amend Section II, *Definitions*, Rule 6, *Immediate Family*, to update the language with gender-neutral terms.

PROPOSED

Section II – Definitions

The definitions set forth in this Section shall govern the construction and meaning of the terms and phrases used in this Plan.

-
-
-

6. Immediate Family

For the purpose of experience rating, immediate family shall mean ~~father, mother, husband, wife, parent, spouse, registered domestic partner, son, daughter, stepson, stepdaughter, grandson, granddaughter, grandfather or grandmother, child, stepchild, grandchild and grandparent.~~

-
-
-

* * * * *

Item III-I Potential Classification Studies

WCIRB staff summarized the classification studies proposed to be conducted in 2021-2022 for inclusion in the September 1, 2023 Regulatory Filing. The Committee was advised that these studies were identified based on stakeholder input and results of the new WCIRB Classification Health Check tool, a data-driven approach developed in 2020 for detecting classifications that warrant further analysis.

Staff presented a summary of recently completed exploratory research in Phase I of the food and beverage study and recommended focusing on an in-depth review of Classifications 8078 and 9079 including hotel-operated restaurants, whether separate classifications should be created for the potential restaurant segments identified in Phase I, and treatment of tips in the premium basis in Phase II in 2022. Several Committee members suggested additional issues to consider in Phase II, such as the administration of classification procedures around hours of restaurant operations, delivery operations, banquet services provided by a hotel restaurant in comparison with catering services and gathering additional input from the restaurant industry on the potential inclusion of tips in the basis of premium. Staff agreed to evaluate these issues and indicated that the WCIRB will continue to meet with industry stakeholders for feedback on any potential changes to the classification procedures, including the treatment of tips in the basis of premium in the restaurant industry. The Committee expressed strong support for continuing the analysis of this industry as recommended by staff as it involves large classifications with potentially very distinct segments.

Following staff's presentation and the Committee's discussion, the consensus of the Committee was that the following classification studies should be conducted in 2021-2022 for consideration in the September 1, 2023 Regulatory Filing.

| 2021/2022 Classification Studies | Anticipated Commitment (L,M,H) ¹ |
|--|---|
| Food and Beverage Classifications | Very High |
| Review Classifications in Order to Determine Inclusion of Clerical Office, Clerical Telecommuter and Outside Sales Activities: | |
| • Classification 8748, <i>Automobile or Truck Dealers – vehicle salespersons</i> | Moderate |
| Not Otherwise Classified (N.O.C.) Classifications: | |
| • Classification 9061, <i>Clubs – N.O.C.</i> | High |
| Low Credibility Classification Studies: | |
| • Classification 4312, <i>Newspaper Delivery</i> | Low to Moderate |
| Classification Payroll Limitations – Additional Classifications | Low |
| Electronics Industry Group | Low |

¹ Estimated WCIRB staff resource commitment: "Low" corresponds to an estimate of below 100 hours, "Moderate" corresponds to an estimate of between 100 and 250 hours, "High" corresponds to an estimate between 251-400 hours, and "Very High" corresponds to an estimate in excess of 400 hours.

Item III-J

2022 Schedule of Meetings

The following schedule of Classification and Rating Committee meetings for the coming year was presented to the Committee members and approved. The Committee members were advised that the WCIRB intends to hold hybrid meetings in 2022 so that fully vaccinated Committee members may attend either in person or virtually.

| Day of Week | Date & Time | Content |
|--------------------|-----------------------------|--|
| Tuesday | February 1, 2022 at 9:30 AM | Review classification relativities for September 1, 2022 Regulatory Filing |
| Tuesday | May 17, 2022 at 9:30 AM | Review September 1, 2023 Regulatory Filing matters |
| Tuesday | August 9, 2022 at 9:30 AM | Review September 1, 2023 Regulatory Filing matters |
| Tuesday | November 1, 2022 at 9:30 AM | Review September 1, 2023 Regulatory Filing matters |

Additional dates to note:

| | |
|-----------------------|----------------------------------|
| March 2022 (date TBD) | Annual Meeting of the Membership |
| July 20-21, 2022 | Annual WCIRB Conference |

The meeting was adjourned at 11:30 AM.

* * * * *

Note to Committee Members: These Minutes, as written, have not been approved. Please refer to the Minutes of the meeting scheduled for February 1, 2022 for approval and/or modification.