

Report on Not Otherwise Classified (N.O.C.) Study – Clubs

Excerpts from the WCIRB Classification and Rating Committee Minutes
August 9, 2022

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Not Otherwise Classified (N.O.C.) Study – Clubs

9061, Clubs – N.O.C. – all employees – including front desk employees and restaurant or tavern employees

9048(1), Camps – recreational or educational – all operations – including Clerical Office Employees at camp locations

9060, Clubs – country or golf – including front desk employees and restaurant or tavern employees

Executive Summary

Objective

The Not Otherwise Classified (N.O.C.) classifications in the Standard Classification System are typically used when multiple classifications are applicable to an industry, but none of these classifications more accurately describes an employer's business. As a result, N.O.C. classifications may, over time, become overly broad with the inclusion of disparate businesses. In 2021, the California Department of Insurance recommended that the WCIRB review the N.O.C. classifications to assess whether some of these classifications are overly broad and, if appropriate, recommend changes to those N.O.C. classifications.

Based on the metrics in the WCIRB's Classification Health Check,¹ Classification 9061, *Clubs – N.O.C.*, was selected for review and to establish a pilot analysis framework for use in a systematic review of other N.O.C. classifications. In addition to being an N.O.C. classification, Classification 9061 also has loss to payroll ratios that have been growing significantly faster than those of other classifications in the Arts and Entertainment industry group² in recent years, potentially indicating changes in the operations or mix of employers assigned to this classification. Therefore, the WCIRB reviewed the operations, payroll and loss experience and characteristics of claims assigned to Classification 9061 to determine whether the assigned operations continue to be homogeneous or if this classification should be modified to reassign some operations to a new or existing classification(s).

Findings

The key findings of this study include:

1. Two segments with distinct operations were identified from the operations assigned to Classification 9061: retreat facilities and yacht clubs. The remaining operations assigned to Classification 9061 include predominantly social or community service membership clubs. Retreat facilities have dissimilar operations from the remaining N.O.C. clubs, particularly in that retreat facilities typically provide overnight lodging for participants compared to only a small fraction of the remaining N.O.C. clubs that provide those operations. Retreat facilities in rural areas, in particular, tend to have resident employees with 24-hour exposure to workplace hazards, while the remaining N.O.C. clubs are typically located in urban areas and do not retain resident employees. The loss to payroll ratios of retreat facilities were consistently lower than those of the remaining N.O.C. clubs, which is reflective of a different level of risk exposure. While yacht clubs have operations and loss to payroll ratios similar to the remaining N.O.C. clubs, yacht clubs are more comparable to country and golf clubs and in other jurisdictions are assigned to the same classifications as country or golf clubs.
2. Retreat facilities have generally similar operations to camps, which are assigned to Classification 9048(1), *Camps*. Similar to camps, retreat facilities provide food and lodging, and host programs which specialize in providing instruction or guidance through a scheduled agenda of activities or workshops to promote participants' wellness or personal, spiritual or professional growth. Additionally, due to the nature of these programs and the location of the facilities, it is common for

¹ The WCIRB's Classification Health Check tool is used to identify classifications for which in-depth study may be appropriate. The results of the WCIRB Classification Health Check for 2021 were presented at the October 26, 2021 Classification and Rating Committee meeting.

² Based on a mapping between classifications and the North American Industry Classification System (NAICS) industry sectors.

retreat facilities to employ staff who reside at the facility, similar to camps. The job duties of clerical employees who work at retreat facilities are similar to those of clerical employees at camp locations. While there were challenges in determining the experience of clerical operations that support retreat facilities relative to other separately classifiable operations, a comparison of loss to payroll ratios and typical causes of injuries between non-clerical retreat facility operations and camp operations yielded similar patterns.

3. Reclassifying retreat facility operations and the clerical operations at retreat facility locations to Classification 9048(1) would lead to an average of 4.2% decline in the selected loss to payroll ratios for retreat facility employers, while camp employers in Classification 9048(1) would experience a 5.2% decline in the selected loss to payroll ratios. The decreases in selected loss to payroll ratios for both groups were mostly driven by the relatively good experience of retreat facilities and their clerical operations.
4. Yacht clubs are more similar to country clubs and golf clubs assigned to Classification 9060, *Clubs – country or golf*, than to the remaining N.O.C. club operations in Classification 9061. Other jurisdictions classify yacht clubs in their respective country or golf club classifications. The loss to payroll experience of yacht clubs was similar to that of both Classifications 9061 and 9060. Therefore, reclassifying yacht clubs to Classification 9060 would facilitate assigning homogenous operations to the same classification and improve alignment with other jurisdictions.
5. Given similar risk exposure between yacht clubs and country or golf clubs, reassigning yacht club operations to Classification 9060 would have a small impact on the selected loss to payroll ratios for both yacht club employers (2.8% decrease) and country and golf club employers (2.6% increase).
6. After reclassifying retreat facilities and yacht clubs to other classifications, the remaining N.O.C. club operations appear more homogeneous and the scope of Classification 9061 is more narrowly defined. The selected loss to payroll ratio for the remaining N.O.C. club employers would only be minimally impacted by the exclusion of retreat facilities and yacht clubs from Classification 9061 (0.6% increase).
7. Given that it is not practical to establish a classification to specifically describe the operations of every type of club in California, there remains a need to have an N.O.C. classification for any club operation that is not more specifically described by the other nine club classifications. This N.O.C. classification ensures a uniform approach to classifying those club operations. Additionally, the USRP directs that any business or operation not described by a classification shall be assigned to the classification most analogous from the standpoint of process and hazard. However, this requires a detailed analysis, performed on a case-by-case basis. Without the N.O.C. classification and a specific classification assignment, there may be an increased likelihood of similar operations being assigned differently. In view of the above, keeping the N.O.C. designation for Classification 9061 is appropriate.

Recommendations

Based on these findings, the WCIRB recommends:

1. Amending Classification 9061, *Clubs – N.O.C.*, to remove retreat facility and yacht club operations.
2. Amending Classification 9048(1), *Camps*, to include retreat facility operations and onsite clerical employees of retreat facilities.
3. Amending Classification 9060, *Clubs – country or golf*, to include yacht club operations.

I. Introduction

The Not Otherwise Classified (N.O.C.) qualification in the Standard Classification System is typically used when multiple classifications are applicable to an industry, but none of these classifications more accurately describes an employer's business.³ As a result, N.O.C. classifications may, over time, become overly broad with the inclusion of disparate businesses. In 2021, the California Department of Insurance recommended that the WCIRB review the N.O.C. classifications to assess whether some of these classifications are overly broad and, if appropriate, recommend changes to those N.O.C. classifications. Through the use of the WCIRB's Classification Health Check (Health Check), an analytical tool that identifies potentially "unhealthy" classifications for which in-depth studies may be appropriate, the WCIRB has begun identifying N.O.C. classifications that may have become overly broad.

Based on the metrics in the WCIRB's Health Check, Classification 9061, *Clubs – N.O.C.*, was selected for review and to establish a pilot analysis framework for use in a systematic review of other N.O.C. classifications. In addition to being an N.O.C. classification, Classification 9061 also has loss to payroll ratios that have been growing significantly faster than those of other classifications in the Arts and Entertainment industry group⁴ in recent years, potentially indicating changes in the operations or mix of employers assigned to this classification. Therefore, the WCIRB reviewed the operations, payroll and loss experience and characteristics of claims of Classification 9061 to determine whether the assigned operations continue to be homogeneous or if this classification should be modified to reassign some operations to a new or existing classification(s).

II. Analysis Approach

The WCIRB analyzed the business operations and payroll and claim experience of employers that operate N.O.C. clubs or retreat facilities and of employers with similar operations using both qualitative and quantitative data from a variety of sources.

Classification Inspection Reports: The WCIRB reviewed the Classification Inspection Reports of employers with payroll reported in Classification 9061, including retreat facilities and yacht clubs, to better understand these club operations.

Industry Outreach: The WCIRB contacted members of the industry, including employers operating retreat facilities and camps, as well as insurers that underwrite significant components of the N.O.C. clubs industry, to gain insight into the operational characteristics of retreat facilities and yacht clubs.

Unit Statistical Reports: The WCIRB analyzed historical Unit Statistical Report (USR) data at the latest USR report level between policy years 2000 and 2019 for Classification 9061, including employers' payroll and loss experience and claim characteristics. Losses were limited to \$500,000 per claim to minimize large swings in the loss to payroll ratios over time.

Other Jurisdictions: The WCIRB reviewed and discussed classification procedures for retreat facilities and yacht clubs with rating organizations in other jurisdictions to understand how these operations are classified.⁵

Similar Classifications: Analyzing the same data sources and methodology used in the review of Classification 9061, the WCIRB reviewed several classifications that have relatively similar operations to retreat facilities and yacht clubs, including those related to camps and country or golf clubs.

Classification Relativity Data: Classification relativities submitted as part of the WCIRB's September 1, 2021 Regulatory Filing were used to analyze the impact of the potential classification changes on retreat

³ The Standard Classification System is contained in Part 3 of the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* (USRP).

⁴ Based on a mapping between classifications and the North American Industry Classification System (NAICS) industry sectors.

⁵ A summary of how other jurisdictions classify retreat facilities and yacht clubs is in Appendix II.

facility and yacht club employers, the remaining employers in Classification 9061 and the employers whose operations are currently assigned to the potential destination classifications.

III. Analysis Results

1. Potential Distinct Segments in Classification 9061 – Retreat Facilities and Yacht Clubs

a) Operational Characteristics of Retreat Facilities and Yacht Clubs

Classification 9061 applies to employers operating membership clubs that are not more accurately described by another club classification, including but not limited to business clubs, fraternal orders, yacht clubs, faculty clubs, professional clubs and employer-sponsored clubs. It also applies to employers operating retreat facilities that provide meeting space, food and lodging to retreat program participants. Based on a review of the Classification Inspection Reports of employers assigned to Classification 9061, the WCIRB identified two distinct segments within Classification 9061, retreat facilities and yacht clubs, that were operationally distinct from the remaining N.O.C. club operations.

