

Classification and Rating Committee

Meeting Agenda

| Date | Time | Location | Staff Contact |
|--|---------|-------------------------|---------------|
| August 9, 2022 | 9:30 AM | Microsoft Teams Webinar | Kristen Marsh |
| 1901 Harrison Street, 17 th Floor • Oakland, CA 94612 • 415.777.0777 • Fax 415.778.7007 • www.wcirb.com • wcirb@wcirb.com | | | |

Released: July 26, 2022

To Members of the Classification and Rating Committee, WCIRB Members and All Interested Parties:

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Please use this [link](#) to register for the meeting webinar. After registering, you will receive a confirmation email containing information about the meeting.

I. Approval of Minutes

Meeting held May 17, 2022

II. Unfinished Business

III. New Business

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IV. Matters Arising at Time of Meeting

V. Next Meeting Date: November 1, 2022

VI. Adjournment

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Item III-A

Draft Not Otherwise Classified (N.O.C.) Study – Clubs

9061, Clubs – N.O.C. – all employees – including front desk employees and restaurant or tavern employees

9048(1), Camps – recreational or educational – all operations – including Clerical Office Employees at camp locations

9060, Clubs – country or golf – including front desk employees and restaurant or tavern employees

Executive Summary

Objective

The Not Otherwise Classified (N.O.C.) classifications in the Standard Classification System are typically used when multiple classifications are applicable to an industry, but none of these classifications more accurately describes an employer's business. As a result, N.O.C. classifications may, over time, become overly broad with the inclusion of disparate businesses. In 2021, the California Department of Insurance recommended that the WCIRB review the N.O.C. classifications to assess whether some of these classifications are overly broad and, if appropriate, recommend changes to those N.O.C. classifications.

Based on the metrics in the WCIRB's Classification Health Check,¹ Classification 9061, *Clubs – N.O.C.*, was selected for review and to establish a pilot analysis framework for use in a systematic review of other N.O.C. classifications. In addition to being an N.O.C. classification, Classification 9061 also has loss to payroll ratios that have been growing significantly faster than those of other classifications in the Arts and Entertainment industry group² in recent years, potentially indicating changes in the operations or mix of employers assigned to this classification. Therefore, the WCIRB reviewed the operations, payroll and loss experience and characteristics of claims assigned to Classification 9061 to determine whether the assigned operations continue to be homogeneous or if this classification should be modified to reassign some operations to a new or existing classification(s).

Findings

The key findings of this study include:

1. Two segments with distinct operations were identified from the operations assigned to Classification 9061: retreat facilities and yacht clubs. The remaining operations assigned to Classification 9061 include predominantly social or community service membership clubs. Retreat facilities have dissimilar operations from the remaining N.O.C. clubs, particularly in that retreat facilities typically provide overnight lodging for participants compared to only a small fraction of the remaining N.O.C. clubs that provide those operations. Retreat facilities in rural areas, in particular, tend to have resident employees with 24-hour exposure to workplace hazards, while the remaining N.O.C. clubs are typically located in urban areas and do not retain resident employees. The loss to payroll ratios of retreat facilities were consistently lower than those of the remaining N.O.C. clubs, which is reflective of a different level of risk exposure. While yacht clubs have operations and loss to payroll ratios similar to the remaining N.O.C. clubs, yacht clubs are more comparable to country and golf clubs and in other jurisdictions are assigned to the same classifications as country or golf clubs.
2. Retreat facilities have generally similar operations to camps, which are assigned to Classification 9048(1), *Camps*. Similar to camps, retreat facilities provide food and lodging, and host programs which specialize in providing instruction or guidance through a scheduled agenda of activities or

¹ The WCIRB's Classification Health Check tool is used to identify classifications for which in-depth study may be appropriate. The results of the WCIRB Classification Health Check for 2021 were presented at the October 26, 2021 Classification and Rating Committee meeting.

² Based on a mapping between classifications and the North American Industry Classification System (NAICS) industry sectors.

workshops to promote participants' wellness or personal, spiritual or professional growth. Additionally, due to the nature of these programs and the location of the facilities, it is common for retreat facilities to employ staff who reside at the facility, similar to camps. The job duties of clerical employees who work at retreat facilities are similar to those of clerical employees at camp locations. While there were challenges in determining the experience of clerical operations that support retreat facilities relative to other separately classifiable operations, a comparison of loss to payroll ratios and typical causes of injuries between non-clerical retreat facility operations and camp operations yielded similar patterns.

3. Reclassifying retreat facility operations and the clerical operations at retreat facility locations to Classification 9048(1) would lead to an average of 4.2% decline in the selected loss to payroll ratios for retreat facility employers, while camp employers in Classification 9048(1) would experience a 5.2% decline in the selected loss to payroll ratios. The decreases in selected loss to payroll ratios for both groups were mostly driven by the relatively good experience of retreat facilities and their clerical operations.
4. Yacht clubs are more similar to country clubs and golf clubs assigned to Classification 9060, *Clubs – country or golf*, than to the remaining N.O.C. club operations in Classification 9061. Other jurisdictions classify yacht clubs in their respective country or golf club classifications. The loss to payroll experience of yacht clubs was similar to that of both Classifications 9061 and 9060. Therefore, reclassifying yacht clubs to Classification 9060 would facilitate assigning homogenous operations to the same classification and improve alignment with other jurisdictions.
5. Given similar risk exposure between yacht clubs and country or golf clubs, reassigning yacht club operations to Classification 9060 would have a small impact on the selected loss to payroll ratios for both yacht club employers (2.8% decrease) and country and golf club employers (2.6% increase).
6. After reclassifying retreat facilities and yacht clubs to other classifications, the remaining N.O.C. club operations appear more homogeneous and the scope of Classification 9061 is more narrowly defined. The selected loss to payroll ratio for the remaining N.O.C. club employers would only be minimally impacted by the exclusion of retreat facilities and yacht clubs from Classification 9061 (0.6% increase).
7. Given that it is not practical to establish a classification to specifically describe the operations of every type of club in California, there remains a need to have an N.O.C. classification for any club operation that is not more specifically described by the other nine club classifications. This N.O.C. classification ensures a uniform approach to classifying those club operations. Additionally, the USRP directs that any business or operation not described by a classification shall be assigned to the classification most analogous from the standpoint of process and hazard. However, this requires a detailed analysis, performed on a case-by-case basis. Without the N.O.C. designation classification and a specific classification assignment, there may be an increased likelihood of similar operations being assigned differently. In view of the above, keeping the N.O.C. designation for Classification 9061 is appropriate.

Recommendations

Based on these findings, the WCIRB recommends:

1. Amending Classification 9061, *Clubs – N.O.C.*, to remove retreat facility and yacht club operations.
2. Amending Classification 9048(1), *Camps*, to include retreat facility operations and onsite clerical employees of retreat facilities.
3. Amending Classification 9060, *Clubs – country or golf*, to include yacht club operations.

I. Introduction

The Not Otherwise Classified (N.O.C.) qualification in the Standard Classification System is typically used when multiple classifications are applicable to an industry, but none of these classifications more accurately describes an employer's business.³ As a result, N.O.C. classifications may, over time, become overly broad with the inclusion of disparate businesses. In 2021, the California Department of Insurance recommended that the WCIRB review the N.O.C. classifications to assess whether some of these classifications are overly broad and, if appropriate, recommend changes to those N.O.C. classifications. Through the use of the WCIRB's Classification Health Check (Health Check), an analytical tool that identifies potentially "unhealthy" classifications for which in-depth studies may be appropriate, the WCIRB has begun identifying N.O.C. classifications that may have become overly broad.

Based on the metrics in the WCIRB's Health Check, Classification 9061, *Clubs – N.O.C.*, was selected for review and to establish a pilot analysis framework for use in a systematic review of other N.O.C. classifications. In addition to being an N.O.C. classification, Classification 9061 also has loss to payroll ratios that have been growing significantly faster than those of other classifications in the Arts and Entertainment industry group⁴ in recent years, potentially indicating changes in the operations or mix of employers assigned to this classification. Therefore, the WCIRB reviewed the operations, payroll and loss experience and characteristics of claims of Classification 9061 to determine whether the assigned operations continue to be homogeneous or if this classification should be modified to reassign some operations to a new or existing classification(s).

II. Analysis Approach

The WCIRB analyzed the business operations and payroll and claim experience of employers that operate N.O.C. clubs or retreat facilities and of employers with similar operations using both qualitative and quantitative data from a variety of sources.

Classification Inspection Reports: The WCIRB reviewed the Classification Inspection Reports of employers with payroll reported in Classification 9061, including retreat facilities and yacht clubs, to better understand these club operations.

Industry Outreach: The WCIRB contacted members of the industry, including employers operating retreat facilities and camps, as well as insurers that underwrite significant components of the N.O.C. clubs industry, to gain insight into the operational characteristics of retreat facilities and yacht clubs.

Unit Statistical Reports: The WCIRB analyzed historical Unit Statistical Report (USR) data at the latest USR report level between policy years 2000 and 2019 for Classification 9061, including employers' payroll and loss experience and claim characteristics. Losses were limited to \$500,000 per claim to minimize large swings in the loss to payroll ratios over time.

Other Jurisdictions: The WCIRB reviewed and discussed classification procedures for retreat facilities and yacht clubs with rating organizations in other jurisdictions to understand how these operations are classified.⁵

Similar Classifications: Analyzing the same data sources and methodology used in the review of Classification 9061, the WCIRB reviewed several classifications that have relatively similar operations to retreat facilities and yacht clubs, including those related to camps and country or golf clubs.

³ The Standard Classification System is contained in Part 3 of the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* (USRP).

⁴ Based on a mapping between classifications and the North American Industry Classification System (NAICS) industry sectors.

⁵ A summary of how other jurisdictions classify retreat facilities and yacht clubs is in Appendix II.

Classification Relativity Data: Classification relativities submitted as part of the WCIRB's September 1, 2021 Regulatory Filing were used to analyze the impact of the potential classification changes on retreat facility and yacht club employers, the remaining employers in Classification 9061 and the employers whose operations are currently assigned to the potential destination classifications.

III. Analysis Results

1. Potential Distinct Segments in Classification 9061 – Retreat Facilities and Yacht Clubs

a) Operational Characteristics of Retreat Facilities and Yacht Clubs

Classification 9061 applies to employers operating membership clubs that are not more accurately described by another club classification, including but not limited to business clubs, fraternal orders, yacht clubs, faculty clubs, professional clubs and employer-sponsored clubs. It also applies to employers operating retreat facilities that provide meeting space, food and lodging to retreat program participants. Based on a review of the Classification Inspection Reports of employers assigned to Classification 9061, the WCIRB identified two distinct segments within Classification 9061, retreat facilities and yacht clubs, that were operationally distinct from the remaining N.O.C. club operations.

The retreat facilities segment of Classification 9061 includes retreat facilities that operate retreat programs for participants on their premises and may also rent out their facility, including the provision of food, lodging and meeting space, to third parties to host their own retreat programs ("retreat facilities"). Retreat programs provide instruction or guidance to promote participants' wellness or personal, spiritual or professional growth through a scheduled program of activities or workshops. Typical retreat programs include religious or spiritual retreats, corporate retreats and summer programs for school-aged children or families. While retreat facilities are specifically included in the scope of Classification 9061, retreat facilities are not membership clubs and do not have operations similar to the remaining N.O.C. clubs assigned to Classification 9061. Specifically, in addition to specializing in providing instruction and guidance, retreat facilities provide overnight lodging to participants due to the length of the program (which ranges from days to months) or the location of the facility (which could be in rural or urban areas). In contrast, only a small share (about 20%) of the remaining N.O.C. clubs provide lodging to members.⁶ Also, retreat facilities in rural areas may have resident employees who have 24-hour exposure to workplace hazards. The remaining N.O.C. clubs, conversely, tend to be located in urban areas and do not typically have resident employees. Operations of retreat facilities are similar to those of camps. The operational comparison between retreat facilities and camps is subsequently detailed in this report.

The yacht clubs segment of Classification 9061 includes predominantly yacht clubs (more than 80% of operations in the segment), but also rowing and sailing clubs since they operate almost identically to yacht clubs ("yacht clubs"). Yacht clubs are membership clubs that provide members with a place to socialize with others who have a similar interest in the operation of aquatic vessels. These clubs may offer rental of equipment, use of vessels, use or rental of marinas or slips, instruction on the operation and care of aquatic vessels and preparation for competitions. While the operations of yacht clubs are somewhat similar to those of the remaining N.O.C. clubs, including the existence of onsite restaurants or bars and kitchen staff,⁷ yacht clubs are more likely to also have employees who serve food or drinks. In addition, yacht clubs do not typically provide overnight lodging, while some N.O.C. clubs (about 20%) provide overnight lodging. Yacht club operations are more similar to those of country and golf clubs and are often classified in country or golf club classifications in other jurisdictions. The operational comparison between yacht clubs and country and golf clubs is subsequently detailed in this report.

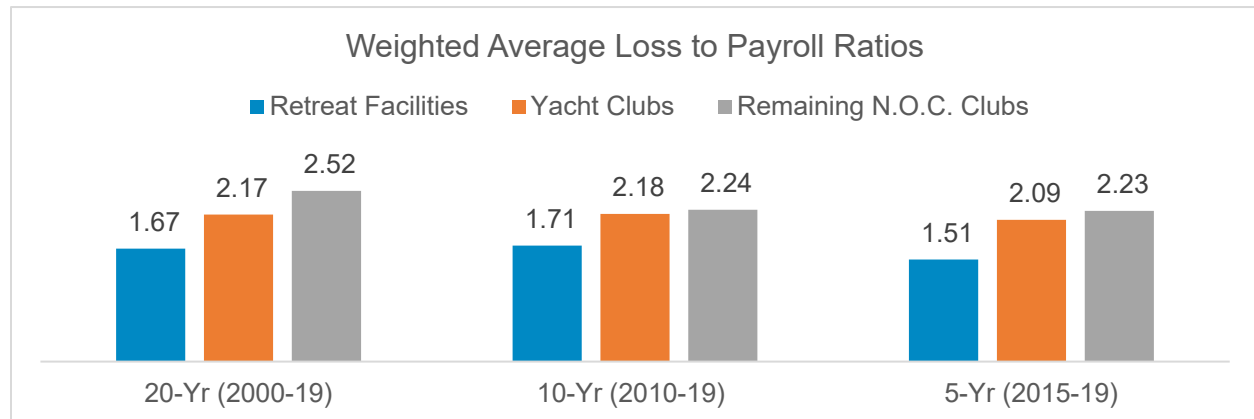
⁶ Of the remaining N.O.C. clubs that provide overnight lodging, half were sorority houses, which account for a small number of policies and a small share of statewide payroll reported in Classification 9061.

⁷ About 70% of yacht clubs whose Classification Inspection Reports were reviewed had onsite restaurants.

b) Loss and Payroll Experience for Retreat Facilities and Yacht Clubs

Retreat facilities account for 9% of statewide payroll reported in Classification 9061, while yacht clubs account for 18%.⁸ As shown in Figure 1, the long-term loss to payroll ratios for retreat facilities are significantly lower than those for the remaining N.O.C. clubs assigned to Classification 9061, with a 32% differential in the most recent five years. The differences in the loss and payroll experience between retreat facilities and the remaining N.O.C. clubs suggest different risk exposures in their operations. Yacht clubs, on the other hand, have similar historical loss to payroll ratios to the remaining N.O.C. clubs.

Figure 1. Long-Term Loss to Payroll Ratios for Retreat Facilities, Yacht Clubs and the Remaining N.O.C. Clubs assigned to Classification 9061⁹



2. Retreat Facilities and the Potential Destination Classification 9048(1), *Camps – recreational or educational – all operations – including Clerical Office Employees at camp locations*

a) Operational Similarities between Retreat Facilities and Camps

The WCIRB identified Classification 9048(1), *Camps*, as the potential destination classification for retreat facilities because retreat facility operations are similar to recreational and educational camp operations (Table 1). Specifically, camps offer their own camp programs to campers on their premises and may also rent out their facilities, providing access to campgrounds, dining facilities and lodging, to third parties to host their own camp programs. Similar to retreat programs, camp programs provide participants with predetermined recreational or educational activities with guidance or counseling services. Both camps and retreat facilities provide overnight lodging and food services to participants. In addition, camps are typically located in rural areas and often retain resident employees who likely have an increased risk of injury due to their 24-hour exposure at campgrounds. Similarly, retreat facilities in rural areas often retain resident employees who have 24-hour exposure to workplace hazards. One difference between the operations of camps and retreat facilities is that camp programs often operate seasonally, particularly during the summer for school-aged children, and therefore may employ seasonal staff.

⁸ Of all employers with payroll reported in Classification 9061, 63 retreat facility employers were identified. The payroll share was calculated using aggregated payroll from policy years 2015 to 2019 at the latest report level.

⁹ The weighted average loss to payroll ratio was calculated as the aggregate losses over the past 20, 10 and 5 policy years divided by the aggregate payroll during the same period. The same methodology was used for Figures 4 and 7.

Table 1. Operational Comparison among Retreat Facilities, Camps and the Remaining N.O.C. Clubs Assigned to Classification 9061

| Operational Comparison | | Remaining N.O.C. Clubs (excl. retreat facilities and yacht clubs) | Retreat Facilities | Camps |
|---------------------------------|---|---|-----------------------|-------|
| Location | Rural areas | | X | X |
| | Urban areas | X | X | |
| Food and Lodging Services | Food preparation | Majority | 100% | 100% |
| | Overnight lodging | ~20% | 100% | 100% |
| | Provide recreational activities in a structured program | | X | X |
| Program Activities | Provide instruction on a specific topic | | X | X |
| | Seasonal employees | | | X |
| Types of Employees | Resident employees | | X | X |
| | Non-resident employees, depending on location | X | X | X |

A distinction in the current classification procedures for retreat facilities compared to camps is the treatment of clerical office employees at facility locations. Clerical office employees who support camp operations and work at camp locations are assigned to Classification 9048(1), while clerical office employees who support camp operations but do not work at camp locations are assigned to Classification 8810, *Clerical Office Employees – N.O.C.* Clerical office employees who support retreat facility operations, regardless of where they work, are assigned to Classification 8810. Employer outreach and a review of the Classification Inspection Reports indicated that most retreat facilities have clerical office employees at only retreat facility locations and, depending on the location of the facility and the type of retreat program offered, these clerical office employees may also reside at the facility.

The operations performed by clerical employees at retreat facility locations include scheduling, payroll, accounting and customer service via phone or email, which are similar to the operations performed by clerical employees at camp locations. In addition, outreach to both camp and retreat facility employers indicated that the share of payroll for clerical employees at retreat facility locations relative to non-clerical employees is consistent with that of camp operations. Industry feedback also indicated that clerical employees at both retreat facility locations and camp locations may not have purely clerical job duties and may have some exposure to the non-clerical operations of the business, such as providing tours of the facility or grounds or greeting customers. In addition, the latest five-year loss to payroll ratio for the clerical operations at retreat facility locations was almost four times that of the statewide clerical experience, indicating a significantly higher risk exposure than typical clerical operations. Therefore, assigning clerical and non-clerical operations at retreat facility locations to the same classification may more accurately reflect retreat facilities' workers' compensation risk exposure.

