



Revised 7/7/04. See Page 8.

May 13, 2004

BUREAU CIRCULAR NO. 781

To All Members of the Bureau:

Re: **MANUAL REVISIONS – SECTIONS 1, 2 AND 5 - HOUSEKEEPING**
BUREAU FILING NO. 0403
EFFECTIVE AUGUST 1, 2004

The Delaware Compensation Rating Bureau, Inc. has filed and the Insurance Commissioner has approved housekeeping revisions to Sections 1, 2 and 5 of the Delaware Manual. These revisions become **effective as of 12:01 a.m., August 1, 2004** with respect to new and renewal business only.

The revisions are intended to make the Manual clearer and less ambiguous by clarifying key classification procedures and updating class language to bring it into alignment with other Manual provisions or to recognize technological or industrial change

There are two procedural changes in these revisions. The first is the elimination of the exception to Delaware's general inclusion of delivery exposures into the employer's field-of-business class which has been provided solely to Code 4771, Explosives Mfg., N. O. C. The second regards an employer's eligibility for assignment to Code 915, Meat, Fish Or Poultry Store, which has specified since that class' creation that the cost of fresh and cured meats, fish and/or poultry must be at least 65 percent of the total cost of all merchandise in order for an employer to be eligible for assignment to this code, a requirement which differs from the Bureau's general reliance on the concept of "principally engaged" with Code 915 being the only classification to depart from that norm.

SECTION 1:

There are four amendments to Rule IV, Classifications:

- Paragraph B. 3. a. – The addition of security guards engaged in the protection of their employer's premises and property to the listing of General Inclusions. The most common misassignment of Code 954, Investigative Or Security Agency, is for security guards employed by building operators, construction or mercantile businesses, which are properly assignable to their employer's governing classification.
- Paragraph B. 2. c. – The addition of language to "Salesperson – Outside, Code 951" denoting that Code 819, Automobile Salespersons, is also a standard exception class. This gives enhanced visibility to existing classification procedure, as the only existing Manual reference to this procedure is in the Auditing Rulings and Interpretations "Automobile Dealerships."

- Paragraph B. 3. (4) – The addition of “and/or cleaning” to clarify how staff has interpreted the “General Inclusions” paragraph on how to classify an employer’s payroll developed in the maintenance or repair of the employer’s buildings, vehicles or equipment by the employer’s staff to also include the cleaning thereof.
- Paragraph C. b. (4) – Replacing the language regarding assignment by analogy of employees of a business whose basic and major operations are described by the standard exception classifications (Codes 951, Salesperson – Outside, and 953, Office) who are not specifically included in either’s definition, typically janitors or those with duties which include janitorial functions, already generally assigned to Code 971 to make that class the specific assignment.

The Manual revisions are shown below with new wording underlined and deleted wording bracketed:

SECTION 1

UNDERWRITING RULES

Addition

RULE IV – CLASSIFICATIONS

Item 4 of the Information Page

B. CLASSIFICATIONS

3. General Inclusions

- a. Some operations..... inclusions and are:
- (14) Security guards protecting their employer’s premises and property.

Changes

B. CLASSIFICATIONS

2. Standard Exception Classification

- c. **SALESPERSONS – OUTSIDE, Code 951** – are employees..... except office.

Automobile Salespersons – Code 819 are employees engaged in such duties on and away from the insured’s premises. Such classification shall be treated as Salespersons – Outside, Code 951 for the purposes of this rule but are assigned to Code 819.

3. General Inclusions

- a. Some operations..... inclusions and are:
- (4) Maintenance or repair and/or cleaning of an insured’s buildings, or vehicles or equipment when performed by employees of an insured.

Changes (continued)

C. ASSIGNMENT OF CLASSIFICATIONS

3. Assignment of Additional Classifications

b. Governing Classification

- (4) If the basic and major operations are described by classifications defined as Standard Exceptions, the payroll of all employees not specifically included in the definition for such Standard Exceptions shall be separately classified[, all other rules of this Manual notwithstanding. Section 5, Classification Underwriting Guide, will help in assignment by analogy]to Code 971.