The retreat facilities segment of Classification 9061 includes retreat facilities that operate retreat programs for participants on their premises and may also rent out their facility, including the provision of food, lodging and meeting space, to third parties to host their own retreat programs (“retreat facilities”). Retreat programs provide instruction or guidance to promote participants’ wellness or personal, spiritual or professional growth through a scheduled program of activities or workshops. Typical retreat programs include religious or spiritual retreats, corporate retreats and summer programs for school-aged children or families. While retreat facilities are specifically included in the scope of Classification 9061, retreat facilities are not membership clubs and do not have operations similar to the remaining N.O.C. clubs assigned to Classification 9061. Specifically, in addition to specializing in providing instruction and guidance, retreat facilities provide overnight lodging to participants due to the length of the program (which ranges from days to months) or the location of the facility (which could be in rural or urban areas). In contrast, only a small share (about 20%) of the remaining N.O.C. clubs provide lodging to members.⁶ Also, retreat facilities in rural areas may have resident employees who have 24-hour exposure to workplace hazards. The remaining N.O.C. clubs, conversely, tend to be located in urban areas and do not typically have resident employees. Operations of retreat facilities are similar to those of camps. The operational comparison between retreat facilities and camps is subsequently detailed in this report.

The yacht clubs segment of Classification 9061 includes predominantly yacht clubs (more than 80% of operations in the segment), but also rowing and sailing clubs since they operate almost identically to yacht clubs (“yacht clubs”). Yacht clubs are membership clubs that provide members with a place to socialize with others who have a similar interest in the operation of aquatic vessels. These clubs may offer rental of equipment, use of vessels, use or rental of marinas or slips, instruction on the operation and care of aquatic vessels and preparation for competitions. While the operations of yacht clubs are somewhat similar to those of the remaining N.O.C. clubs, including the existence of onsite restaurants or bars and kitchen staff,⁷ yacht clubs are more likely to also have employees who serve food or drinks. In addition, yacht clubs do not typically provide overnight lodging, while some N.O.C. clubs (about 20%) provide overnight lodging. Yacht club operations are more similar to those of country and golf clubs and are often classified in country or golf club classifications in other jurisdictions. The operational comparison between yacht clubs and country and golf clubs is subsequently detailed in this report.

b) Loss and Payroll Experience for Retreat Facilities and Yacht Clubs

Retreat facilities account for 9% of statewide payroll reported in Classification 9061, while yacht clubs account for 18%.⁸ As shown in Figure 1, the long-term loss to payroll ratios for retreat facilities are significantly lower than those for the remaining N.O.C. clubs assigned to Classification 9061, with a 32%

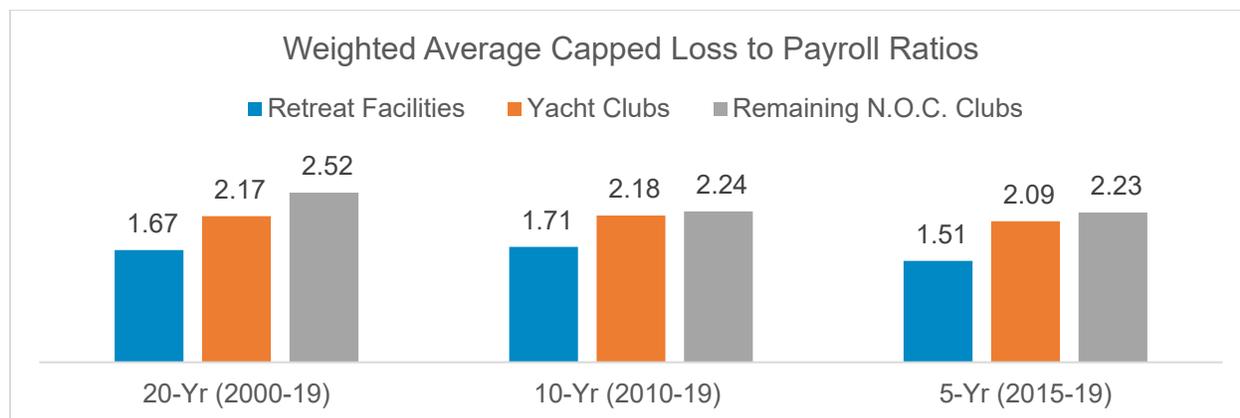
⁶ Of the remaining N.O.C. clubs that provide overnight lodging, half were sorority houses, which account for a small number of policies and a small share of statewide payroll reported in Classification 9061.

⁷ About 70% of yacht clubs whose Classification Inspection Reports were reviewed had onsite restaurants.

⁸ Of all employers with payroll reported in Classification 9061, 63 retreat facility employers were identified. The payroll share was calculated using aggregated payroll from policy years 2015 to 2019 at the latest report level.

differential in the most recent five years. The differences in the loss and payroll experience between retreat facilities and the remaining N.O.C. clubs suggest different risk exposures in their operations. Yacht clubs, on the other hand, have similar historical loss to payroll ratios to the remaining N.O.C. clubs.

Figure 1. Long-Term Capped Loss to Payroll Ratios for Retreat Facilities, Yacht Clubs and the Remaining N.O.C. Clubs assigned to Classification 9061⁹



2. Retreat Facilities and the Potential Destination Classification 9048(1), Camps – recreational or educational – all operations – including Clerical Office Employees at camp locations

a) Operational Similarities between Retreat Facilities and Camps

The WCIRB identified Classification 9048(1), *Camps*, as the potential destination classification for retreat facilities because retreat facility operations are similar to recreational and educational camp operations (Table 1). Specifically, camps offer their own camp programs to campers on their premises and may also rent out their facilities, providing access to campgrounds, dining facilities and lodging, to third parties to host their own camp programs. Similar to retreat programs, camp programs provide participants with predetermined recreational or educational activities with guidance or counseling services. Both camps and retreat facilities provide overnight lodging and food services to participants. In addition, camps are typically located in rural areas and often retain resident employees who likely have an increased risk of injury due to their 24-hour exposure at campgrounds. Similarly, retreat facilities in rural areas often retain resident employees who have 24-hour exposure to workplace hazards. One difference between the operations of camps and retreat facilities is that camp programs often operate seasonally, particularly during the summer for school-aged children, and therefore may employ seasonal staff.

⁹ The weighted average loss to payroll ratio was calculated as the aggregate losses at the last report level over the past 20, 10 and 5 policy years divided by the aggregate payroll during the same period. The same methodology was used for Figures 4 and 7.

Table 1. Operational Comparison among Retreat Facilities, Camps and the Remaining N.O.C. Clubs Assigned to Classification 9061

Operational Comparison		Remaining N.O.C. Clubs (excl. retreat facilities and yacht clubs)	Retreat Facilities	Camps
Location	Rural areas		X	X
	Urban areas	X	X	
Food and Lodging Services	Food preparation	Majority	100%	100%
	Overnight lodging	~20%	100%	100%
Program Activities	Provide recreational activities in a structured program		X	X
	Provide instruction on a specific topic		X	X
Types of Employees	Seasonal employees			X
	Resident employees		X	X
	Non-resident employees, depending on location	X	X	X

A distinction in the current classification procedures for retreat facilities compared to camps is the treatment of clerical office employees at facility locations. Clerical office employees who support camp operations and work at camp locations are assigned to Classification 9048(1), while clerical office employees who support camp operations but do not work at camp locations are assigned to Classification 8810, *Clerical Office Employees – N.O.C.* Clerical office employees who support retreat facility operations, regardless of where they work, are assigned to Classification 8810. Employer outreach and a review of the Classification Inspection Reports indicated that most retreat facilities have clerical office employees at only retreat facility locations and, depending on the location of the facility and the type of retreat program offered, these clerical office employees may also reside at the facility.

The operations performed by clerical employees at retreat facility locations include scheduling, payroll, accounting and customer service via phone or email, which are similar to the operations performed by clerical employees at camp locations. In addition, outreach to both camp and retreat facility employers indicated that the share of payroll for clerical employees at retreat facility locations relative to non-clerical employees is consistent with that of camp operations. Industry feedback also indicated that clerical employees at both retreat facility locations and camp locations may not have purely clerical job duties and may have some exposure to the non-clerical operations of the business, such as providing tours of the facility or grounds or greeting customers. In addition, the latest five-year loss to payroll ratio for the clerical operations at retreat facility locations was almost four times that of the statewide clerical experience, indicating a significantly higher risk exposure than typical clerical operations. Therefore, assigning clerical and non-clerical operations at retreat facility locations to the same classification may more accurately reflect retreat facilities' workers' compensation risk exposure.

The WCIRB also compared retreat facilities' operations to hotel operations as other jurisdictions classify retreat facilities, in particular religious or spiritual retreat facilities, in their respective hotel classifications.¹⁰ Hotels, classified as 9050, *Hotels, Motels or Short-Term Residential Housing*, primarily provide lodging and may offer separately classifiable recreational, leisure or resort operations that are available to guests. However, employer outreach and a review of the Classification Inspection Reports indicated that retreat facilities do not operate like hotels, primarily in that retreat program participants are expected to engage in personal or professional growth activities or workshops provided by instructors, and the cost of the retreat program includes lodging, food and meeting space for the activities and workshops. At retreat facilities, participants register for the retreat program in order to utilize the lodging and amenities provided by the retreat facilities. Additionally, the historical advisory pure premium rates and loss and payroll experience

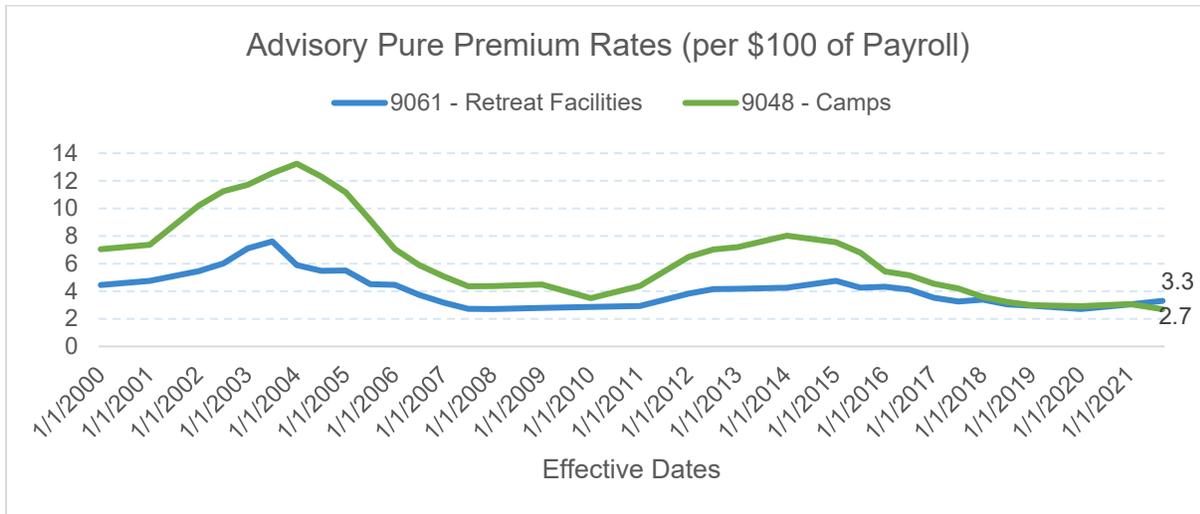
¹⁰ These jurisdictions include Massachusetts, New York and Pennsylvania. The National Council on Compensation Insurance, Inc. (NCCI) may classify retreat facilities in their respective hotel classification based on the employer that is operating the facility. For more information see Appendix II.

for retreat facilities are quite different from those for hotels. Therefore, analysis of both California hotel operations and loss experience does not support Classification 9050 as a potential destination for retreat facilities.

b) Similar Loss and Payroll Experience between Retreat Facilities and Camps

The WCIRB compared the historical pure premium rates for Classification 9061 to those for Classification 9048. As shown in Figure 2, Classification 9061 has historically had lower advisory pure premium rates than Classification 9048, but the rates of the two classifications have converged since 2018.