The WCIRB also compared retreat facilities' operations to hotel operations as other jurisdictions classify retreat facilities, in particular religious or spiritual retreat facilities, in their respective hotel classifications.¹⁰ Hotels, classified as 9050, *Hotels, Motels or Short-Term Residential Housing*, primarily provide lodging and may offer separately classifiable recreational, leisure or resort operations that are available to guests. However, employer outreach and a review of the Classification Inspection Reports indicated that retreat facilities do not operate like hotels, primarily in that retreat program participants are expected to engage in personal or professional growth activities or workshops provided by instructors, and the cost of the retreat program includes lodging, food and meeting space for the activities and workshops. At retreat facilities, participants register for the retreat program in order to utilize the lodging and amenities provided by the retreat facilities. Additionally, the historical advisory pure premium rates and loss and payroll experience

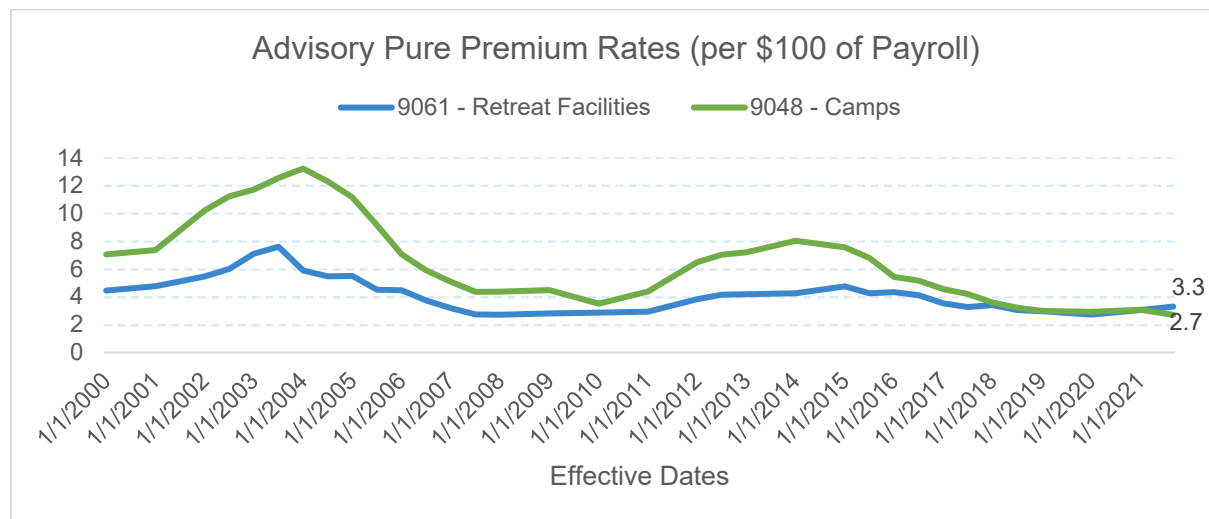
¹⁰ These jurisdictions include Massachusetts, New York and Pennsylvania. The National Council on Compensation Insurance, Inc. (NCCI) may classify retreat facilities in their respective hotel classification based on the employer that is operating the facility. For more information see Appendix II.

for retreat facilities are quite different from those for hotels. Therefore, analysis of both California hotel operations and loss experience does not support Classification 9050 as a potential destination for retreat facilities.

b) Similar Loss and Payroll Experience between Retreat Facilities and Camps

The WCIRB compared the historical pure premium rates for Classification 9061 to those for Classification 9048. As shown in Figure 2, Classification 9061 has historically had lower advisory pure premium rates than Classification 9048, but the rates of the two classifications have converged since 2018.

Figure 2. Historical Advisory Pure Premium Rates of Retreat Facilities and Camps¹¹



Given the challenges in determining the experience of clerical operations that support retreat facilities relative to other separately classifiable operations, the WCIRB compared the loss to payroll ratios and typical causes of injuries between non-clerical retreat facility operations and camp operations.

Overall, the historical loss to payroll ratios for retreat facilities were more volatile than those for camps, mostly driven by limited exposure for retreat facilities (Figure 3). While retreat facilities had significantly lower loss to payroll ratios than Classification 9048 before 2011, since then the loss and payroll experience for retreat facilities has become more comparable to that of Classification 9048 suggesting that their risk exposures have become more similar. In particular, as shown in Figure 4, over the last ten years the loss to payroll ratios for camps declined rapidly and became more similar to those for retreat facilities.

¹¹ CDI Decision on the WCIRB September 1, 2021 Pure Premium Rate Filing. Same for Figure 5.

Figure 3. Historical Capped Loss to Payroll Ratios¹² Comparing Retreat Facilities¹³ to Camps

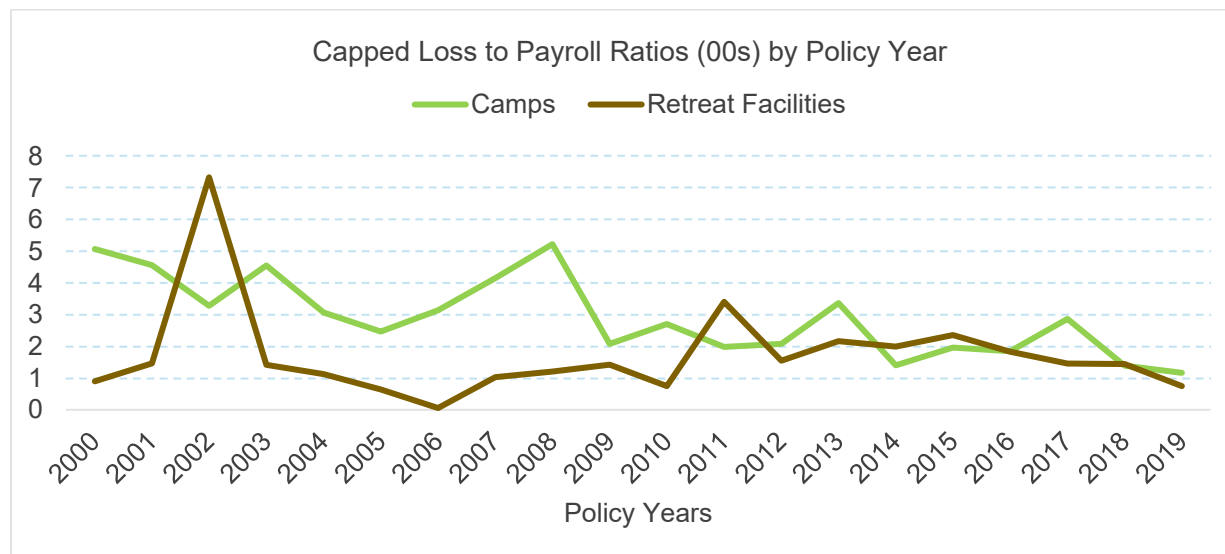
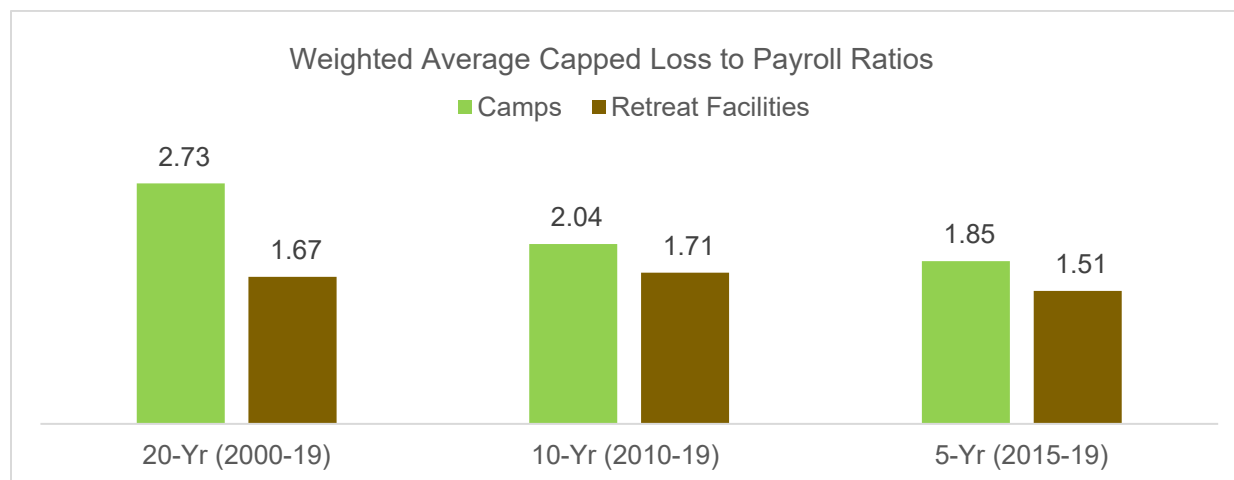


Figure 4. Long-Term Loss to Payroll Ratios Comparing Retreat Facilities to Camps



While the number of indemnity claims reported for retreat facilities was relatively small, the leading two causes of injuries were strain injuries and fall, slip or trip injuries, which are similar to the leading causes of injuries for camps.

In summary, given that retreat facilities and camps share similar operational characteristics, payroll and loss experience and typical causes of injury, the WCIRB recommends reclassifying retreat facilities in Classification 9048(1). Since clerical employees who work at camp locations are also included in Classification 9048(1) and most retreat facilities have clerical employees who only work at facility locations and whose job duties and operations appear to be similar to those of clerical employees at camp locations, the WCIRB also recommends reassigning clerical employees who work at retreat facility

¹² Loss to payroll ratios were calculated using losses capped at \$500,000 per claim and payroll reported at the latest report level. The same methodology was used for Figure 6.

¹³ The retreat facilities experience shown in Figures 3 and 4 includes only the non-clerical experience of retreat facilities assigned to Classification 9061 and does not include clerical operations at retreat facility locations (currently assigned to Classification 8810) due to challenges in determining the payroll for clerical operations supporting retreat facilities that have other separately classifiable operations.

locations from Classification 8810 to Classification 9048(1).¹⁴ The impacts of the recommended changes on retreat facilities, camps and statewide clerical experience are detailed in the Impact Analysis section.

3. Yacht Clubs and the Potential Destination Classification 9060

a) Operational Similarities between Yacht Clubs and Country or Golf Clubs

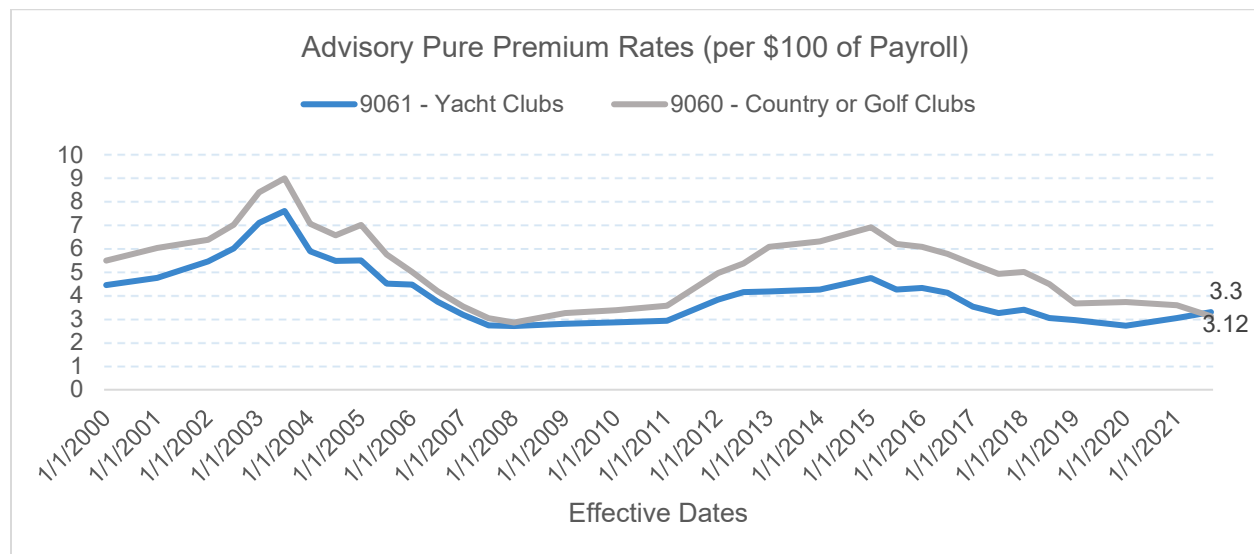
The WCIRB identified Classification 9060, *Clubs – country or golf*,¹⁵ as the potential destination classification for yacht clubs as country and golf clubs operate similarly to yacht clubs. All of these clubs are membership clubs that provide members with a place to socialize with others who have similar interests in golf, tennis, swimming, yachting or other recreational activities. These clubs may also provide instruction, operate tournaments and pro shops, maintain facilities and grounds for recreational activities and provide services to maintain equipment for members. These clubs typically have an onsite restaurant or bar where hot food and alcoholic drinks are prepared and served to club members. Yacht clubs and country or golf clubs do not typically provide lodging to members.

Other jurisdictions classify yacht clubs in their respective country or golf club classifications.¹⁶ The assignment of these clubs to these classifications is predicated on whether a majority of employees (excluding restaurant or bar employees) work outdoors engaged in activities associated with outdoor sports. Since yacht clubs are more similar to country or golf clubs than they are to the remaining N.O.C. clubs (as described above), reclassifying yacht clubs to Classification 9060 would facilitate grouping homogeneous operations in the same classification and improve alignment with other jurisdictions.

b) Loss and Payroll Experience for Yacht Clubs and Country or Golf Clubs

As shown in Figure 5, the historical advisory pure premium rates for Classification 9061 had generally been slightly lower than those for Classification 9060. However, the advisory pure premium rates of the two classifications have converged in the most recent year. The similar rates for the two classifications indicate a small impact to employers in both classifications if yacht clubs were to be reclassified to 9060.

Figure 5. Historical Advisory Pure Premium Rates for Yacht Clubs and Country or Golf Clubs



¹⁴ If a retreat facility also retains clerical employees who do not work at retreat facility locations, these clerical employees would continue to be assigned to Classification 8810.

¹⁵ This classification also applies to the operation of public golf courses. These golf courses are open to the general public and do not require a membership.

¹⁶ These jurisdictions include the NCCI jurisdictions, Massachusetts, Michigan, Minnesota, New Jersey, New York, North Carolina, Pennsylvania and Wisconsin. For more information see Appendix II.

Since yacht clubs account for only 18% of the statewide Classification 9061 payroll, the historical loss to payroll ratio trend for this segment has been volatile. Compared to Classification 9060, yacht clubs had generally lower loss to payroll ratios before 2015, though since then the loss to payroll ratios for yacht clubs have been slightly higher than those for country or golf clubs (Figure 6). A comparison of long-term loss to payroll ratios shows that the loss to payroll experience of yacht clubs has been comparable to that of Classification 9060 for the last five to ten years (Figure 7). As discussed earlier, the loss to payroll experience of yacht clubs was also similar to that of the remaining N.O.C. club operations (see Figure 1); therefore, the potential reassignment of yacht clubs to the country or golf club classification would largely be based on a better fit of operational characteristics.

Figure 6. Historical Capped Loss to Payroll Ratios Comparing Yacht Clubs to Country or Golf Clubs

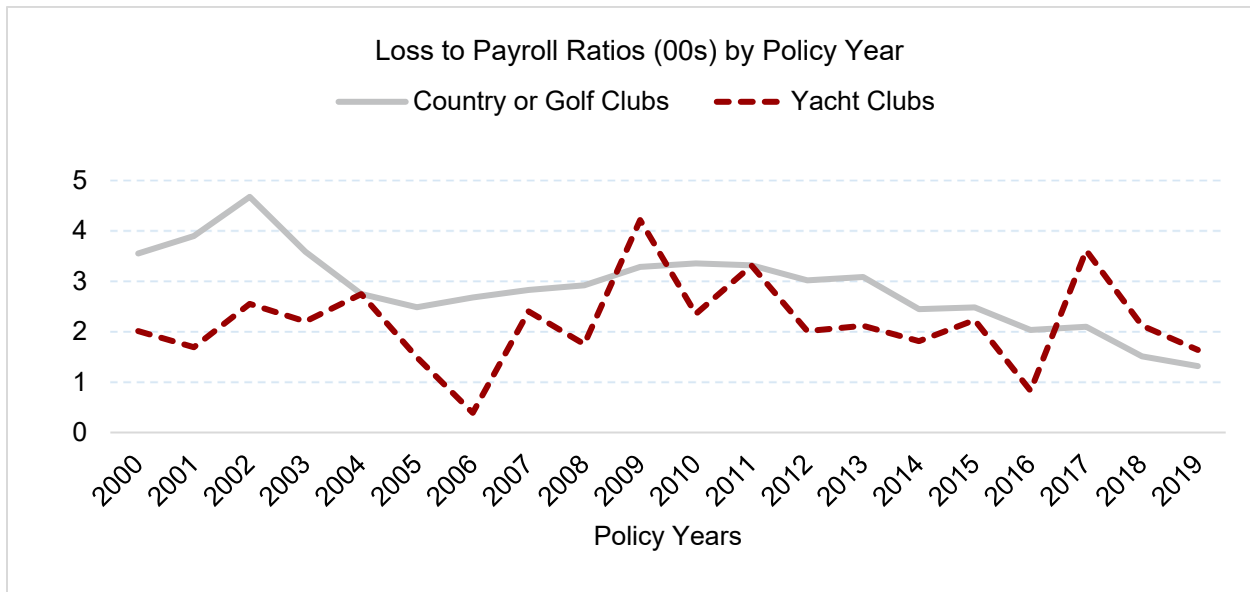
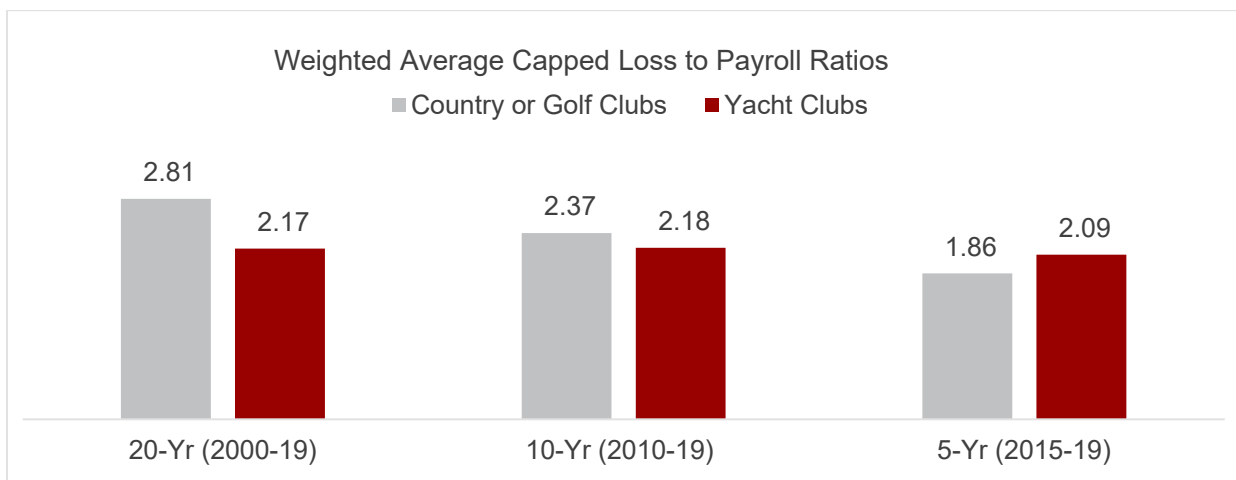


Figure 7. Long-Term Loss to Payroll Ratios Comparing Yacht Clubs to Country or Golf Clubs



In summary, yacht clubs have similar loss and payroll experience to both country and golf clubs and the remaining N.O.C. clubs in Classification 9061. However, yacht clubs operate more similarly to country and golf clubs than to the remaining N.O.C. clubs in Classification 9061. In addition, other jurisdictions assign yacht clubs to the same classification as country or golf clubs. Therefore, given the operational similarities and the benefits of alignment with other jurisdictions, the WCIRB recommends reclassifying yacht clubs to Classification 9060. The impacts of the recommended changes on yacht clubs and country and golf clubs are detailed in the Impact Analysis section.

4. Analysis of the Remaining N.O.C. Club Operations in Classification 9061

Based on a review of the Classification Inspection Reports, the remaining N.O.C. club operations assigned to Classification 9061 include predominantly social clubs, followed by community service clubs, cultural clubs, fraternal orders and fraternity and sorority houses. These remaining N.O.C. clubs provide members with a place to socialize with others who have similar interests and may have onsite restaurants or bars where hot food and alcoholic drinks are prepared and served to club members. Except for fraternity and sorority houses, lodging is not a common characteristic as lodging is provided by only 20% of the remaining N.O.C. clubs. Reclassifying retreat facilities to Classification 9048(1) and yacht clubs to Classification 9060 makes the remaining operations assigned to Classification 9061 more homogenous and defines the scope of the classification more narrowly. In addition, the remaining N.O.C. club operations would still constitute sufficient payroll and losses for a classification with high credibility (approximately 0.98). As such, the WCIRB recommends continuing to assign the remaining N.O.C. club operations to Classification 9061.

The WCIRB also reviewed whether the N.O.C. designation for Classification 9061 should be maintained. Given that it is not practical to establish a classification to specifically describe the operations of every type of club in California, there remains a need to provide N.O.C. classification direction for any club operation that is not more specifically described by the other nine club classifications. This N.O.C. classification ensures a uniform approach to classifying those club operations. Additionally, the USRP directs that any business or operation not described by a classification shall be assigned to the classification most analogous from the standpoint of process and hazard. However, classification by analogy requires a detailed analysis, performed on a case-by-case basis. In addition, without the N.O.C. classification and a specific classification assignment, these case-by-case assignments may increase the likelihood of similar operations being classified differently. In view of the above, the WCIRB recommends keeping the N.O.C. designation for Classification 9061.

