



October 3, 2019

DCRB CIRCULAR NO. 966

To All Members of the DCRB:

RE: APPROVAL OF DCRB FILING NO. 1903
REVISIONS TO BASIC MANUAL HOUSEKEEPING - SECTIONS 1 & 2
EFFECTIVE DECEMBER 1, 2019

The Delaware Insurance Commissioner has approved the DCRB's filing number 1903 regarding Manual housekeeping revisions to Sections 1 and 2 for policies effective 12:01 a.m., December 1, 2019 or later. The effective date of these changes aligns concurrently with the DCRB's normal voluntary market loss cost and residual market rate revision filing, which was filed with the Commissioner on August 2, 2019. This coordination will consolidate necessary changes that members and other constituents make to policies, forms and systems.

The housekeeping revisions are intended to improve Manual language by making it clearer and less ambiguous. The revisions clarify existing classification procedures and update language defining certain classifications in order to align with verbiage used in other Manual provisions and/or to recognize ongoing technological or industrial changes. The revisions are intended to assist in the administration of the DCRB's uniform classification plan and do not revise the scope of any classification nor impact any classification's voluntary market loss cost or residual market rating value.

The Manual housekeeping revisions are summarized as follows:

Section 1

- The Rule IX.A.1. reference to unincorporated associations is deleted and a new and separate entry under Rule IX.A. (Item No. 9) is added which defines the officers of an unincorporated association and describes the premium determination for such officers.
- Rule IX.A.5.d. and Rule IX.A.5.e. are revised for clarity.
- Rule IX.B.3.b. is revised to add reference to LLC members.

Section 2

- Clarification of 13 classification descriptions.
- Addition of 8 new Underwriting Guide entries, revision to 7 existing Underwriting Guide entries, and deletion of 3 Underwriting Guide entries.
- Addition of Code 991, Athletic Team – Noncontact Sports – Professional or Semiprofessional, and Code 970, Athletic Team – Contact Sports – Professional or Semiprofessional, to the Employment Contractor – Temporary Staffing cross reference chart.

For additional information, please refer to Filing No. 1903, posted under the "Filings" tab of the DCRB's website (<http://www.dcrb.com>). Please contact Joseph Lombo, Manager – Classification Section, at (215) 320-4498 or at jlombo@dcrb.com for any questions regarding this Circular. The Basic Manual will be updated on the DCRB's website at a later date.

William V. Taylor
President

DELAWARE WORKERS COMPENSATION MANUAL OF RULES, CLASSIFICATIONS AND RATING VALUES FOR WORKERS COMPENSATION AND FOR EMPLOYERS LIABILITY INSURANCE

Approved Effective December 1, 2019

SECTION 1

INFORMATION PAGE *remains unchanged.*

PREFACE *remains unchanged.*

MEMBERSHIP *remains unchanged.*

TABLE OF CONTENTS *remains unchanged.*

SECTION 1 – Underwriting Rules-Rule I (General) through Rule VIII (Limits of Liability) *remains unchanged.*

RULE IX- SPECIAL CONDITIONS OR OPERATIONS AFFECTING COVERAGE AND PREMIUM

A. EXECUTIVE OFFICERS

1. Definition

Executive Officers of a corporation are the President, Vice President, Secretary, Treasurer or any other officer appointed or elected in accordance with the charter or by-laws of a corporation ~~or unincorporated association.~~

(No change to Items 2. through 4.)

5. Premium Determination

Premium for executive officers, other than elected officers of Delaware or its political subdivisions, shall be based on their total payroll, subject to the following:

- a. *(No change)*
- b. *(No change)*
- c. *(No change)*
- d. These limitations apply to the ~~average~~-weekly payroll of each executive officer for the number of weeks the officer was employed during the policy period.
- e. A part of a week shall be considered a full week in determining the ~~average~~-weekly payroll.

(No change to Items 6. through 8.)

9. Executive Officers of Unincorporated Associations

Executive officers of an unincorporated association are the President, Vice President, Secretary, Treasurer or any other officer appointed or elected in accordance with the charter or by-laws of an unincorporated association. Executive Officers of an unincorporated association may not elect to be excluded under the law. Premium for an executive officer of an unincorporated association shall be based on their total payroll, subject to the minimum and maximums established for corporate executive officers.

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B. SOLE PROPRIETORS AND PARTNERS OR MEMBERS OF THEIR IMMEDIATE FAMILY

(No change to Items 1. and 2.)