Figure 2. Historical Advisory Pure Premium Rates of Retreat Facilities and Camps¹¹



Given the challenges in determining the experience of clerical operations that support retreat facilities relative to other separately classifiable operations, the WCIRB compared the loss to payroll ratios and typical causes of injuries between non-clerical retreat facility operations and camp operations.

Overall, the historical loss to payroll ratios for retreat facilities were more volatile than those for camps, mostly driven by limited exposure for retreat facilities (Figure 3). While retreat facilities had significantly lower loss to payroll ratios than Classification 9048 before 2011, since then the loss and payroll experience for retreat facilities has become more comparable to that of Classification 9048 suggesting that their risk exposures have become more similar. In particular, as shown in Figure 4, over the last ten years the loss to payroll ratios for camps became more similar to those for retreat facilities.

¹¹ CDI Decision on the WCIRB September 1, 2021 Pure Premium Rate Filing. Same for Figure 5.

Figure 3. Historical Capped Loss to Payroll Ratios¹² Comparing Retreat Facilities¹³ to Camps

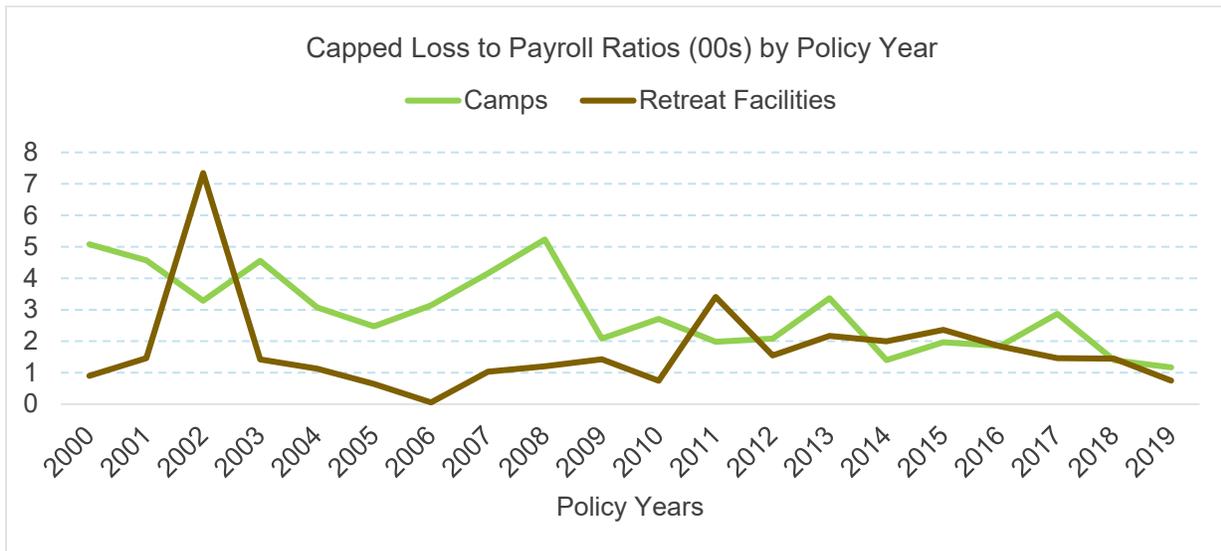
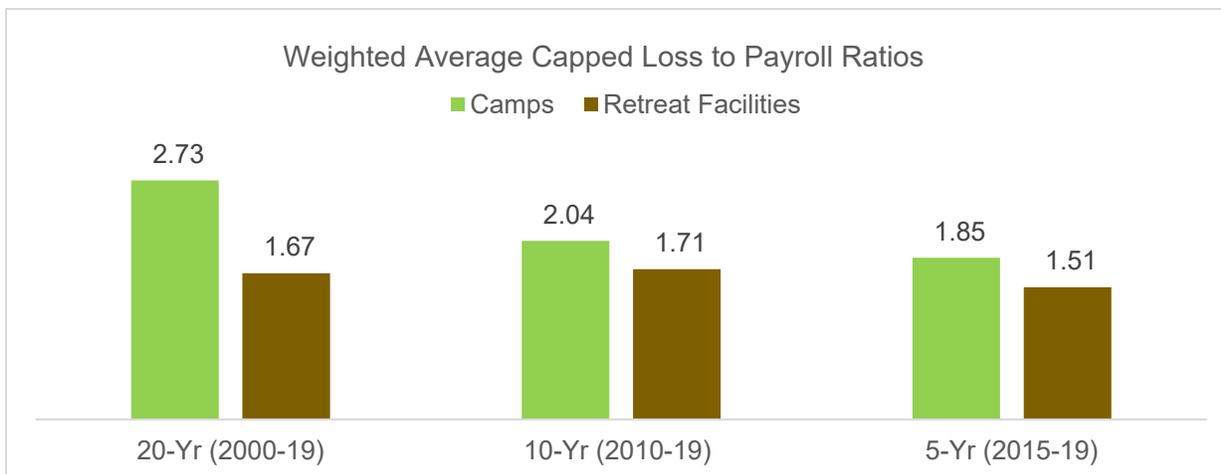


Figure 4. Long-Term Loss to Payroll Ratios Comparing Retreat Facilities to Camps



While the number of indemnity claims reported for retreat facilities was relatively small, the leading two causes of injuries were strain injuries and fall, slip or trip injuries, which are similar to the leading causes of injuries for camps.

In summary, given that retreat facilities and camps share similar operational characteristics, payroll and loss experience and typical causes of injury, the WCIRB recommends reclassifying retreat facilities in Classification 9048(1). Since clerical employees who work at camp locations are also included in Classification 9048(1) and most retreat facilities have clerical employees who only work at facility locations and whose job duties and operations appear to be similar to those of clerical employees at camp locations, the WCIRB also recommends reassigning clerical employees who work at retreat facility

¹² Loss to payroll ratios were calculated using losses capped at \$500,000 per claim and payroll reported at the latest report level. The same methodology was used for Figure 6.

¹³ The retreat facilities experience shown in Figures 3 and 4 includes only the non-clerical experience of retreat facilities assigned to Classification 9061 and does not include clerical operations at retreat facility locations (currently assigned to Classification 8810) due to challenges in determining the payroll for clerical operations supporting retreat facilities that have other separately classifiable operations.

locations from Classification 8810 to Classification 9048(1).¹⁴ The impacts of the recommended changes on retreat facilities, camps and statewide clerical experience are detailed in the Impact Analysis section.

3. Yacht Clubs and the Potential Destination Classification 9060

a) Operational Similarities between Yacht Clubs and Country or Golf Clubs

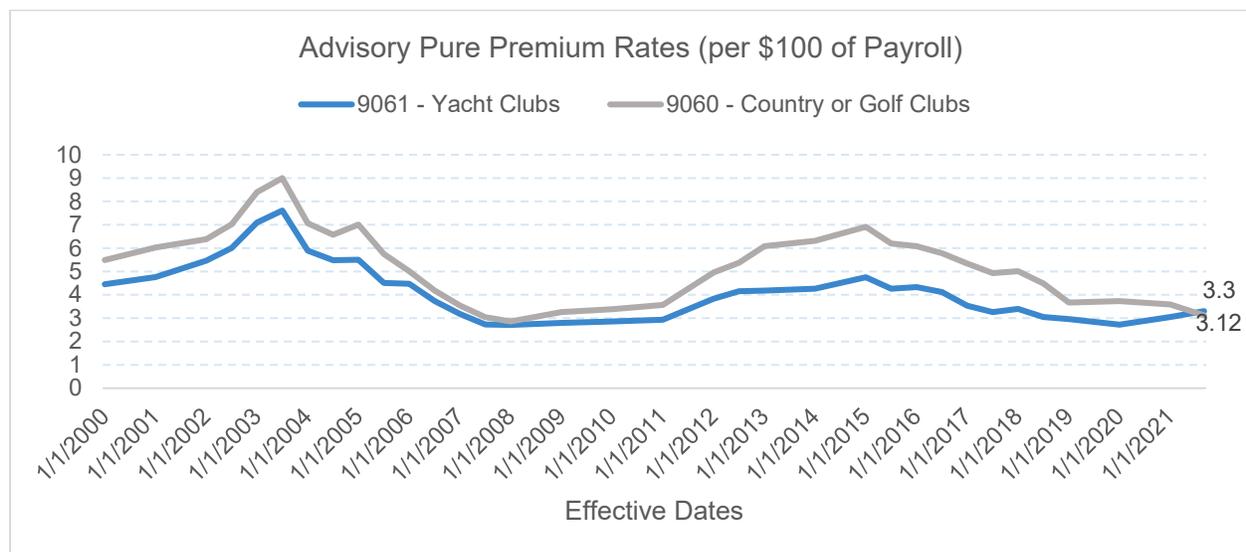
The WCIRB identified Classification 9060, *Clubs – country or golf*,¹⁵ as the potential destination classification for yacht clubs as country and golf clubs operate similarly to yacht clubs. All of these clubs are membership clubs that provide members with a place to socialize with others who have similar interests in golf, tennis, swimming, yachting or other recreational activities. These clubs may also provide instruction, operate tournaments and pro shops, maintain facilities and grounds for recreational activities and provide services to maintain equipment for members. These clubs typically have an onsite restaurant or bar where hot food and alcoholic drinks are prepared and served to club members. Yacht clubs and country or golf clubs do not typically provide lodging to members.