IV. Impact Analysis

The WCIRB evaluated the impact of reclassifying retreat facilities and yacht clubs on Classifications 9048, 9060, 9061 and 8810, as well as on employers operating retreat facilities and yacht clubs. Classification relativities for the destination classes are included in Appendix III.

1. Impact on Camp Employers in Classification 9048

Table 2 shows that the selected loss to payroll ratio for Classification 9048 would decrease moderately by 5.2% after including the experience of the retreat facilities currently assigned to Classification 9061 and the clerical employees at retreat facility locations currently assigned to Classification 8810.¹⁷ The reduction in the selected loss to payroll ratio for Classification 9048 is mostly driven by the slightly better experience of retreat facilities and their clerical operations at retreat facility locations compared to camp operations.

¹⁷ The experience of clerical employees at retreat facility locations was identified for retreat facilities that were principally engaged in retreat operations (payroll reported for retreat facilities was greater than the total payroll reported in other classifications that do not include clerical employees). Based on operational analysis and industry feedback, the analysis assumes that all clerical operations of retreat facilities that were principally engaged in retreat operations were performed at retreat facility locations.

Table 2. Changes in the Selected (Unlimited) Loss to Payroll Ratio for Classification 9048 Under Proposed Recommendation

| Classification 9048 (A) | Classification 9048 + Retreat Facility Operations and Clerical Operations at Retreat Facility Locations (B) | % Difference (B/A-1) |
|----------------------------|---|-------------------------|
| 2.043 | 1.937 | -5.2% |

2. Impact on Retreat Facility Employers

The WCIRB analyzed the impact of the proposed recommendations on retreat facilities employers. Given that both clerical employees at retreat facility locations and non-clerical employees of retreat facilities would be reassigned to Classification 9048(1), the impact on individual employers would depend on the mix of clerical and non-clerical employees at retreat facility locations. Based on payroll and loss experience data, a review of the Classification Inspection Reports and feedback from retreat facility employers, the WCIRB estimated that, on average, about 20% of retreat facility payroll was generated by clerical employees and 80% by non-clerical employees at retreat facility locations.¹⁸ Therefore, based on this estimate of payroll share, retreat facility employers would have, on average, a moderate decline (-4.2%) in their selected loss to payroll ratio after being reclassified to Classification 9048 (Table 3).

Table 3. Estimated Average Impact to the Selected (Unlimited) Loss to Payroll Ratio for Retreat Facility Employers Under Proposed Recommendation

| Average Payroll Split | | Current Selected Loss to Payroll Ratio for Retreat Facility Employers ¹⁹ (A) | Selected Loss to Payroll Ratio for Retreat Facility Employers Under the Proposed Changes ²⁰ (B) | % Difference (B/A-1) |
|---|--|--|--|-------------------------|
| Clerical Employees at Retreat Facility Locations | Other Retreat Facility Employees | | | |
| 20% | 80% | 2.022 | 1.937 | -4.2% |

3. Impact on Statewide Classification 8810

As shown in Table 4, after excluding the loss and payroll experience of the clerical operations at retreat facility locations, the statewide experience in Classification 8810 would have a minimal decrease (-0.3%) in the selected loss to payroll ratio. The minimal decrease is mostly due to the relatively small proportion of Classification 8810 payroll for retreat facility clerical employees who tend to have higher risk exposure than the statewide clerical experience.

Table 4. Changes in the Selected (Unlimited) Loss to Payroll Ratio for Classification 8810 Under Proposed Recommendation

| Classification 8810 (A) | Classification 8810 excluding Clerical Operations at Retreat Facility Locations (B) | % Difference (B/A-1) |
|----------------------------|---|-------------------------|
| 0.160 | 0.160 | -0.3% |

¹⁸ Industry feedback confirmed that the payroll split between clerical and other non-clerical employees of camps is similar to the estimated payroll split for retreat facilities.

¹⁹ The selected loss to payroll ratio under the current classification structure was calculated as weighting the selected loss to payroll ratio for Classification 8810 (0.160) for clerical employees at retreat facility locations and that for Classification 9061 (2.488) for other retreat facility employees by the estimated average payroll split between the clerical (20%) and other non-clerical operations (80%) at retreat facility locations.

²⁰ The selected loss to payroll ratio under the proposed changes was based on the experience for Classification 9048, experience for clerical employees at retreat facility locations in Classification 8810 and experience for non-clerical retreat facility employees in Classification 9061.

4. Impact on Country and Golf Club Employers in Classification 9060

Table 5 shows that the selected loss to payroll ratio for Classification 9060 would increase slightly by 2.6% after the inclusion of yacht club employers. The loss to payroll experience of yacht clubs is generally similar to that of country and golf clubs.

Table 5. Changes in the Selected (Unlimited) Loss to Payroll Ratio for Classification 9060 Under Proposed Recommendation

| Classification 9060 (A) | Classification 9060 + Yacht Clubs (B) | % Difference (B/A-1) |
|----------------------------|--|-------------------------|
| 2.356 | 2.418 | 2.6% |

5. Impact on Yacht Club Employers

The WCIRB also analyzed the impact of the proposed change on yacht club employers. As shown in Table 6, the loss to payroll ratio for yacht club employers would drop by 2.8% after being reclassified to Classification 9060.

Table 6. Changes in the Selected (Unlimited) Loss to Payroll Ratio for Yacht Club Employers Under Proposed Recommendation

| Classification 9061 (A) | Classification 9060 + Yacht Clubs (B) | % Difference (B/A-1) |
|----------------------------|--|-------------------------|
| 2.488 | 2.418 | -2.8% |

6. Impact on Employers in Classification 9061

For the remaining N.O.C. club employers that will continue to be assigned to Classification 9061, the selected loss to payroll ratio would increase slightly by 0.6% after the reclassification of retreat facilities to Classification 9048(1) and yacht clubs to Classification 9060. This increase is driven by the relatively good experience of retreat facilities and yacht clubs being moved out of Classification 9061 (Table 7).

Table 7. Changes in the Selected (Unlimited) Loss to Payroll Ratio for Classification 9061 Under Proposed Recommendation

| Classification 9061 (A) | Classification 9061 excluding Retreat Facilities and Yacht Clubs (B) | % Difference (B/A-1) |
|----------------------------|--|-------------------------|
| 2.488 | 2.503 | 0.6% |

V. Findings

Based on this review, the WCIRB has determined:

1. Two segments with distinct operations were identified from the N.O.C. club operations assigned to Classification 9061, retreat facilities and yacht clubs. The remaining N.O.C. club operations assigned to Classification 9061 include predominantly social or community service membership clubs. Retreat facilities have dissimilar operations from the remaining N.O.C. clubs, particularly in that retreat facilities typically provide overnight lodging for participants compared to only a small fraction of the remaining N.O.C. clubs that provide those operations. Retreat facilities in rural areas, in particular, tend to have resident employees with 24-hour exposure to workplace hazards, while the remaining N.O.C. clubs are typically located in urban areas and do not retain resident employees. The loss to payroll ratios of retreat facilities were consistently lower than

those of the remaining N.O.C. clubs, which is reflective of a different level of risk exposure. While yacht clubs have operations and loss to payroll ratios similar to the remaining N.O.C. clubs, yacht clubs are more comparable to country and golf clubs and in other jurisdictions are assigned to the same classifications as country or golf clubs.

2. Retreat facilities have generally similar operations to camps, which are assigned to Classification 9048(1), *Camps*. Similar to camps, retreat facilities provide food and lodging, and host programs which specialize in providing instruction or guidance through a scheduled agenda of activities or workshops to promote participants' wellness or personal, spiritual or professional growth. Additionally, due to the nature of these programs and the location of the facilities, it is common for retreat facilities to employ staff who reside at the facility, similar to camps. The job duties of clerical employees who work at retreat facilities are similar to those of clerical employees at camp locations. While there were challenges in determining the experience of clerical operations that support retreat facilities relative to other separately classifiable operations, a comparison of loss to payroll ratios and typical causes of injuries between non-clerical retreat facility operations and camp operations yielded similar patterns.
3. Reclassifying retreat facility operations and the clerical operations at retreat facility locations to Classification 9048(1) would lead to an average of 4.2% decline in the selected loss to payroll ratios for retreat facility employers, while camp employers in Classification 9048(1) would experience a 5.2% decline in the selected loss to payroll ratios. The decreases in selected loss to payroll ratios for both groups were mostly driven by the relatively good experience of retreat facilities and their clerical operations.
4. Yacht clubs are more similar to country clubs and golf clubs assigned to Classification 9060, *Clubs – country or golf*, than to the remaining N.O.C. club operations in Classification 9061. Other jurisdictions classify yacht clubs in their respective country or golf club classifications. The loss to payroll experience of yacht clubs was similar to that of both Classifications 9061 and 9060. Therefore, reclassifying yacht clubs to Classification 9060 would facilitate assigning homogenous operations to the same classification and improve alignment with other jurisdictions.
5. Given similar risk exposure between yacht clubs and country or golf clubs, reassigning yacht club operations to Classification 9060 would have a small impact on the selected loss to payroll ratios for both yacht club employers (2.8% decrease) and country and golf club employers (2.6% increase).
6. After reclassifying retreat facilities and yacht clubs to other classifications, the remaining N.O.C. club operations appear more homogeneous, and the scope of Classification 9061 is more narrowly defined. The selected loss to payroll ratio for the remaining N.O.C. club employers would only be minimally impacted by the exclusion of retreat facilities and yacht clubs from Classification 9061 (0.6% increase).
7. Given that it is not practical to establish a classification to specifically describe the operations of every type of club in California, there remains a need to have an N.O.C. classification for any club operation that is not more specifically described by the other nine club classifications. This N.O.C. classification ensures a uniform approach to classifying those club operations. Additionally, the USRP directs that any business or operation not described by a classification shall be assigned to the classification most analogous from the standpoint of process and hazard. However, this requires a detailed analysis, performed on a case-by-case basis. Without the N.O.C. designation classification and a specific classification assignment, there may be an increased likelihood of similar operations being assigned differently. In view of the above, keeping the N.O.C. designation for Classification 9061 is appropriate.

VI. Recommendations

Based on these findings, the WCIRB recommends:

1. Amending Classification 9061, *Clubs – N.O.C.*, to remove retreat facility and yacht club operations.
2. Amending Classification 9048(1), *Camps*, to include retreat facility operations and onsite clerical employees of retreat facilities.
3. Amending Classification 9060, *Clubs – country or golf*, to include yacht club operations.

Appendix I: History of Classifications 9061, 9048(1) and 9060

Following is a timeline of significant changes to the scope and application of **Classification 9061, Clubs – N.O.C.**:

- **1920:** Classification 9059, *Clubs – (N.O.C.) excluding power laundries*, was established to apply to clubs that could not be otherwise classified.
- **1930:** Classification 9061 was established and included clerical office employees.
 - Classification 9059, *Clubs – (N.O.C.) excluding power laundries*, was eliminated and its constituents were reassigned to Classification 9061.
- **1947:** Classification 9061 was amended to include salesmen, drivers, chauffeurs and their helpers.
- **1968:** A new classification was established under Classification 9061, *Y.M.C.A. or Y.W.C.A. Institutions – all employees – including teachers; instructors; Clerical Office Employees, Salesmen and Drivers, Chauffeurs and their Helpers*, to apply to Y.M.C.A. and Y.W.C.A. institutions.
 - Classification 9063, which previously applied to Y.M.C.A. or Y.W.C.A. Institutions, was eliminated and its constituents were reassigned to Classification 9061.
- **1990:** Classification 9061(1), *Clubs – N.O.C.*, was amended to exclude clerical office employees and include restaurant or tavern employees.
- **1995:** Classification 9061(2), *Y.M.C.A. or Y.W.C.A. Institutions – all employees – including teachers and instructors*, was eliminated and its constituents were reassigned to newly established Classification 9067(2), *Clubs – boys and girls – all employees – including teachers and instructors*.
- **2013:** Classification 9061 was amended to include front desk employees.
- **2017:** Classification 9061 was amended to include examples of membership clubs, including retreat facilities.

Following is a timeline of significant changes to the scope and application of **Classification 9048(1), Camps – recreational or educational**:

- **1975:** Classification 9048(1) was established to apply to the operation of recreational or educational camps as a result of a 1975 WCIRB classification study.
- **2003:** Classification 9048(1) was amended to clarify that it applies to camps that provide supervised recreational or educational activities and guidance or counseling services, with overnight facilities for camp participants.

Following is a timeline of significant changes to the scope and application of **Classification 9060, Clubs – country or golf**:

- **1930:** Classification 9060 was established to apply to country clubs, golf clubs, fishing clubs and yacht clubs.
- **1968:** Classification 9060 was amended to exclude fishing clubs and include swimming clubs and tennis clubs as a result of a 1968 WCIRB classification study.
- **1970:** Classification 9060 was amended to include restaurant or tavern employees and exclude clerical office employees.
- **1985:** Classification 9060 was amended to exclude swimming clubs, tennis clubs and yacht clubs as a result of a 1984 WCIRB classification study.
 - This study indicated that clubs operating golf courses presented exposures that were significantly different from tennis clubs, swimming clubs and yacht clubs. The predominant activities and employments for yacht clubs involved the operation of a restaurant and cocktail lounge. However, yacht clubs did not generate sufficient data to develop sufficient credibility to warrant a separate classification and therefore were assigned by analogy to an existing classification. It was the Manual Subcommittee's position that, while not identical, yacht clubs were very similar to social clubs, assigned to Classification 9061, *Clubs – N.O.C.*, and could therefore be afforded similar classification treatment.
- **2013:** Classification 9060 was amended to include front desk employees.
- **2017:** Classification 9060 was amended to clarify that it applies to the operation of private golf and country clubs and public golf courses.

Appendix II: Classification of Retreat Facilities and Yacht Clubs in Other Jurisdictions

Retreat Facilities

The Workers' Compensation Rating and Inspection Bureau of Massachusetts, New York Compensation Insurance Rating Board and Pennsylvania Compensation Rating Bureau direct that retreat facilities are classified in each jurisdiction's respective hotel classification(s).

NCCI directs that retreat facilities are classified based on the employer that is providing the service. For example, a retreat facility operated by a social services organization is classified in the social services classification, whereas a spiritual retreat facility is classified in NCCI's hotel classifications, depending on specific employee's job duties.

The Minnesota Workers' Compensation Insurers Association, Inc. directs that retreat facilities are classified in school classifications, depending on specific employee's job duties.

Yacht Clubs

In general, yacht clubs are classified in Classification 9060, which includes country clubs, golf clubs and fishing clubs. For NCCI jurisdictions, the Workers' Compensation Rating and Inspection Bureau of Massachusetts, the Minnesota Workers' Compensation Insurers Association, Inc., the New Jersey Compensation Rating and Inspection Bureau, the New York Compensation Insurance Rating Board, the North Carolina Rate Bureau and the Wisconsin Compensation Rating Bureau, Classification 9060 also includes clerical office employees.

The Compensation Advisory Organization of Michigan classifies yacht clubs in Classification 9060, which also includes fishing clubs but not clerical office employees.

The Pennsylvania Compensation Rating Bureau classifies yacht clubs in Classification 944, which also includes country clubs and golf clubs.

Appendix III: Classification Relativities

Table 1: Classification 9061 – Classification Relativity at the Policy Year 2021 Level

| Policy Year | Adjusted Payroll | Adjusted Indemnity Losses | Adjusted Medical Losses | Adjusted Total Losses | Adjusted Loss to Payroll Ratio (00s) |
|-------------|------------------|---------------------------|-------------------------|-----------------------|--------------------------------------|
| 2015 | 254,290,298 | 2,433,327 | 2,499,587 | 4,932,914 | 1.940 |
| 2016 | 270,036,390 | 2,005,226 | 3,104,847 | 5,110,073 | 1.892 |
| 2017 | 273,159,020 | 2,637,862 | 4,081,736 | 6,719,598 | 2.460 |
| 2018 | 287,620,496 | 3,868,568 | 3,694,456 | 7,563,024 | 2.630 |
| Total | 1,085,106,204 | 10,944,983 | 13,380,627 | 24,325,610 | |

Adjusted Loss to Payroll Ratio 2.242
Selected (Unlimited) Loss to Payroll Ratio 2.488

| Credibility | |
|-------------|---------|
| Indemnity | Medical |
| 1 | 1 |

Table 2: Classification 9061 **Excluding Retreat Facilities and Yacht Clubs – Classification Relativity at the Policy Year 2021 Level**

| Policy Year | Adjusted Payroll | Adjusted Indemnity Losses | Adjusted Medical Losses | Adjusted Total Losses | Adjusted Loss to Payroll Ratio (00s) |
|-------------|------------------|---------------------------|-------------------------|-----------------------|--------------------------------------|
| 2014 | 184,692,939 | 1,364,296 | 2,537,050 | 3,901,346 | 2.112 |
| 2015 | 188,320,047 | 1,894,704 | 1,944,653 | 3,839,357 | 2.039 |
| 2016 | 201,063,049 | 1,676,734 | 2,453,199 | 4,129,933 | 2.054 |
| 2017 | 202,534,337 | 1,701,992 | 2,787,974 | 4,489,966 | 2.217 |
| 2018 | 209,549,836 | 3,044,765 | 2,833,717 | 5,878,482 | 2.805 |
| Total | 986,160,209 | 9,682,491 | 12,556,592 | 22,239,083 | |

Adjusted Loss to Payroll Ratio 2.255
Selected (Unlimited) Loss to Payroll Ratio 2.503

| Credibility | |
|-------------|---------|
| Indemnity | Medical |
| 0.98 | 0.99 |

Table 3: Classification 9048 – Classification Relativity at the Policy Year 2021 Level

| Policy Year | Adjusted Payroll | Adjusted Indemnity Losses | Adjusted Medical Losses | Adjusted Total Losses | Adjusted Loss to Payroll Ratio (00s) |
|-------------|------------------|---------------------------|-------------------------|-----------------------|--------------------------------------|
| 2014 | 134,397,556 | 579,242 | 1,006,580 | 1,585,822 | 1.180 |
| 2015 | 139,647,593 | 808,698 | 1,760,685 | 2,569,383 | 1.840 |
| 2016 | 149,652,091 | 948,196 | 1,602,517 | 2,550,713 | 1.704 |
| 2017 | 155,676,162 | 1,848,564 | 2,508,320 | 4,356,884 | 2.799 |
| 2018 | 166,415,989 | 1,108,035 | 1,455,463 | 2,563,498 | 1.540 |
| Total | 745,789,391 | 5,292,735 | 8,333,566 | 13,626,300 | |

Adjusted Loss to Payroll Ratio 1.827
Selected (Unlimited) Loss to Payroll Ratio 2.043

| Credibility | |
|-------------|---------|
| Indemnity | Medical |
| 0.82 | 0.93 |

Table 4: Classification 9048 Including Retreat Facilities and Clerical Employees at Retreat Facility Locations – Classification Relativity at the Policy Year 2021 Level

| Policy Year | Adjusted Payroll | Adjusted Indemnity Losses | Adjusted Medical Losses | Adjusted Total Losses | Adjusted Loss to Payroll Ratio (00s) |
|-------------|------------------|---------------------------|-------------------------|-----------------------|--------------------------------------|
| 2014 | 171,642,116 | 806,337 | 1,398,679 | 2,205,016 | 1.285 |
| 2015 | 174,276,221 | 1,048,722 | 2,055,359 | 3,104,081 | 1.781 |
| 2016 | 183,650,978 | 1,062,706 | 1,843,864 | 2,906,570 | 1.583 |
| 2017 | 190,121,877 | 2,022,581 | 2,753,439 | 4,776,020 | 2.512 |
| 2018 | 206,451,527 | 1,398,366 | 1,677,158 | 3,075,524 | 1.490 |
| Total | 926,142,719 | 6,338,712 | 9,728,498 | 16,067,211 | |