SECTION 2:

- Language that is more appropriately located in the Rulings and Interpretations entries will be deleted in the Section 2 entry for ten classes.
- New language for Codes 942, Home Health Care – Professional Staff, and 943, Home Health Care – Nonprofessional Staff, specifying that both codes include all employees except office and denoting the creation of a new Section 5 Rulings and Interpretations entry under “Home Health Care” for these classes.
- Class language in Code 923, Packaging – Contract tightened.
- Specification that sheltered workshops must be separately staffed for separate classification in Code 940, Residential Care Facility for the Developmentally Disabled.
- Pharmacists and doctors added to the listing of temporary medical staff contemplated by Code 946, Employment Contractor – Temporary Medical Staffing.
- The inclusion of religious instruction provided by the church in Code 963, Church.
- The elimination of the payroll division between Code 4771, Explosives Mfg., and Code 811, Trucking.
- Language restored for the aircraft seat surcharge pricing procedure utilized by the Bureau for many years to Code 9108, Aircraft Passenger Seat Surcharge, and language pertaining to the residual market deleted, the need for which is alleviated by the restoration of the maximum seat surcharge language under Code 7421.

The Manual revisions are shown below with new wording underlined and deleted wording bracketed:

SECTION 2

CLASSIFICATIONS

Changes

[Aircraft Passenger Seat Surcharge – Code 9108

A policy surcharge of **\$102.22** per passenger seat, subject to a maximum surcharge of **\$1,000** per aircraft, shall be charged to **residual market policies** in addition to the premium otherwise determined under class Code 7421, Aircraft Operations – Transportation of Personnel for Business. Premium developed under Code **9108** is not subject to experience or retrospective rating.]

Changes (continued)

005 TREE PRUNING, Spraying, Repairing or Fumigating. No payroll division with Code 012 at the same location or job site.

[Landscaping or lawn cutting or maintenance performed at separate locations or job sites where no tree care services are provided is to be separately rated as Code 012.]

Please see the Rulings and Interpretations, Section 5 for further information on the scope of this class.

106 PROCESSED MEAT PRODUCTS MFG. – No Slaughtering or Handling of Livestock.

[For this classification, the term “processed” shall mean there are definite changes in the resulting meat product due to the application of either chemicals and/or heat (the use of smoke and/or cooking) to the meat materials.

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.]

Please see the Rulings and Interpretation, Section 5 for further information on the scope of this class.

111 SLAUGHTERHOUSE – Wholesale, all operations.

[Includes payroll developed by employees engaged as delivery salespersons, route sales persons and/or route supervisors engaged in the delivery of the insured’s products to customers.]

Please see the Rulings and Interpretations, Section 5 for further information on the scope of this class.

815 AUTOMOBILE SERVICE CENTER or Garage – including counter personnel (see the Auditing Ruling and Interpretation “Counter Personnel – Automobile Repair Facilities,” Section 5 for further information) and estimators.

Tire recapping..... Repair services.

818 AUTOMOBILE or Automobile Truck **DEALER** – including service counter and parts department.

Please see the Auditing Ruling and Interpretation – “Automobile Dealerships,” Section 5 for further information.

Also includes..... warranty service.

891 PRE-SCHOOL (CHILD CARE OR EARLY EDUCATION) SERVICES – all employees including office.

[Includes but is not necessarily limited to nursery schools, Head Start, kindergarten or child daycare services.]

Please see..... of this class.

Changes (continued)

923 PACKAGING – CONTRACT – NON-CRATING.

[Applies]Applicable to businesses principally engaged in packaging or repacking [cosmetics, toiletries, pharmaceuticals, soaps, cleaning agents, hardware and/or similar] merchandise owned by unrelated customers as a contract service. Such includes but is not necessarily limited to cosmetics, toiletries, pharmaceuticals, soaps, cleaning agents or hardware. Assign Code 305 to [P]payroll developed by [a] separate staff in a physically separate work area in the preparation and crating of any type of merchandise for shipment (in shop as a contract service) [shall be assigned to Code 305]. Crating or packaging of any type at customer locations or the repackaging of explosives shall be classified as provided in the Manual.

940 RESIDENTIAL CARE FACILITY For The Developmentally Disabled – all employees except office and the separate staff of a certified sheltered workshop.

