



B U L L E T I N

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R.C. 2193

To the Members of the Board

**RE: New York Workers Compensation & Employers Liability Manual
Miscellaneous Classification Revisions**

The Underwriting Committee of the New York Compensation Insurance Rating Board has authorized, and the New York State Insurance Department has approved, amendments to two classification references in the New York Workers Compensation & Employers Liability Manual. Since these changes are clarifications to existing rules, the manual will show an issue date of January 1, 2009.

The amendments to the manual are summarized below:

a. Ambulances – Code 7370 – Rule Clarification

This change is a clarification of Rule II, Item G.3., Page R-7. The change is a modification to the definition on ‘what constitutes an ambulance’ for premium determination purposes. The intention of this change is to eliminate any marketplace confusion by clarifying that Code 7370 includes ‘first response vehicles’ and not just the number of ambulances.

The change is reflected in an amendment to the code description in the Classification Section of the Manual. This change also requires an amendment to Code 7370 description on Page C-2 in the Classification Section of the Manual to include “First Response Vehicles.”

Refer to Manual pages Rule II, Page R7 for the new rule wording. Refer to Part II- Classification Section, Page C-2, Code 7370 for additional phraseologies for the code.

b. Custom Clothing or Tailor Shop – alterations – Code 2503

This change is an amendment to the phraseology of Code 2503 “CUSTOM CLOTHING or Tailor SHOP – alterations - no mfg., dry cleaning or laundering.” The change was necessary in order to clarify and match the footnote which indicates that “no mass” manufacturing of clothing is performed whereas the current phraseology indicates only “no mfg.”

The reworded phraseology reads as follows:

“CUSTOM CLOTHING or Tailor SHOP – alterations - no mass mfg., dry cleaning or laundering 2503”

For reference, the current footnote for this code remains the same and reads as follows:

“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.”

Refer to Page C-26 of the Classification Section of the Manual regarding this amendment.

The changes reflected in this bulletin are attached and are contained in the updated New York Workers Compensation & Employers Liability Manual pages which are also available via our website at: 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.

- a. the governing board of each member ambulance district resolves to be insured under the group policy, and that each such resolution be filed with the chairman of the county board of supervisors;
- b. the group file with the chairman of the county board of supervisors an agreement executed by each member ambulance district agreeing to the effective date of the policy and the population of each fire district;
- c. the chairman of the county board of supervisors contract for a policy of insurance covering the group's members;
- d. the cost of such insurance be apportioned among the group's members based upon population; and
- e. the county treasurer pay for the cost of such insurance.

The New York Insurance Law also contains provision for group insurance under Section 3435 provided group members are either public entities or Type B not-for-profit organizations. The Insurance Law and Regulations require:

- a. the group to be homogenous in nature;
- b. the group to be formed for purposes other than obtaining insurance; and
- c. the group to consist of at least ten members; or a smaller group of at least five members provided that each member generates at least \$5 million in annual revenue or the annual premiums for all lines of such group exceeds \$500,000.

Refer to Section 32 of the Volunteer Ambulance Workers' Benefit Law and Section 3435 of the New York Insurance Law and 11 NYCRR 153 of the New York Insurance Law Regulations for all provisions required for group insurance.

3. Premium

The premium for the Volunteer Ambulance Workers' Benefit Law Policy is a flat charge per ambulance. The charge is not cumulative in the event of substitution of ambulances during the policy period, but shall be cumulative if more than one ambulance is owned or operated during the same policy period regardless of whether or not coverage is written on a single policy basis or as a group policy subject to the provisions of Section 32.2 of the Volunteer Ambulance Workers' Benefit Law. The charge is prorated for ambulances owned or operated for part of the policy period.

★ **Notes:** For purposes of this rule an ambulance shall mean any ambulance or first response vehicle that transports either patients or personnel.

Antique ambulances or any other ambulance used solely for parade or ceremonial purposes and equipped with vintage or historical license plates are exempt from a premium charge. A copy of the registration of the vehicle must be submitted to the carrier to be eligible for the premium waiver.

