



**B U L L E T I N**

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**R.C. 2181**

**To the Members of the Board**

**RE: New York Workers Compensation  
WC & EL Manual - Miscellaneous Classification Revisions  
Effective October 1, 2008**

The Underwriting Committee of the New York Compensation Insurance Rating Board (NYCIRB) has authorized, and the New York State Insurance Department has approved, amendments to various 'classification' references in the NYCIRB Workers Compensation & Employers Liability Manual. These changes are effective October 1, 2008.

The amendments to the manual are summarized below:

**a. Barber Shop or Beauty Parlor – Code 9586 – New Phraseologies**

Code 9586 applies to the operation of a barber shop or beauty parlor. This class is also applicable to the operation of nail salons, tattoo parlors, hair salons, tanning salons and day spas that provide a variety of treatments. Since there were no specific phraseologies in the Manual describing these types of businesses, there are now new (additional) phraseologies shown below for Code 9586:

- Day Spa – variety of beauty treatments
- Hair Salon
- Nail Salon
- Tanning Salon
- Tattoo Parlor

Revised manual pages C-27, C-44, C-57 and C-89, attached, reflect the additional entries.

b. Showroom Salespersons – Code 8747 – Interpretation Clarification

Code 8747 applies to showroom salespersons. The criteria for the applicability of this classification to these individuals has been restated in the Manual in order to clarify Item 1 of the “Conditions” under this code. This item will now read as follows:

1. The operating location must be a display showroom or salesroom only. Any sales orders generated from the showroom or salesroom cannot be made to private individuals (*no retail sales*).

The attached Manual page C-78 reflects the amendment above.

c. Bicycle Stores – Retail – Code 7998

Code 7998 “Hardware Store – Retail” and Code 7999 “Hardware Store – Wholesale”, in addition to applying to the sale of hardware, also applies to the sale of bicycles on a retail basis (Code 7998) and on a wholesale basis (Code 7999). The Manual has been amended with new phraseologies that specifically reference the bicycle stores.

The new phraseologies for bicycle stores are shown below:

Bicycle Store – retail – including rental and incidental repair work-Code 7998

Bicycle Store – wholesale – including rental and incidental repair work-Code 7999

The attached Manual pages C-84 and D-62 reflect the above amendments.

These changes and W.C. & E.L. Manual pages are also available via our website at: [www.nycirb.org](http://www.nycirb.org). Please note that the website version of the manual is downloadable and searchable for your use and reference.

Very truly yours,

Monte Almer

President

WVT:tg  
Encl.

**DAM or LOCK CONSTRUCTION:**

**CONCRETE WORK & Drivers** in connection with dams or locks—all types—including foundations or the making, setting up or taking down forms, scaffolds, falsework or concrete distributing apparatus.

*Separately rate excavation, pile driving, shaft sinking, tunneling; caisson or cofferdam work.* **6017**

*With respect to non-pneumatic caisson or non-pneumatic cofferdam operations, the appropriate caisson or cofferdam classification shall apply only to the construction, maintenance or removal of the caisson or cofferdam.*

**EARTH MOVING or PLACING & Drivers** in connection with dams or locks—all types—including excavation, burrowing, filling, backfilling or grading.

*Separately rate mass rock excavation, pile driving, shaft sinking; tunneling, caisson or cofferdam work.* **6018**

*With respect to non-pneumatic caisson or non-pneumatic cofferdam operations the appropriate caisson or cofferdam classification shall apply only to the construction, maintenance or removal of the caisson or cofferdam.*

**TIMBER CUTTING and REMOVAL & Drivers**

*Includes incidental brush cutting and removal.*

**2702**

**DANCE CLUB, Bar, Lounge, Nightclub or Tavern**—including entertainers and/or musicians

**9074**

*Applies to the operation of a bar, dance club, lounge, nightclub or tavern where the gross receipts of alcoholic beverages exceed 50% of the total receipts of food and non-alcoholic beverages.*

*Refer to Section III of the Digest of Rulings and Interpretations to determine the application of the appropriate restaurant and/or bar classification.*