Please see..... of this class.

[Separately staffed certified sheltered workshops shall be assigned to Code 964.]

[HOME HEALTH CARE SERVICES]

[Applicable to any establishment providing health care services to individuals or families in their residence. The services provided include skilled services under a physician's written direction and these components include but are not limited to home infusion therapy nursing care, physical, speech and/or occupational therapy and/or nonprofessional services including but not limited to home health aid, attendant care, companions and live-ins and/or home help services such as homemakers or chore workers. Payroll so developed shall be classified in the manner indicated below.]

942 HOME HEALTH CARE – Professional Staff, all employees except office.

[Includes registered or licensed practical nurses, pharmacists, physical, speech and/or occupational therapists, medical social workers and outside salespersons.]

Please see the Rulings and Interpretations, Section 5 for further information on the scope of this class.

943 HOME HEALTH CARE – Nonprofessional Staff, all employees except office.

[Includes home health aides (and certified home health aides), attendant care aides and home support personnel such as homemakers, companions and chore workers. Also included are companions and live-ins.

Payroll developed in the sale or rental of durable hospital equipment or supplies such as hospital beds, wheelchairs, commodes and walkers to the individual home health care patient shall be assigned to Code 928 provided this operation is separately staffed.]

Please see the Rulings and Interpretations, Section 5 for further information on the scope of this class.

Changes (continued)

946 Employment Contractor – Temporary MEDICAL Staffing.

Applicable to professional and/or nonprofessional medical staff provided to unrelated health care facilities or to physicians/dentists' practices on a temporary basis. Such employees include but are not necessarily limited to: registered nurses or licensed practical nurses, pharmacists, aides, orderlies, attendants, [or] medical technicians or doctors.

Payroll developed..... temporary staff.

963 CHURCHES – all employees including office, excluding cemetery employees.

Includes religious education provided by the church.

Payroll division must be provided for separately-staffed schools and hospitals at separate locations.

Payroll division..... of each.

973 HOTEL – all employees, except office and food service or beverage operations staff.

[Separate staff exclusively engaged in the hotel's food service or beverage operations shall be classified by Code 945.]

Please see..... of this class.

975 RESTAURANT, N.O.C. – All employees except office.

[Assign fast-food restaurants to Code 897.] See the Rulings and Interpretations, Section 5, for information on the scope[s] of [Codes 897 and 975]this class.

[Assign country or yacht clubs or golf courses to Code 944.]

979 RESIDENTIAL FACILITY FOR THE ELDERLY – NON-MEDICAL – all employees except office and home health care services.

[Payroll developed by separate staff(s) performing home health care services shall be separately classified as provided in this Manual.]

Please see..... of this class.

4771 EXPLOSIVES Or Ammunition MFG., N.O.C.

Includes but is..... single base.

[Employees exclusively engaged in product delivery shall be classified by Code 811.]

Code 0771 must..... by Code 4777.

Changes (continued)

7421 AIRCRAFT OPERATION – transportation..... flying crew.

This classification..... separately rated.

A per passenger seat surcharge, subject to a maximum surcharge of ten seats per aircraft, shall be charged in addition to the premium otherwise determined under this classification. These surcharges shall not be cumulative in the event of substitution of aircraft during the policy period; but these surcharges shall be cumulative in the event more than one aircraft is owned or operated during the same policy period. These surcharges shall not be subject to pro rata or short rate adjustment except in the event of cancellation of the policy. These surcharges and losses to employees, other than members of the flying crew, arising out of the operation of an aircraft, are to be reported under **Code 9108**. [The per passenger seat surcharge and the maximum surcharge per aircraft are shown under “Bureau rating values” on the rate pages.] Attach Endorsement **WC 00 06 01**.

9108 AIRCRAFT Passenger Seat Surcharge.

The maximum surcharge is ten seats per aircraft. For details see **Class 7421**, Aircraft Operations, Transportation of Personnel for Business. Premium developed under **Code 9108** is not subject to experience or retrospective rating.

