

October 14, 2021

#### **VIA SERFF**

The Honorable Jessica Altman Insurance Commissioner Commonwealth of Pennsylvania Insurance Department 11311 Strawberry Square Harrisburg, PA 17120

Attention: Michael McKenney, Actuarial Supervisor, Property & Casualty Bureau

RE: PCRB Filing No. 326 – Proposed Effective April 1, 2022

Manual Housekeeping Revisions to Section 2 of the Basic Manual

Dear Commissioner Altman:

On behalf of the members of the Pennsylvania Compensation Rating Bureau (PCRB), we hereby submit the proposed filing for revisions to the Pennsylvania Workers' Compensation Manual of Rules, Classifications and Rating Values for Workers' Compensation and Employers Liability Insurance (Basic Manual). These revisions are proposed for policies with effective dates of 12:01 a.m., April 1, 2022, or later. This proposed effective date coincides with changes resulting from PCRB's normal annual comprehensive loss cost revision, which will be filed with the Insurance Department at a later date. This coordination consolidates necessary changes that our members and other constituents must make to policies, forms and systems so that they occur once annually. Nothing contained in the proposed Basic Manual language housekeeping revisions will impact any classification's PCRB loss cost value.

Details of this filing are provided in PCRB's June 9, 2021, staff memorandum, which is included as part of this filing. The memorandum describes the proposed revisions to the Basic Manual language. These proposals are intended to assist in the administration of the PCRB's uniform classification plan and do not revise the scope of any classification. The memorandum and proposals were reviewed by the PCRB Classification and Rating Committee at the Committee's June 9, 2021, meeting.

The proposed Basic Manual language housekeeping revisions are summarized below:

- Section 2 Revision to the "All Employees Including Office Except Workfare Or Home Health Care And/Or Home Care Services" entry from the "Definitions" section for clarification.
- Section 2 Revisions to 14 classification descriptions.
- Section 2 Revisions to the "Nursing Home, Personal Care Home And Residential Care Facility Classification Guidelines entry from the General Auditing and Classification Information section for clarity.
- Underwriting Guide Addition of 1 new Underwriting Guide entry.

The Honorable Jessica Altman Commonwealth of Pennsylvania October 14, 2021 Page 2

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

Sincerely,

William V. Taylor President

Enclosure: Revisions to Section 2



TO: Pennsylvania Compensation Rating Bureau, Inc. (PCRB)

Classification and Rating Committee

FROM: Joe Lombo, Manager - Classification

DATE: June 01, 2021

RE: Proposed Manual Language revisions to Sections 2 (Housekeeping)

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

The Section 2 revisions are provided below. None of the language revisions will impact any classification's proposed April 1, 2022 rating value. The PCRB recommends that all of the Section 2 language revisions proposed herein become effective April 1, 2022.

Proposed Effective April 1, 2022

#### **SECTION 2**

RATING VALUES through CLASSIFICATIONS & RATING VALUES remains unchanged.

#### **DEFINITIONS**

No change to ALL EMPLOYEES EXCEPT OFFICE through ALL EMPLOYEES INCLUDING OFFICE

**ALL EMPLOYEES INCLUDING OFFICE EXCEPT HOME HEALTH CARE AND/OR HOME CARE SERVICES:** This definition is the same as the "all employees including office" definition above except for the designated separate personnel (e.g., home health <u>care and home services</u>), which shall be subject to separate classification as provided for in this Manual.

No change to N.O.C. through TO BE SEPARATELY RATED OR SEPARATELY RATE.

#### **CLASSIFICATIONS**

No change to Classification Code 005 – TREE PRUNING, SPRAYING, REPAIRING OR FUMIGATING through Classification Code 105 – BAKERY, WHOLESALE.

106 PROCESSED MEAT PRODUCTS MFG. – NO SLAUGHTERING OR HANDLING OF LIVESTOCK

No change.

**OPERATIONS ALSO INCLUDED:** 

No change.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1. and Item 2.

3. Assign Code 910 to a business principally engaged in selling meat on a wholesale basis. Meat is received no meat in boxed, carcass or partial carcass form and that cuts cut and/or ground the meat into portion-controlled fresh meat products such as steaks, roasts, or chops and that is principally engaged in the wholesale sale of the products. Such business Code 910 does not include killing animals, or handlinge livestock, or utilizeing chemicals and/or heat (the use of smoke and/or cooking) in processing the meat materials.

No change to Item 4. and Item 5.

