

BULLETIN

July 27, 2011

Contact: Ms. Annmarie Visciano
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R.C. 2277

To: The Members of the Board

RE: New York Workers Compensation & Employers Liability Manual
Classification Code 8068 – “Art Gallery & Clerical”
Effective October 1, 2011

The Underwriting Committee of the New York Compensation Insurance Rating Board has authorized, and the New York State Insurance Department has approved, effective for use October 1, 2011, the institution of a new classification code and phraseology for “Art Gallery & Clerical,” code number 8068.

The basis for this new classification is a result of the completion of a classification study, conducted by the Rating Board, regarding the art gallery industry. The study revealed that this industry is definable, unique and actuarially credible for the establishment of a new classification.

The pages modified and affected by this change, in the NY WC & EL Manual, and attached for your reference, are as follows: 1) Classification Section (C-3 and C-34), and 2) Digest of Rulings and Interpretations (D-77 and D-77a).

You will also find these revised pages updated accordingly in the on-line version of the Manual, which is available via our website at: www.nycirb.org.

Very truly yours,

Monte Almer

President

WVT:tg
Encl.

AMUSEMENT PARK or Exhibition OPERATION & Drivers	9016
<i>Applies to the operation by owners or lessees and includes musicians and box office employees. Separately rate the operation or maintenance of amusement devices Code 9180.</i>	
<i>Code 9016 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.</i>	
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ANALYTICAL CHEMIST	4511
<i>Includes laboratory and outside employees. Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 4511 are conducted as a separate and distinct business.</i>	
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ANTI-TOXIN, Serum or Virus MFG. & Drivers	5951
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ARCHITECT or Engineer– CONSULTING	8601
<i>Does not apply when engaged in actual construction. May be used only upon specific assignment by the Rating Board. Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 8601 are conducted as a separate and distinct business.</i>	
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ARMS MFG. NOC	3200
<i>Separately rate steel making, forging, shell manufacturing or shell loading–See “EXPLOSIVES.”</i>	
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ART or Cathedral Glass WINDOW MFG.	4133
<i>Includes glass manufacturing.</i>	
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★ ART Gallery & Clerical	8068
<i>Applies to wholesale or retail sales of artwork. Includes appraising of the artwork on the premises of the art gallery.</i>	
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ASBESTOS CONTRACTOR	5473
<i>Includes employees engaged in sealing off work areas, removal, repair, enclosure or encapsulation of asbestos materials.</i>	
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ASPHALT or Tar DISTILLING or REFINING & Drivers	1463
<i>Includes the manufacture of products obtained from the distilling or refining of asphalt or tar and the saturation of paper or felt with asphalt or tar. Separately rate felt mfg. as Code 2288, paper mfg. as Code 4239 and coke burning as Code 1470. Separately rate chemical works or manufacturers of dyes or products used as explosives.</i>	
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ASPHALT WORKS & Drivers	1463
<i>Includes grinding, pulverizing or mixing asphalt. Separately rate digging, mining or quarrying.</i>	
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ASSAYING	4511
<i>Includes laboratory and outside employees. Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 4511 are conducted as a separate and distinct business.</i>	
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ASSISTED LIVING FACILITY–ALL EMPLOYEES–& Clerical	8866
<i>Shall not be assigned to a facility having nursing or medical personnel on staff, other than whose only function is to train employees, such as aides, on how to properly care for the clients residing at the facility.</i>	
<i>Operation of an alcohol or drug rehabilitation facility, homeless shelter, home for the mentally impaired or a residential care facility, with no nursing or medical personnel on staff, shall be assigned to Code 8865.</i>	

CLASS CODE	SUB CODE	HAZARD GROUP	INDUSTRY GROUP	PHRASEOLOGY
8048	00	C	5	Fruit or Vegetable Store—Wholesale
8068	00	B	5	Art Gallery & Clerical
8069	00	B	5	Cellular Telephone Store – Retail
8072	00	B	5	Book Store—Retail
8072	01	B	5	Audio or Video Cassette, Book, Record, Compact Disc or Software Store—Retail
8072	02	B	5	Compact Disc, Record, Video or Audio Cassette Store, Retail
8072	03	B	5	Magazine or Newspaper Store—Retail
8072	04	B	5	Newspaper or Magazine Store—Retail
8072	05	B	5	Sheet Music Store—Retail
8072	06	B	5	Software, Book, Record, Compact Disc, Video or Audio Cassette Store —Retail
8072	07	B	5	Video Cassette, Record or Compact Disc Store—Retail
8090	00	C	7	Auctioneers & Salespersons—Outside
8102	00	B	5	Seed Merchant
8102	01	B	5	Bean Sorting or Handling
8102	02	B	5	Grain Elevator Operation
8102	03	B	5	Peanut Handling
8103	00	D	5	Wool Merchant & Drivers
8103	01	D	5	Clippings Dealer & Drivers
8103	02	D	5	Cotton Merchant & Drivers
8103	03	D	5	Wiping Cloth Dealer & Drivers
8105	00	B	5	Hide or Leather Dealer
8106	00	D	5	Iron or Steel Merchant & Drivers
8106	01	D	5	Metal Merchant & Drivers
8106	02	D	5	Steel or Iron Merchant & Drivers
8107	00	E	5	Machinery Dealer NOC—Store or Yard—& Drivers
8107	01	E	5	Contractors' Machinery Dealer—Store or Yard—& Drivers
8107	02	E	5	Oil or Gas Well—Supplies or Equipment Dealer—New—Store or Yard—& Drivers
8111	00	D	5	Plumbers' Supplies Dealer & Drivers
8116	00	C	5	Farm Machinery Dealer—All Operations—& Drivers
8199	00	C	5	Farm or Feed Supply Dealer—Retail—Exclusively
8199	01	C	5	Feed or Farm Supply Dealer—Retail—Exclusively
8209	00	C	1	Vegetable Packing & Drivers