SECTION 5:

- Additions, changes or deletions to the Rulings and Interpretations or the Underwriting Guide that will clarify class scope by placing classification practices that the Bureau is already using in the Manual or by bringing a Section 5 entry into alignment with a revision to Section 2 or to another Section 5 entry.
- Addition of two new Rulings and Interpretations (R&I), i.e., a “Definitions” section to avoid the need to define terms in each and every R&I in which they may be used and a new entry for “Home Health Care,” which defines both Codes 942 and 943 and lists the occupations assignable to each home health care classification.
- The Photographic Composition R&I will be deleted, as it describes a technique to prepare items for printing that has been made technologically obsolete.

The Manual revisions are shown below with new wording underlined and deleted wording bracketed:

SECTION 5

Rulings and Interpretations

Additions

DEFINITIONS

PRINCIPALLY ENGAGED: The business activity that generates more than 50 percent of a business’ overall revenue.

PRINCIPAL: When a store sells several types of merchandise, each of which may be subject to a different classification, such store shall be classified based on the principal category of merchandise sold. The term “principal” means more than 50 percent of the business’ overall revenue.

Additions (continued)

HOME HEALTH CARE SERVICES

Applicable to any business providing home health care services to individuals or to families in their residence. The services provided may include skilled services under a physician's written direction that include but are not necessarily limited to nursing care, home infusion therapy, physical, speech and/or occupational therapy and/or nonprofessional services, including but not necessarily limited to home health aide, attendant care, companions and live-ins and/or home support services such as homemakers or chore workers. Payroll so developed shall be classified in the manner indicated below.

Code 942, "HOME HEALTH CARE – Professional Staff, all employees *except* office"
This wording corrected 7/7/04 by approval of Delaware Department of Insurance dated 7/2/04.

Includes registered or licensed practical nurses, pharmacists, physical, speech and/or occupational therapists, medical social workers and outside salespersons.

Code 943, "HOME HEALTH CARE – Nonprofessional Staff, all employees *except* office"
This wording corrected 7/7/04 by approval of Delaware Department of Insurance dated 7/2/04.

Includes but is not necessarily limited to home health aides and certified home health aides, attendant care aides, companions and live-ins and home support personnel such as homemakers and chore workers.

OPERATIONS ALSO INCLUDED:

1. Assign Code 942 to outside salespersons employed by a home health care business that performs only nonprofessional home health care services.

OPERATIONS NOT INCLUDED:

1. Assign Code 928 to separate staff engaged in the sale or rental of durable hospital equipment or supplies such as hospital beds, wheelchairs, commodes and walkers to the individual home health care patient.

Changes

EMPLOYMENT CONTRACTOR – TEMPORARY STAFFING

Employers engaged in.....other business classification(s).

Code 544 chart **additions: 488**
Code 682 chart unchanged
Code 929 chart unchanged
Code 937 chart unchanged:
Code 947 chart unchanged:
Code 949 chart unchanged:

GROCERY STORE – 917

[Applies]Applicable to [establishments]businesses principally engaged as supermarkets or [to] convenience retail grocers as separately defined below.

A supermarket..... of convenience grocer.

Changes (continued)

[Where a store sells several types of merchandise, each of which may be subject to a different classification, such store shall be assigned on the basis of the principal category of merchandise sold. The term "principal" means more than 50% of the gross receipts.

When a retail grocery store's merchandise includes fresh or cured meats, poultry or fish, Code 917 should be assigned only when the employer can satisfactorily establish that the cost of the fresh or cured meats, poultry or fish did not exceed 65% of the total cost of all merchandise purchased by the employer during the policy period. If the cost of fresh or cured meats, poultry or fish exceeds 65% of the cost of all merchandise purchased during the policy period an employer so engaged shall be assigned to Code 915.]

OPERATIONS NOT INCLUDED:

Assign Code 915 to businesses principally engaged in the retail sale of fresh or cured meats, poultry or fish.

HEALTH CARE FACILITIES AND NON-MEDICAL RESIDENTIAL FACILITIES

Code 979, "RESIDENTIAL FACILITY FOR THE ELDERLY – NON MEDICAL"

Applicable to [insureds] businesses providing custodial/personal care for residents who are ambulatory and where facilities are non-medically oriented. The State of Delaware defines custodial care/personal care facilities as those providing resident beds and personal care services for persons who are normally able to manage activities of daily living.