Other jurisdictions classify yacht clubs in their respective country or golf club classifications.¹⁶ The assignment of these clubs to these classifications is predicated on whether a majority of employees (excluding restaurant or bar employees) work outdoors engaged in activities associated with outdoor sports. Since yacht clubs are more similar to country or golf clubs than they are to the remaining N.O.C. clubs (as described above), reclassifying yacht clubs to Classification 9060 would facilitate grouping homogeneous operations in the same classification and improve alignment with other jurisdictions.

b) Loss and Payroll Experience for Yacht Clubs and Country or Golf Clubs

As shown in Figure 5, the historical advisory pure premium rates for Classification 9061 had generally been slightly lower than those for Classification 9060. However, the advisory pure premium rates of the two classifications have converged in the most recent year. The similar rates for the two classifications indicate a small impact to employers in both classifications if yacht clubs were to be reclassified to 9060.

Figure 5. Historical Advisory Pure Premium Rates for Yacht Clubs and Country or Golf Clubs



¹⁴ If a retreat facility also retains clerical employees who do not work at retreat facility locations, these clerical employees would continue to be assigned to Classification 8810.

¹⁵ This classification also applies to the operation of public golf courses. These golf courses are open to the general public and do not require a membership.

¹⁶ These jurisdictions include the NCCI jurisdictions, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania and Wisconsin. For more information see Appendix II.

Since yacht clubs account for only 18% of the statewide Classification 9061 payroll, the historical loss to payroll ratio trend for this segment has been volatile. Compared to Classification 9060, yacht clubs had generally lower loss to payroll ratios before 2015, though since then the loss to payroll ratios for yacht clubs have been slightly higher than those for country or golf clubs (Figure 6). A comparison of long-term loss to payroll ratios shows that the loss to payroll experience of yacht clubs has been comparable to that of Classification 9060 for the last five to ten years (Figure 7). As discussed earlier, the loss to payroll experience of yacht clubs was also similar to that of the remaining N.O.C. club operations (see Figure 1); therefore, the potential reassignment of yacht clubs to the country or golf club classification would largely be based on a better fit of operational characteristics.

Figure 6. Historical Capped Loss to Payroll Ratios Comparing Yacht Clubs to Country or Golf Clubs

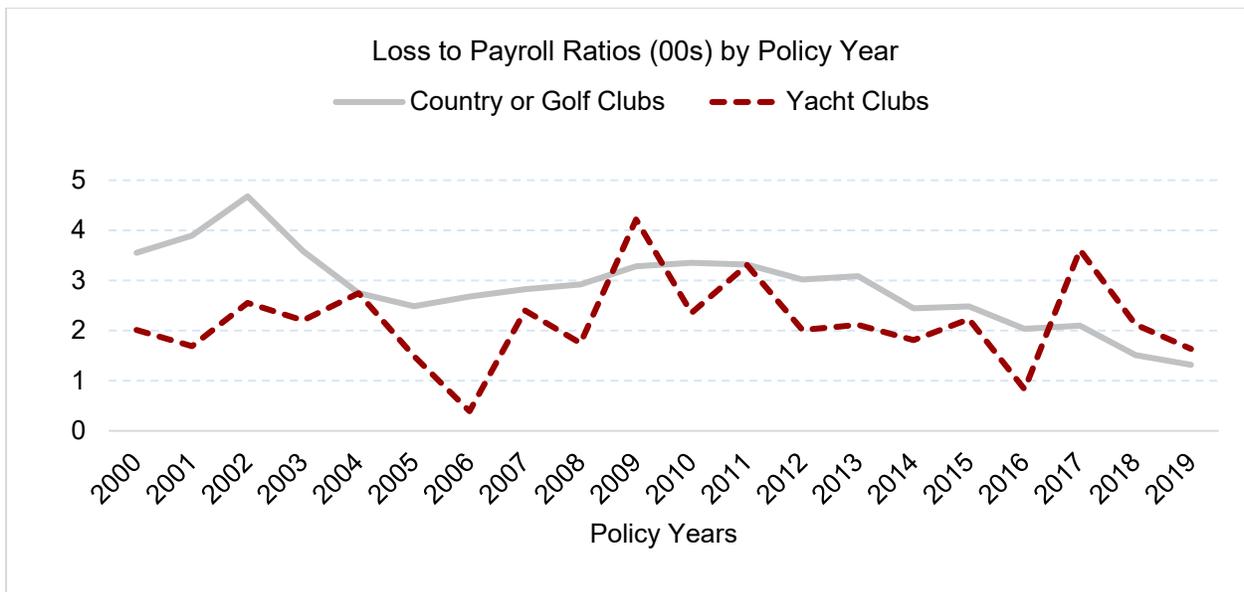
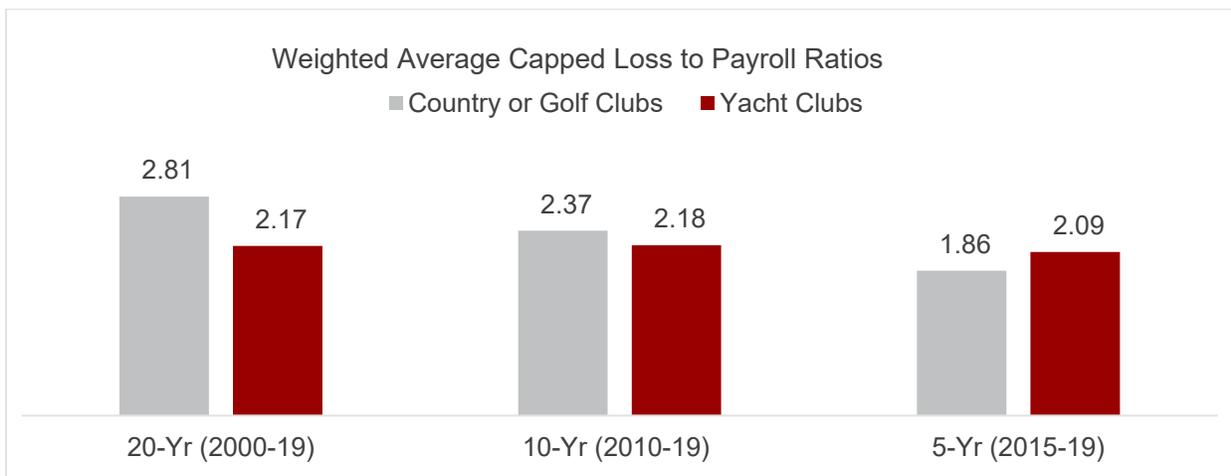


Figure 7. Long-Term Loss to Payroll Ratios Comparing Yacht Clubs to Country or Golf Clubs



In summary, yacht clubs have similar loss and payroll experience to both country and golf clubs and the remaining N.O.C. clubs in Classification 9061. However, yacht clubs operate more similarly to country and golf clubs than to the remaining N.O.C. clubs in Classification 9061. In addition, other jurisdictions assign yacht clubs to the same classification as country or golf clubs. Therefore, given the operational similarities and the benefits of alignment with other jurisdictions, the WCIRB recommends reclassifying yacht clubs to Classification 9060. The impacts of the recommended changes on yacht clubs and country and golf clubs are detailed in the Impact Analysis section.

4. Analysis of the Remaining N.O.C. Club Operations in Classification 9061

Based on a review of the Classification Inspection Reports, the remaining N.O.C. club operations assigned to Classification 9061 include predominantly social clubs, followed by community service clubs, cultural clubs, fraternal orders and fraternity and sorority houses. These remaining N.O.C. clubs provide members with a place to socialize with others who have similar interests and may have onsite restaurants or bars where hot food and alcoholic drinks are prepared and served to club members. Except for fraternity and sorority houses, lodging is not a common characteristic as lodging is provided by only 20% of the remaining N.O.C. clubs. Reclassifying retreat facilities to Classification 9048(1) and yacht clubs to Classification 9060 makes the remaining operations assigned to Classification 9061 more homogenous and defines the scope of the classification more narrowly. In addition, the remaining N.O.C. club operations would still constitute sufficient payroll and losses for a classification with high credibility (approximately 0.98). As such, the WCIRB recommends continuing to assign the remaining N.O.C. club operations to Classification 9061.

The WCIRB also reviewed whether the N.O.C. designation for Classification 9061 should be maintained. Given that it is not practical to establish a classification to specifically describe the operations of every type of club in California, there remains a need to provide N.O.C. classification direction for any club operation that is not more specifically described by the other nine club classifications. This N.O.C. classification ensures a uniform approach to classifying those club operations. Additionally, the USRP directs that any business or operation not described by a classification shall be assigned to the classification most analogous from the standpoint of process and hazard. However, classification by analogy requires a detailed analysis, performed on a case-by-case basis. In addition, without the N.O.C. classification and a specific classification assignment, these case-by-case assignments may increase the likelihood of similar operations being classified differently. In view of the above, the WCIRB recommends keeping the N.O.C. designation for Classification 9061.

IV. Impact Analysis

The WCIRB evaluated the impact of reclassifying retreat facilities and yacht clubs on Classifications 9048, 9060, 9061 and 8810, as well as on employers operating retreat facilities and yacht clubs. Classification relativities for the destination classes are included in Appendix III.

1. Impact on Camp Employers in Classification 9048

Table 2 shows that the selected loss to payroll ratio for Classification 9048 would decrease moderately by 5.2% after including the experience of the retreat facilities currently assigned to Classification 9061 and the clerical employees at retreat facility locations currently assigned to Classification 8810.¹⁷ The reduction in the selected loss to payroll ratio for Classification 9048 is mostly driven by the slightly better experience of retreat facilities and their clerical operations at retreat facility locations compared to camp operations.

¹⁷ The experience of clerical employees at retreat facility locations was identified for retreat facilities that were principally engaged in retreat operations (payroll reported for retreat facilities was greater than the total payroll reported in other classifications that do not include clerical employees). Based on operational analysis and industry feedback, the analysis assumes that all clerical operations of retreat facilities that were principally engaged in retreat operations were performed at retreat facility locations.