The premium and losses incurred are reported under Code 7370. The loss cost per ambulance is shown under "Miscellaneous Values" in Part Three—Loss Costs.

ALE or Beer DEALER—wholesale—& Drivers 7390
Code 7390 and Code 2121 "Brewery & Drivers" shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses.

ALUMINUM, Plastic or Vinyl SIDING INSTALLATION & 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 Stories or Less" at the same job or location.

ALUMINUM WARE MFG. 3227
Applies to goods manufactured from sheet aluminum. Separately rate rolling mills or smelting.

AMBULANCE OPERATION:

AMBULANCE WORKERS—NOT VOLUNTEER:

GARAGE EMPLOYEES 8385

ALL OTHER EMPLOYEES & Drivers 8394

VOLUNTEER AMBULANCE SERVICE COMPANY 7370

★ *Includes any ambulance or first response vehicle that transports either patients or personnel. Antique ambulances or any other ambulance used solely for parade or ceremonial purposes and equipped with vintage or historical license plates are exempt from a premium charge. Refer to Rule II Volunteer Ambulance Workers Coverage.*

Applicable to all active volunteer members covered under the Volunteer Ambulance Workers' Benefit Law. The premium shall be based the amount shown per ambulance per year in the "Miscellaneous Values" pages.

Section 30 of the Volunteer Ambulance Workers' Benefit Law makes a county, city, town or village responsible for such benefits to volunteer ambulance workers of ambulance companies in their area.

Employers liability coverage is not automatically afforded under these circumstances to the volunteer ambulance companies whose workers are covered by the municipality's policy. The municipality may elect to extend employers liability coverage for an additional 10% of that premium which is developed for the volunteer ambulance workers of these ambulance companies. Use the New York Volunteer Ambulance Workers' Benefit Law—Extension of Employers Liability Insurance Endorsement (WC 31 06 13). This additional premium shall be assigned to Code 9851 "Premium for the Extension of Employers Liability Coverage to Additional Interests under a VAWBL Policy."

AMUSEMENT DEVICE OPERATION NOC—NOT TRAVELING—& Drivers 9180
Includes ticket sellers or collectors and applies to the operation and maintenance of merry-go-rounds, swings, roller coasters and similar amusement devices not otherwise classified.

Code 9180 does not apply to amusements, exhibitions or other operations separately classified in this manual (such as bath houses, billiard halls, boat livery, bowling lanes, dance halls, garages, ice skating rinks, restaurants, retail stores, roller skating rinks, theaters) whether operated by the owner or lessee of the exhibition or amusement park or through independent concession.

AMUSEMENT DEVICE OPERATOR, Carnival or Circus—TRAVELING—ALL EMPLOYEES—& Drivers 9186
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."

COTTON MERCHANT & Drivers <i>Includes warehouse or yard employees.</i>	8103
COTTON SPINNING AND WEAVING	2302
COTTON STORAGE <i>Applies to baled cotton. Includes warehouse or yard employees.</i>	8292
COUNSELING —social work—traveling <i>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.</i> <i>No medical, rehabilitation or other related services provided.</i>	8857
INSIDE WORK ONLY	8810
COUNTY EMPLOYEES NOC —See "MUNICIPAL"	
CRACKER MFG.	2001
CRAYON, Pencil or Penholder MFG.	2942
CREAMERIES & Route Salespersons, Route Supervisors, Drivers <i>Includes the manufacturing of butter or cheese. Separately rate ice cream manufacturing as Code 2039.</i>	2070
CREMATORY OPERATION & Drivers	9620
CREOSOTE MFG. & Drivers <i>Includes distillation of alcohol, manufacturing of creosote from wood tar or acetates.</i>	1470
CURATOR —See "PUBLIC LIBRARY or MUSEUM"	
★ CUSTOM CLOTHING or Tailor SHOP —alterations—no mass mfg., dry cleaning or laundering <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 cleaner 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 customer as Code 8008.</i>	2503
CUSTOM JEWELRY MFG. —exclusively	3384
CUTLERY MFG. NOC	3122