Includes facilities..... in this Manual.

Code 940, "RESIDENTIAL CARE FACILITY FOR THE DEVELOPMENTALLY DISABLED"

Includes operations..... within this class.

[Facilities having separately staffed group homes for 5 or fewer residents licensed as Neighborhood Homes located off campus shall be assigned to Code 941.]

OPERATIONS NOT INCLUDED:

1. Assign Code 964 to separately-staffed certified sheltered workshops.
2. Assign Code 941 to separately-staffed group homes for five or fewer residents licensed as Neighborhood Homes located off campus.

HOTEL OR MOTEL OPERATIONS

The two classifications applicable to hotel or motel operations are 973 and 945.

Code 973 shall include all operations performed by hotel or motel employees except for separate foodservice and beverage staff(s). Employees assigned to Code 973 includ[ing]e but are not necessarily limited to: front desk employees, persons [engaged in the operations of] operating newsstands, candy or cigar shops or similar activities, personnel operating or maintaining indoor or outdoor swimming pools, the golf course(s), video game room, the health or fitness club, tennis courts or other hotel or motel guest amenities, maids, housemen, inside or outside maintenance, store workers, barbers, laundry workers, [or]

Changes (continued)

employees performing concierge services (i.e., arrangements for tours, theater tickets or the rental of automobiles), or opening boxes and/or bags and laying out prepackaged and/or precooked food and/or making coffee for a continental breakfast where there is no other food service or beverage operations.

[The scope of] Separate staff exclusively engaged in the hotel's food service or beverage operations shall be classified to Code 945 [contemplates] which includes but is not necessarily limited to: [employees whose work is solely in connection with the food service or beverage operations (i. e.,] waiters or waitresses and their assistants, cooks, kitchen help, bartenders, cashiers, restaurant managers, musicians or entertainers [)]. On the auditing procedures for tips and musicians or entertainers, see Section 1, Rule V.

Codes 973 and..... to Code 953.

MEAT, FISH AND/OR POULTRY STORE – 915

[For establishments primarily (at least 65% of the total cost of all merchandise)] Applicable to businesses principally engaged in the retail sale of fresh and cured meats, fish and/or poultry. Such [insured] businesses may also sell general grocery merchandise including but not necessarily limited to: bakery and/or dairy products or canned goods. [The] Code 915 also includes slaughtering of animals and the dressing of carcasses into [marketable] fresh meat cuts, as well as the making of sausage, scrapple, frankfurters, ham or bacon [shall be construed as incidental and not subject to separate classification] provided more than 50% of the [total sales of the] fresh meat and/or cured meat products [produced] are sold over the counter to the general public for personal or household consumption either on the premises or through satellite outlets.

Such [insured] business may perform custom killing. This involves the slaughter of an animal (a steer, pig or sheep) for a private individual (frequently a farmer) and [the] cutting or processing of the resulting meat per customer specification. All of the fresh or processed meat is the customer's property and may be held for the customer [by the insured] in a frozen food locker or returned immediately to the customer.

This may also include [the] dressing of deer carcasses during hunting season for individual hunters.

This classification shall include incident[al] sales to restaurants, institutional buyers or retail stores. When more than 50% of the sales are to non-retail customers, such [establishments] businesses shall not be subject to Code 915 and shall be classified as indicated below.

[Operations Not Covered] OPERATIONS NOT INCLUDED:

1. [When the] Assign Code 111 to businesses whose operations include [the] killing of animals and more than 50% of the sales are to wholesale customers [, such risk shall be rated as Code 111].
2. [When the] Assign Code 106 to businesses whose operations do not involve the killing of animals but do include the [making] curing and preserving of meat into of processed meat products [by the curing and preserving of meat and] and more than 50% of the sales are to wholesale customers [, then such risk shall be rated as Code 106].
3. [When the] Assign Code 910 to businesses whose operations simply involve [the] cutting, [deboning] or grinding [of] fresh meats received in boxes (deboning will also be performed if the fresh meat is received in carcasses or partial carcasses) and more than 50% of the sales are to [non-retail] wholesale customers [, then the risk shall be rated as Code 910].