**DAY CARE CENTERS—CHILDREN**

*Applies to facilities that offer day care services for children. These centers predominantly provide day care for younger children with a structured approach to learning social skills, language skills and early reading. Activities include singing, dancing and storytelling. Some facilities may also provide before and after-school care programs.*

*Not applicable to elementary schools that provide day care services at the same location.*

**PROFESSIONAL EMPLOYEES & Clerical, Salespersons**

**8869**

**ALL OTHER EMPLOYEES & Drivers**

**9059**

★ **DAY SPA** – variety of beauty treatments

**9586**

**DEBRIS REMOVAL**—construction or erection

**5610**

*Applies to specialty contractors engaged in removing construction or erection debris provided they are not engaged in construction or erection operations. Code 5610 also applies to debris removal employees of a construction or erection contractor provided that the payroll for the cleaners, timekeepers and watchguards is greater than all other payroll of the employer subject to construction or erection classifications at the same job or location. Code 5610 can be applied to debris removal employees that are working on different floors of the job site that have already been completed by the tradespersons or to debris removal employees after the tradespersons left for the day provided their payroll meets the criterion.*

*Timekeepers and watchguards employed by construction or erection contractors are present during the construction or erection operations. Watchguards also work nights, weekends and holidays to assure that vandalism and theft does not occur.*

**DEBRIS REMOVAL**—construction or erection (continued on next page)

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<b>HAIR GOODS MFG.</b>	<b>2534</b>
<i>Applies to products made from human hair.</i>	

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★ <b>HAIR SALON</b>	<b>9586</b>
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<b>HARDWARE MFG. NOC</b>	<b>3146</b>
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<b>HARNESS</b> or Saddle <b>MFG.</b>	<b>4902</b>
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<b>HAT CLEANING</b> Establishment	<b>9585</b>
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<b>HAT MFG. NOC</b>	<b>2501</b>
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<b>HATTERS' FUR MFG.</b>	<b>2600</b>
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<b>HAY BALING</b> —by contractor—& Drivers	<b>0050</b>
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<b>HAY</b> , Grain, Feed or Fertilizer <b>DEALER &amp; LOCAL MANAGERS, Drivers</b>	<b>8215</b>
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<b>HEALTH</b> or Exercise <b>INSTITUTE</b>	<b>9055</b>
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**HEALTH CARE SERVICES:**

*Applies to an establishment providing health care services for individuals or families in their residences, nursing homes, hospitals or schools.*

<b>MEDICAL</b> or <b>OTHER PROFESSIONAL SERVICES</b> —traveling	<b>8854</b>
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*Includes private duty registered and licensed practical nurses, physical, speech and/or occupational therapists.*

<b>DAILY LIVING SKILL SERVICES</b> —traveling	<b>9051</b>
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*Includes home health aides, personal care aides, all other types of home aides and home support personnel such as homemakers, companions and services to shut-ins involving shopping or assistance with personal grooming.*

<b>MEDICAL &amp; social CASE WORKERS</b> —traveling	<b>8857</b>
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*Applies when any portion of an employee's time is spent in the field performing duties of a case worker, counselor, advocate for medical or social related services or other similar functions whether performed by social service agencies or similar organizations.*

*No medical, rehabilitation or other related services provided.*

<b>INSIDE WORK ONLY</b> —medical & social case workers	<b>8810</b>
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<b>HEAT TREATING</b> —metal	<b>3307</b>
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*Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 3307 are conducted as a separate and distinct business.*

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<b>HEATER</b> or Radiator <b>MFG.</b>	<b>3081</b>
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*Applies to cast iron heaters or radiators.*

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<b>HEATING</b> and Air Conditioning <b>DUCT WORK</b> —shop and outside—& Drivers	<b>5536</b>
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*Applies to fabrication, erection, installation or repair of duct work including the installation of the air conditioning and blower units. Separately rate the repair or servicing machinery at a customers' premises as Code 3737.*

*Not available for division of payroll at the same job or location to which Code 5538 "Sheet Metal Work Erection, Installation or Repair NOC—shop or outside—& Drivers" applies.*