Table 2. Changes in the Selected (Unlimited) Loss to Payroll Ratio for Classification 9048 Under Proposed Recommendation

Classification 9048 (A)	Classification 9048 + Retreat Facility Operations and Clerical Operations at Retreat Facility Locations (B)	% Difference (B/A-1)
2.043	1.937	-5.2%

2. Impact on Retreat Facility Employers

The WCIRB analyzed the impact of the proposed recommendations on retreat facilities employers. Given that both clerical employees at retreat facility locations and non-clerical employees of retreat facilities would be reassigned to Classification 9048(1), the impact on individual employers would depend on the mix of clerical and non-clerical employees at retreat facility locations. Based on payroll and loss experience data, a review of the Classification Inspection Reports and feedback from retreat facility employers, the WCIRB estimated that, on average, about 20% of retreat facility payroll was generated by clerical employees and 80% by non-clerical employees at retreat facility locations.¹⁸ Therefore, based on this estimate of payroll share, retreat facility employers would have, on average, a moderate decline (-4.2%) in their selected loss to payroll ratio after being reclassified to Classification 9048 (Table 3).

Table 3. Estimated Average Impact to the Selected (Unlimited) Loss to Payroll Ratio for Retreat Facility Employers Under Proposed Recommendation

Average Payroll Split		Current Selected Loss to Payroll Ratio for Retreat Facility Employers ¹⁹ (A)	Selected Loss to Payroll Ratio for Retreat Facility Employers Under the Proposed Changes ²⁰ (B)	% Difference (B/A-1)
Clerical Employees at Retreat Facility Locations	Other Retreat Facility Employees			
20%	80%	2.022	1.937	-4.2%

3. Impact on Statewide Classification 8810

As shown in Table 4, after excluding the loss and payroll experience of the clerical operations at retreat facility locations, the statewide experience in Classification 8810 would have a minimal decrease (-0.3%) in the selected loss to payroll ratio. The minimal decrease is mostly due to the relatively small proportion of Classification 8810 payroll for retreat facility clerical employees who tend to have higher risk exposure than the statewide clerical experience.

Table 4. Changes in the Selected (Unlimited) Loss to Payroll Ratio for Classification 8810 Under Proposed Recommendation

Classification 8810 (A)	Classification 8810 excluding Clerical Operations at Retreat Facility Locations (B)	% Difference (B/A-1)
0.160	0.160	-0.3%

¹⁸ Industry feedback confirmed that the payroll split between clerical and other non-clerical employees of camps is similar to the estimated payroll split for retreat facilities.

¹⁹ The selected loss to payroll ratio under the current classification structure was calculated as weighting the selected loss to payroll ratio for Classification 8810 (0.160) for clerical employees at retreat facility locations and that for Classification 9061 (2.488) for other retreat facility employees by the estimated average payroll split between the clerical (20%) and other non-clerical operations (80%) at retreat facility locations.

²⁰ The selected loss to payroll ratio under the proposed changes was based on the experience for Classification 9048, experience for clerical employees at retreat facility locations in Classification 8810 and experience for non-clerical retreat facility employees in Classification 9061.

4. Impact on Country and Golf Club Employers in Classification 9060

Table 5 shows that the selected loss to payroll ratio for Classification 9060 would increase slightly by 2.6% after the inclusion of yacht club employers. The loss to payroll experience of yacht clubs is generally similar to that of country and golf clubs.

Table 5. Changes in the Selected (Unlimited) Loss to Payroll Ratio for Classification 9060 Under Proposed Recommendation

Classification 9060 (A)	Classification 9060 + Yacht Clubs (B)	% Difference (B/A-1)
2.356	2.418	2.6%

5. Impact on Yacht Club Employers

The WCIRB also analyzed the impact of the proposed change on yacht club employers. As shown in Table 6, the loss to payroll ratio for yacht club employers would drop by 2.8% after being reclassified to Classification 9060.

Table 6. Changes in the Selected (Unlimited) Loss to Payroll Ratio for Yacht Club Employers Under Proposed Recommendation

Classification 9061 (A)	Classification 9060 + Yacht Clubs (B)	% Difference (B/A-1)
2.488	2.418	-2.8%

6. Impact on Employers in Classification 9061

For the remaining N.O.C. club employers that will continue to be assigned to Classification 9061, the selected loss to payroll ratio would increase slightly by 0.6% after the reclassification of retreat facilities to Classification 9048(1) and yacht clubs to Classification 9060. This increase is driven by the relatively good experience of retreat facilities and yacht clubs being moved out of Classification 9061 (Table 7).

Table 7. Changes in the Selected (Unlimited) Loss to Payroll Ratio for Classification 9061 Under Proposed Recommendation

Classification 9061 (A)	Classification 9061 excluding Retreat Facilities and Yacht Clubs (B)	% Difference (B/A-1)
2.488	2.503	0.6%

V. Findings

Based on this review, the WCIRB has determined:

1. Two segments with distinct operations were identified from the N.O.C. club operations assigned to Classification 9061, retreat facilities and yacht clubs. The remaining N.O.C. club operations assigned to Classification 9061 include predominantly social or community service membership clubs. Retreat facilities have dissimilar operations from the remaining N.O.C. clubs, particularly in that retreat facilities typically provide overnight lodging for participants compared to only a small fraction of the remaining N.O.C. clubs that provide those operations. Retreat facilities in rural areas, in particular, tend to have resident employees with 24-hour exposure to workplace hazards, while the remaining N.O.C. clubs are typically located in urban areas and do not retain resident employees. The loss to payroll ratios of retreat facilities were consistently lower than

those of the remaining N.O.C. clubs, which is reflective of a different level of risk exposure. While yacht clubs have operations and loss to payroll ratios similar to the remaining N.O.C. clubs, yacht clubs are more comparable to country and golf clubs and in other jurisdictions are assigned to the same classifications as country or golf clubs.

2. Retreat facilities have generally similar operations to camps, which are assigned to Classification 9048(1), *Camps*. Similar to camps, retreat facilities provide food and lodging, and host programs which specialize in providing instruction or guidance through a scheduled agenda of activities or workshops to promote participants' wellness or personal, spiritual or professional growth. Additionally, due to the nature of these programs and the location of the facilities, it is common for retreat facilities to employ staff who reside at the facility, similar to camps. The job duties of clerical employees who work at retreat facilities are similar to those of clerical employees at camp locations. While there were challenges in determining the experience of clerical operations that support retreat facilities relative to other separately classifiable operations, a comparison of loss to payroll ratios and typical causes of injuries between non-clerical retreat facility operations and camp operations yielded similar patterns.
3. Reclassifying retreat facility operations and the clerical operations at retreat facility locations to Classification 9048(1) would lead to an average of 4.2% decline in the selected loss to payroll ratios for retreat facility employers, while camp employers in Classification 9048(1) would experience a 5.2% decline in the selected loss to payroll ratios. The decreases in selected loss to payroll ratios for both groups were mostly driven by the relatively good experience of retreat facilities and their clerical operations.
4. Yacht clubs are more similar to country clubs and golf clubs assigned to Classification 9060, *Clubs – country or golf*, than to the remaining N.O.C. club operations in Classification 9061. Other jurisdictions classify yacht clubs in their respective country or golf club classifications. The loss to payroll experience of yacht clubs was similar to that of both Classifications 9061 and 9060. Therefore, reclassifying yacht clubs to Classification 9060 would facilitate assigning homogenous operations to the same classification and improve alignment with other jurisdictions.
5. Given similar risk exposure between yacht clubs and country or golf clubs, reassigning yacht club operations to Classification 9060 would have a small impact on the selected loss to payroll ratios for both yacht club employers (2.8% decrease) and country and golf club employers (2.6% increase).
6. After reclassifying retreat facilities and yacht clubs to other classifications, the remaining N.O.C. club operations appear more homogeneous, and the scope of Classification 9061 is more narrowly defined. The selected loss to payroll ratio for the remaining N.O.C. club employers would only be minimally impacted by the exclusion of retreat facilities and yacht clubs from Classification 9061 (0.6% increase).
7. Given that it is not practical to establish a classification to specifically describe the operations of every type of club in California, there remains a need to have an N.O.C. classification for any club operation that is not more specifically described by the other nine club classifications. This N.O.C. classification ensures a uniform approach to classifying those club operations. Additionally, the USRP directs that any business or operation not described by a classification shall be assigned to the classification most analogous from the standpoint of process and hazard. However, this requires a detailed analysis, performed on a case-by-case basis. Without the N.O.C. classification and a specific classification assignment, there may be an increased likelihood of similar operations being assigned differently. In view of the above, keeping the N.O.C. designation for Classification 9061 is appropriate.

VI. Recommendations

Based on these findings, the WCIRB recommends:

1. Amending Classification 9061, *Clubs – N.O.C.*, to remove retreat facility and yacht club operations.
2. Amending Classification 9048(1), *Camps*, to include retreat facility operations and onsite clerical employees of retreat facilities.
3. Amending Classification 9060, *Clubs – country or golf*, to include yacht club operations.

Appendix I: History of Classifications 9061, 9048(1) and 9060

Following is a timeline of significant changes to the scope and application of **Classification 9061, Clubs – N.O.C.**:

- **1920:** Classification 9059, *Clubs – (N.O.C.) excluding power laundries*, was established to apply to clubs that could not be otherwise classified.
- **1930:** Classification 9061 was established and included clerical office employees.
 - Classification 9059, *Clubs – (N.O.C.) excluding power laundries*, was eliminated and its constituents were reassigned to Classification 9061.
- **1947:** Classification 9061 was amended to include salesmen, drivers, chauffeurs and their helpers.
- **1968:** A new classification was established under Classification 9061, *Y.M.C.A. or Y.W.C.A. Institutions – all employees – including teachers; instructors; Clerical Office Employees, Salesmen and Drivers, Chauffeurs and their Helpers*, to apply to Y.M.C.A. and Y.W.C.A. institutions.
 - Classification 9063, which previously applied to Y.M.C.A. or Y.W.C.A. Institutions, was eliminated and its constituents were reassigned to Classification 9061.
- **1990:** Classification 9061(1), *Clubs – N.O.C.*, was amended to exclude clerical office employees and include restaurant or tavern employees.
- **1995:** Classification 9061(2), *Y.M.C.A. or Y.W.C.A. Institutions – all employees – including teachers and instructors*, was eliminated and its constituents were reassigned to newly established Classification 9067(2), *Clubs – boys and girls – all employees – including teachers and instructors*.
- **2013:** Classification 9061 was amended to include front desk employees.
- **2017:** Classification 9061 was amended to include examples of membership clubs, including retreat facilities.