#### **UNDERWRITING GUIDE**

No change.

No change to Classification Code 107 – CANDY, CHOCOLATE OR CHEWING GUM MFG through Classification Code 816 – AUTOMOBILE FILLING STATION – RETAIL

#### 817 BUS OPERATION

No change.

Proposed Effective April 1, 2022

#### **OPERATIONS ALSO INCLUDED:**

1. Assign Code 817 to specialist contractors transporting human remains for funeral homes, coroners' offices, etc.

#### **OPERATIONS NOT INCLUDED:**

No change.

#### **UNDERWRITING GUIDE ADDITION:**

Transporting Human Remains, By Specialist Contractor

No change to Classification Code 818 – AUTOMOBILE OR AUTOMOBILE TRUCK DEALER - ALL EMPLOYEES INCLUDING OFFICE. ALSO INCLUDES BUT IS NOT NECESSARILY LIMITED TO: INLAND BOAT DEALERS, MOBILE HOME DEALERS, RECREATIONAL VEHICLE DEALERS OR SPECIALIST CONTRACTORS PERFORMING MOBILE HOME SET-UP OR WARRANTY SERVICE through Classification Code 890 – LIBRARY – PUBLIC – ALL EMPLOYEES INCLUDING OFFICE.

891 PRE- SCHOOL (CHILD CARE OR EARLY EDUCATION SERVICES)- ALL EMPLOYEES INCLUDING OFFICE

No change.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1. and Item 2.

3. Assign Code 965 to a day nursery school, pre-k or kindergarten, or child day care center operated by a school district or by an employer principally engaged in operating an elementary school.

No change to Classification Code 892 – EARLY INTERVENTION FOR INFANTS OR TODDLERS (NO RESIDENTIAL AFFILIATION) – ALL EMPLOYEES INCLUDING OFFICE through Classification Code 907 – FRUIT OR VEGETABLE DEALER – WHOLESALE.

#### 910 MEAT DEALER - WHOLESALE

Applicable to businesses principally engaged in the wholesale sale/distribution of fresh and processed meats and whose operations include the cutting <a href="mailto:and/or grinding">and/or grinding</a> of fresh meats into portion-controlled fresh meat products, such as steaks, roasts, or chops. Deboning will also be performed if the fresh meat is received in carcasses or partial carcasses. Such business may also distribute poultry and/or fish merchandise in addition to the meat merchandise and the operations may include the filleting of the fish and the cutting of poultry carcasses into parts. The business may further distribute grocery merchandise and/or fresh fruit and vegetables

No change to Classification Code 911 – **GROCERY – WHOLESALE** through Classification Code 914 – **DEPARTMENT STORE – ALL EMPLOYEES INCLUDING OFFICE.** 

915 MEAT, FISH AND/OR POULTRY STORE – RETAIL, ALL EMPLOYEES EXCEPT OFFICE

No change.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1. and Item 2.

Proposed Effective April 1, 2022

3. Assign Code 910 when the business' operations simply involve cutting, <u>and/</u>or grinding fresh meats received in boxes, (deboning will also be performed if the fresh meat is received in carcasses or partial carcasses), and more than 50% of the sales are to wholesale customers.

No change to Item 4.

No change to Classification Code 916 – CLOTHING OR DRY GOODS STORE – WHOLESALE OR RETAIL through Classification Code 940 – RESIDENTIAL CARE FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES – ALL EMPLOYEES EXCEPT OFFICE AND THE SEPARATE STAFF OF A CERTIFIED SHELTERED WORKSHOP.

941 SOCIAL REHABILITATION FACILITY – FOR ADULTS OR CHILDREN – ALL EMPLOYEES INCLUDING OFFICE

No change.

**OPERATIONS ALSO INCLUDED:** 

No change.

**OPERATIONS NOT INCLUDED:** 

No change to Item 1. Through Item 6.

7. Assign Code 958 to alcohol and/or drug residential facilities licensed as Inpatient Non-Hospital Detoxification or as Inpatient Non-Hospital Drug Free by the Pennsylvania Department of Drug and Alcohol Programs.

No change to Classification Code 942 – **HOME HEALTH CARE SERVICES**, **ALL EMPLOYEES EXCEPT OFFICE** through Classification Code 956 – **LAW FIRM**, **ALL EMPLOYEES INCLUDING OFFICE** 

957 PHYSICIAN OR DENTIST, ALL EMPLOYEES INCLUDING OFFICE

No change.