Changes (continued)

4. [When the]Assign Code 917 to businesses whose operations involve the retail sale of fresh or cured meat, fish or poultry, as well as other items (e.g., groceries or vegetables) and the [insured's]business' records show that less than 50% of the business' sales are from [the cost of] fresh and cured meats, fish or poultry [did not exceed 65% of the total cost of all merchandise purchased by the insured during the policy period, such insured shall be assigned to Code 917].

SLAUGHTERHOUSE – WHOLESALE – 111

For [establishments who]businesses principally engaged in receiv[e]ing live animals (e.g., cattle, hogs and/or sheep), killing the animals and dressing the carcasses to produce meat products and selling the meat products on a wholesale basis. A [risk]business eligible for this classification will normally ship [dressed]deboned meats [in either carcass and/or] boxed form[, but such risk]or may also ship in carcass form. The business may also produce processed meat products like bacon, hams, sausage or luncheon meats or [perhaps] also sell some portion of the meat production as fresh meat cuts (e.g., steaks, roasts, [etc.]). [Such employer may further process the resulting animal by-products from the killing operations which is not subject to separate classification. The by-products processing may include but is not necessarily limited to: the cooking of fat into tallow or lard and the washing, scraping and salting of hides.]

[Risks assignable to Code 111 will normally sell their meat products on a wholesale bases, but in all cases more than 50% of the total sales will be upon a wholesale basis.]

OPERATIONS ALSO INCLUDED:

1. Code 111 also includes payroll developed by employees engaged as delivery salespersons, route salespersons and/or route supervisors engaged in the delivery of the businesses' products to customers.
2. The processing of animal by-products resulting from the killing operations. The by-products processing may include but is not necessarily limited to cooking of fat into tallow or lard and washing, scraping and salting of hides.

MEAT DEALER – WHOLESALE – 910

Applicable to [employers]businesses principally engaged in the wholesale sale/distribution of fresh and processed meats and whose operations include the [deboning and/or] cutting of fresh meats received in boxes into portion-controlled fresh meat products, such as steaks, roasts, or chops. Deboning will also be performed when the fresh meat is received in carcasses or partial carcasses. Such [employer]business may also distribute poultry and/or fish merchandise [as an adjunct] in addition to [his]the meat merchandise and the operations may include the filleting of fish and the cutting of poultry carcasses into parts. The [employer]business may further distribute grocery merchandise and/or fresh fruit and vegetables.

[Also contemplated are businesses principally engaged in making natural sausage casings, but who perform no killing of animals.]

Where a dealer sells several types of merchandise, each of which may be subject to a different classification, such dealer shall be assigned on the basis of the principal category of merchandise sold. The term "principal" means more than 50% of the gross receipts.]

Changes (continued)

OPERATIONS ALSO INCLUDED:

Businesses principally engaged in making natural sausage casings, but who perform no killing of animals.

[Operations Not Covered]OPERATIONS NOT INCLUDED:

1. Assign Code 119 to [B]businesses principally engaged in taking beef and/or veal and cutting or grinding this fresh meat into hamburger, hamburger patties and/or veal patties and/or sandwich steaks [will be assigned to Code 119].
2. Assign Code 111 [W]when a wholesale meat dealer [is] also [engaged in the killing of] slaughters animals and [the] dress[ing]es [of] their carcasses[, then such employer is assignable to Code 111].
3. Assign Code 924 to [W]wholesale meat dealers who do no [deboning and/or] cutting (or deboning) of fresh meats [must be assigned to Code 924].

PROCESSED MEAT PRODUCTS MFG. - 106

[Risks assignable to Code 106 will]Applicable to businesses that are principally engaged in making processed meat products. Such businesses will perform no slaughtering of animals whatsoever nor will they handle any livestock. The [insureds]business will receive meat from unrelated concerns in [either carcass or] boxed form. Meat may also be received in carcass or partial carcass form. [The insured will be primarily to exclusively engaged in making processed meat products.] Processed shall mean that definite changes result in the meat product due to the application of either chemicals and/or heat (the use of smoke and/or cooking) to the meat materials. [An insured]A business whose production procedures do not include one or both of the above-cited means will not be assigned to this class. Typical products of such [insureds]businesses include but are not necessarily limited to: sausage, frankfurters, ready-to-eat luncheon meats, hams [and]or bacon.