Following is a timeline of significant changes to the scope and application of **Classification 9048(1), Camps – recreational or educational**:

- **1975:** Classification 9048(1) was established to apply to the operation of recreational or educational camps as a result of a 1975 WCIRB classification study.
- **2003:** Classification 9048(1) was amended to clarify that it applies to camps that provide supervised recreational or educational activities and guidance or counseling services, with overnight facilities for camp participants.

Following is a timeline of significant changes to the scope and application of **Classification 9060, Clubs – country or golf**:

- **1930:** Classification 9060 was established to apply to country clubs, golf clubs, fishing clubs and yacht clubs.
- **1968:** Classification 9060 was amended to exclude fishing clubs and include swimming clubs and tennis clubs as a result of a 1968 WCIRB classification study.
- **1970:** Classification 9060 was amended to include restaurant or tavern employees and exclude clerical office employees.
- **1985:** Classification 9060 was amended to exclude swimming clubs, tennis clubs and yacht clubs as a result of a 1984 WCIRB classification study.
 - This study indicated that clubs operating golf courses presented exposures that were significantly different from tennis clubs, swimming clubs and yacht clubs. The predominant activities and employments for yacht clubs involved the operation of a restaurant and cocktail lounge. However, yacht clubs did not generate sufficient data to develop sufficient credibility to warrant a separate classification and therefore were assigned by analogy to an existing classification. It was the Manual Subcommittee's position that, while not identical, yacht clubs were very similar to social clubs, assigned to Classification 9061, *Clubs – N.O.C.*, and could therefore be afforded similar classification treatment.
- **2013:** Classification 9060 was amended to include front desk employees.
- **2017:** Classification 9060 was amended to clarify that it applies to the operation of private golf and country clubs and public golf courses.

Appendix II: Classification of Retreat Facilities and Yacht Clubs in Other Jurisdictions

Retreat Facilities

The Workers' Compensation Rating and Inspection Bureau of Massachusetts, New York Compensation Insurance Rating Board and Pennsylvania Compensation Rating Bureau direct that retreat facilities are classified in each jurisdiction's respective hotel classification(s).

NCCI directs that retreat facilities are classified based on the employer that is providing the service. For example, a retreat facility operated by a social services organization is classified in the social services classification, whereas a spiritual retreat facility is classified in NCCI's hotel classifications, depending on specific employee's job duties.

The Minnesota Workers' Compensation Insurers Association, Inc. directs that retreat facilities are classified in school classifications, depending on specific employee's job duties.

Yacht Clubs

In general, yacht clubs are classified in Classification 9060, which includes country clubs, golf clubs and fishing clubs. For NCCI jurisdictions, the Workers' Compensation Rating and Inspection Bureau of Massachusetts, the Minnesota Workers' Compensation Insurers Association, Inc., the New Jersey Compensation Rating and Inspection Bureau, the New York Compensation Insurance Rating Board, the North Carolina Rate Bureau and the Wisconsin Compensation Rating Bureau, Classification 9060 also includes clerical office employees.

The Compensation Advisory Organization of Michigan classifies yacht clubs in Classification 9060, which also includes fishing clubs but not clerical office employees.

The Pennsylvania Compensation Rating Bureau classifies yacht clubs in Classification 944, which also includes country clubs and golf clubs.

Appendix III: Classification Relativities

Table 1: Classification 9061 – Classification Relativity at the Policy Year 2021 Level

Policy Year	Adjusted Payroll	Adjusted Indemnity Losses	Adjusted Medical Losses	Adjusted Total Losses	Adjusted Loss to Payroll Ratio (00s)
2015	254,290,298	2,433,327	2,499,587	4,932,914	1.940
2016	270,036,390	2,005,226	3,104,847	5,110,073	1.892
2017	273,159,020	2,637,862	4,081,736	6,719,598	2.460
2018	287,620,496	3,868,568	3,694,456	7,563,024	2.630
Total	1,085,106,204	10,944,983	13,380,627	24,325,610	

Adjusted Loss to Payroll Ratio 2.242
 Selected (Unlimited) Loss to Payroll Ratio 2.488

Credibility	
Indemnity	Medical
1	1

Table 2: Classification 9061 Excluding Retreat Facilities and Yacht Clubs – Classification Relativity at the Policy Year 2021 Level

Policy Year	Adjusted Payroll	Adjusted Indemnity Losses	Adjusted Medical Losses	Adjusted Total Losses	Adjusted Loss to Payroll Ratio (00s)
2014	184,692,939	1,364,296	2,537,050	3,901,346	2.112
2015	188,320,047	1,894,704	1,944,653	3,839,357	2.039
2016	201,063,049	1,676,734	2,453,199	4,129,933	2.054
2017	202,534,337	1,701,992	2,787,974	4,489,966	2.217
2018	209,549,836	3,044,765	2,833,717	5,878,482	2.805
Total	986,160,209	9,682,491	12,556,592	22,239,083	

Adjusted Loss to Payroll Ratio 2.255
 Selected (Unlimited) Loss to Payroll Ratio 2.503

Credibility	
Indemnity	Medical
0.98	0.99

Table 3: Classification 9048 – Classification Relativity at the Policy Year 2021 Level

Policy Year	Adjusted Payroll	Adjusted Indemnity Losses	Adjusted Medical Losses	Adjusted Total Losses	Adjusted Loss to Payroll Ratio (00s)
2014	134,397,556	579,242	1,006,580	1,585,822	1.180
2015	139,647,593	808,698	1,760,685	2,569,383	1.840
2016	149,652,091	948,196	1,602,517	2,550,713	1.704
2017	155,676,162	1,848,564	2,508,320	4,356,884	2.799
2018	166,415,989	1,108,035	1,455,463	2,563,498	1.540
Total	745,789,391	5,292,735	8,333,566	13,626,300	

Adjusted Loss to Payroll Ratio 1.827
 Selected (Unlimited) Loss to Payroll Ratio 2.043

Credibility	
Indemnity	Medical
0.82	0.93

Table 4: Classification 9048 Including Retreat Facilities and Clerical Employees at Retreat Facility Locations – Classification Relativity at the Policy Year 2021 Level

Policy Year	Adjusted Payroll	Adjusted Indemnity Losses	Adjusted Medical Losses	Adjusted Total Losses	Adjusted Loss to Payroll Ratio (00s)
2014	171,642,116	806,337	1,398,679	2,205,016	1.285
2015	174,276,221	1,048,722	2,055,359	3,104,081	1.781
2016	183,650,978	1,062,706	1,843,864	2,906,570	1.583
2017	190,121,877	2,022,581	2,753,439	4,776,020	2.512
2018	206,451,527	1,398,366	1,677,158	3,075,524	1.490
Total	926,142,719	6,338,712	9,728,498	16,067,211	

Adjusted Loss to Payroll Ratio 1.735
 Selected (Unlimited) Loss to Payroll Ratio 1.937

Credibility	
Indemnity	Medical
0.89	1

Table 5: Classification 8810 – Classification Relativity at the Policy Year 2021 Level

Policy Year	Adjusted Payroll	Adjusted Indemnity Losses	Adjusted Medical Losses	Adjusted Total Losses	Adjusted Loss to Payroll Ratio (00s)
2017	189,497,179,829	130,397,794	139,291,542	269,689,336	0.142
2018	203,366,292,609	140,978,895	150,029,132	291,008,027	0.143
Total	392,863,472,438	271,376,689	289,320,674	560,697,363	

Adjusted Loss to Payroll Ratio 0.143
 Selected (Unlimited) Loss to Payroll Ratio 0.16

Credibility	
Indemnity	Medical
1	1

Table 6: Classification 8810 Excluding the Experience of Clerical Employees at Retreat Facility Locations – Classification Relativity at the Policy Year 2021 Level

Policy Year	Adjusted Payroll	Adjusted Indemnity Losses	Adjusted Medical Losses	Adjusted Total Losses	Adjusted Loss to Payroll Ratio (00s)
2017	189,484,884,752	130,329,201	139,466,469	269,795,670	0.142
2018	203,353,238,482	140,895,219	149,996,981	290,892,200	0.143
Total	392,838,123,233	271,224,420	289,463,450	560,687,870	

Adjusted Loss to Payroll Ratio 0.143
 Selected (Unlimited) Loss to Payroll Ratio 0.16

Credibility	
Indemnity	Medical
1	1

Table 7: Classification 9060 – Classification Relativity at the Policy Year 2021 Level

Policy Year	Adjusted Payroll	Adjusted Indemnity Losses	Adjusted Medical Losses	Adjusted Total Losses	Adjusted Loss to Payroll Ratio (00s)
2017	912,754,076	8,191,074	12,103,175	20,294,249	2.223
2018	970,923,074	9,117,388	9,116,514	18,233,902	1.878
Total	1,883,677,151	17,308,462	21,219,689	38,528,152	

Adjusted Loss to Payroll Ratio 2.045
 Selected (Unlimited) Loss to Payroll Ratio 2.356

Credibility	
Indemnity	Medical
1	1

Table 8: Classification 9060 Including Yacht Clubs – Classification Relativity at the Policy Year 2021 Level

Policy Year	Adjusted Payroll	Adjusted Indemnity Losses	Adjusted Medical Losses	Adjusted Total Losses	Adjusted Loss to Payroll Ratio (00s)
2017	959,633,882	8,938,932	13,122,764	22,061,696	2.299
2018	1,020,336,525	9,730,767	9,760,929	19,491,696	1.910
Total	1,979,970,407	18,669,700	22,883,692	41,553,392	

Adjusted Loss to Payroll Ratio 2.099
 Selected (Unlimited) Loss to Payroll Ratio 2.418

Credibility	
Indemnity	Medical
1	1

Recommendation

Amend Classification 9048(1), *Camps*, to include retreat facilities and provide direction as to how related operations should be classified.

PROPOSED

CAMPS OR RETREAT FACILITIES – ~~recreational or educational~~—all operations – including Clerical Office Employees at camp or retreat locations 9048(1)

This classification applies to all operations of overnight camps that provide supervised recreational or educational activities with guidance or counseling services and overnight lodging for camp participants. This classification also applies to all operations of overnight retreat facilities that specialize in providing instruction or guidance through a scheduled program of activities or workshops structured to promote wellness or personal, spiritual or professional growth for retreat participants.