3. Premium Determination

(No change to Item a.)

- b.** Rules to set payroll for sole proprietors, ~~or~~ partners, or LLC members are the same as for executive officers. (See Rule IX A. 5. for details.)

(No change to Items b. and c.)

(No changes to Items C. through I.)

SECTION 1 – Underwriting Rules-Rule X (Cancellation) through Rule XVII (Member Disputes) remains unchanged.

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- a. *(No change)*
- b. *(No change)*
- c. *(No change)*
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SECTION 2

RATING VALUES through **DEFINITIONS** *remains unchanged.*

CLASSIFICATIONS

108 BREWERY

Includes the distribution of beer or malt liquors by the manufacturer, bottler or canner. Also includes payroll developed by employees engaged as delivery salespersons, route salespersons and/or route supervisors engaged in the delivery of the insured's products to customers.

OPERATIONS NOT INCLUDED:

1. Assign Code 899 or the appropriate restaurant class (typically Code 897 or 975) to brewpubs, microbreweries, and other businesses brewing beer on the premises and serving that beer primarily by the drink to their customers for on-site consumption.

413 IRON WORKS – SHOP – ORNAMENTAL, NON-STRUCTURAL IRON OR STEEL FABRICATING

Separately rate installation, service, erection or repair ~~operations~~ to ~~Code 658 or to Code 675 as provided in this Manual~~ the applicable construction classification(s) as warranted.

459 EYELET, NEEDLE, PIN, PEN, OR TRACK MFG.

UNDERWRITING GUIDE

Artificial Limb (Prosthesis) Mfg.

474 ELECTRIC POWER OR ELECTRIC TRANSMISSION EQUIPMENT MFG.

Contemplates the manufacture of equipment for the generation, storage or transmission of electrical energy ~~or vacuum furnaces~~. Includes the manufacture of power transformers (over 1 horsepower), switch-gear or switchboard apparatus, and generators ~~or vacuum furnaces~~.

UNDERWRITING GUIDE

~~Vacuum Furnace, Kiln Or Drying Oven Mfg.~~

551 CHEMICAL PROCESSING OR PRODUCTS MFG., N.O.C.

UNDERWRITING GUIDE

E-Liquid/Vaping Liquid Mfg.

555 DRUG OR MEDICINE MFG.

UNDERWRITING GUIDE

Transdermal Nitroglycerine Patch Mfg.

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607 DRILLING BY CONTRACTOR

OPERATIONS ALSO INCLUDED:

1. (No change)
2. [Microtunneling is a trenchless method of installing pipes. A computerized navigation system operated above ground advances and steers the microtunneling machine \(MTB\), jacks the pipe, and excavates the soil to directly install pipes.](#)

UNDERWRITING GUIDE

[Microtunneling](#)

615 TUNNELING OR SHAFT SINKING, ALL WORK TO COMPLETION

OPERATIONS NOT INCLUDED:

1. [Assign Microtunneling to Code 607. Microtunneling is a trenchless method of installing pipes. A computerized navigation system operated above ground advances and steers the microtunneling machine \(MTB\), jacks the pipe, and excavates the soil to directly install pipes.](#)

651 CARPENTRY – COMMERCIAL STRUCTURES

OPERATIONS NOT INCLUDED:

1. ~~Assign Code 675 to the installation of overhead doors.~~

UNDERWRITING GUIDE

~~Aluminum Siding Installation – Commercial~~

Siding Installation (Aluminum, Vinyl, ~~Or~~ Wood [Or Cement Board](#)) - Commercial Structures

652 CARPENTRY – RESIDENTIAL INCLUDES ONE- OR TWO-FAMILY DETACHED HOUSES, TOWNHOUSE OR ROW HOUSES OR BUILDINGS DESIGNED PRIMARILY FOR MULTIPLE OCCUPANCY (E.G., APARTMENTS) THREE STORIES OR LESS IN HEIGHT OR GARAGES CONSTRUCTED IN CONNECTION WITH THE HOUSES OR APARTMENTS

OPERATIONS ALSO INCLUDED:

1. (No change)

OPERATIONS NOT INCLUDED:

1. (No change)
2. ~~Assign Code 675 to the installation of overhead doors.~~

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~~Aluminum Siding Installation – Residential~~

Siding Installation (Aluminum, Vinyl, ~~Or~~ Wood [Or Cement Board](#)) - Residential