OPERATIONS ALSO INCLUDED:

Code 106 also includes payroll developed by employees engaged as delivery salespersons, route salespersons and or route supervisors performing the delivery of the businesses' products to customers.

OPERATIONS NOT INCLUDED:

1. Assign Code 111 to businesses principally engaged in making processed meat products that slaughter animals or handle livestock and are principally engaged in the wholesale sale of the processed meat products.
2. Assign Code 915 to businesses that may slaughter animals and/or may cut the fresh meat into portioned-controlled cuts and/or cure and preserve the fresh meat into processed meat products that are principally engaged in the retail sale of the fresh and/or processed meat products.

Changes (continued)

TOOL MFG – FORGED - 433

Applicable to..... oil well tools.

[Also included within the scope of this classification are specialist businesses principally engaged in the heat treating of metal for unrelated customers.]

OPERATIONS ALSO INCLUDED:

Specialist businesses principally engaged in the heat treating of metal for unrelated customers.

CLEARING OF LAND

Below find the..... to Code 602.

3. Assign Code 005 for all methods of tree pruning, spraying, (except aerial tree spraying, which is assignable to the applicable aircraft operation class) or trimming including incident tree removal [incident thereto] and all incident operations [in connection therewith].
4. Assign Code 012..... equipment.

MAILING OR ADDRESSING COMPANY – 948 [ALL EMPLOYEES INCLUDING OFFICE]

Applicable to [employers whose] businesses [is] principally engaged in mailing advertising material such as letters, circulars and/or small product samples for unrelated concerns. The mailing company may compile mailing lists or receive lists of names from customers. Materials to be mailed may be received bound on pallets ready for mailing. The mailing company may generate the letter by computer (laser or impact printed). The mailing company may design and print advertising materials [using offset presses]. Printing operations shall be included with the mailing company class provided that [the majority]more than 50% of items printed are used as materials in the mailing business.

Most mailing..... or Code 953.

[Operations Not Covered]OPERATIONS NOT INCLUDED:

1. Assign the appropriate store classification to [E]employers who may mail catalogs and later receive (by phone, [or] mail or the Internet) and fulfill customer orders from inventoried merchandise [shall be subject to the store classification to the employer's business].
2. [Concerns]Businesses printing and performing mailing or addressing shall be subject to the appropriate printing classification when less than [a majority]50% of the print[ing] production is used in the mailing or addressing operation. [The payroll of mailing and addressing operations' personnel shall be assigned to the appropriate printing enterprise class. If the risk fulfills multiple enterprise criteria Code 948 may become an additional authorized classification.]
3. Code 948 and a printing class shall not be assigned to an employer unless that employer fulfills the multiple enterprise criteria delineated in Rule IV, Section 1 of this Manual.

Changes (continued)

FAST FOOD RESTAURANT – 897

[A fast-food restaurant is] Applicable to a retail [establishment]business principally engaged in preparing food(s) and selling the prepared food(s) and generally nonalcoholic beverages to the public for immediate consumption, either on the [establishment's] business' premises or on a take-out basis. Fast-food restaurants have a limited menu and no wait service except on an occasional or accommodation basis. Customer orders are typically placed at a counter (the menu being openly displayed above and/or behind the counter), via a drive-through service or by telephone and are rapidly filled. Fast-food restaurants generally sell nonalcoholic beverages, but certain fast-food restaurants may also have incidental beer sales. Included within (but not necessarily limited to) this definition are retail [establishments] businesses principally engaged in the preparation and sale of: hamburgers, tacos, pizza or chicken.

Also contemplated are [establishments] retail businesses principally engaged as either buffet or cafeteria-style restaurants. Buffet or cafeteria-style restaurants offer a buffet-type meal. Customers may serve themselves or staff may serve food to customers in the buffet line. Staff may clear tables after customers have completed their meal. There is no wait service.

[The term "principally engaged" means more than 50 percent of the establishment's gross receipts.]