This classification also applies to overnight camps or retreat facilities operated by religious organizations. Churches, temples, mosques or synagogues shall be separately classified as 8840, Churches, Temples, Mosques and Synagogues – clergy, professional assistants, organists or members of choir, and 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.

The operation of short-term lodging facilities that do not specialize in providing instruction or guidance through a scheduled program of activities or workshops structured to promote wellness or personal, spiritual or professional growth shall be classified as 9050, Hotels, Motels or Short-Term Residential Housing.

Recreational or educational day camps that do not include overnight lodging shall be classified as 9059, *Day Care Centers*.

Nonmedical residential care facilities providing services in a group setting to persons who are capable of meeting their life support needs independently, but who temporarily need assistance, guidance or counseling shall be classified as 8804(1), Substance Use Disorder Recovery Homes – all employees.

* * * * *

Recommendation

Amend Classification 9060, *Clubs – country or golf*, to include yacht clubs and provide direction as to how related operations should be classified.

PROPOSED

CLUBS – country, ~~or golf~~ or yacht – including front desk employees and restaurant or tavern employees 9060

This classification applies to the operation of private golf or country clubs, ~~or~~ public golf courses or yacht clubs, including restaurant, tavern or event facilities at the club location and additional fitness or recreational facilities that may be operated in connection with the club. This

classification includes the maintenance of golf courses or equipment, including golf carts; golf instruction; tournament operations; all-course club facility or golf cart maintenance; and the operation of pro shops or driving ranges, or restaurant, tavern or event facilities at the club location. This classification also includes additional fitness or recreational facilities that may be operated in connection with the golf course.

Hotel operations shall be separately classified as 9050, *Hotels, Motels or Short-Term Residential Housing*.

Driving ranges that are not operated by golf courses or country clubs shall be classified as 9016(1), *Amusement or Recreational Facilities – N.O.C. – all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores.*

Boat marina or boat rental facilities that are not operated by a yacht club shall be classified as 9016(4), *Boat Marina and Boat Rental Operation*.

Tennis or racquetball clubs shall be classified as 9053(5), *Clubs – racquet sports*.

Public or private swimming pools shall be classified as 9053(3), *Swimming Pools or Swimming Clubs*.

Clubs that are not more specifically described by any other classification shall be classified as 9061, *Clubs – N.O.C.*

* * * * *

Recommendation

Amend Classification 9061, *Clubs – N.O.C.*, to (1) reassign yacht club operations to Classification 9060, *Clubs – country or golf*, (2) reassign retreat facility operations to Classification 9048(1), *Camps*, and (3) for consistency with other proposed changes.

PROPOSED

CLUBS – N.O.C. – all employees – including front desk employees and restaurant or tavern employees 9061

This classification applies to the operation of membership clubs that are not specifically described by another classification, including but not limited to business social clubs, cultural clubs, professional clubs, community service clubs, fraternal orders, yacht clubs, faculty clubs, professional clubs and employer-sponsored clubs or fraternity or sorority houses and includes overnight lodging provided to members in connection with club operations. This classification also applies to the operation of retreat facilities that provide meeting space, food and lodging to participants.

Overnight camps or retreat facilities shall be classified as 9048(1), *Camps or Retreat Facilities*.

Non-profit community health and wellness clubs shall be classified as 9067(1), *Clubs – community health and wellness*.

Boys and girls clubs shall be classified as 9067(2), *Clubs – boys and girls*.

Country clubs, ~~and~~ golf clubs or yacht clubs shall be classified as 9060, *Clubs – country, ~~or~~ golf or yacht*.

Casinos ~~and~~ gaming clubs shall be classified as 9069, *Clubs – gaming*.

Equestrian clubs shall be classified as 7207(2), *Clubs – riding*.

Shooting clubs shall be classified as 9180(2), *Shooting Clubs or Shooting Ranges*.

Swimming clubs shall be classified as 9053(3), *Swimming Pools or Swimming Clubs*.

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Cross-Reference Updates

Recommendation

Amend Classification 9016(1), *Amusement or Recreational Facilities – N.O.C. – all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores*, for consistency with other proposed changes.

PROPOSED

AMUSEMENT OR RECREATIONAL FACILITIES – N.O.C. – all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores **9016(1)**

This classification applies to the operation of amusement or recreational facilities, including but not limited to amusement parks, water parks, miniature golf courses, batting cages, bumper car facilities, archery ranges, water excursions/tours, laser tag, airsoft or paintball facilities, Nordic (cross-country) ski facilities and zoos, including veterinarians employed by zoos.

This classification also applies to the operation of golf driving ranges that are not operated by golf courses or country clubs.

This classification also applies to automobile or horse racetrack operations by employers that are not public agencies.

This classification also applies to the operation of athletic or sports venues, including ballparks and stadiums, during non-sporting activities, including but not limited to concerts and exhibitions.

Boat marinas or boat rental facilities shall be classified as 9016(4), *Boat Marina and Boat Rental Operation*.

Golf courses, ~~or~~ country clubs or yacht clubs shall be classified as 9060, *Clubs – country, ~~or~~ golf or yacht*.

Traveling carnivals shall be classified as 9185, *Carnivals*.

The operation of events, including but not limited to farmers' markets, flea markets, street fairs, swap meets, art or antique festivals, trade shows (public or private), fun runs, foot races, cycling events, marathons, triathlons and athletic charity events shall be classified as 9095, *Event Market, Festival or Trade Show Operation*.

The operation of racetracks by public agencies shall be classified as 9410/9420, *Municipal, State or Other Public Agency Employees*.

Bowling centers shall be classified as 9092(1), *Bowling Centers*.

Billiard halls shall be classified as 9092(2), *Billiard Halls*.

Skating rinks or skate parks shall be classified as 9092(3), *Skating Centers*.

Also refer to companion Classification 9180(1), *Amusement or Recreational Facilities – N.O.C. – operation or maintenance of amusement devices*.

If an employee who performs duties described by Classification 9016(1) also performs duties described by Classification 9180(1), the payroll of that employee may be divided between Classifications 9016(1) and 9180(1), provided the employer maintains accurate records supported by time cards or time book entries that show such division. See Section V, Rule 3, *Division of Single Employee's Payroll*.

Restaurants, retail stores or hotels shall be separately classified.

* * * * *

Recommendation

Amend Classification 9016(4), *Boat Marina and Boat Rental Operation*, for consistency with other proposed changes.

PROPOSED

BOAT MARINA AND BOAT RENTAL OPERATION

9016(4)

This classification applies to boat marina or boat rental operators, including but not limited to the maintenance of marina facilities, maintenance or repair of rental boats, fuel sales, and the rental of boat slips or dry storage space.

Fee-based instruction or guided expeditions shall be separately classified as 9180(1), *Amusement or Recreational Facilities – N.O.C. – operation or maintenance of amusement devices*.

Boat dealers shall be classified as 8057, *Boat Dealers*.

Boat repair facilities shall be classified as 6834, *Boat Building or Repairing*.

Yacht clubs shall be classified as ~~9064~~9060, *Clubs – ~~N.O.C.~~country, golf or yacht*.

Restaurants, retail stores or hotels shall be separately classified.

* * * * *

Recommendation

Amend 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*, for consistency with other proposed changes.

PROPOSED

CHURCHES, TEMPLES, MOSQUES AND SYNAGOGUES – all employees other than clergy, professional assistants, organists, members of choir, Clerical Office Employees or Clerical Telecommuter Employees **9015(4)**

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

Classification 9015(4) includes but is not limited to maintenance employees, janitors, custodians, gardeners, security personnel, drivers and parking lot attendants.

Overnight camps ~~operated by the employer~~ or retreat facilities shall be separately classified as 9048(1), Camps or Retreat Facilities. 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 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 rules 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.

~~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 ~~and~~ other nonalcoholic beverages to congregation members or the general public shall be separately classified as 8078(2), *Beverage Preparation Shops*.

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

Also refer to companion Classification 8840, *Churches, Temples, Mosques and Synagogues – clergy, professional assistants, organists or members of choir*.

If an employee who performs duties described by Classification 9015(4) also performs duties described by Classification 8840, the payroll of that employee may be divided between Classifications 9015(4) and 8840, 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 Classification 8840, *Churches, Temples, Mosques and Synagogues – clergy, professional assistants, organists or members of choir*, for consistency with other proposed changes and to provide direction as to how related operations should be classified.

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 or support for their congregations. Employees include but are not limited to clergy, organists, choir directors or members, audio/video technicians, youth directors, Sunday school teachers, religious studies instructors, pastoral counselors, and clerical office or clerical telecommuter staff.

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

Overnight camps ~~operated by the employer~~ or retreat facilities shall be separately classified as 9048(1), *Camps or Retreat Facilities*. The operation of child day care centers where 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 rules 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*.

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

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.

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Recommendation

Amend Classification 9067(2), *Clubs – boys and girls*, for consistency with other proposed changes-

PROPOSED

CLUBS – boys and girls – all employees – including front desk employees, teachers and instructors **9067(2)**

This classification applies to clubs ~~and/or~~ programs that provide supplemental after school and recreational activities, including but not limited to homework assistance, games, arts and crafts, athletics and computer training for school age children on an elective or drop-in basis.

Overnight Ccamps operations or retreat facilities shall be separately classified as 9048(1), Camps or Retreat Facilities.

Child day care centers engaged in the provision of supervised care and custody of children that do not operate on an elective or drop-in basis shall be classified as 9059, *Day Care Centers*.

* * * * *

Recommendation

Amend Classification 9067(1), *Clubs – community health and wellness*, for consistency with other proposed changes.

PROPOSED

CLUBS – community health and wellness – all employees – including front desk employees, teachers and instructors **9067(1)**

This classification applies to non-profit community associations, including but not limited to YMCAs, YWCAs and Jewish Community Centers that provide exercise or aquatic facilities to promote health and physical fitness and programs for social, recreational, educational and cultural engagement.

Preschool ~~and/or~~ child day care operations shall be separately classified as 9059, *Day Care Centers*.

Nonmedical Residential care facilities for adults needing social rehabilitation, including but not limited to psychiatric, pre-parole or probation halfway houses that provide services in a group setting to persons who are capable of meeting their life support needs independently, but who

temporarily need assistance, guidance or counseling shall be separately classified as 8804(2), *Social Rehabilitation Facilities for Adults*.

Overnight Camps operations or retreat facilities shall be separately classified as 9048(1), *Camps or Retreat Facilities*.

Health clubs or gyms that do not operate non-profit community associations for social, recreational, educational or cultural engagement shall be classified as 9053(2), *Health Clubs or Gyms*.