Adjusted Loss to Payroll Ratio 1.735
Selected (Unlimited) Loss to Payroll Ratio 1.937

| Credibility | |
|-------------|---------|
| Indemnity | Medical |
| 0.89 | 1 |

Table 5: Classification 8810 – Classification Relativity at the Policy Year 2021 Level

| Policy Year | Adjusted Payroll | Adjusted Indemnity Losses | Adjusted Medical Losses | Adjusted Total Losses | Adjusted Loss to Payroll Ratio (00s) |
|-------------|------------------|---------------------------|-------------------------|-----------------------|--------------------------------------|
| 2017 | 189,497,179,829 | 130,397,794 | 139,291,542 | 269,689,336 | 0.142 |
| 2018 | 203,366,292,609 | 140,978,895 | 150,029,132 | 291,008,027 | 0.143 |
| Total | 392,863,472,438 | 271,376,689 | 289,320,674 | 560,697,363 | |

Adjusted Loss to Payroll Ratio 0.143
Selected (Unlimited) Loss to Payroll Ratio 0.16

| Credibility | |
|-------------|---------|
| Indemnity | Medical |
| 1 | 1 |

Table 6: Classification 8810 Excluding the Experience of Clerical Employees at Retreat Facility Locations – Classification Relativity at the Policy Year 2021 Level

| Policy Year | Adjusted Payroll | Adjusted Indemnity Losses | Adjusted Medical Losses | Adjusted Total Losses | Adjusted Loss to Payroll Ratio (00s) |
|-------------|------------------|---------------------------|-------------------------|-----------------------|--------------------------------------|
| 2017 | 189,484,884,752 | 130,329,201 | 139,466,469 | 269,795,670 | 0.142 |
| 2018 | 203,353,238,482 | 140,895,219 | 149,996,981 | 290,892,200 | 0.143 |
| Total | 392,838,123,233 | 271,224,420 | 289,463,450 | 560,687,870 | |

Adjusted Loss to Payroll Ratio 0.143
Selected (Unlimited) Loss to Payroll Ratio 0.16

| Credibility | |
|-------------|---------|
| Indemnity | Medical |
| 1 | 1 |

Table 7: Classification 9060 – Classification Relativity at the Policy Year 2021 Level

| Policy Year | Adjusted Payroll | Adjusted Indemnity Losses | Adjusted Medical Losses | Adjusted Total Losses | Adjusted Loss to Payroll Ratio (00s) |
|-------------|------------------|---------------------------|-------------------------|-----------------------|--------------------------------------|
| 2017 | 912,754,076 | 8,191,074 | 12,103,175 | 20,294,249 | 2.223 |
| 2018 | 970,923,074 | 9,117,388 | 9,116,514 | 18,233,902 | 1.878 |
| Total | 1,883,677,151 | 17,308,462 | 21,219,689 | 38,528,152 | |

Adjusted Loss to Payroll Ratio 2.045
Selected (Unlimited) Loss to Payroll Ratio 2.356

| Credibility | |
|-------------|---------|
| Indemnity | Medical |
| 1 | 1 |

Table 8: Classification 9060 Including Yacht Clubs – Classification Relativity at the Policy Year 2021 Level

| Policy Year | Adjusted Payroll | Adjusted Indemnity Losses | Adjusted Medical Losses | Adjusted Total Losses | Adjusted Loss to Payroll Ratio (00s) |
|-------------|------------------|---------------------------|-------------------------|-----------------------|--------------------------------------|
| 2017 | 959,633,882 | 8,938,932 | 13,122,764 | 22,061,696 | 2.299 |
| 2018 | 1,020,336,525 | 9,730,767 | 9,760,929 | 19,491,696 | 1.910 |
| Total | 1,979,970,407 | 18,669,700 | 22,883,692 | 41,553,392 | |

Adjusted Loss to Payroll Ratio 2.099
Selected (Unlimited) Loss to Payroll Ratio 2.418

| Credibility | |
|-------------|---------|
| Indemnity | Medical |
| 1 | 1 |

Recommendation

Amend Classification 9048(1), *Camps*, to include retreat facilities and provide direction as to how related operations should be classified.

PROPOSED

**CAMPS OR RETREAT FACILITIES – ~~recreational or educational~~ – all operations – including 9048(1)
Clerical Office Employees at camp or retreat locations**

This classification applies to all operations of overnight camps that provide supervised recreational or educational activities with guidance or counseling services and overnight lodging for camp participants. This classification also applies to all operations of overnight retreat facilities that specialize in providing instruction or guidance through a scheduled program of activities or workshops structured to promote wellness or personal, spiritual or professional growth for retreat participants.

This classification also applies to overnight camps or retreat facilities operated by religious organizations. Churches, temples, mosques or synagogues shall be separately classified as 8840, *Churches, Temples, Mosques and Synagogues – clergy, professional assistants, organists or members of choir*, and 9015(4), *Churches, Temples, Mosques and Synagogues – all employees other than clergy, professional assistants, organists, members of choir, Clerical Office Employees or Clerical Telecommuter Employees.*

The operation of short-term lodging facilities that do not specialize in providing instruction or guidance through a scheduled program of activities or workshops structured to promote wellness or personal, spiritual or professional growth shall be classified as 9050, *Hotels, Motels or Short-Term Residential Housing.*

Recreational or educational day camps that do not include overnight lodging shall be classified as 9059, *Day Care Centers*.

Nonmedical residential care facilities providing services in a group setting to persons who are capable of meeting their life support needs independently, but who temporarily need assistance, guidance or counseling shall be classified as 8804(1), *Substance Use Disorder Recovery Homes – all employees.*

* * * * *

Recommendation

Amend Classification 9060, *Clubs – country or golf*, to include yacht clubs and provide direction as to how related operations should be classified.

PROPOSED

CLUBS – country, ~~or golf~~ or yacht – including front desk employees and restaurant or tavern employees 9060

This classification applies to the operation of private golf or country clubs, ~~or public golf courses or yacht clubs~~, including restaurant, tavern or event facilities at the club location and additional fitness or recreational facilities that may be operated in connection with the club. This

classification includes the maintenance of golf courses or equipment, including golf carts; golf instruction; tournament operations; all course club facility or golf cart maintenance; and the operation of pro shops or driving ranges, or restaurant, tavern or event facilities at the club location. This classification also includes additional fitness or recreational facilities that may be operated in connection with the golf course.

Hotel operations shall be separately classified as 9050, *Hotels, Motels or Short-Term Residential Housing*.

Driving ranges that are not operated by golf courses or country clubs shall be classified as 9016(1), *Amusement or Recreational Facilities – N.O.C. – all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores.*

Boat marina or boat rental facilities that are not operated by a yacht club shall be classified as 9016(4), *Boat Marina and Boat Rental Operation*.

Tennis or racquetball clubs shall be classified as 9053(5), *Clubs – racquet sports*.

Public or private swimming pools shall be classified as 9053(3), *Swimming Pools or Swimming Clubs*.

Clubs that are not more specifically described by any other classification shall be classified as 9061, *Clubs – N.O.C.*

* * * * *

Recommendation

Amend Classification 9061, *Clubs – N.O.C.*, to (1) reassign yacht club operations to Classification 9060, *Clubs – country or golf*, (2) reassign retreat facility operations to Classification 9048(1), *Camps*, and (3) for consistency with other proposed changes.

PROPOSED

CLUBS – N.O.C. – all employees – including front desk employees and restaurant or tavern employees 9061

This classification applies to the operation of membership clubs that are not specifically described by another classification, including but not limited to ~~business social clubs, cultural clubs, professional clubs, community service clubs, fraternal orders, yacht clubs, faculty clubs, professional clubs and employer-sponsored clubs or fraternity or sorority houses~~ and includes overnight lodging provided to members in connection with club operations. This classification also applies to the operation of retreat facilities that provide meeting space, food and lodging to participants.

Overnight camps or retreat facilities shall be classified as 9048(1), *Camps or Retreat Facilities*.

Non-profit community health and wellness clubs shall be classified as 9067(1), *Clubs – community health and wellness*.

Boys and girls clubs shall be classified as 9067(2), *Clubs – boys and girls*.

Country clubs, ~~and~~ golf clubs or yacht clubs shall be classified as 9060, *Clubs – country, ~~or~~ golf or yacht*.

Casinos ~~and~~ gaming clubs shall be classified as 9069, *Clubs – gaming*.

Equestrian clubs shall be classified as 7207(2), *Clubs – riding*.

Shooting clubs shall be classified as 9180(2), *Shooting Clubs or Shooting Ranges*.

Swimming clubs shall be classified as 9053(3), *Swimming Pools or Swimming Clubs*.

* * * * *

Cross-Reference Updates

Recommendation

Amend Classification 9016(1), *Amusement or Recreational Facilities – N.O.C. – all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores*, for consistency with other proposed changes.

PROPOSED

AMUSEMENT OR RECREATIONAL FACILITIES – N.O.C. – all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores **9016(1)**

This classification applies to the operation of amusement or recreational facilities, including but not limited to amusement parks, water parks, miniature golf courses, batting cages, bumper car facilities, archery ranges, water excursions/tours, laser tag, airsoft or paintball facilities, Nordic (cross-country) ski facilities and zoos, including veterinarians employed by zoos.

This classification also applies to the operation of golf driving ranges that are not operated by golf courses or country clubs.

This classification also applies to automobile or horse racetrack operations by employers that are not public agencies.

This classification also applies to the operation of athletic or sports venues, including ballparks and stadiums, during non-sporting activities, including but not limited to concerts and exhibitions.

Boat marinas or boat rental facilities shall be classified as 9016(4), *Boat Marina and Boat Rental Operation*.

Golf courses, ~~or~~ country clubs or yacht clubs shall be classified as 9060, *Clubs – country, ~~or~~ golf or yacht*.

Traveling carnivals shall be classified as 9185, *Carnivals*.

The operation of events, including but not limited to farmers' markets, flea markets, street fairs, swap meets, art or antique festivals, trade shows (public or private), fun runs, foot races, cycling events, marathons, triathlons and athletic charity events shall be classified as 9095, *Event Market, Festival or Trade Show Operation*.

The operation of racetracks by public agencies shall be classified as 9410/9420, *Municipal, State or Other Public Agency Employees*.

Bowling centers shall be classified as 9092(1), *Bowling Centers*.

Billiard halls shall be classified as 9092(2), *Billiard Halls*.

Skating rinks or skate parks shall be classified as 9092(3), *Skating Centers*.

Also refer to companion Classification 9180(1), *Amusement or Recreational Facilities – N.O.C. – operation or maintenance of amusement devices*.

If an employee who performs duties described by Classification 9016(1) also performs duties described by Classification 9180(1), the payroll of that employee may be divided between Classifications 9016(1) and 9180(1), provided the employer maintains accurate records supported by time cards or time book entries that show such division. See Section V, Rule 3, *Division of Single Employee's Payroll*.

Restaurants, retail stores or hotels shall be separately classified.

* * * * *

Recommendation

Amend Classification 9016(4), *Boat Marina and Boat Rental Operation*, for consistency with other proposed changes.

PROPOSED

BOAT MARINA AND BOAT RENTAL OPERATION

9016(4)

This classification applies to boat marina or boat rental operators, including but not limited to the maintenance of marina facilities, maintenance or repair of rental boats, fuel sales, and the rental of boat slips or dry storage space.

Fee-based instruction or guided expeditions shall be separately classified as 9180(1), *Amusement or Recreational Facilities – N.O.C. – operation or maintenance of amusement devices*.

Boat dealers shall be classified as 8057, *Boat Dealers*.

Boat repair facilities shall be classified as 6834, *Boat Building or Repairing*.

Yacht clubs shall be classified as ~~9064~~9060, *Clubs – ~~N.O.C.~~country, golf or yacht*.

Restaurants, retail stores or hotels shall be separately classified.

* * * * *

Recommendation

Amend Classification 9015(4), *Churches, Temples, Mosques and Synagogues – all employees other than clergy, professional assistants, organists, members of choir, Clerical Office Employees or Clerical Telecommuter Employees*, for consistency with other proposed changes.

PROPOSED

CHURCHES, TEMPLES, MOSQUES AND SYNAGOGUES – all employees other than clergy, professional assistants, organists, members of choir, Clerical Office Employees or Clerical Telecommuter Employees **9015(4)**

When lodging is provided by the employer, the total remuneration shall include the market value of such lodging to the employee.

Classification 9015(4) includes but is not limited to maintenance employees, janitors, custodians, gardeners, security personnel, drivers and parking lot attendants.

Overnight camps ~~operated by the employer~~ or retreat facilities shall be separately classified as 9048(1), *Camps or Retreat Facilities*. The operation of child day care centers where by services are provided to the public for a fee shall be separately classified as 9059, *Day Care Centers*.

The operation of academic schools for educating children in subjects, including but not limited to reading, language arts, mathematics, science, arts, history and geography shall be separately classified ~~in accordance with the provisions of the Multiple Enterprises rules 8868, Colleges or Schools – private – not automobile schools – professors, teachers or academic professional employees, and 9101, Colleges or Schools – private – not automobile schools – all employees other than professors, teachers or academic professional employees.~~ *Colleges or Schools – private – not automobile schools – professors, teachers or academic professional employees*.

~~The operation of retail stores for the display and sale of merchandise to congregation members or the general public shall be separately classified.~~

The operation of shops for the preparation and sale of coffee, tea ~~and/or~~ other nonalcoholic beverages to congregation members or the general public shall be separately classified as 8078(2), *Beverage Preparation Shops*.

The operation of retail stores for the display and sale of merchandise to congregation members or the general public shall be separately classified.

Also refer to companion Classification 8840, *Churches, Temples, Mosques and Synagogues – clergy, professional assistants, organists or members of choir*.

If an employee who performs duties described by Classification 9015(4) also performs duties described by Classification 8840, the payroll of that employee may be divided between Classifications 9015(4) and 8840, provided the employer maintains accurate records supported by time cards or time book entries that show such division. Refer to Part 3, Section V, Rule 3.

* * * * *

Recommendation

Amend Classification 8840, *Churches, Temples, Mosques and Synagogues – clergy, professional assistants, organists or members of choir*, for consistency with other proposed changes and to provide direction as to how related operations should be classified.

PROPOSED

CHURCHES, TEMPLES, MOSQUES AND SYNAGOGUES – clergy, professional assistants, organists or members of choir – including Clerical Office Employees and Clerical Telecommuter Employees **8840**

When lodging is provided by the employer, the total remuneration shall include the market value of such lodging to the employee.

Employees assigned to this classification provide spiritual leadership, teaching, counseling, guidance or support for their congregations. Employees include but are not limited to clergy, organists, choir directors or members, audio/video technicians, youth directors, Sunday school teachers, religious studies instructors, pastoral counselors, and clerical office or clerical telecommuter staff.

This classification also applies to nursery attendants, childcare employees or baby-sitters provided their duties are restricted to providing care for children or infants during religious services.

Overnight camps ~~operated by the employer~~ or retreat facilities shall be separately classified as 9048(1), *Camps or Retreat Facilities*. The operation of child day care centers where services are provided to the public for a fee shall be separately classified as 9059, *Day Care Centers*.

~~The operation of retail stores for the display and sale of merchandise to congregation members or the general public shall be separately classified.~~

~~The operation of shops for the preparation and sale of coffee, tea or other nonalcoholic beverages to congregation members or the general public shall be separately classified as 8078(2), *Beverage Preparation Shops*.~~

The operation of academic schools for educating children in subjects, including but not limited to reading, language arts, mathematics, science, arts, history and geography shall be separately classified in accordance with the provisions of the Multiple Enterprises rules as 8868, *Colleges or Schools – private – not automobile schools – professors, teachers or academic professional employees*, and 9101, *Colleges or Schools – private – not automobile schools – all employees other than professors, teachers or academic professional employees*.

The operation of shops for the preparation and sale of coffee, tea or other nonalcoholic beverages to congregation members or the general public shall be separately classified as 8078(2), *Beverage Preparation Shops*.

The operation of retail stores for the display and sale of merchandise to congregation members or the general public shall be separately classified.

Also refer to companion Classification 9015(4), *Churches, Temples, Mosques and Synagogues – all employees other than clergy, professional assistants, organists, members of choir, Clerical Office Employees or Clerical Telecommuter Employees*.

If an employee who performs duties described by Classification 8840 also performs duties described by Classification 9015(4), the payroll of that employee may be divided between

Classifications 8840 and 9015(4), provided the employer maintains accurate records supported by time cards or time book entries that show such division. Refer to Part 3, Section V, Rule 3.

* * * * *

Recommendation

Amend Classification 9067(2), *Clubs – boys and girls*, for consistency with other proposed changes-

PROPOSED

CLUBS – boys and girls – all employees – including front desk employees, teachers and instructors 9067(2)

This classification applies to clubs ~~and/or~~ programs that provide supplemental after school and recreational activities, including but not limited to homework assistance, games, arts and crafts, athletics and computer training for school age children on an elective or drop-in basis.

Overnight Ccamps operations or retreat facilities shall be separately classified as 9048(1), Camps or Retreat Facilities.

Child day care centers engaged in the provision of supervised care and custody of children that do not operate on an elective or drop-in basis shall be classified as 9059, *Day Care Centers*.

* * * * *

Recommendation

Amend Classification 9067(1), *Clubs – community health and wellness*, for consistency with other proposed changes.

PROPOSED

CLUBS – community health and wellness – all employees – including front desk employees, teachers and instructors 9067(1)

This classification applies to non-profit community associations, including but not limited to YMCAs, YWCAs and Jewish Community Centers that provide exercise or aquatic facilities to promote health and physical fitness and programs for social, recreational, educational and cultural engagement.

Preschool ~~and/or~~ child day care operations shall be separately classified as 9059, *Day Care Centers*.

Nonmedical Residential care facilities for adults needing social rehabilitation, including but not limited to psychiatric, pre-parole or probation halfway houses that provide services in a group setting to persons who are capable of meeting their life support needs independently, but who

temporarily need assistance, guidance or counseling shall be separately classified as 8804(2), *Social Rehabilitation Facilities for Adults*.

Overnight Camps operations or retreat facilities shall be separately classified as 9048(1), *Camps or Retreat Facilities*.

Health clubs or gyms that do not operate non-profit community associations for social, recreational, educational or cultural engagement shall be classified as 9053(2), *Health Clubs or Gyms*.

Fitness studios that are not non-profit community associations operating programs for social, recreational, educational or cultural engagement shall be classified as 8870, *Fitness Instruction Programs or Studios*.

Boys and girls clubs shall be classified as 9067(2), *Clubs – boys and girls*.

Non-profit community associations that do not operate physical fitness facilities shall be classified based on the operations performed.

* * * * *

Recommendation

Amend Classification 9053(5), *Clubs – racquet sports*, for consistency with other proposed changes.

PROPOSED

CLUBS – racquet sports – including restaurant employees, retail store employees and receptionists

9053(5)

This classification applies to racquet clubs that provide membership and access to court facilities for playing racquet sports, including but not limited to tennis, racquetball, badminton and squash, as a primary benefit of membership. This classification includes additional fitness and recreational facilities that may be operated in connection with the racquet court facilities. This classification includes coaching teams and instructing, supervising and operating competitive leagues or events.

This classification also applies to the operation of clubs or facilities for handball, pickleball, table tennis or similar racquet or paddle sports.

~~Golf or Country clubs, golf clubs or yacht clubs~~ shall be classified as 9060, *Clubs – country, or golf or yacht*.

Public or private swimming pools shall be classified as 9053(3), *Swimming Pools or Swimming Clubs*.

Non-profit community health and wellness clubs shall be classified as 9067(1), *Clubs – community health and wellness*.

Health clubs or gyms engaged in operating facilities that provide space and exercise equipment, including but not limited to cardiovascular equipment, weight machines and free weights available for at-will use by clients for the majority of operating hours, including tennis, racquetball, handball or squash operations provided in connection therewith, shall be classified as 9053(2), *Health Clubs or Gyms*.

The operation of fitness studios or fitness training programs primarily offering scheduled fitness classes where space and exercise equipment is not available for use by clients at-will during the majority of operating hours shall be classified as 8870, *Fitness Instruction Programs or Studios*.

* * * * *

Recommendation

Amend Classification 8868, *Colleges or Schools – private – not automobile schools – professors, teachers or academic professional employees*, to clarify the intended application and provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

COLLEGES OR SCHOOLS – private – not automobile schools – professors, teachers or academic professional employees

8868

Academic professional employees consist of, but are not limited to, deans, chancellors, vice chancellors, directors, principals, assistant principals, presidents, vice presidents, librarians, registrars, curriculum developers, psychologists, speech therapists and counselors. The responsibilities of such employees typically include planning, directing, administering, counseling or curriculum development. This classification includes day care, preschools or before or after school programs operated by private colleges or schools.

This classification also applies to teachers' aides, tutors, nurses, athletic team coaches or library employees.