RESTAURANT, N.O.C. – 975

[Code 975 contemplates] Applicable to retail [establishments]businesses principally engaged in preparing food(s) and selling the prepared food(s) and beverages (alcoholic or non-alcoholic) to the public for immediate consumption on the [establishment's] business' premises. This is a "traditional" restaurant where customers may either select their table or be seated by a hostess or another of the [establishment's] business' employees, browse a varied menu while seated at their table and place their food order with a member of the wait staff who will then place the order with the kitchen staff. The prepared food will be served to the customer by the wait staff person who remains available to further assist the customer during the course of the meal. Where wait service is provided, it is the practice for customers to give a gratuity to the wait staff person based upon the quality of the service provided.

[The term "principally engaged" means more than 50 percent of the establishment's gross receipts.]

OPERATIONS NOT INCLUDED:

1. Assign Code 944 to country or yacht clubs or golf courses.

CATERER - 898

There are..... cafeteria-style environment.

Concession caterers are usually located at but are not limited to airports, sports stadiums, amusement parks, theaters or museums. The concession caterer operates under contract with the client facility to provide prepared food and beverages to the client's patrons. [Occasionally,] [t]The concession caterer may also use "walking vendors" throughout the venue.

Mobile caterers..... predetermined daily route.

[Operations Also Covered] OPERATIONS ALSO INCLUDED:

Also include..... Code 898.

Changes (continued)

TREE PRUNING, SPRAYING, REPAIRING OR FUMIGATING – CODE 005

Applicable to businesses [that are] principally engaged in using hand tools or mechanical equipment to prune, spray, trim or fumigate trees. These operations can be performed from the ground or may require the use of ladders or aerial buckets. [The classification]Also includes generalist tree care service contractors that perform most or all of the above listed services or specialists [that are] principally engaged in providing a single service (e.g., clearing the rights-of-way/tree pruning for utility contractors). Code 005 also contemplates tree removal that is incident[al] to the employer's pruning, spraying, repairing, trimming or fumigating services.

[Operations Not Covered]OPERATIONS NOT INCLUDED:

1. [Not applicable]Assign Code 009 to logging [contractors]businesses or clearing of land projects that include tree removal. [Assign logging contractors and clearing of land with tree removal to Code 009.]
2. Separately rate to Code 012 landscaping or lawn cutting or maintenance performed at separate locations or job sites where no tree care services are performed.

Deletion

PHOTOGRAPHIC COMPOSITION

This pertains to the classification treatment of a new photocomposition method used in the Graphic Arts Industry. Using a standard electric typewriter keyboard (with auxiliary push-buttons and levers) the operator selects desired characters from a matrix and projects their images through lens onto photographic film or paper. The photographic positive is developed, coated with adhesive on the reverse side, and is positioned by employees who work at drafting tables with simple tools, such as scissors or knives, assembling photo-composed materials into paste-ups.

A proof of the photo-composed sheet is prepared on a machine commonly used to reproduce blueprints. After the proof is accepted by the customer, the paste-up is sent to the engraving department. Automatic lithographic platemaking involves the use of a completely enclosed automated plate processor which is similar in nature to a typical photocopy machine found in offices. This plate processor utilizes aqueous, non-toxic solutions and thin gauge metal or similar material. It automatically develops, desensitizes, gums and dries in one operation. The operator does not come into contact with the solutions, but merely feeds a plate into the processor. Once the plate processing is completed, the finished thin gauge plate exits the processor thoroughly dry.

Employees engaged in the above described operations, when performed in a physically separated department, shall be assigned to Code 953.

Subsequent operations involving the transferring of the copy to a metal plate, except for automatic lithographic platemaking described above shall continue to be assigned to the employer's governing classification which will normally be either Code 281 or Code 282.

Specialist businesses whose only activity is the operation of this equipment for unrelated businesses shall be assigned to Code 953.

Operations Not Covered:

Employees performing the operations described above in conjunction with a quick print or photocopy enterprise shall be assigned to Code 932.

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These Manual revisions will be updated on our website (www.dcrb.com) at a later date.

Timothy L. Wisecarver
President

TLW/kg
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Remember to visit our web site at www.dcrb.com for more information about this and other topics.