Fitness studios that are not non-profit community associations operating programs for social, recreational, educational or cultural engagement shall be classified as 8870, *Fitness Instruction Programs or Studios*.

Boys and girls clubs shall be classified as 9067(2), *Clubs – boys and girls*.

Non-profit community associations that do not operate physical fitness facilities shall be classified based on the operations performed.

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Recommendation

Amend Classification 9053(5), *Clubs – racquet sports*, for consistency with other proposed changes.

PROPOSED

CLUBS – racquet sports – including restaurant employees, retail store employees and receptionists 9053(5)

This classification applies to racquet clubs that provide membership and access to court facilities for playing racquet sports, including but not limited to tennis, racquetball, badminton and squash, as a primary benefit of membership. This classification includes additional fitness and recreational facilities that may be operated in connection with the racquet court facilities. This classification includes coaching teams and instructing, supervising and operating competitive leagues or events.

This classification also applies to the operation of clubs or facilities for handball, pickleball, table tennis or similar racquet or paddle sports.

~~Golf or Country clubs, golf clubs or yacht clubs~~ shall be classified as 9060, *Clubs – country, or golf or yacht*.

Public or private swimming pools shall be classified as 9053(3), *Swimming Pools or Swimming Clubs*.

Non-profit community health and wellness clubs shall be classified as 9067(1), *Clubs – community health and wellness*.

Health clubs or gyms engaged in operating facilities that provide space and exercise equipment, including but not limited to cardiovascular equipment, weight machines and free weights available for at-will use by clients for the majority of operating hours, including tennis,

racquetball, handball or squash operations provided in connection therewith, shall be classified as 9053(2), *Health Clubs or Gyms*.

The operation of fitness studios or fitness training programs primarily offering scheduled fitness classes where space and exercise equipment is not available for use by clients at-will during the majority of operating hours shall be classified as 8870, *Fitness Instruction Programs or Studios*.

* * * * *

Recommendation

Amend Classification 8868, *Colleges or Schools – private – not automobile schools – professors, teachers or academic professional employees*, to clarify the intended application and provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

COLLEGES OR SCHOOLS – private – not automobile schools – professors, teachers or academic professional employees **8868**

Academic professional employees consist of, but are not limited to, deans, chancellors, vice chancellors, directors, principals, assistant principals, presidents, vice presidents, librarians, registrars, curriculum developers, psychologists, speech therapists and counselors. The responsibilities of such employees typically include planning, directing, administering, counseling or curriculum development. This classification includes day care, preschools or before or after school programs operated by private colleges or schools.

This classification also applies to teachers' aides, tutors, nurses, athletic team coaches or library employees.

This classification also applies to Independent Living Skills (ILS) instructional programs that are administered through state-contracted Regional Centers.

The operation of religious organizations, including but not limited to churches, temples, mosques and synagogues shall be separately classified ~~in accordance with the provisions of the Multiple Enterprises rules~~ as 8840, *Churches, Temples, Mosques and Synagogues – clergy, professional assistants, organists or members of choir*, and 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*.

Overnight camps or retreat facilities shall be separately classified as 9048(1), *Camps or Retreat Facilities*.

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

The operation of colleges or schools by municipal, state or other public agencies shall be classified as 8875(1), *Public Colleges or Schools*.

Also refer to companion Classification 9101, *Colleges or Schools – private – not automobile schools – all employees other than professors, teachers or academic professional employees – including cafeterias*.

If an employee who performs duties described by Classification 8868 also performs duties described by Classification 9101, the payroll of that employee may be divided between Classifications 8868 and 9101, 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.

~~Recreational or educational day camps that do not include overnight lodging for camp participants shall be classified as 9059, *Day Care Centers*.~~

~~Overnight camps shall be separately classified as 9048(1), *Camps*.~~

Automobile driving schools shall be classified as follows:

- Driving or classroom instruction – 8748, *Automobile or Truck Dealers – vehicle salespersons*
- Vehicle maintenance or repair – 8391, *Automobile or Truck Dealers – all employees other than vehicle salespersons*

~~Supported Living Services (SLS) provided to developmentally disabled individuals or In-Home Support Services (IHSS) shall be separately classified as 8827(1), *Home Care Services*. Child care or supervisory services, including but not limited to day care, preschools, kindergartens and before or after school programs not in connection with public or private schools which provide instruction for first grade and higher shall be classified as 9059, *Day Care Centers*.~~

Recreational or educational day camps that do not include overnight lodging for camp participants shall be classified as 9059, *Day Care Centers*.

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Recommendation

Amend Classification 9059, *Day Care Centers*, for consistency with other proposed changes.

PROPOSED

DAY CARE CENTERS – child – not residential care facilities – all employees – including receptionists

9059

This classification applies to child day care centers that provide nonmedical care and supervision for children ranging from infancy to 17 years of age for periods of less than 24 hours; preschool programs; or before or after school programs that are not operated in connection with public or private schools operated by the same employer.

This classification also applies to recreational or educational day camps that do not include overnight lodging for camp participants.

This classification also applies to day care services provided by employers primarily for the use of their employees' dependents, in accordance with the General Exclusions rule. See Section III, Rule 6, *General Exclusions*.

Recreational or educational Overnight camps that include overnight lodging or retreat facilities shall be classified as 9048(1), *Camps or Retreat Facilities*.

This classification does not apply to child care or supervisory services, including but not limited to day care, preschools, kindergartens and before or after school programs, that are operated by the same employer in connection with public or private schools which provide instruction for first grade and higher; such operations shall be classified as 8868, *Colleges or Schools – private – not automobile schools – professors, teachers or academic professional employees*, 9101, *Colleges or Schools – private – not automobile schools – all employees other than professors, teachers, or academic professional employees*, or 8875(1), *Public Colleges or Schools*.

Boys and girls clubs that provide supplemental after school or recreational activities for school age children on an elective or drop-in basis shall be classified as 9067(2), *Clubs – boys and girls*.

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Recommendation

Amend Classification 8870, *Fitness Instruction Programs or Studios*, for consistency with other proposed changes.

PROPOSED

FITNESS INSTRUCTION PROGRAMS OR STUDIOS – all employees – including receptionists 8870

This classification applies to fitness instruction programs or fitness studios that provide scheduled fitness or training classes, including but not limited to martial arts, gymnastics, dance and yoga. This classification is limited to fitness instruction where facility space and exercise equipment is not available for use by clients on an at-will basis during the majority of operating hours. This classification also applies to fitness-based classes or training sessions, including but not limited to personal training and specialized coaching by employers not engaged in any facility operations, such as independent golf and tennis instructors.

Health clubs or gyms operating facilities that provide space and exercise equipment, including but not limited to cardiovascular equipment, weight machines and free weights available for at-will use by clients for the majority of operating hours, including scheduled classes and fitness training programs provided in connection therewith, shall be classified as 9053(2), *Health Clubs or Gyms*.

The operation of athletic teams or athletic facilities shall be classified as 9182, *Athletic Teams or Athletic Facilities – all employees other than players, umpires, referees and game officials*.

Swimming pools or swimming clubs shall be classified as 9053(3), *Swimming Pools or Swimming Clubs*.

Tennis or racquetball clubs shall be classified as 9053(5), *Clubs – racquet sports*.

Country clubs, ~~or~~ golf courses or yacht clubs shall be classified as 9060, *Clubs – country, ~~or~~ golf or yacht*.

Non-profit community health and wellness clubs shall be classified as 9067(1), *Clubs – community health and wellness*.

Water-based athletic or fitness instructional programs at locations other than swimming pools, including but not limited to surfing, scuba, kayaking, paddle boarding and kite surfing lessons

and tours on lakes, bays, rivers or oceans shall be classified as 9180(1), *Amusement or Recreational Facilities – N.O.C. – operation or maintenance of amusement devices.*

* * * * *

Recommendation

Amend Classification 9050, *Hotels, Motels or Short-Term Residential Housing*, to provide direction as to how related operations should be classified.

PROPOSED

HOTELS, MOTELS OR SHORT-TERM RESIDENTIAL HOUSING

9050

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 the operation of hotels, motels or short-term residential housing. This classification includes all employees other than employees exclusively engaged in restaurant or tavern operations. Front desk, cashiering, concierge or retail store operations, and facility tours, including but not limited to tours for marketing or inspection purposes, are included in this classification.

Short term residential housing, including but not limited to vacation rentals and timeshare properties, is defined as housing units that are rented for not more than 30 consecutive days. The operation of residential housing where more than 75% of units are rented for longer than 30 consecutive days shall be assigned to the applicable *Property Management/Operation* Industry Group classification.

The payroll of employees engaged exclusively in connection with restaurant or tavern operations shall be separately classified as 9079(1), *Restaurants or Taverns*. This includes employees who work in food or beverage departments, prepare or serve hot food in connection with complimentary breakfasts, or provide room service, including delivering food or restocking in-room refrigerators, provided such employees perform no hotel duties. Employees who perform hotel, motel or short-term residential housing operations and restaurant or tavern operations shall be assigned to Classification 9050.

Recreation, leisure or resort operations, including but not limited to country clubs, golf courses, yacht clubs, casinos, gaming clubs, spas, baths, health clubs, gyms, barber shops or hair salons shall be separately classified.

The payroll of employees who alternate between two or more separately classifiable operations shall be assigned in accordance with Section V, Rule 3, *Division of Single Employee's Payroll*.

The payroll of employees who do not engage in operations that are integral to each classifiable operation but perform operations in general support of more than one classifiable operation shall be assigned to the Governing Classification of the group of classifications to which their work pertains. Employees who perform general support operations include but are not limited to supervisors, maintenance workers, security guards, shipping and receiving clerks and yard employees.

Overnight retreat facilities that specialize in providing instruction or guidance through a scheduled program of activities or workshops structured to promote wellness or personal,

spiritual or professional growth for participants shall be classified as 9048(1), Camps or Retreat Facilities.

Nonmedical residential care facilities, including but not limited to psychiatric, pre-parole or probation halfway houses that provide services in a group setting to persons who are capable of meeting their life support needs independently, but who temporarily need assistance, guidance and counseling shall be classified as 8804(2), *Social Rehabilitation Facilities for Adults*.

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Recommendation

Amend Part 3, Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency with other proposed changes.

PROPOSED

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- 9048(1) Camps/Retreat Facilities
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- 9060 Clubs–country/golf/yacht
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