**OPERATIONS ALSO INCLUDED:** 

No change to Item 1.

**OPERATIONS NOT INCLUDED:** 

No change to Item 1. through Item 4.

5. Separate staff performing home health care <u>and/or home care</u> services shall be separately classified to either Code 942 or to Code 943 as provided <u>for</u> in this Manual.

No change to Item 6.

No change to Classification Code 958 – **REHABILITATION HOSPITAL**, **ALL EMPLOYEES INCLUDING OFFICE** through Classification Code 959 – **VETERINARIAN**, **INCLUDING EMPLOYERS RAISING AND CARING FOR NON-FARM DOMESTIC ANIMALS**.

Proposed Effective April 1, 2022

960 NURSING AND CONVALESCENT HOME – LONG-TERM CARE FACILITY WITH 50% OR MORE BEDS LICENSED AS INTERMEDIATE CARE OR HIGHER – ALL EMPLOYEES EXCEPT OFFICE AND HOME HEALTH AND/OR HOME CARE SERVICES

No change.

#### **OPERATIONS NOT INCLUDED:**

Payroll developed by separate staff(s) performing home health <u>and/or home</u> care services shall be separately classified to either Code 942 or Code 943 as provided for in this Manual.

#### 961 HOSPITAL – ALL EMPLOYEES INCLUDING OFFICE

No change.

#### **OPERATIONS ALSO INCLUDED:**

No change.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1.

2. Separate staff performing home health care <u>and/or home care</u> services shall be separately classified to either Code 942 or to Code 943 as provided <u>for in this Manual</u>.

No change to Item 3.

No change to Classification Code 962 – ACCOUNTING OR FINANCIAL AUDITING FIRM – ALL EMPLOYEES INCLUDING CLERICAL OFFICE THIS CLASSIFICATION IS FOR ACCOUNTING OR FINANCIAL AUDITING FIRMS through Classification Code 964 – WORK CENTER – ALL EMPLOYEES INCLUDING OFFICE.

#### 965 COLLEGE OR SCHOOL, N.O.C.- ALL EMPLOYEES INCLUDING OFFICE

No change.

#### **OPERATIONS ALSO INCLUDED:**

No change to Item 1.

2. The operation of Aa day nursery school, <u>pre-k</u>, kindergarten, or child daycare center <u>operated by a school district</u> by an elementary school or a school district or by an employer principally engaged in operating an <u>elementary school</u>.

No change to Item 3. through Item 5.

No change to Classification Code 966 – TELEVISION, VIDEO, AUDIO OR RADIO EQUIPMENT SERVICE OR REPAIR – SHOP OR OUTSIDE through Classification Code 973 – HOTEL - ALL EMPLOYEES EXCEPT OFFICE, FOOD SERVICE OR BEVERAGE OPERATIONS STAFF AND SLOT MACHINE GAMBLING STAFFS.

Proposed Effective April 1, 2022

974 RETIREMENT OR LIFE CARE COMMUNITY – WITH LESS THAN 50% OF BEDS LICENSED AS INTERMEDIATE CARE OR HIGHER – ALL EMPLOYEES EXCEPT OFFICE\_AND HOME HEALTH\_AND/OR HOME CARE SERVICES

No change.

#### **OPERATIONS NOT INCLUDED:**

1. Payroll developed by separate staff(s) performing home health care <u>and/or home care</u> services shall be separately classified to either Code 942 or Code 943 as provided for in this Manual.

No change to Classification Code 975 - RESTAURANT, N.O.C. - ALL EMPLOYEES EXCEPT OFFICE.

#### 976 COMMUNITY CENTER – ALL EMPLOYEES INCLUDING OFFICE

No change.

#### **OPERATIONS ALSO INCLUDED:**

No change to Item 1. through Item 2.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1. through Item 4.

5. Assign separate staff performing home health care <u>and/or home care</u> services to <u>either Code</u> 942 or <u>to Code</u> 943 as provided for in this manual.

No change to Classification Code 977 – BARBER SHOP, BEAUTY PARLOR OR HAIR STYLING SALON through Classification Code 978 – CAMPS, N.O.C. – ALL EMPLOYEES INCLUDING OFFICE AT CAMP LOCATIONS.

### 979 RESIDENTIAL FACILITY FOR THE ELDERLY – NON-MEDICAL – ALL EMPLOYEES EXCEPT OFFICE AND HOME HEALTH AND/OR HOME CARE SERVICES

No change.

