



August 12, 2019

**VIA SERFF**

The Honorable Trinidad Navarro  
Insurance Commissioner  
Department of Insurance  
State of Delaware  
1351 West North Street, Suite 101  
Dover, DE 19904

**Attention: Tanisha Merced, Deputy Insurance Commissioner**

**RE: DCRB Filing No. 1903 – Proposed Effective December 1, 2019  
Manual Housekeeping Revisions to Sections 1 & 2 of the Basic Manual**

Dear Commissioner Navarro and Deputy Commissioner Merced:

The Delaware Compensation Rating Bureau, Inc. (DCRB) hereby submits this proposed filing, on behalf of our members, for revisions to the DCRB Workers' Compensation Manual of Rules, Classifications and Rating Values for Workers' Compensation and Employers Liability Insurance (Basic Manual). These revisions are proposed for policies with effective dates of 12:01 a.m., December 1, 2019 or later. This proposed effective date will align the implementation of these changes concurrent with DCRB's normal annual comprehensive residual market rate and voluntary market loss cost filing, which was filed with the Department of Insurance on August 2, 2019. This coordination consolidates necessary changes that our members and other constituents must make to policies, forms and systems so that they occur once annually. Nothing in the proposed Basic Manual language housekeeping revisions will impact any classification's residual market rate or voluntary market loss cost value.

Details of this filing are provided in DCRB's June 12, 2019 staff memorandum, which is included in this filing. The memorandum describes and explains the reasoning for the proposed revisions to the Basic Manual language. These proposals are intended to assist in the administration of the DCRB's uniform classification plan and do not revise the scope of any classification. The memorandum and proposals were reviewed by the DCRB Classification and Rating Committee at the Committee's June 12, 2019 meeting.

The proposed Basic Manual language housekeeping proposals are summarized below:

- Section 1 – Proposal to revise Rule IX.A.1. to delete reference to unincorporated associations and to create a new and separate entry under Rule IX.A. (Item No. 9) which defines the officers of an unincorporated association and describes the premium determination for such officers.
- Section 1 – Proposal to revise Rule IX.A.5.d. and Rule IX.A.5.e. for clarity.
- Section 1 – Revise Rule IX.B.3.b. to add reference to LLC members.
- Section 2 – Clarifications to 13 classification descriptions.
- Section 2 – Addition of 8 new Underwriting Guide entries, revision to 7 existing Underwriting Guide entries, and deletion of 3 Underwriting Guide entries.
- Section 2 – Addition of Code 991, Athletic Team – Noncontact Sports – Professional or Semiprofessional, and Code 970, Athletic Team – Contact Sports – Professional or

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Semiprofessional, to the Employment Contractor – Temporary Staffing cross reference chart.

Thank you in advance for your review and attention to this filing. The DCRB is pleased to answer any questions your or the Insurance Department staff may have regarding these proposals.

Sincerely,

William V. Taylor  
President

Enclosure: Revisions to Sections 1 & 2

Delaware Compensation Rating Bureau, Inc.



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TO: Delaware Compensation Rating Bureau, Inc. (DCRB) Classification and Rating Committee

FROM: Joseph Lombo- Manager- Classification

DATE: June 12, 2019

RE: Proposed Manual Language Revisions to Sections 1 & 2 (Housekeeping)

The proposals discussed in this memorandum are intended to make the Manual language clearer and less ambiguous. The proposed revisions clarify existing classification procedures and update certain classification descriptions in order to align the language used with that in other Manual provisions and/or to recognize ongoing technological or industrial changes. Language changes and/or additions are underlined while language deletions are crossed out.

The Section 1 and Section 2 revisions are reflected on the pages that follow. None of the language revisions will impact any classification's proposed December 1, 2019 DCRB loss cost or Residual Market rating value. The DCRB recommends that all of the Section 1 and Section 2 language revisions proposed herein become effective December 1, 2019.

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

*Proposed 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.

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

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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)*
- d. These limitations apply to the weekly payroll of each executive officer for the number of weeks the officer was employed during the policy period.
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*(No change to Item a.)*

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*(No change to Items b. and c.)*

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

*Proposed Effective December 1, 2019*

**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.



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

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

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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](#)

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

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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**

***UNDERWRITING GUIDE***

[Hay Farm](#)

**0011 FLOWER RAISING, CULTIVATING OR GROWING**

***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
012	755	880	898	954	973	988
0013	757	882	899	963	975	<a href="#">991</a>
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	<a href="#">970</a>	984	

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1. *(No change)*

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