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663 PLUMBING: GAS, STEAM, HOT WATER OR OTHER PIPEFITTING, INCLUDING HOUSE CONNECTIONS – SHOP PAYROLL, IF ANY, MUST BE INCLUDED

UNDERWRITING GUIDE

Heating Equipment – Installation, [Service Or Repair](#) - Hot Water Or Steam

818 AUTOMOBILE OR AUTOMOBILE TRUCK DEALER – ALL EMPLOYEES INCLUDING OFFICE

UNDERWRITING GUIDE

Automobile Rental - ~~No Drivers~~ [Not a Limousine Service](#)

Truck Rental - ~~Without Drivers~~ [Not a Hauling Contractor](#)

855 LUMBER AND/OR BUILDING MATERIAL DEALER

OPERATIONS ALSO INCLUDED:

(No change to Items 1. through 4.)

5. A business principally engaged in the rental and/or sale of non-mobile and [non](#)-self-propelled construction equipment (e.g., temporary bridge sections, shoring equipment, and air compressors).

UNDERWRITING GUIDE

Rental Or Sale Of Non-Mobile & [Non](#)-Self-Propelled Construction Equipment

898 CATERER – ALL EMPLOYEES EXCEPT OFFICE

UNDERWRITING GUIDE

[Personal Chef Service – By Specialist Contractor](#)

899 BAR, TAVERN, COCKTAIL LOUNGE OR NIGHTCLUB – ALL EMPLOYEES EXCEPT OFFICE

OPERATIONS ALSO INCLUDED:

1. [Brewpubs, microbreweries, and other businesses principally engaged in serving alcohol by the drink and also brewing beer on the premises which is primarily sold to their customers for on-site consumption.](#)

903 LABOR UNION – ALL EMPLOYEES INCLUDING OFFICE

UNDERWRITING GUIDE

[Trade School Operated By A Labor Union](#)

919 FLORIST STORE – RETAIL OR WHOLESALE

Applies to a business principally engaged in the ~~sale retail and/or wholesale selling of fresh-cut~~ flowers, ~~potted plants, fresh-cut floral arrangements~~ and/or [plants used for indoor decorative purposes or](#) florist store supplies. Also includes service away from the store premises, such as floral decoration of homes, churches or other buildings for weddings, banquets or parties.

928 RETAIL STORE, N.O.C.

UNDERWRITING GUIDE

[Habitat For Humanity ReStores](#)

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934 AUTOMOBILE PARTS AND ACCESSORY STORE – RETAIL AND/OR WHOLESALE

An auto parts store that also provides automobile repair services shall have payroll divided with Code 815 provided the following conditions are fulfilled: the new and/or used auto parts sales and the automobile repair services are conducted in physically separate work areas by separate employee crews and the majority of the new and/or used parts/ accessories sold must be sold to others and are neither installed nor used by the insured for repair services. If both operations are conducted and these conditions are not met, then payroll developed in both the new and/or used auto parts and accessories sales and the auto repair services shall be assigned to

[Code 815 or Code 934, whichever classification applies to the business activity in which the employer is principally engaged.](#)

971 COMMERCIAL BUILDINGS

UNDERWRITING GUIDE

[Mold Removal - By Specialist Contractor](#)

973 HOTEL - ALL EMPLOYEES EXCEPT OFFICE AND FOOD SERVICE OR BEVERAGE OPERATIONS STAFF

[OPERATIONS ALSO INCLUDED:](#)

- [1. Temporary or short term lodging facilities for families of seriously ill or injured children who are hospitalized \(e.g. a Ronald McDonald House\).](#)

0006 FIELD CROP OR VEGETABLE FARM – THE RAISING OF ALL FIELD CROPS OR VEGETABLES

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[Hay Farm](#)

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OPERATIONS ALSO INCLUDED:

1. An employer principally engaged in vegetable growing in a hothouse or greenhouse and/or by ~~the~~ hydroponic method.

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AUTOMOBILE DISMANTLERS *through* **EMPLOYMENT CONTRACTOR – TEMPORARY STAFFING** *remains unchanged.*

947

0011	753	825	897	952	971	986
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0013	757	882	899	963	975	991
141	759	884	936	964	976	997
142	814	887	939	966	977	999
662	815	888	941	967	978	7428
716	816	890	944	968	981	
751	818	891	945	969	983	
752	820	896	948	970	984	

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