Includes facilities licensed as personal care homes by the Pennsylvania Department of Public Welfare (DPW). Human Services (DHS). Information published by DPW-DHS discloses a large percentage of personal care home residents are over the age of 60. Such facility may also provide personal care service for individuals with physical disabilities, Alzheimer's disease, senility or other cognitive dysfunctions.

No change.

#### **OPERATIONS ALSO INCLUDED:**

No change.

#### **OPERATIONS NOT INCLUDED:**

 Payroll developed by separate staff(s) performing home health <u>and/or home</u> care services shall be separately classified to either Code 942 or to Code 943 as provided for in this Manual.

Proposed Effective April 1, 2022

No change to Classification Code 980 – CITY, TOWNSHIP, BOROUGH OR COUNTY through Classification Code 996 – VOLUNTEER HAZARDOUS MATERIALS RESPONSE TEAM9

#### 997 UNDERTAKERS

#### **OPERATIONS NOT INCULDED:**

1. Assign Code 817 to specialist contractors transporting human remains for funeral homes, coroners' offices, etc.

No change to Classification Code 999 – **CEMETERY** through Code 9741 – **CATASTROPHE** (**OTHER THAN CERTIFIED ACTS OF TERRORISM**)

#### **GENERAL AUDITING & CLASSIFICATION INFORMATION**

No change to AUTOMOBILE DISMANTLERS through MINIMUM WAGE PROCEDURE.

NURSING HOME, PERSONAL CARE HOME AND RESIDENTIAL CARE FACILITY CLASSIFICATION GUIDELINE

No change to ADMINISTRATOR/EXECUTIVE DIRECTOR through FACILTIES MANAGER.

#### **HOME HEALTH AND/OR HOME CARE OPERATIONS**

Payroll developed by separate staff(s) performing home health <u>and/or home</u> care services shall be separately classified <u>to either Code 942 or to Code 943</u> as provided <u>for</u> in the Pennsylvania Workers Compensation Manual.

No change to INVENTORY CONTROL COORDINATOR through WRECKING OR DEMOLITION OR BUILDING MOVING OR RAISING PROJECT

#### Proposed Effective April 1, 2022

Description	Direct Employment Class	Temporary Employment Class
No change to Abrasive Paper Or Cloth Preparation through Transportation Services for the Handicapped		
Transporting Human Remains, By Specialist Contractor	817	2817
No change to <b>Trash Compactor Mfg.</b> through <b>Zoo</b>		

Proposed Effective April 1, 2022

#### **SECTION 2**

RATING VALUES through CLASSIFICATIONS & RATING VALUES remains unchanged.

#### **DEFINITIONS**

No change to ALL EMPLOYEES EXCEPT OFFICE through ALL EMPLOYEES INCLUDING OFFICE

**ALL EMPLOYEES INCLUDING OFFICE EXCEPT HOME HEALTH CARE AND/OR HOME CARE SERVICES:** This definition is the same as the "all employees including office" definition above except for the designated separate personnel (e.g., home health care and home services), which shall be subject to separate classification as provided for in this Manual.

No change to N.O.C. through TO BE SEPARATELY RATED OR SEPARATELY RATE.

#### **CLASSIFICATIONS**

No change to Classification Code 005 – TREE PRUNING, SPRAYING, REPAIRING OR FUMIGATING through Classification Code 105 – BAKERY, WHOLESALE.

106 PROCESSED MEAT PRODUCTS MFG. – NO SLAUGHTERING OR HANDLING OF LIVESTOCK

No change.

**OPERATIONS ALSO INCLUDED:** 

No change.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1. and Item 2.

3. Assign Code 910 to a business principally engaged in selling meat on a wholesale basis. Meat is received meat in boxed, carcass or partial carcass form and cut and/or ground into portion-controlled fresh meat products such as steaks, roasts, or chops. Code 910 does not include killing animals, handlinglivestock, or utilizing chemicals and/or heat (the use of smoke and/or cooking) processi meat.

No change to Item 4. and Item 5.

#### **UNDERWRITING GUIDE**

No change.

No change to Classification Code 107 – CANDY, CHOCOLATE OR CHEWING GUM MFG through Classification Code 816 – AUTOMOBILE FILLING STATION – RETAIL

#### 817 BUS OPERATION

No change.

#### **OPERATIONS ALSO INCLUDED:**

#### Proposed Effective April 1, 2022

 Assign Code 817 to specialist contractors transporting human remains for funeral homes, coroners' offices, etc.