This classification also applies to Independent Living Skills (ILS) instructional programs that are administered through state-contracted Regional Centers.

The operation of religious organizations, including but not limited to churches, temples, mosques and synagogues shall be separately classified ~~in accordance with the provisions of the Multiple Enterprises rules~~ 8840, *Churches, Temples, Mosques and Synagogues – clergy, professional assistants, organists or members of choir*, and 9015(4), *Churches, Temples, Mosques and Synagogues – all employees other than clergy, professional assistants, organists, members of choir, Clerical Office Employees or Clerical Telecommuter Employees*.

Overnight camps or retreat facilities shall be separately classified as 9048(1), *Camps or Retreat Facilities*.

Supported Living Services (SLS) provided to developmentally disabled individuals or In-Home Support Services (IHSS) shall be separately classified as 8827(1), *Home Care Services*.

The operation of colleges or schools by municipal, state or other public agencies shall be classified as 8875(1), *Public Colleges or Schools*.

Also refer to companion Classification 9101, *Colleges or Schools – private – not automobile schools – all employees other than professors, teachers or academic professional employees – including cafeterias*.

If an employee who performs duties described by Classification 8868 also performs duties described by Classification 9101, the payroll of that employee may be divided between

Classifications 8868 and 9101, provided the employer maintains accurate records supported by time cards or time book entries that show such division. Refer to Part 3, Section V, Rule 3.

~~Recreational or educational day camps that do not include overnight lodging for camp participants shall be classified as 9059, *Day Care Centers*.~~

~~Overnight camps shall be separately classified as 9048(1), *Camps*.~~

Automobile driving schools shall be classified as follows:

- Driving or classroom instruction – 8748, *Automobile or Truck Dealers – vehicle salespersons*
- Vehicle maintenance or repair – 8391, *Automobile or Truck Dealers – all employees other than vehicle salespersons*

~~Supported Living Services (SLS) provided to developmentally disabled individuals or In-Home Support Services (IHSS) shall be separately classified as 8827(1), *Home Care Services*. Child care or supervisory services, including but not limited to day care, preschools, kindergartens and before or after school programs not in connection with public or private schools which provide instruction for first grade and higher shall be classified as 9059, *Day Care Centers*.~~

Recreational or educational day camps that do not include overnight lodging for camp participants shall be classified as 9059, *Day Care Centers*.

* * * * *

Recommendation

Amend Classification 9059, *Day Care Centers*, for consistency with other proposed changes.

PROPOSED

DAY CARE CENTERS – child – not residential care facilities – all employees – including receptionists

9059

This classification applies to child day care centers that provide nonmedical care and supervision for children ranging from infancy to 17 years of age for periods of less than 24 hours; preschool programs; or before or after school programs that are not operated in connection with public or private schools operated by the same employer.

This classification also applies to recreational or educational day camps that do not include overnight lodging for camp participants.

This classification also applies to day care services provided by employers primarily for the use of their employees' dependents, in accordance with the General Exclusions rule. See Section III, Rule 6, *General Exclusions*.

~~Recreational or educational Overnight camps that include overnight lodging or retreat facilities shall be classified as 9048(1), *Camps or Retreat Facilities*.~~

This classification does not apply to child care or supervisory services, including but not limited to day care, preschools, kindergartens and before or after school programs, that are operated by the same employer in connection with public or private schools which provide instruction for first

grade and higher; such operations shall be classified as 8868, *Colleges or Schools – private – not automobile schools – professors, teachers or academic professional employees*, 9101, *Colleges or Schools – private – not automobile schools – all employees other than professors, teachers, or academic professional employees*, or 8875(1), *Public Colleges or Schools*.

Boys and girls clubs that provide supplemental after school or recreational activities for school age children on an elective or drop-in basis shall be classified as 9067(2), *Clubs – boys and girls*.

* * * * *

Recommendation

Amend Classification 8870, *Fitness Instruction Programs or Studios*, for consistency with other proposed changes.

PROPOSED

FITNESS INSTRUCTION PROGRAMS OR STUDIOS – all employees – including receptionists 8870

This classification applies to fitness instruction programs or fitness studios that provide scheduled fitness or training classes, including but not limited to martial arts, gymnastics, dance and yoga. This classification is limited to fitness instruction where facility space and exercise equipment is not available for use by clients on an at-will basis during the majority of operating hours. This classification also applies to fitness-based classes or training sessions, including but not limited to personal training and specialized coaching by employers not engaged in any facility operations, such as independent golf and tennis instructors.

Health clubs or gyms operating facilities that provide space and exercise equipment, including but not limited to cardiovascular equipment, weight machines and free weights available for at-will use by clients for the majority of operating hours, including scheduled classes and fitness training programs provided in connection therewith, shall be classified as 9053(2), *Health Clubs or Gyms*.

The operation of athletic teams or athletic facilities shall be classified as 9182, *Athletic Teams or Athletic Facilities – all employees other than players, umpires, referees and game officials*.

Swimming pools or swimming clubs shall be classified as 9053(3), *Swimming Pools or Swimming Clubs*.

Tennis or racquetball clubs shall be classified as 9053(5), *Clubs – racquet sports*.

Country clubs, ~~or~~ golf courses or yacht clubs shall be classified as 9060, *Clubs – country, ~~or~~ golf or yacht*.

Non-profit community health and wellness clubs shall be classified as 9067(1), *Clubs – community health and wellness*.

Water-based athletic or fitness instructional programs at locations other than swimming pools, including but not limited to surfing, scuba, kayaking, paddle boarding and kite surfing lessons and tours on lakes, bays, rivers or oceans shall be classified as 9180(1), *Amusement or Recreational Facilities – N.O.C. – operation or maintenance of amusement devices*.

* * * * *

Recommendation

Amend Classification 9050, *Hotels, Motels or Short-Term Residential Housing*, to provide direction as to how related operations should be classified.

PROPOSED

HOTELS, MOTELS OR SHORT-TERM RESIDENTIAL HOUSING

9050

When lodging is provided by the employer, the total remuneration shall include the market value of such lodging to the employee.

This classification applies to the operation of hotels, motels or short-term residential housing. This classification includes all employees other than employees exclusively engaged in restaurant or tavern operations. Front desk, cashiering, concierge or retail store operations, and facility tours, including but not limited to tours for marketing or inspection purposes, are included in this classification.

Short term residential housing, including but not limited to vacation rentals and timeshare properties, is defined as housing units that are rented for not more than 30 consecutive days. The operation of residential housing where more than 75% of units are rented for longer than 30 consecutive days shall be assigned to the applicable *Property Management/Operation* Industry Group classification.

The payroll of employees engaged exclusively in connection with restaurant or tavern operations shall be separately classified as 9079(1), *Restaurants or Taverns*. This includes employees who work in food or beverage departments, prepare or serve hot food in connection with complimentary breakfasts, or provide room service, including delivering food or restocking in-room refrigerators, provided such employees perform no hotel duties. Employees who perform hotel, motel or short-term residential housing operations and restaurant or tavern operations shall be assigned to Classification 9050.

Recreation, leisure or resort operations, including but not limited to country clubs, golf courses, yacht clubs, casinos, gaming clubs, spas, baths, health clubs, gyms, barber shops or hair salons shall be separately classified.

The payroll of employees who alternate between two or more separately classifiable operations shall be assigned in accordance with Section V, Rule 3, *Division of Single Employee's Payroll*.

The payroll of employees who do not engage in operations that are integral to each classifiable operation but perform operations in general support of more than one classifiable operation shall be assigned to the Governing Classification of the group of classifications to which their work pertains. Employees who perform general support operations include but are not limited to supervisors, maintenance workers, security guards, shipping and receiving clerks and yard employees.

Overnight retreat facilities that specialize in providing instruction or guidance through a scheduled program of activities or workshops structured to promote wellness or personal, spiritual or professional growth for participants shall be classified as 9048(1), *Camps or Retreat Facilities*.

Nonmedical residential care facilities, including but not limited to psychiatric, pre-parole or probation halfway houses that provide services in a group setting to persons who are capable of meeting their life support needs independently, but who temporarily need assistance, guidance and counseling shall be classified as 8804(2), *Social Rehabilitation Facilities for Adults*.

* * * * *

Recommendation

Amend Part 3, Section VIII, *Abbreviated Classifications – Numeric Listing*, for consistency with other proposed changes.

PROPOSED

-
-
-
- 9048(1) Camps/Retreat Facilities
-
-
-
- 9060 Clubs–country/golf/yacht
-
-
-

* * * * * * *

Item III-B

Draft Standard Exception Study – Automobile or Truck Dealership Vehicle Salespersons

8748, *Automobile or Truck Dealers – vehicle salespersons*

8810, *Clerical Office Employees – N.O.C.*

8742, *Salespersons – Outside*

Executive Summary

Objectives

For most classifications, an employer's clerical or outside sales employees are separately assigned to Classifications 8810, *Clerical Office Employees – N.O.C.*, 8742, *Salespersons – Outside*, or, beginning in 2021, 8871, *Clerical Telecommuter Employees*, pursuant to the Standard Exceptions rule. Other classifications are structured to explicitly include clerical or outside sales operations when the employees' exposures to work-related hazards are relatively similar to those of the core classification and it is difficult to clearly distinguish an employer's primary operations from those that would otherwise be considered clerical or outside sales in nature.

In 2021, the WCIRB initiated a multi-year effort to systematically review classifications to identify those that would be improved by the inclusion of clerical office, clerical telecommuter or outside sales activities.¹ This year, the WCIRB selected Classification 8748, *Automobile or Truck Dealers – vehicle salespersons*, and evaluated the business operations and the payroll and claim experience of employers currently assigned to Classification 8748 to determine if their clerical or outside sales operations are distinct and easily identifiable or if some or all of their clerical or outside sales operations should be included in Classification 8748.

Findings

The key findings of this study include:

1. There is little to no overlap between the job duties of automobile or truck dealer vehicle salespersons assigned to Classification 8748 and automobile or truck dealer outside salespersons assigned to Classification 8742. In addition, it is rare for automobile or truck dealers to employ both vehicle salespersons and outside salespersons. The line of demarcation between operations assigned to Classifications 8748 and 8742 is clear.
2. The long-term loss to payroll ratios and typical causes of injury for vehicle salespersons assigned to Classification 8748 differed from those for automobile or truck dealer outside salespersons assigned to Classification 8742. In particular, the outside salespersons had a much higher share of indemnity claims involving motor vehicle accidents than Classification 8748, indicating a potential higher likelihood of severe claims.
3. Clerical employees of automobile or truck dealers assigned to Classification 8810 typically perform general administrative duties in support of dealership operations and finance and insurance related duties in support of vehicle sales operations. The majority of Classification 8810 clerical employees' job duties do not overlap with those of vehicle salespersons assigned to Classification 8748. The line of demarcation between operations assigned to Classifications 8748 and 8810 is clear.
4. The loss to payroll ratios and typical causes of injury for automobile or truck dealer clerical operations assigned to Classification 8810 were different from Classification 8748 experience and more comparable to statewide Classification 8810 experience. In addition, the proportion of

¹ The pilot review in 2021 resulted in the inclusion of clerical office and clerical telecommuter employees in Classification 4512, *Biomedical Research Laboratories*.

Classification 8810 exposure varies significantly across the employers with the most payroll reported in Classifications 8748 and 8810, indicating disproportional Classification 8810 risk exposure across different employers. The underlying hazards and claim experience of vehicle salespersons employed by automobile or truck dealers assigned to Classification 8748 are different from those of the dealers' clerical employees assigned to Classification 8810.

Recommendations

Based on these findings, the WCIRB does not recommend including Clerical Office Employees, Clerical Telecommuter Employees or Outside Salespersons² in Classification 8748, *Automobile or Truck Dealers – vehicle salespersons*.

I. Introduction

For most classifications, an employer's clerical or outside sales employees are separately assigned to Classifications 8810, *Clerical Office Employees*, 8742, *Salespersons – Outside*, or 8871, *Clerical Telecommuter Employees*,³ collectively referred to herein as the Standard Exception classifications, pursuant to the Standard Exceptions rule.⁴ Other classifications are structured to explicitly include clerical office, clerical telecommuter or outside sales operations. This typically occurs when employees' exposures to workplace hazards are relatively similar to those of the core classification and it is difficult to clearly distinguish an employer's primary operations from those that would otherwise be considered clerical or outside sales in nature.

As it is often challenging to determine whether individual employees meet the narrowly defined criteria for Standard Exception Employees, in 2021, the WCIRB initiated a multi-year effort to systematically review classifications to identify those that would be improved by the inclusion of clerical office, clerical telecommuter or outside sales activities.⁵

The WCIRB followed the framework established in 2021 and selected Classification 8748, *Automobile or Truck Dealers – vehicle salespersons*, for review as that classification met the following criteria:

- The classification has relatively low pure premium rates;
- The core business operations are relatively similar to clerical or outside sales activities; and
- The line of demarcation between clerical or outside sales activities and other employee activities may not always be clear.

As shown in Figure 1, Classification 8748 historically has had relatively low advisory pure premium rates (\$0.86 per \$100 of payroll in the most recent year) compared to the statewide average advisory pure premium rates (\$1.41 per \$100 of payroll in the most recent year). Compared to the Standard Exception classifications; however, Classification 8748 has had significantly higher advisory pure premium rates.

Both Classification 8748 and the Standard Exception classifications are fully credible.⁶ For employers with payroll reported in Classification 8748, only 1% of their payroll was reported in Classification 8742, whereas around 27% of their payroll was reported in Classification 8810. Therefore, it is rare for automobile or truck dealers to have dedicated outside salespersons with payroll assigned to Classification 8742 and more likely for these employers to have clerical employees with payroll assigned to Classification 8810.

² Clerical Office Employees, Clerical Telecommuter Employees or Outside Salespersons are defined in Part 3, *Standard Classification System, Section III, General Classification Procedures, Rule 4, Standard Exceptions*, of the *California Workers' Compensation Uniform Statistical Reporting Plan—1995 (USRP)*.

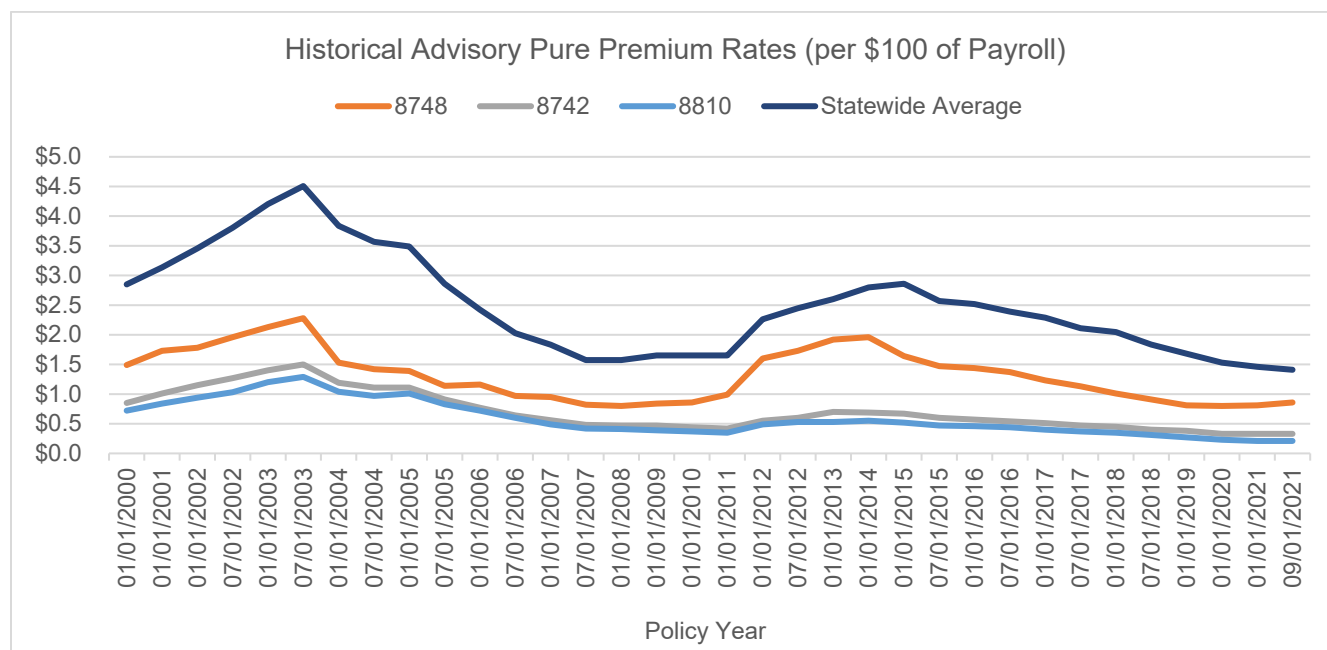
³ Classification 8871, *Clerical Telecommuter Employees*, was established effective January 1, 2021.

⁴ USRP, Part 3, *Standard Classification System, Section III, General Classification Procedures, Rule 4, Standard Exceptions*.

⁵ The pilot review in 2021 resulted in the inclusion of clerical office and clerical telecommuter employees in Classification 4512, *Biomedical Research Laboratories*.

⁶ The indemnity and medical credibility of Classifications 8748, 8810 and 8742 were 1.00 in the September 1, 2021 Regulatory Filing.

Figure 1. Historical Advisory Pure Premium Rates



| | 9/1/2021 Approved Advisory Pure Premium Rate (per \$100 of payroll) ⁷ |
|---------------------|--|
| Classification 8748 | \$0.86 |
| Classification 8742 | \$0.33 |
| Classification 8810 | \$0.21 |
| Statewide Average | \$1.41 |

The WCIRB analyzed the business operations, payroll and claim experience of employers currently assigned to Classification 8748 to determine if their clerical or outside sales operations are distinct and easily identifiable or if some or all of the clerical or outside sales operations should be included in Classification 8748.

II. Analysis Approach

The WCIRB analyzed business operations and payroll and claim experience of automobile and truck dealers and their clerical or outside sales operations using both qualitative and quantitative data from a variety of sources.

Classification Inspection Reports: The WCIRB reviewed Classification Inspection Reports that assigned employers' operations to Classifications 8748, 8742 and 8810 to better understand these employers' vehicle sales, outside sales and clerical office activities.

Industry Outreach: The WCIRB contacted members of the industry, including automobile and truck

⁷ CDI Decision on the WCIRB September 1, 2021 Pure Premium Rate Filing.

dealers⁸ and insurers that underwrite significant components of this industry to gain insights into the operational characteristics of vehicle salespersons.

Unit Statistical Reports: The WCIRB analyzed historical Unit Statistical Report (USR) data at the latest USR report level between policy years 2010 and 2019 for Classifications 8748, 8742 and 8810, including employers' payroll and loss experience and injury characteristics of claims. Losses were limited to \$500,000 per claim to minimize large swings in the loss to payroll ratios over time.

Other Jurisdictions: The WCIRB reviewed other jurisdictions' classification procedures for vehicle salespersons employed by automobile or truck dealers to understand how these operations are classified.⁹

III. Analysis Results

1. Comparison of Vehicle Salesperson Operations Assigned to Classification 8748 and Outside Sales Operations Assigned to Classification 8742

- **Operations of Vehicle Salespersons and Outside Salespersons**

Classification 8748¹⁰ applies to employees that conduct sales, leasing or rental of motor vehicles for automobile or truck dealers.¹¹ Vehicle sales operations contemplated within Classification 8748 include showing available vehicles to customers, discussing prices and features, accompanying customers on test drives and negotiating and finalizing deals. Classification 8748 also applies to vehicle salespersons working for online motor vehicle marketplace employers, and these salespersons may travel to customer locations to perform vehicle sale or purchasing operations. However, online vehicle marketplaces are a relatively new type of business with potential for future growth, and as a result the operations performed by vehicle salespersons may evolve over time.

Automobile or truck dealer outside salespersons assigned to Classification 8742 typically perform general or parts outside sales operations, marketing or public relations work, or clerical office activities with travel in connection with their job duties. It is unusual for automobile or truck dealers to have employees assigned to Classification 8748 and Classification 8742, as there are very few employers with reported payroll in both classifications. Those that do have both classifications tend to be large employers with robust business operations which necessitates having outside sales employees, or with a commercial parts department which necessitates having parts outside sales employees.