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**MOTION PICTURE:**

**PRODUCTION**—in studios or outside **ALL OPERATIONS UP TO THE DEVELOPMENT OF NEGATIVES—  
& Drivers** **9610**

*The entire remuneration of all employees shall be included in computing premium, subject, however, to the maximum average weekly wage per employee shown in the "Miscellaneous Values" pages as "Maximum Remuneration."*

**DEVELOPMENT OF NEGATIVES, printing AND ALL SUBSEQUENT OPERATIONS** **4360**

*Separately rate the marketing of the product through film exchanges at locations other than the studio as Code 4362.*

**FILM EXCHANGE & Clerical** **4362**

*Includes projecting rooms. Separately rate film exchanges located at motion picture studios as Code 4360.*

**MOTORCYCLE MFG. or ASSEMBLY** **3808**

**MUCILAGE, Ink (writing) or Paste MFG.** **4597**

**MUNICIPAL, TOWNSHIP, COUNTY or STATE EMPLOYEE NOC** **9410**

*Includes employees engaged in laboratory work, inspectors of the Board of Health, electrical inspectors, building inspectors and similar operations. Separately rate workers, mechanics or others engaged in manual labor or supervisors of construction work.*

**MUSEUM—PUBLIC**—See "PUBLIC LIBRARY or MUSEUM"

**MUSIC RECORDING STUDIOS** **4352**

*Separately rate players, entertainers or musicians as Code 9157 or Code 9159.*

**MUSIC ROLL MFG.**—perforated paper **4282**

*Separately rate paper manufacturing as Code 4239.*

**MUSICAL INSTRUMENT MFG. NOC—metal** **3686**

**MUSICAL INSTRUMENT MFG. NOC—wood** **2923**

**NAIL MFG.** **3270**

*Separately rate steel making as Code 1438 or Code 3004. Separately rate rolling mills as Code 3018 or Code 3027.*

★ **NAIL SALON** **9586**

**NEEDLE MFG.** **3383**

<b>SYNTHETIC RUBBER INTERMEDIATE MFG. &amp; Drivers</b>	<b>4829</b>
<i>Separately rate oil refining or gasoline recovery as, Code 1463, acetylene gas manufacturing as Code 4635, wood alcohol manufacturing as Code 1470. Separately rate the manufacturing of isopropyl alcohol as Code 4825 or Code 4611 if bottling only.</i>	
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<b>SYNTHETIC RUBBER MFG.</b>	<b>4751</b>
<i>Separately rate synthetic rubber intermediate manufacturing as Code 4829.</i>	
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<b>SYRUP or Molasses REFINING, BLENDING or MFG.</b>	<b>2021</b>
<i>Not glucose or beet sugar manufacturing.</i>	
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<b>TACK MFG.</b>	<b>3270</b>
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<b>TACKLE and Fishing Rod MFG.</b>	<b>4902</b>
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<b>TAILOR or Custom Clothing SHOP—alterations—no mfg., dry cleaning or laundering</b>	<b>2503</b>
<i>No mass manufacturing of clothing. Applies to the custom fabrication of clothing for individuals, including subsequent alterations and tailoring. Custom is defined as the fabrication of garments such as suits, dresses, shirts, pants and other similar garments that require taking measurements of individuals, cutting and sewing the fabric in accordance to the measurements and specifications of the individual customer.</i>	
<i>Code 2503 includes alterations and tailoring of garments received from customers regardless if the articles were custom manufactured or not by the same risk.</i>	
<i>Separately rate alterations or tailoring performed by a dry cleaning and/or laundering establishment as Code 2590 or Code 2591.</i>	
<i>Separately rate a retail clothing store engaged in providing alterations of clothing items that are sold to their customers as Code 8008.</i>	
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<b>TALC MILL &amp; Drivers</b>	<b>1747</b>
<i>Separately rate digging, mining or quarrying.</i>	
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<b>TANK BUILDING—metal—SHOP</b>	<b>3620</b>
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<b>TANK ERECTION or REPAIR—metal—within buildings—exclusively</b>	<b>3726</b>
<i>Includes the construction or repair of foundations.</i>	
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<b>TANNING</b>	<b>2623</b>
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★ <b>TANNING SALON</b>	<b>9586</b>
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<b>TAR or Asphalt DISTILLING or REFINING &amp; Drivers</b>	<b>1463</b>
<i>Includes the manufacturing of products obtained from the distilling or refining of tar or asphalt and the saturation of paper or felt with tar or asphalt. Separately rate felt or paper manufacturing as Code 2288 or coke burning as Code 1470. Separately rate chemical works or manufacturers of dyes or products used as explosives.</i>	
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★ <b>TATTOO PARLOR</b>	<b>9586</b>
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<b>TAVERN, Bar, Dance Club, Lounge or Nightclub—including entertainers and/or musicians</b>	<b>9074</b>
<i>Applies to the operation of a bar, dance club, lounge, nightclub or tavern where the gross receipts of alcoholic beverages exceed 50% of the total receipts of food and non-alcoholic beverages.</i>	
<i>Refer to Section III of the Digest of Rulings and Interpretations to determine the application of the appropriate restaurant and/or bar classification.</i>	
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**SHOWROOM SALESPERSONS**