#### **OPERATIONS NOT INCLUDED:**

No change.

#### **UNDERWRITING GUIDE ADDITION:**

Transporting Human Remains, By Specialist Contractor

No change to Classification Code 818 – AUTOMOBILE OR AUTOMOBILE TRUCK DEALER - ALL EMPLOYEES INCLUDING OFFICE. ALSO INCLUDES BUT IS NOT NECESSARILY LIMITED TO: INLAND BOAT DEALERS, MOBILE HOME DEALERS, RECREATIONAL VEHICLE DEALERS OR SPECIALIST CONTRACTORS PERFORMING MOBILE HOME SET-UP OR WARRANTY SERVICE through Classification Code 890 – LIBRARY – PUBLIC – ALL EMPLOYEES INCLUDING OFFICE.

891 PRE- SCHOOL (CHILD CARE OR EARLY EDUCATION SERVICES)- ALL EMPLOYEES INCLUDING OFFICE

No change.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1. and Item 2.

3. Assign Code 965 to a day nursery school, pre-k or kindergarten, or child day care center operated by a school district or by an employer principally engaged in operating an elementary school.

No change to Classification Code 892 – EARLY INTERVENTION FOR INFANTS OR TODDLERS (NO RESIDENTIAL AFFILIATION) – ALL EMPLOYEES INCLUDING OFFICE through Classification Code 907 – FRUIT OR VEGETABLE DEALER – WHOLESALE.

#### 910 MEAT DEALER - WHOLESALE

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No change to Classification Code 911 – **GROCERY – WHOLESALE** through Classification Code 914 – **DEPARTMENT STORE – ALL EMPLOYEES INCLUDING OFFICE.** 

915 MEAT, FISH AND/OR POULTRY STORE – RETAIL, ALL EMPLOYEES EXCEPT OFFICE

No change.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1. and Item 2.

#### Proposed Effective April 1, 2022

3. Assign Code 910 when the business' operations simply involve cutting, and/or grinding fresh meats received in boxes, (deboning will also be performed if the fresh meat is received in carcasses or partial carcasses), and more than 50% of the sales are to wholesale customers.

No change to Item 4.

No change to Classification Code 916 – CLOTHING OR DRY GOODS STORE – WHOLESALE OR RETAIL through Classification Code 940 – RESIDENTIAL CARE FACILITY FOR INDIVIDUALS WITH INTELLECTUAL DISABILITIES – ALL EMPLOYEES EXCEPT OFFICE AND THE SEPARATE STAFF OF A CERTIFIED SHELTERED WORKSHOP.

941 SOCIAL REHABILITATION FACILITY – FOR ADULTS OR CHILDREN – ALL EMPLOYEES INCLUDING OFFICE

No change.

#### **OPERATIONS ALSO INCLUDED:**

No change.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1. Through Item 6.

7. Assign Code 958 to alcohol and/or drug residential facilities licensed as Inpatient Non-Hospital Detoxification or as Inpatient Non-Hospital Drug Free by the Pennsylvania Department of Drug and Alcohol Programs.

No change to Classification Code 942 – **HOME HEALTH CARE SERVICES**, **ALL EMPLOYEES EXCEPT OFFICE** through Classification Code 956 – **LAW FIRM**, **ALL EMPLOYEES INCLUDING OFFICE** 

#### 957 PHYSICIAN OR DENTIST, ALL EMPLOYEES INCLUDING OFFICE

No change.

#### **OPERATIONS ALSO INCLUDED:**

No change to Item 1.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1. through Item 4.

5. Separate staff performing home health care and/or home care services shall be separately classified to either Code 942 or to Code 943 as provided for in this Manual.

No change to Item 6.

No change to Classification Code 958 – REHABILITATION HOSPITAL, ALL EMPLOYEES INCLUDING OFFICE through Classification Code 959 – VETERINARIAN, INCLUDING EMPLOYERS RAISING AND CARING FOR NON-FARM DOMESTIC ANIMALS.

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Proposed Effective April 1, 2022

No change.

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No change.

#### **OPERATIONS ALSO INCLUDED:**

No change.

#### **OPERATIONS NOT INCLUDED:**

No change to Item 1.

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No change.

#### **OPERATIONS ALSO INCLUDED:**

No change to Item 1.

2. A day nursery school, pre-k, kindergarten, or child daycare center operated by a school district or by an employer principally engaged in operating an elementary school

No change to Item 3. through Item 5.

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#### **OPERATIONS ALSO INCLUDED:**

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