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8048..... Fruit or Vegetable Store—wholesale (continued)**Operations Not Covered**

1. Dealers *principally* engaged in the wholesale distribution of groceries, dairy products and frozen foods with a minor amount of fresh fruits or vegetables. Assign Code 8034 "Grocery Store—wholesale."
2. Risks *principally* engaged in packing fresh fruits, including sorting, grading and washing of the fruit. Assign Code 2105 "Fruit Packing."
3. Risks *principally* engaged in packing fresh vegetables, including sorting, grading and washing vegetables. Assign Code 8209 "Vegetable Packing & Drivers."

★ **8068...Art Gallery & Clerical**

Applies to wholesale or retail sales of artwork.

Includes appraising of the artwork on the premises of the art gallery.

Operations Covered

This classification applies to the operation of an art gallery. The sales may be wholesale or retail in nature and the art featured may consist of one or more types of art such as:

Antique Maps
Drawings
Historical Artifacts

Installation Art
Lithographs
Paintings

Photography
Sculptures

The sales of the artwork can be sold either on a wholesale or retail basis. Artwork may be purchased directly from artists or others and displayed in a gallery, store front, showroom or office type setting. The salesperson may assist customers with their selection and will process the transaction. The artwork may be taken directly by the customer or packed and shipped by the gallery staff to a specific designation specified by the customer.

Operations Not Covered

1. Stores *principally* engaged in the retail selling of posters or framed prints. Assign Code 8017 "Retail Store NOC – No Service of Food."
2. Stores *principally* engaged in the wholesale selling of posters or framed prints. Assign Code 8018 "Wholesale Store NOC."
3. Stores *principally* engaged in the retail selling of art supplies. Assign Code 8017 "Retail Store NOC – No Service of Food."

8068...Art Gallery & Clerical (continued)

4. Stores ***principally*** engaged in the wholesale selling of art supplies. Assign Code 8018 “Wholesale Store NOC.”
 5. Stores ***principally*** engaged in the retail or wholesale selling of antique jewelry. Assign Code 8013 “Jewelry Store.”
 6. Stores ***principally*** engaged in the retail or wholesale selling of antique coins or stamps. Assign Code 8013 “Jewelry Store.”
 7. Stores ***principally*** engaged in the retail or wholesale selling of antique furniture. Assign Code 8044 “Furniture Store – Wholesale or Retail - & Drivers.”
 8. Restoration of paintings. Assign Code 4352 “Engraving.”
 9. The manufacturing of metal picture frames. Assign Code 3381 “Silverware Mfg.”
 10. The manufacturing of wood picture frames. Assign either Code 2881 “Furniture Assembly – Wood – From Manufactured Parts” if no power machinery used or the appropriate Cabinet Works Code 2816/2817/or 2818 “Cabinet Works with Power Driven Machinery” when power machinery is used.
 11. Retail stores engaged in selling framed pictures, also makes frames on special order for individual customers, all hand work – no power machinery. Assign Code 8017 “Retail Store NOC – No Service of Food.”
 12. The framing of pictures – no frame manufacturing. Assign Code 4307 “Bookbinding.”
 13. The operation of an Art school. Assign Codes 8868 “School – Professional Employees & Clerical” / 9101 “School or College–All Other Employees & Drivers.”
 14. The operation of an Art museum. Assign Codes 8838 “Public Museum- Professional Employees – Includes Attendants & Ushers” / 9101 “Public Museum – All Other Employees & Drivers.”
 15. Auction Operations. Assign Code 8090 “Auctioneers & Outside Salespersons.”
 16. Art Appraisal Operations not performed by Art Gallery employees. Assign Code 8720 “Inspection of Risks for Insurance or Valuation Purposes NOC.”
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