8747

*Applies to insureds who are engaged in operating a display showroom or salesroom who sell from samples, sample boards, catalogs and/or displays. All other employees, other than Standard Exception employees, are assigned to the appropriate dealer or manufacturing classification unless specifically directed by the classification wording.*

*Salespersons, at a display showroom or salesroom location which also has a sales inventory, storage area, warehouse facility or where sales are conducted over-the-counter or on a cash-and-carry basis, are assigned to the appropriate store, dealer or manufacturing classification.*

*Cannot be assigned to any location where a store, dealer or manufacturing classification applies.*

*Does not contemplate the demonstration of any type of industrial or mobile equipment.*

*In order to qualify for Code 8747 – Showroom Salespersons, the following conditions must be met:*

- ★ 1. *The operation location must be a display showroom or salesroom only. Any sales orders generated from showroom or salesroom cannot be made to private individuals (no retail stores).*
- 2. *There is no warehousing of inventory or any type of over-the-counter sales conducted at the same location.*
- 3. *All items displayed by the showroom must be received, warehoused, shipped or delivered from a separate location. The warehouse workers or drivers are assigned to the classification that applies to the business conducted at the separate location.*
- ★ 4. *The salesperson's duties must be limited to selling exclusively from product displays, samples, sample boards, books or catalogs. Also refer to pages D-57 and D-58 in the Digest of Rulings and Interpretations section of the Manual.*

**SHUTTLE MFG.**

2841

**SIDEWALK BRIDGES—See "SCAFFOLDS"****SIDING INSTALLATION—Aluminum, Plastic or Vinyl—& Drivers**

5648

*Applies to specialty contractors engaged in installation work only.*

*Siding installation is to be inclusive when performed by the same contractor that is engaged in operations subject to Code 5403 "Carpentry NOC", Code 5645 "Carpentry Detached Dwellings" and Code 5651 "Carpentry Dwellings Three Stores or Less" at the same job or location.*

**SIGN ERECTION or REPAIR—away from shop—not outdoor advertising companies—& Drivers**

9552

*Separately rate bill posting as Code 9545.*

**SIGN MFG. or REPAIR—metal—SHOP only**

3064

**SIGN PAINTING or Lettering IN BUILDINGS & Drivers**

9501

*Code 9501, Code 9549 "Advertising Companies & Drivers," or Code 9552 "Sign Erection or Repair & Drivers," Code 5474 "Painting or Decorating NOC & Drivers" or Code 5491 "Wallpaper Hanging & Drivers" shall not be assigned to the same job or location.*

**SIGN PAINTING or Lettering ON BUILDINGS or Structures & Drivers**

9553

*Code 9553, Code 9549 "Advertising Companies & Drivers" or Code 9552 "Sign Erection or Repair & Drivers" shall not be assigned to the same job or location.*

**STORES:**

*Refer to the New York Digest of Rulings and Interpretations for detailed description of operations which are subject to all store classifications included in this section.*