There is little to no overlap between the job duties of employees assigned to Classification 8748 and of those assigned to Classification 8742. These two groups of employees are not cross trained to provide back up for one another and they work within separate reporting structures. It does not appear that there have been significant challenges to or confusion regarding the assignment of operations to Classifications 8748 or 8742 for automobile or truck dealers. Further, vehicle salespersons and outside salespersons employed by automobile or truck dealers have dissimilar

⁸ Specifically, the WCIRB met with employers that operate commercial and public automobile and truck dealerships and online motor vehicle marketplaces.

⁹ A summary of how other jurisdictions classify vehicle salespersons employed by automobile or truck dealers is in Appendix II.

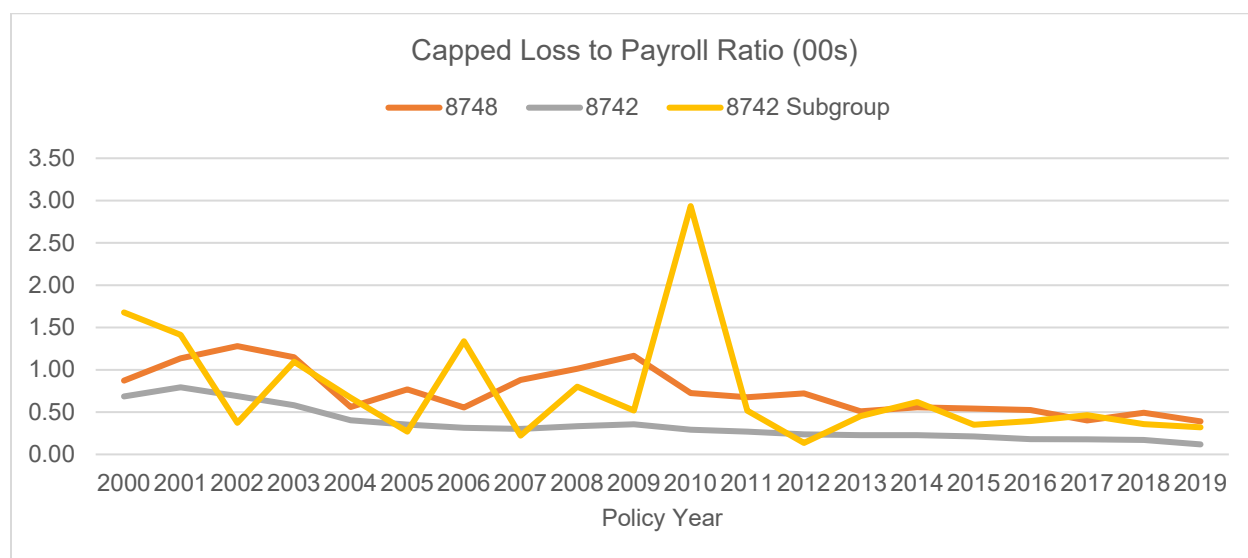
¹⁰ Classification 8391, *Automobile or Truck Dealers – all employees other than vehicle salespersons*, is the companion classification for Classification 8748. It applies to estimators, service writers, vehicle maintenance and repair, shuttle drivers, accessory or spare parts sales and the transporting of vehicles that are owned by the employer.

¹¹ These automobile or truck dealers are typically engaged in the sale of automobiles, trucks, buses, forklift trucks, golf carts, recreational vehicles, motor homes and trailers. Classification 8748 also applies to vehicle auctioneers and auction sales assistants who work for employers that operate vehicle auctions, and to driving or classroom instructors who work for employers that operate automobile or truck driving schools. However, Classification 8748 primarily consists of vehicle salespersons employed by automobile or truck dealers.

average weekly wages.¹² Therefore, the line of demarcation between operations assigned to Classifications 8748 and 8742 is clear.

- Payroll and Claim Experience of Vehicle Salespersons and the Outside Sales Subgroup**
 Given that only 1% of automobile and truck dealership payroll was reported in Classification 8742, the loss to payroll ratios for the outside sales operations of employers assigned to Classification 8748 (Classification 8742 subgroup) are much more volatile than those for the statewide Classifications 8748 and 8742 (Figure 2). The 20-year weighted average loss to payroll ratio for Classification 8748 is about 37% higher than that for the Classification 8742 subgroup, whereas the long-term loss to payroll ratio for statewide Classification 8742 is about 40% lower than that for the Classification 8742 subgroup. However, the loss to payroll ratios for Classification 8748 and the Classification 8742 subgroup appear to be converging in recent years.

Figure 2. Historical Loss to Payroll Ratios Comparing Classification 8748, Classification 8742 and the Classification 8742 Subgroup



| | 20-Year Loss to Payroll Ratio (00s) (PY2000-PY2019) ¹³ | 5-Year Loss to Payroll Ratio (00s) (PY2015-PY2019) ¹⁴ |
|------------------------------|---|--|
| Classification 8748 | 0.71 | 0.47 |
| Classification 8742 Subgroup | 0.52 | 0.38 |
| Classification 8742 | 0.31 | 0.17 |

The typical causes of injury were also dissimilar between claims reported for the Classification 8742 subgroup and those reported for Classification 8748 (Figure 3). Outside salespersons employed by automobile or truck dealers have a lower share of indemnity claims involving fall, slip or trip injuries but a significantly higher share involving strain injuries than vehicle salespersons. In addition, while motor

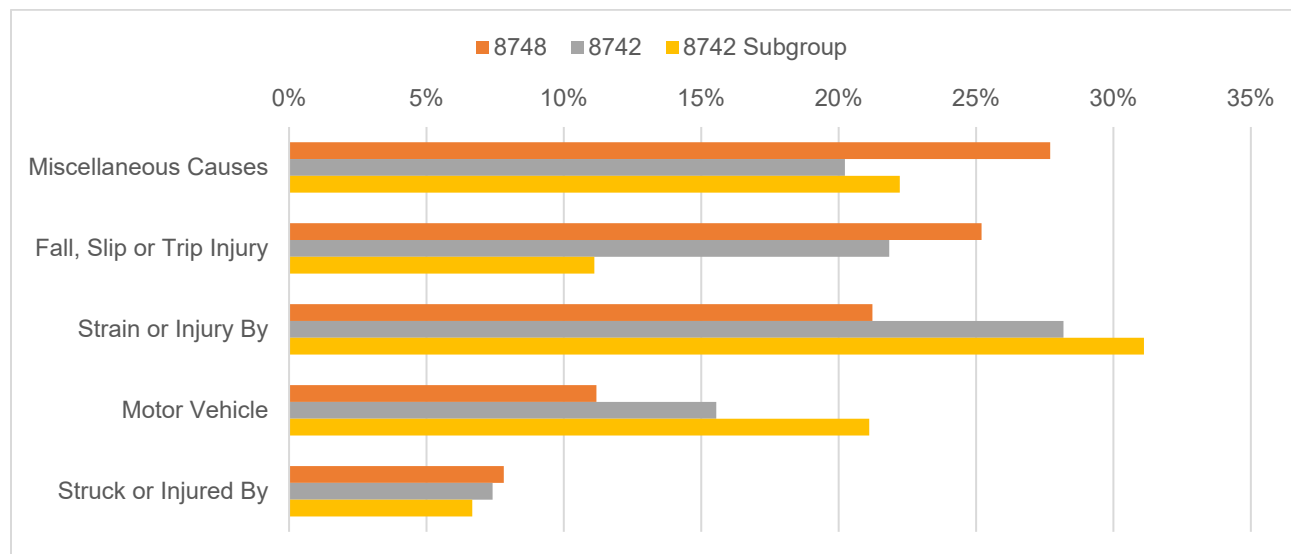
¹² Wage information is from the 2021 Wage, Payroll and Exposure Report for California Workers' Compensation. The full-time average weekly wage was \$793 for Classification 8748 and \$1,172 for Classification 8742, adjusted for the industry mix for automobile or truck dealers.

¹³ The weighted average loss to payroll ratio was calculated as the aggregate losses over the policy year period from 2000 to 2019 divided by the aggregate payroll during the same period. The loss to payroll ratio in policy year 2010 was driven by large claim frequency and low payroll exposure which was atypical and unrepresentative of the actual payroll and loss experience. Therefore, payroll and losses for policy year 2010 were excluded from the calculation.

¹⁴ The weighted average loss to payroll ratio was calculated as the aggregate losses over the policy year period from 2015 to 2019 divided by the aggregate payroll during the same period.

vehicle accidents are a unique risk exposure for both vehicle salespersons and outside salespersons, the share of claims involving motor vehicle accidents for the Classification 8742 subgroup is twice as high as that for Classification 8748. This difference indicates significantly different levels of motor vehicle risk exposure and different likelihoods of serious claims between the two groups. Lastly, the typical causes of injuries for the Classification 8742 subgroup are generally comparable to those for statewide Classification 8742.

Figure 3. Share of Indemnity Claims for Top 5 Causes of Injury for Policy Years 2015-2019



In summary, the business operations, underlying hazards and claim experience indicate that the line of demarcation between vehicle sales operations assigned to Classification 8748 and outside sales operations of automobile or truck dealers assigned to Classification 8742 is clear. In addition, the growing prevalence of online vehicle marketplaces may lead to changes in the vehicle sales industry. Therefore, the WCIRB does not recommend including outside sales employees within the scope of Classification 8748 and recommends that these outside salespersons continue to be assigned to Classification 8742.

2. Comparison of Vehicle Salesperson Operations Assigned to Classification 8748 and Clerical Operations Assigned to Classification 8810¹⁵

• Operations of Vehicle Salespersons and Clerical Office Employees

Clerical office employees employed by automobile or truck dealers who are assigned to Classification 8810 usually perform general administrative duties (e.g., human resources, payroll, billing) in support of dealership operations and finance and insurance related duties in support of vehicle sales operations. Automobile or truck dealers may also employ clerical office employees who perform customer service, dispatch, inside sales, purchasing, cashiering in a clerical space, online sales without test drives and marketing or public relations without travel.

For the majority of employers assigned to Classification 8748, there is no overlap between the job duties of their vehicle salespersons and clerical employees. However, for certain types of automobile or truck dealers, there may be an overlap between the job duties of employees assigned to Classification 8748 and of those assigned to Classification 8810 who perform finance and insurance operations. For example, vehicle salespersons who work for luxury automobile dealerships or for small or specialty motor vehicle dealerships, such as golf cart or recreational vehicle dealers, may perform finance and insurance operations in addition to their sales duties due to limited staff

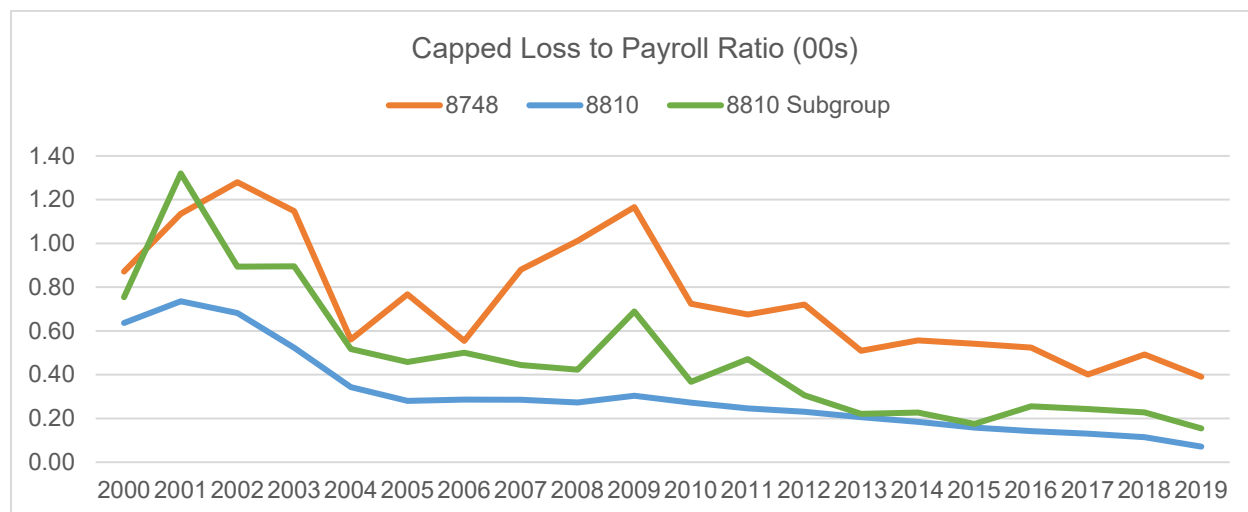
¹⁵ Clerical telecommuters assigned to Classification 8871 are not included in the analysis as the classification was established effective January 1, 2021 and there was not much information at the time of this study.

availability (for small or specialty dealerships) or customer request (for luxury dealerships). However, since the majority of employers assigned to Classification 8748 do not operate these types of dealerships, the overlap between clerical employees who perform finance and insurance operations and employees assigned to Classification 8748 is minimal. In addition, it does not appear that there have been significant challenges to, or confusion regarding, the assignment of operations to Classifications 8748 or 8810 for automobile or truck dealers.

Furthermore, vehicle salespersons and clerical employees employed by automobile or truck dealers have dissimilar average weekly wages.¹⁶ This is likely attributable in part to the assignment of higher salaried clerical employees in management roles to Classification 8810. Therefore, the line of demarcation between operations assigned to Classifications 8748 and 8810 is clear.

- **Payroll and Claim Experience of Vehicle Salespersons and the Clerical Subgroup**
As shown in Figure 4, loss to payroll ratios for clerical office employees of automobile or truck dealers (Classification 8810 subgroup) were much lower than those for Classification 8748 and more comparable to those for the statewide Classification 8810, especially after policy year 2006.¹⁷

Figure 4. Historical Loss to Payroll Ratios Comparing Classification 8748, Classification 8810 and the Classification 8810 Subgroup



| | 20-Year Loss to Payroll Ratio (00s) (PY2000-PY2019) ¹⁸ | 5-Year Loss to Payroll Ratio (00s) (PY2015-PY2019) ¹⁹ |
|------------------------------|---|--|
| Classification 8748 | 0.71 | 0.47 |
| Classification 8810 Subgroup | 0.41 | 0.21 |
| Classification 8810 | 0.28 | 0.12 |

¹⁶ Wage information is from the 2021 Wage, Payroll and Exposure Report for California Workers' Compensation. The full-time average weekly wage was \$793 for Classification 8748 and \$1,168 for Classification 8810, adjusted for the industry mix for automobile or truck dealers.

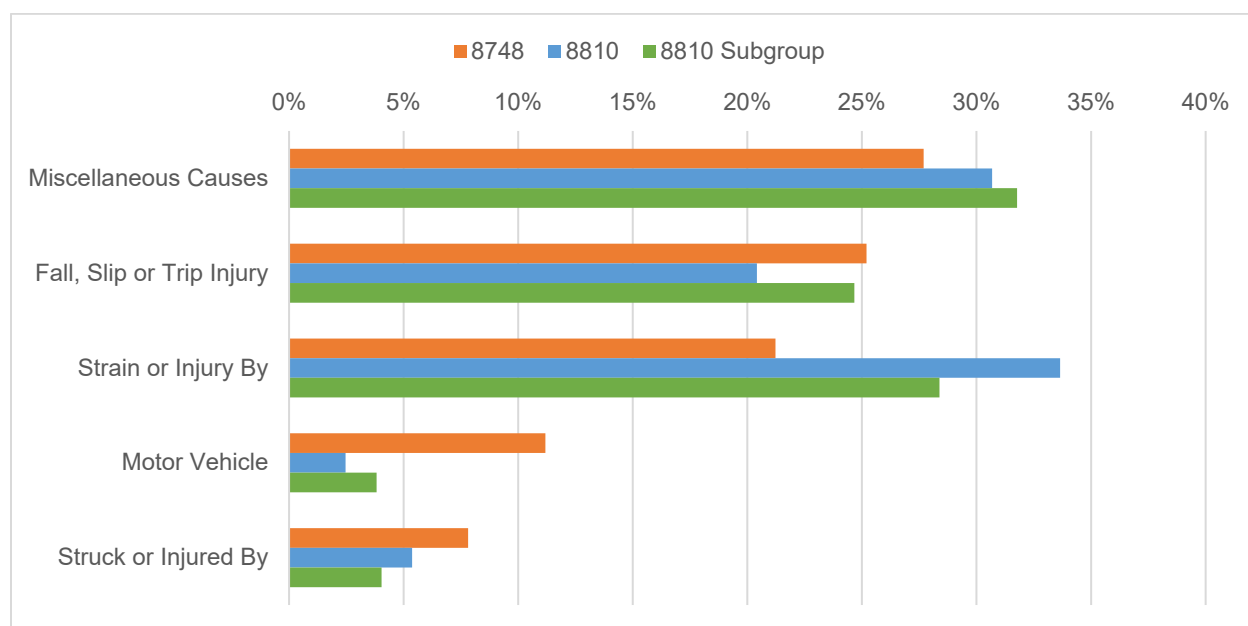
¹⁷ Clerical telecommuters assigned to Classification 8871 are not included in the analysis as the classification was established effective January 1, 2021 and there was no payroll reported in Classification 8871 at the time of this study.

¹⁸ The weighted average loss to payroll ratio was calculated as the aggregate losses over the policy year period from 2000 to 2019 divided by the aggregate payroll during the same period.

¹⁹ The weighted average loss to payroll ratio was calculated as the aggregate losses over the policy year period from 2015 to 2019 divided by the aggregate payroll during the same period.

The WCIRB also compared the typical causes of injury for clerical employees and vehicle salespersons. As shown in Figure 5, only the fall, slip or trip injuries category had consistent shares of indemnity claims for clerical employees and vehicle salespersons employed by automobile or truck dealerships, while other leading causes of injury differed. For example, the share of indemnity claims involving strain injuries for the Classification 8810 subgroup is much higher than that for Classification 8748, while the share of indemnity claims involving motor vehicle accidents for the Classification 8810 subgroup is lower than that for Classification 8748. The different patterns of leading causes of injury are driven by the different operational characteristics of vehicle sales and clerical operations. Vehicle salespersons often accompany customers on test drives, while clerical employees do not have exposure to motor vehicles but have higher risk of strain injuries consistent with work that is clerical in nature. Lastly, the leading causes of injuries for the Classification 8810 subgroup are generally more comparable to those for statewide Classification 8810.

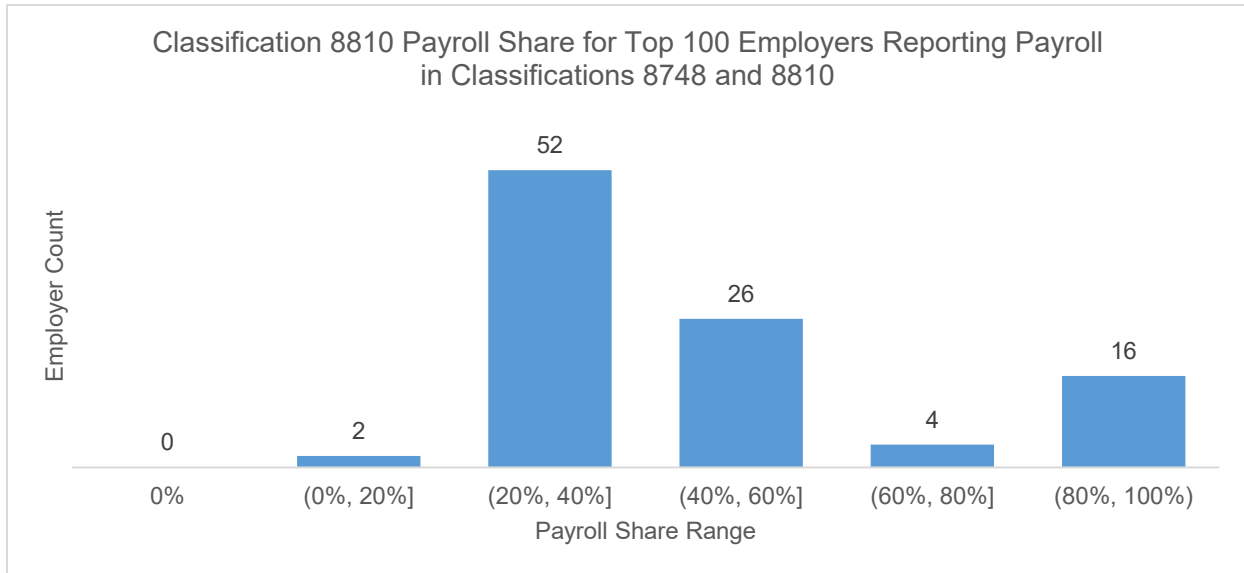
Figure 5. Share of Indemnity Claims for Top 5 Causes of Injury for Policy Years 2015-2019



The WCIRB also reviewed the payroll distribution for Classification 8810 across the 100 largest employers with the most payroll reported in Classifications 8748 and 8810 to assess if the top employers in Classification 8748 had a relatively consistent share of Classification 8810 exposure.²⁰ The disparity in payroll and claim characteristics among operational segments of a classification is less of a concern if the payroll split between the two segments is relatively consistent among policyholders within the classification. As shown in Figure 6, the relative share of reported payroll in Classification 8810 for these employers differed sharply. While the majority of the largest employers had 20% to 60% of their payroll reported in Classification 8810, some (16%) had more than 80% of their payroll reported in Classification 8810.