<b>AUDIO or Video Cassette, Book, Record, Compact Disc or Software STORE—Retail</b>	<b>8072</b>
<i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	
<b>AUTO PARTS and ACCESSORIES STORE—wholesale</b>	<b>7999</b>
<b>AUTOMOBILE ACCESSORIES STORE NOC—retail—&amp; Drivers</b>	<b>8046</b>
<b>BAGEL SHOPS—retail</b>	<b>8043</b>
<i>Applies to shops engaged in selling bagels with spreads and/or made into sandwiches. Includes the sale of beverages and other food for consumption on or away from the premises.</i>	
<i>This class can only be applied if the sale of prepared items is less than 50% of the total receipts.</i>	
<i>Separately rate bagel manufacturing as Code 2003.</i>	
<i>If the gross receipts of prepared items is more than 50% of the total gross receipts, the entire operation, including the bagel manufacturing, shall be assigned to Code 9072.</i>	
<i>Separately rate the retail sale of bagels sold without spreads or made into sandwiches as Code 8017 provided the majority (more than 50%) of the sales are derived from the sale of NOC items.</i>	
★ <b>BICYCLE STORE-retail-including rental and incidental repair work</b>	<b>7998</b>
★ <b>BICYCLE STORE-wholesale-including rental and incidental repair work</b>	<b>7999</b>
<b>BOOK STORE—Retail</b>	<b>8072</b>
<i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	
<b>CLOTHING or Wearing Apparel STORE—retail</b>	<b>8008</b>
<b>CLOTHING or Wearing Apparel STORE—wholesale</b>	<b>8032</b>
<b>COFFEE, Tea or Spice STORE—retail</b>	<b>8006</b>
<i>No handling of fresh meats.</i>	
<b>COFFEE, Tea or Spice STORE—wholesale</b>	<b>8034</b>
<b>COMPACT DISC, Record, Video or Audio Cassette STORE—Retail</b>	<b>8072</b>
<i>Not applicable to store locations where more than 50% of the gross receipts is in the service of food or the sale of musical instruments, computers or other hardware, or household or electronic equipment.</i>	
<b>DAIRY PRODUCTS STORE—retail</b>	<b>8006</b>
<i>No handling of fresh meats.</i>	
<b>DAIRY PRODUCTS STORE—wholesale</b>	<b>8034</b>
<b>DELICATESSEN STORE—retail</b>	<b>8006</b>
<i>No handling of fresh meats.</i>	

7999.....**Hardware Store**—wholesale

7999.....**Auto Parts and Accessories Store**—wholesale

7999.....**Ship Chandler**—wholesale

#### **Operations Covered**

This classification applies to dealers *principally* engaged in the wholesale selling of merchandise such as nails, screws, bolts, washers, gaskets, brackets, locks, hinges, electrical outlet boxes, switches, fuses, plugs, sockets, hand or machine tools, portable electrical tools, plumbing fittings, mill supplies, and garden tools including power lawn mowers and snow plows.

This classification also includes "ship chandlers" who are dealers in ship supplies and equipment such as engine room equipment, lifeboat supplies, navigational instruments and deck gear.

Stores *principally* engaged in the wholesale or retail mail order sales of hardware are included in this classification.

Other types of risks included in this classification are wholesale dealers of the following items:

1. Radio or television parts.
2. Aircraft parts and accessories.
3. Air conditioning or refrigerator parts.
4. Oil burners and parts.
5. Welding supplies such as tanks, torches, welding rods and face masks.
6. Cutlery.
7. Sewing machine heads and parts.
- ★ 8. Bicycles – including rental and incidental repair work.

#### **Operations Not Covered**

1. Wholesale or retail dealers *principally* engaged in selling plumbers' supplies such as tubs, sinks, radiators, tanks, boilers and other plumbing fixtures or equipment. Assign Code 8111 "Plumbers' Supplies Dealer & Drivers."
  2. Wholesale or retail dealers *principally* engaged in selling wire, cable or metal conduit. Assign Code 8106 "Iron or Steel Merchant & Drivers."
  3. Wholesale or retail dealers *principally* engaged in selling metal pipe, rods, tubes, sheet metal, iron, steel or non-ferrous metals. Assign Code 8106 "Iron or Steel Merchant & Drivers."
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