²⁰ The payroll distribution for Classification 8810 is calculated based on the reported payroll in Classification 8810 divided by the total reported payroll in both Classifications 8810 and 8748 for employers with reported payroll in Classification 8748. The majority of payroll for the 100 largest employers was reported in Classification 8748, its companion code, Classification 8391, and Classification 8810. Therefore, all of the payroll assigned to Classification 8810 is included in the payroll distribution calculation, assuming those clerical operations are performed in connection with vehicle sales operations.

Figure 6. Share of Classification 8810 Payroll for Top Vehicle Salesperson Employers in Policy Year 2015-2019



In summary, the business operations, underlying hazards and claim experience of vehicle salespersons assigned to Classification 8748 are different from those of clerical employees of automobile or truck dealers assigned to Classification 8810. In addition, the proportion of Classification 8810 exposure varies significantly among the top employers in Classification 8748. Therefore, the WCIRB does not recommend including clerical employees within the scope of Classification 8748 and recommends that these clerical employees continue to be assigned to Classification 8810.

IV. Findings

Based on this review, the WCIRB has determined:

1. There is little to no overlap between the job duties of automobile or truck dealer vehicle salespersons assigned to Classification 8748 and automobile or truck dealer outside salespersons assigned to Classification 8742. In addition, it is rare for automobile or truck dealers to employ both vehicle salespersons and outside salespersons. The line of demarcation between operations assigned to Classifications 8748 and 8742 is clear.
2. The long-term loss to payroll ratios and typical causes of injury for vehicle salespersons assigned to Classification 8748 differed from those for automobile or truck dealer outside salespersons assigned to Classification 8742. In particular, the outside salespersons had a much higher share of indemnity claims involving motor vehicle accidents than Classification 8748, indicating a potential higher likelihood of severe claims.
3. Clerical employees of automobile or truck dealers assigned to Classification 8810 typically perform general administrative duties in support of dealership operations and finance and insurance related duties in support of vehicle sales operations. The majority of Classification 8810 clerical employees' job duties do not overlap with those of vehicle salespersons assigned to Classification 8748. The line of demarcation between operations assigned to Classifications 8748 and 8810 is clear.
4. The loss to payroll ratios and typical causes of injury for automobile or truck dealer clerical operations assigned to Classification 8810 were different from Classification 8748 experience and more comparable to statewide Classification 8810 experience. In addition, the proportion of Classification 8810 exposure varies significantly across the employers with the most payroll reported in Classifications 8748 and 8810, indicating disproportional Classification 8810 risk.

exposure across different employers. The underlying hazards and claim experience of vehicle salespersons employed by automobile or truck dealers assigned to Classification 8748 are different from those of the dealers' clerical employees assigned to Classification 8810.

V. Recommendations

Based on these findings, the WCIRB does not recommend including Clerical Office Employees, Clerical Telecommuter Employees or Outside Salespersons in Classification 8748, *Automobile or Truck Dealers – vehicle salespersons*.

Appendix I – History of Classification 8748

Following is a timeline of significant changes to the scope and application of Classification 8748, *Automobile or Truck Dealers – vehicle salespersons*:

- **1943:** Classification 8748, *Automobile Salesmen – new or used cars*, was established to apply to automobile salesmen of automobile dealers.
- **1947:** Classification 8748 was amended to specify that it only applies to those concerns having a clerical office force and a regular sales force exclusively engaged in the demonstration and sale of automobiles (exclusive of proprietors) with or without a service or repair department.
- **1987:** Classification 8748 was amended to include automobile truck salespersons.
- **2005:** Classification 8748 was amended to include a cross reference to Classification 8391 as its companion code.
- **2014:** Classification 8748 was amended to specify that it also applies to vehicle salespersons of employers that operate auctions for the sale of automobiles and trucks.
- **2015:** The Automotive Industry group was established, which included Classification 8748.
- **2015:** Classification 8748 was amended to specify that it applies to salespersons of dealers of motor vehicles, including but not limited to automobiles, trucks, buses, forklift trucks, golf carts, recreational vehicles and motor homes and trailers.
- **2021:** Classification 8748 was amended to specify that it also applies to driving or classroom instruction performed in connection with the operation of automobile driving schools.

Appendix II – Other Jurisdictions

The WCIRB reviewed how other jurisdictions classify vehicle salespersons. The National Council on Compensation Insurance, Inc., the Workers' Compensation Rating and Inspection Bureau of Massachusetts, the Minnesota Workers' Compensation Insurers Association, Inc. and the North Carolina Rate Bureau direct that vehicle salespersons be assigned to Classification 8748, which is subject to the Standard Exception rule except for delivery operations.

The Compensation Advisory Organization of Michigan and the Wisconsin Compensation Rating Bureau direct that vehicle salespersons be assigned to Classification 8748, which is either a Special Classification as it is an extension of Classification 8742 or should be treated the same as Classification 8742 with respect to classifying employees.

The New Jersey Compensation Rating and Inspection Bureau and the New York Compensation Insurance Rating Board direct that vehicle salespersons be assigned to Classification 8748, but do not consider it to be a Standard Exception classification.

The Pennsylvania Compensation Rating Bureau utilizes one classification for all operations of an automobile or truck dealer, including clerical and vehicle sales, service and repair. A separate classification is utilized for automobile auction operations and driving school instruction.

Item III-C

Review of Computer and Computer Peripheral Definitions

8062, Stores – computer – wholesale or retail – including Outside Salespersons
3681(2), Computer or Computer Peripheral Equipment Mfg. – N.O.C.
5193, Computer or Telephone System or Equipment Installation, Service or Repair

I. Background

As requested by the California Department of Insurance (CDI)¹, the WCIRB reviewed Classifications 8062, *Stores – computer*, 3681(2), *Computer or Computer Peripheral Equipment Mfg.*, and 5193, *Computer or Telephone System or Equipment Installation, Service or Repair*, to determine if the *California Workers' Compensation Uniform Statistical Reporting Plan—1995 (USRP)*:

1. Sufficiently defines the terms *computer* and *computer peripheral*, and
2. Consistently uses the terms *computer* and *computer peripheral* across classifications that contemplate the manufacture, installation and sale of computers or computer peripherals.

II. Analysis

1. Definition of Computers

Classification 8062, *Stores – computer*, applies to stores that sell *computers, computer peripheral items*, computer software, computer accessories, computer parts and computer supplies that equal or exceed 75% of gross receipts; and not less than 10% of gross receipts must be from the sale of computers.

As commonly understood, a computer is a programmable electronic device designed to accept data, perform prescribed mathematical and logical operations at high speed, and display the results of these operations. Computers are made up of several core hardware components, including the housing which holds the computer's processor (CPU), motherboard, memory, storage, communication ports and power supply. Computers are designated as mainframes, servers, personal computers, laptops or tablets based on their computing power, capacity, mobility, etc. Computers use software to receive, encode, store and process information.² Consistent with the commonly understood definition of computers, Classification 8062 defines computers for classification purposes to include laptops, personal computers, servers, tablets and notebooks. Similar consistent definitions of computers can be found in Classifications 3681(2), *Computer or Computer Peripheral Equipment Mfg.*,³ and 5193, *Computer or Telephone System or Equipment Installation, Service or Repair*.

2. Definition of Computer Peripherals

A computer peripheral is commonly known as an input or output device and is used to either enter instructions into a computer, such as typing with a computer keyboard, or translate digital signals into output recognizable by people, such as monitors that convert digital video signals into recognizable images. Computer peripherals can be connected to and work with computers, but do not comprise the core components of a computer like a CPU or contain a power supply unit. Examples of other input devices include mice and webcams, while output devices include printers and headsets. Computer peripherals can also include external storage devices like flash memory (e.g., thumb drives), external

¹ This request was included in the CDI's Order Adopting Proposed Decision for File No. AHB-WCA-18-37.

² Technopedia, <https://www.technopedia.com/definition/4607/computer> (as of April 27, 2022).

³ Classification 3681(2) includes "mainframe" in the definition of computer; however, stores classified as 8062 do not typically sell mainframes as these computers are generally purchased from the manufacturer.

disks or other auxiliary storage drives.⁴ Some peripheral devices may perform both input and output functions simultaneously, such as an external hard drive that receives data to be written and sends data to the computer.

The term *computer peripheral* is used in Classifications 5193, *Computer or Telephone System or Equipment Installation, Service or Repair*, and 3681(2), *Computer or Computer Peripheral Equipment Mfg. – N.O.C.*, in reference to the installation, service and manufacture of equipment, respectively.

- Classification 5193 specifically includes repairing or servicing computer peripheral equipment identified as “monitors, terminals, computer mouse devices, keyboards and computer modems.”⁵
- Classification 3681(2) specifically identifies electronic computer peripheral equipment to include “monitors, terminals, printers, computer mouse devices, keyboards, disk drives, logic boards, motherboards and computer modems.”⁶

While the specific items listed in each classification are somewhat different, both classifications identify computer peripherals as similar types of devices, and these devices are consistent with the commonly understood definition of computer peripherals.

Classification 8062 references “computer peripherals,” but does not delineate examples of what is considered a computer peripheral. This, however, has not created confusion with respect to the scope of the classification or what is intended by the term computer peripheral. Based on the WCIRB’s review of inquiries received, there were very few questions related to the administration of Classification 8062 and its scope, as it is narrowly defined by the percentage restrictions for sales of computer and computer peripheral products.⁷

As technology has advanced, many consumer and professional electronic products now connect to some type of computing or smart technology which may resemble a computer or computer peripheral equipment. The inclusion of digital technology, such as components or operating systems that may be associated with some computers, and the potential ability of these products to send or receive data with computer networks, however, does not redefine these products as computers or computer peripherals. For example, many refrigerators are now equipped with “smart technology” including a built-in tablet interface that connects wirelessly to the internet so that contents within the refrigerator can be monitored, temperature can be controlled from a smartphone or connections can be made to various web-based applications for messaging, entertainment and social media directly from the refrigerator. While it has a component that is considered a computer, these features do not make this appliance a computer. The purpose of the appliance is still to refrigerate food.

Although technology has advanced, the definitions of computer and computer peripheral for classification purposes are consistent with the commonly understood definitions of computer and computer peripherals and therefore the WCIRB does not recommend expanding the definition of these terms in Classifications 8062, *Stores – computer*, 3681(2), *Computer or Computer Peripheral Equipment Mfg.*, and 5193, *Computer or Telephone System or Equipment Installation, Service or Repair*, other than to update the definitions for clarity and consistency.

⁴ Encyclopedia Britannica, <https://www.britannica.com/technology/input-output-device> (as of April 27, 2022).

⁵ Employers that sell computer or computer peripheral equipment also offer installation, service or repair services, which are separately classified in Classification 5193.

⁶ The manufacture of computers and computer peripheral equipment is assigned to Classification 3681(2).

⁷ Most of the inquiries were related the installation, service or repair of computers and servers. This is presumably because Classification 5193 is a relatively new classification, as it was established in 2018. The only case where the definition of computer peripheral was disputed arose as part of an appeal which resulted in the CDI recommending this review.

III. Findings

Based on this review, the WCIRB has determined:

1. The USRP's definitions of **computer** and **computer peripheral** are sufficient as: (a) they are consistent with the common understanding of these terms; and (b) the manufacture, installation and sale of computers or computer peripherals are consistently assigned to the appropriate classification.
2. While the term *computer peripheral* is used in Classifications 8062, 3681(2) and 5193, and is intended to have the same meaning consistent with the commonly understood definition, the classification footnotes are not consistent with respect to cited examples of computer peripherals.

IV. Recommendation

Based on these findings, the WCIRB recommends amending Classifications 8062, *Stores – computer*, 3681(2), *Computer or Computer Peripheral Equipment Mfg.*, and 5193, *Computer or Telephone System or Equipment Installation, Service or Repair*, for consistency and to provide a uniform list of products included in the scope of computer peripheral items.

Recommendation

Amend Classification 8062, *Stores – computer*, which is part of the Stores Industry Group, to clarify the intended application, provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

STORES

STORES – computer – wholesale or retail – including Outside Salespersons

8062

This classification applies to each location of an employer at which the sale of computers, computer peripheral ~~item~~equipment, computer software, computer accessories, computer parts and computer supplies equals or exceeds 75% of gross receipts and not less than 10% of gross receipts is derived from the sale of computers, which include but are not limited to desktops, laptops, personal computers, servers, or tablets and notebooks. Computer peripheral equipment includes but is not limited to monitors, printers, scanners, or computer mice, keyboards, webcams, disk drives, external storage devices, motherboards, modems or routers. For purposes of administering this classification, cellular telephones are not computers or computer peripheral ~~item~~equipment. Refer to Classification 8017(1), *Stores – retail*.

The installation, service or repair of computers, computer systems or computer peripherals at the store or at customers' locations shall be separately classified as 5193, Computer or Telephone System or Equipment Installation, Service or Repair.

The manufacture of computers or computer peripheral equipment, or shop repair of computers or computer peripheral equipment by the manufacturer, shall be classified as 3681(2), Computer or Computer Peripheral Equipment Mfg.

~~The installation, service or repair of computers or computer systems at the store or at customers' locations shall be separately classified as 5193, Computer or Telephone System or Equipment Installation, Service or Repair.~~

* * * * *

Recommendation

Amend Classification 5193, *Computer or Telephone System or Equipment Installation, Service or Repair*, to clarify the intended application.

PROPOSED

COMPUTER OR TELEPHONE SYSTEM OR EQUIPMENT INSTALLATION, SERVICE OR REPAIR – shop or outside 5193

This classification applies to the installation, service or repair of computer or telephone systems or equipment, including but not limited to phone speakers, cellular telephones, Voice Over Internet Protocol equipment and desktops, laptops, servers, tablets and ~~or~~ computer peripheral equipment such as monitors, ~~terminals~~desktop printers or scanners, or computer mouse devices, ~~mice~~, keyboards, webcams, disk drives, external storage devices, motherboards, ~~and computer~~ modems or routers. This classification includes the installation of communications cabling

performed in connection with computer or telephone system installation, service or repair operations by the same employer. This classification includes the installation, service or repair of audio or video teleconferencing equipment that is connected to telephone or computer networks. Repair operations may be performed at the shop or at customers' locations.

This classification also applies to the installation, service or repair of computer or telephone systems or equipment in connection with the operation of data center colocation facilities where business customers rent space for their servers and other computing hardware or rent space on the facility's servers. The management and operation of commercial properties as data center colocation facilities shall be separately classified as 9009/8740(2), *Commercial Properties*.

The manufacture of computers or computer peripheral equipment, or shop repair of computer or computer peripheral equipment by the manufacturer, shall be classified as 3681(2), *Computer or Computer Peripheral Equipment Mfg.*

The manufacture of telephones or telephone equipment, or shop repair of telephones or telephone equipment by the manufacturer, shall be classified as 3681(3), *Telecommunications Equipment Mfg.*

The installation, service or repair of audio/video systems shall be classified as 9516, *Television, Video, Audio or Radio Equipment Installation, Service or Repair*.

The construction of aerial telephone lines shall be classified as 7601, *Aerial Line Construction*. The construction of underground telephone lines shall be classified as 6325, *Conduit Construction or Underground Wiring*.

The installation of low voltage cabling within buildings that is not performed in connection with the installation, service or repair of computers or telephone systems by the same employer shall be classified as 5195, *Communications Cabling*.

The installation, service or repair of office or point of sale machines shall be classified as 5191, *Office Machine or Point of Sale Equipment Installation, Service or Repair*.

The installation, service or repair of telecommunication antennas or antenna equipment that are located on rooftops, towers, structures or other exterior locations shall be classified as 9531(1), *Telecommunication Antenna Equipment Installation, Service or Repair*.

Employers licensed by the Federal Communications Commission that provide wireline, long distance, cellular, radio paging or mobile radio services for customers on a fee basis shall be classified as 7600, *Communication Service Providers*.

* * * * *

Recommendation

Amend Classification 3681(2), *Computer or Telephone Peripheral Equipment Mfg.*, which is part of the Electronics Industry Group, to clarify the intended application and for consistency with other proposed changes.

PROPOSED

ELECTRONICS

COMPUTER OR COMPUTER PERIPHERAL EQUIPMENT MFG. – all other employees – N.O.C. 3681(2)

This classification applies to the manufacture of ~~personal, desktop, laptop, notebook, tablet or mainframe computers or servers.~~ This classification also applies to the manufacture of ~~electronic computer peripheral equipment such as equipment, including but not limited to monitors, terminals, printers, scanners or computer mouse devices~~ mice, keyboards, webcams, disk drives, logic boards, external storage devices, motherboards, and computer modems or routers. This classification includes shop repair of computer or computer peripheral equipment by the manufacturer.

The ~~installation, service or repair or installation~~ of computer or computer peripheral equipment ~~by the manufacturer~~ away from the shop ~~or at customers' locations~~ shall be separately classified as 5193, *Computer or Telephone System or Equipment Installation, Service or Repair*.

Also refer to companion Classification 8874(2), *Computer or Computer Peripheral Equipment Mfg. – hardware or software design or development*.

* * * * *

Recommendation

Amend Classification 5191, *Office Machine or Point of Sale Equipment Installation, Service or Repair – N.O.C. – shop or outside*, for consistency with other proposed changes.

PROPOSED

OFFICE MACHINE OR POINT OF SALE EQUIPMENT INSTALLATION, SERVICE OR REPAIR – N.O.C. – shop or outside 5191

This classification applies to the installation, service or repair of office machines, including but not limited to printers, copiers, scanners, coin counting and wrapping machines and mail room equipment. This classification also applies to the installation, service or repair of point of sale or transactional machines, including but not limited to automated teller machines, credit card readers, payment terminals, electronic cash registers and other electronic transaction devices. This classification also applies to the installation, service or repair of slot machines and electronic gaming machines. This classification includes the installation of low voltage cabling that is performed in connection with machine installation, service or repair operations by the same employer. Repair operations may be performed at a shop location or at customers' locations.

This classification also applies to piano tuning.

~~The manufacture of office machines shall be separately classified.~~

The installation of low voltage cabling within buildings that is not performed in connection with the installation, service or repair of machines by the same employer shall be classified as 5195, *Communications Cabling*.

The installation of electrical wiring within buildings shall be classified as 5140/5190, *Electrical Wiring – within buildings*.

The installation, service or repair of commercial printing equipment, including but not limited to offset printers and printing presses shall be classified as 3724(1), *Millwright Work*.

The installation, service or repair of computers, telephones, telephone systems, ~~or desktop printers or scanners or other~~ computer peripheral equipment shall be classified as 5193, *Computer or Telephone System or Equipment Installation, Service or Repair*.

The installation, service or repair of vending machines shall be classified as 5192, *Vending or Coin-Operated Machines*.

The manufacture of office machines shall be separately classified.

* * * * *

Item III-D

Proposed Classification Enhancements to the *California Workers' Compensation Uniform Statistical Reporting Plan—1995*

The WCIRB continually reviews the standard classifications contained in the *California Workers' Compensation Uniform Statistical Reporting Plan—1995* to ensure that the intended application of each classification is comprehensive and clear. WCIRB staff has identified several classifications that could be clarified and, therefore, the following revisions are proposed for clarity, consistency and to provide direction about how related operations are classified.

Recommendation

Amend Section IV, *Special Industry Classification Procedures*, Rule 5, *Stores*, Subrule e to clarify its intended application.

PROPOSED

Section IV – Special Industry Classification Procedures

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5. Stores

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- e. If a store maintains a department for the preparation and sale of hot foods, such operations shall be separately classified as 9079(1), *Restaurants or Taverns*. The payroll of employees that interchange between store operations and the department engaged in the preparation and sale of hot foods shall be assigned in accordance with Section V, Rule 3, *Division of Single Employee's Payroll*.

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Recommendation

Amend Classification 8391, *Automobile or Truck Dealers – all employees other than vehicle salespersons*, which is part of the Automotive Industry Group, to provide direction as to how related operations should be classified.

PROPOSED

AUTOMOTIVE INDUSTRY

AUTOMOBILE OR TRUCK DEALERS – all employees other than vehicle salespersons – 8391
including estimators, service writers, vehicle maintenance and repair, shuttle drivers,
accessory or spare parts sales and the transporting of vehicles that are owned by the
employer

This classification applies to dealers of motor vehicles, including but not limited to automobiles, trucks, buses, forklift trucks, golf carts, recreational vehicles, motor homes and trailers. This classification applies only to those employers having, in addition to proprietors, a regular sales force engaged exclusively in the demonstration and sale of vehicles and separate clerical staff.

If these conditions do not exist, Classification 8391 does not apply. If Classification 8391 does not apply and the employer performs vehicle repair work, assign the applicable vehicle repair classification(s) and, if the employer performs no vehicle repair, assign Classification 8392, *Automobile or Truck Storage Garages or Parking Stations or Lots*, to employees who perform activities such as cleaning or washing vehicles, changing tires or recharging batteries.

This classification also applies to yard or repair employees who work for employers that operate vehicle auctions. Vehicle auctioneers or auction sales assistants shall be classified as 8748, *Automobile or Truck Dealers – vehicle salespersons*.

This classification also applies to yard, repair or maintenance employees who work for employers engaged in automobile or truck rental, automobile or truck driving schools, or the transport of individual automobiles or trucks between locations (“Driveaway” companies). Rental agents who work for employers engaged in automobile or truck rental and greet customers, check vehicles in or out, collect payment or assist customers in completing the rental process shall be classified as 8748, Automobile or Truck Dealers – vehicle salespersons.

Towing, roadside assistance or freeway service patrol operations conducted on vehicles not owned by the employer shall be separately classified as 7227, *Automobile or Truck Towing, Roadside Assistance or Freeway Service Patrol*.

“Roadside assistance” refers to services provided to the vehicle owner under an agreement with a third party (such as a motor club or law enforcement agency). Contemplated services include changing tires, jump-starting batteries, replacing batteries, supplying a small amount of gasoline or performing minor vehicle repairs such as reattaching ignition wires or battery cables.

Motorcycle dealers or motorcycle service or repair facilities shall be classified as 8400, Motorcycle Dealers or Repair Facilities.

Also refer to companion Classification 8748, *Automobile or Truck Dealers – vehicle salespersons*.

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Recommendation

Amend Classification 8748, *Automobile or Truck Dealers*, which is part of the Automotive Industry Group, to clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

AUTOMOTIVE INDUSTRY

AUTOMOBILE OR TRUCK DEALERS – vehicle salespersons

8748

This classification applies to salespersons employed by dealers of motor vehicles, including but not limited to automobiles, trucks, buses, forklift trucks, golf carts, recreational vehicles, motor homes and trailers.

This classification also applies to vehicle auctioneers or auction sales assistants who work for employers that operate vehicle auctions.

This classification also applies to rental agents who work for employers engaged in automobile or truck rental and greet customers, check vehicles in or out, collect payment or assist

customers in completing the rental process. Yard, repair or maintenance employees who work for automobile or truck rental employers shall be classified as 8391, *Automobile or Truck Dealers – all employees other than vehicle salespersons.*

This classification also applies to driving or classroom instruction performed in connection with the operation of automobile or truck driving schools. Vehicle maintenance or repair operations performed in connection with the operation of automobile or truck driving schools shall be classified as 8391, *Automobile or Truck Dealers – all employees other than vehicle salespersons.*

Also refer to companion Classification 8391, *Automobile or Truck Dealers – all employees other than vehicle salespersons.*

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Recommendation

Amend Classification 3179, *Electrical Apparatus Mfg. – N.O.C.*, which is part of the *Electronics* Industry group, to clarify the intended application.

PROPOSED

ELECTRONICS

Refer to Section IV, *Special Industry Classification Procedures*, Rule 3, *Electronic Products Design and Manufacturing*.

ELECTRICAL APPARATUS MFG. – N.O.C.

3179

This classification applies to the manufacture or shop repair of electrical apparatus, including but not limited to electric controls, switchboard assemblies, solenoids, electrical-mechanical switches, actuators and relays with a power rating of less than 746 watts (one horsepower) that is not specifically described by another classification. This classification also applies to the manufacture of dry cell batteries.

The installation or repair of electrical apparatus away from the shop shall be classified as 3724(2), *Electrical Machinery or Auxiliary Apparatus.*

The manufacture or shop repair of electrical apparatus, including but not limited to electric controls, switchboard assemblies, solenoids, electrical-mechanical switches and relays with a power rating of 746 watts or more shall be classified as 3643(1), *Electric Power or Transmission Equipment Mfg.*, or 3643(2), *Electric Control Panel or Switchgear Mfg.* The manufacture or shop repair of electrical apparatus that are rated both at less than 746 watts and at 746 watts and above shall be classified based on the primary (over 50% of shop time) operation.

The manufacture or shop repair of electric motors shall be classified as 3569, *Electric Motor Mfg. or Repair.*

The manufacture of portable electric appliances that are not specifically described by another classification shall be classified as 3570, *Electric Appliance Mfg.*

~~The installation or repair of electrical apparatus away from the shop shall be classified as 3724(2), *Electrical Machinery or Auxiliary Apparatus.*~~

* * * * *

Recommendation

Amend Classification 3569, *Electric Motor Mfg. or Repair*, to clarify the intended application.

PROPOSED

ELECTRIC MOTOR MFG. OR REPAIR

3569

This classification applies to the manufacture or shop repair of electric motors, including the cleaning and rewinding of armatures, field coils, rotors and similar parts.

Dealers that sell or repair new electric motors that are used in industrial machinery or equipment shall be classified as 8107, *Machinery and Equipment Dealers*.

Dealers that sell or repair used electric motors that are used in industrial machinery or equipment shall be classified as 8267, *Machinery and Equipment Dealers – secondhand*.

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Recommendation

Amend Classification 3339, *Foundries – investment casting*, for consistency with other proposed changes.

PROPOSED

FOUNDRIES – investment casting – ferrous or nonferrous – all operations – including pattern and mold mfg.

3339

This classification applies to the manufacture of metal castings, either ferrous or nonferrous, by the lost wax or investment process.

Foundry operations are General Exclusions; therefore, unless specifically included in the ~~phraseology~~language of a classification, foundry operations shall be separately classified. See Part 3, Section III, Rule 6, *General Exclusions*.

The manufacture of metal castings, either ferrous or nonferrous, by die casting shall be classified as 1925, *Die Casting Mfg.*

The manufacture of iron castings by methods other than die casting or the lost wax or investment process shall be classified as 3081, *Foundries – iron*.

The manufacture of steel castings by methods other than die casting or the lost wax or investment process shall be classified as 3082, *Foundries – steel castings*.

The manufacture of castings from nonferrous metals, including but not limited to aluminum, brass, zinc or bronze by methods other than die casting or the lost wax or investment process shall be classified as 3085, *Foundries – nonferrous*.

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Recommendation

Amend Classification 3081, *Foundries – iron*, to provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

FOUNDRIES – iron – N.O.C.

3081

This classification applies to foundries that produce iron castings, including incidental processing operations such as the removal of gates, risers, burrs and flash.

This classification includes the manufacture of foundry sand cores that are used in the employer's foundry operations.

~~The machining and assembly of castings to produce finished parts or products, including but not limited to water meter covers, pump housings, fire grates, weights, bolt anchors and gas burners shall be separately classified.~~ Foundry operations are General Exclusions; therefore, unless specifically included in the language of a classification, foundry operations shall be separately classified. See Part 3, Section III, Rule 6, *General Exclusions*.

The manufacture of patterns for use in foundry operations shall be separately classified as 2790, *Pattern or Model Mfg.*

The casting of nonferrous metal shall be ~~separately~~ classified as 3085, *Foundries – nonferrous*, in accordance with the provisions of the Multiple Enterprises rule.

The casting of steel shall be ~~separately~~ classified as 3082, *Foundries – steel castings*, in accordance with the provisions of the Multiple Enterprises rule.

Die casting shall be classified as 1925, *Die Casting Mfg.*

The manufacture of metal castings, either ferrous or nonferrous, by the lost wax or investment process shall be classified as 3339, *Foundries – investment casting*.

The machining and assembly of castings to produce finished parts or products, including but not limited to water meter covers, pump housings, fire grates, bolt anchors, gas burners and weights shall be separately classified.

* * * * *

Recommendation

Amend Classification 3085, *Foundries – nonferrous*, to provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

FOUNDRIES – nonferrous – N.O.C.

3085

This classification applies to foundries that produce nonferrous castings from metals, including but not limited to aluminum, brass, zinc, bronze and precious metals. This classification includes incidental processing operations such as the removal of gates, risers, burrs and flash.

This classification includes the manufacture of foundry sand cores that are used in the employer's foundry operations.

~~The machining and assembly of castings to produce finished parts or components, including but not limited to skateboard trucks, propellers, fittings, pump housings, billets, pulleys and valves shall be separately classified. Foundry operations are General Exclusions; therefore, unless specifically included in the language of a classification, foundry operations shall be separately classified. See Part 3, Section III, Rule 6, *General Exclusions*.~~

The manufacture of patterns for use in foundry operations shall be separately classified as 2790, *Pattern or Model Mfg.*

The casting of steel shall be ~~separately~~ classified as 3082, *Foundries – steel castings*, in accordance with the provisions of the Multiple Enterprises rule.

The casting of iron shall be ~~separately~~ classified as 3081, *Foundries – iron*, in accordance with the provisions of the Multiple Enterprises rule.

Smelting, sintering, refining or alloying metals shall be classified as 1438, *Smelting, Sintering, Refining or Alloying*.

~~The machining and assembly of castings to produce finished parts or components, including but not limited to skateboard trucks, pump housings, propellers, fittings, billets, pulleys and valves shall be separately classified.~~

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Recommendation

Amend Classification 3082, *Foundries – steel castings*, to provide direction as to how related operations should be classified and for consistency with other proposed changes.

PROPOSED

FOUNDRIES – steel castings

3082

This classification applies to foundries that produce steel castings, including incidental processing operations such as the removal of gates, risers, burrs and flash.

This classification includes the manufacture of foundry sand cores that are used in the employer's foundry operations.

~~The machining and assembly of castings to produce finished parts or products, including but not limited to suspension components, impellers, hinges, golf club heads, valves and rods shall be separately classified. Foundry operations are General Exclusions; therefore, unless specifically included in the language of a classification, foundry operations shall be separately classified. See Part 3, Section III, Rule 6, *General Exclusions*.~~

The manufacture of patterns for use in foundry operations shall be separately classified as 2790, *Pattern or Model Mfg.*

The casting of nonferrous metal shall be ~~separately~~ classified as 3085, *Foundries – nonferrous*, in accordance with the provisions of the Multiple Enterprises rule.

The casting of iron shall be ~~separately~~ classified as 3081, *Foundries – iron*, in accordance with the provisions of the Multiple Enterprises rule.

Die casting shall be classified as 1925, *Die Casting Mfg.*

The manufacture of metal castings, either ferrous or nonferrous, by the lost wax or investment process shall be classified as 3339, *Foundries – investment casting*.

The machining and assembly of castings to produce finished parts or products, including but not limited to water meter covers, pump housings, fire grates, bolt anchors, gas burners and weights shall be separately classified.

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Recommendation

Amend Classification 9008, *Janitorial Services – by contractors*, to clarify the intended application and provide direction as to how related operations are classified.

PROPOSED

JANITORIAL SERVICES – by contractors

9008

This classification applies to employers that provide ~~contract~~ janitorial services; for other concerns on a fee basis at commercial or industrial buildings or facilities and includes restocking restroom supplies, cleaning carpets, changing light bulbs or touch-up painting when performed in connection with the janitorial services.

This classification also applies to specialty cleaning operations performed for other concerns on a fee basis at commercial or industrial facilities or at residential locations, including but not limited to window cleaning; mold abatement; ~~exterior post-construction job site~~ clean-up; fire, smoke or water damage clean-up; sanitizing or disinfecting services; or metal, glass or stone buffing or polishing. This classification also applies to off-street sweeping or snow removal using hand or portable power tools or equipment in areas that include but are not limited to walkways, parking lots and private driveways.

This classification does not apply at a location where the employer provides property management services; such operations shall be assigned to the applicable *Property Management/Operation* Industry Group classification.

The interior general cleaning of occupied or vacant residences for other concerns on a fee basis shall be separately classified as 9096, *Residential Cleaning Services*.

Off-street snow removal using vehicles or construction equipment, including but not limited to plows, excavators or loaders shall be classified as 6218(1)/6220(1), *Excavation – N.O.C.*

Sweeping or snow removal operations on public streets or highways shall be classified as 9403(2), *Street Sweeping Service Companies*.

Carpet cleaning that is performed as a specialty operation and not in connection with general cleaning services shall be classified as 2584, *Carpet, Rug or Upholstery Cleaning*.

This classification does not apply at a location where the employer provides property management services.

~~The interior general cleaning of occupied or vacant residential dwellings shall be separately classified as 9096, *Residential Cleaning Services*.~~

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Recommendation

Amend Classification 2702(2), *Land Clearing*, to clarify the intended application and provide direction as to how related operations should be classified.

PROPOSED

LAND CLEARING – all operations

2702(2)

This classification applies to the removal of trees, brush ~~and/or~~ vegetation in connection with the preparation of land for construction operations or the clearing of land to create firebreaks. This classification also applies to the removal of orchards ~~and/or~~ vineyards prior to replanting. This classification also includes wood chipping and land ripping operations when performed by the same employer in connection with land clearing operations.

The grading or leveling of land shall be separately classified as 6218(2)/6220(2), *Grading Land*, or 6218(3)/6220(3), *Land Leveling*.

Weed abatement for fire hazard control purposes not in connection with land clearing shall be classified as 0042, *Landscape Gardening*.

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Recommendation

Amend Classification 0042, *Landscape Gardening*, to provide direction as to how related operations are classified.

PROPOSED

LANDSCAPE GARDENING – including maintenance of gardens

0042

This classification applies to the construction, maintenance, repair or installation of landscape systems or facilities designed for public or private gardens or other areas in order to aesthetically, architecturally, horticulturally or functionally improve the grounds within or surrounding a structure or a tract or plot of land. This classification includes the preparation and grading of plots or areas of land for the installation of landscaping; pruning, repairing or trimming trees or hedges when none of the operations at a particular job or location require elevation, including but not limited to using ladders, lifts or by climbing; or chipping operations performed in connection with landscape gardening. This classification also applies to spraying or spreading lawn fertilizers or herbicides, or weed abatement for fire hazard control purposes not in connection with land clearing.

When performed by the same employer that is primarily (over 50% of employee time) engaged in landscape work at a particular job or location, this classification also applies to the construction or installation of hardscape features, including but not limited to fountains, statuary, monuments, decorative pools, garden furniture, garden accent lighting and drainage or sprinkler systems.

This classification also applies to reforestation operations to plant new trees or timber growth management operations to control or remove brush or overgrowth when performed for other concerns on a fee basis and not in connection with logging operations performed by the same employer. Reforestation or timber growth management operations when performed in connection with logging operations by the same employer shall be classified as 2702(1), *Logging*.

Pruning, repairing or trimming trees or hedges, including ground crew operations, when any portion of the operations at a particular job or location requires elevation, including but not limited to using ladders, lifts or by climbing, shall be separately classified as 0106, *Tree Pruning, Repairing or Trimming*.

Excavating, transporting and transplanting trees using mobile cranes shall be separately classified as 7219(3), *Mobile Crane and Hoisting Service Contractors*.

The clearing of land to create firebreaks through the removal of trees, brush or vegetation shall be classified as 2702(2), *Land Clearing – all operations*.

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Recommendation

Amend Classification 8232(1), *Lumberyards – commercial – including counterpersons*, for clarity and consistency with other proposed changes.

PROPOSED

LUMBERYARDS – commercial – including counterpersons

8232(1)

This classification applies to commercial lumberyards engaged in the sale of lumber, plywood, moldings, paneling or incidental building materials. This classification includes incidental cutting of lumber to length and handling, stocking or delivery of lumber.

When, at a single location, the sale of store merchandise, including but not limited to tile, cabinets or hardware, electrical or plumbing supplies exceeds 25% of gross receipts, employees engaged in selling, stocking, handling or delivery of store merchandise shall be separately classified to the applicable *Stores* Industry Group classification; refer to Section IV, *Special Industry Classification Procedures*, Rule 5, *Stores*. Cashiers who process store merchandise sales in addition to building material sales shall also be assigned to the applicable *Stores* Industry Group classification.

The processing of logs into shingles or rough lumber shall be separately classified as 2710(1), *Sawmills or Shingle Mills*.

Planing of lumber to produce finished lumber, flooring or unassembled millwork shall be separately classified as 2731, *Planing or Molding Mills*.

The application of preservative treatments to logs or lumber shall be separately classified as 2710(3), *Wood Treating or Preserving*.

The sale of building materials, including secondhand building materials, shall be classified as 8232(2), *Building Material Dealers*.

Dealers of solid combustible fuel materials or soil amendments shall be classified as 8232(3), *Fuel and Material Dealers*.

The processing of logs into shingles or rough lumber shall be separately classified as 2710(1), *Sawmills or Shingle Mills*.

Planing of lumber to produce finished lumber, flooring or unassembled millwork shall be separately classified as 2731, *Planing or Moulding Mills*.

The application of preservative treatments to logs or lumber shall be separately classified as 2710(3), *Wood Treating or Preserving*.

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Recommendation

Amend Classification 8746, *Newspaper Publishing or Printing – reporters or photographers*, which is part of the Printing, Publishing and Duplicating Industry Group, to provide direction as to how related operations should be classified.

PROPOSED

PRINTING, PUBLISHING AND DUPLICATING

NEWSPAPER PUBLISHING OR PRINTING – reporters or photographers – including Outside Salespersons 8746

This classification applies to reporters, photographers and advertising or circulation salespersons employed by newspaper publishers or printers.

With the exception of a single permanent job reassignment, it is not permissible to divide a single employee's payroll, within a single policy period, between this classification and any other classification.

The sale or delivery of newspapers to customers for their personal use and not for resale shall be separately classified as 4312, *Newspaper Delivery*.

Pre-press activities of employers engaged in publishing printed newspapers, magazines or books where all printing and distribution is conducted by separate concerns shall be separately classified as 8807, *Newspaper, Magazine or Book Publishing – no printing or distribution*.

The publishing or printing of newspapers, tabloids, advertising newspapers, and specialty sections, including but not limited to the comics and television sections of newspapers shall be classified as 4304, *Newspaper Publishing or Printing – all other employees*, or 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*.

~~The sale or delivery of newspapers to customers for their personal use and not for resale shall be separately classified as 4312, *Newspaper Delivery*.~~

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Recommendation

Amend Classification 9096, *Residential Cleaning Services – by contractors*, for clarity and consistency with other proposed changes.

PROPOSED

RESIDENTIAL CLEANING SERVICES – by contractors

9096

This classification applies to the interior general cleaning of occupied or vacant residences for other concerns on a fee basis. Painting, remodeling or repair operations shall be separately classified.

This classification includes carpet cleaning performed in connection with general cleaning services. Carpet cleaning performed as a specialty operation and not in connection with general cleaning services shall be classified as 2584, *Carpet, Rug or Upholstery Cleaning*.

~~Contract~~ When conducted for other concerns on a fee basis, janitorial services performed at commercial or industrial buildings or facilities; or specialty cleaning operations (such as window cleaning; mold abatement; ~~exterior post-construction~~ job site clean-up; fire, smoke, or water damage clean-up; sanitizing or disinfecting services; or metal, glass or stone buffing or polishing) performed at commercial or industrial facilities or residential locations shall be separately classified as 9008, *Janitorial Services*.

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Recommendation

Amend Classification 2501(4), *Tailoring*, to clarify the intended application.

PROPOSED

TAILORING – custom exclusively

2501(4)

This classification applies to the tailoring ~~and/or~~ alteration of garments for other concerns on a fee basis. This classification also applies to the manufacture of custom-tailored clothing ~~and/or~~ costumes.

Clothing alterations or repairs performed by retail dry cleaners or laundries shall be classified as 2589(1), *Dry Cleaning or Laundry*.

Clothing alterations or repairs performed by retail clothing stores shall be classified as 8008, *Stores – clothing, shoes, linens or fabric products – retail*.

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