

## Report on the Study of Assignments to Standard Exception Classifications

Excerpt from the WCIRB Classification and Rating Committee Minutes  
April 14, 2020

### **About this Report**

The WCIRB prepares and presents reports to the WCIRB's Classification and Rating Committee to assist in the formulation of proposed changes to the Insurance Commissioner's regulations. Once adopted by the Classification and Rating Committee, the recommendations contained in the report are provided to the WCIRB Governing Committee and may be included in a WCIRB regulatory filing that is submitted to the Insurance Commissioner for approval.

### **About the WCIRB**

The WCIRB is California's trusted, objective provider of actuarially-based information and research, advisory pure premium rates, and educational services integral to a healthy workers' compensation system. Learn more at [www.wcirb.com](http://www.wcirb.com).

**Notice**

This Report was developed by the Workers' Compensation Insurance Rating Bureau of California (WCIRB) to assist in the formulation of proposed changes to the Insurance Commissioner's regulations. The WCIRB has made reasonable efforts to ensure the accuracy of this Report. You must make an independent assessment regarding the use of this Report based upon your particular facts and circumstances.

© 2020 Workers' Compensation Insurance Rating Bureau of California. All rights reserved.

No part of this work may be reproduced or transmitted in any form or by any means, electronic or mechanical, including, without limitation, photocopying and recording, or by any information storage or retrieval system without the prior written permission of the Workers' Compensation Insurance Rating Bureau of California (WCIRB), unless such copying is expressly permitted in this copyright notice or by federal copyright law. No copyright is claimed in the text of statutes and regulations quoted within this work.

Each WCIRB member company, including any registered third party entities, (Company) is authorized to reproduce any part of this work solely for the following purposes in connection with the transaction of workers' compensation insurance: (1) as necessary in connection with Company's required filings with the California Department of Insurance; (2) to incorporate portions of this work, as necessary, into Company manuals distributed at no charge only to Company employees; and (3) to the extent reasonably necessary for the training of Company personnel. Each Company and all agents and brokers licensed to transact workers' compensation insurance in the state of California are authorized to physically reproduce any part of this work for issuance to a prospective or current policyholder upon request at no charge solely for the purpose of transacting workers' compensation insurance and for no other purpose. This reproduction right does not include the right to make any part of this work available on any website or any form of social media.

Workers' Compensation Insurance Rating Bureau of California, WCIRB, WCIRB California, WCIRB Connect, WCIRB Inquiry, WCIRB CompEssentials, X-Mod Direct, eSCAD, Comprehensive Risk Summary and the WCIRB California logo (WCIRB Marks) are registered trademarks or service marks of the WCIRB. WCIRB Marks may not be displayed or used in any manner without the WCIRB's prior written permission. Any permitted copying of this work must maintain any and all trademarks and/or service marks on all copies.

To seek permission to use any of the WCIRB Marks or any copyrighted material, please contact the WCIRB at [customerservice@wcirb.com](mailto:customerservice@wcirb.com).

## **Study of Assignments to Standard Exception Classifications**

1803, *Stone Cutting or Fabrication – shop*  
4295(1), *Printing Operation – screen printing*  
4295(2), *Screen Printed Merchandise Dealers – all other employees*  
4299(1), *Printing Operation – all other employees*  
4492, *Sign Mfg. – metal, plastic or wood*  
5606, *Contractors – construction or erection*  
7365, *Taxicab Operations – all employees*  
7410, *Aircraft Operation – agricultural*  
7428(1), *Aircraft Operation – other than agricultural or scheduled air carriers*  
7500, *Gas Works – all operations*  
7520, *Water Companies – all employees*  
7539, *Electric Power Companies – all operations*  
7607(1), *Video Post-Production – computer or electronic*  
7721(1), *Detective or Private Investigative Agencies*  
8015, *Stores – furniture*  
8017(9), *Product Demonstrators or Sample Distributors – by contractors*  
8720(1), *Inspection for Insurance, Safety or Valuation Purposes*  
8720(4), *Unmanned Aircraft System Operation*  
8755, *Labor Unions – employees engaged outside of office*  
8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*  
8846(1), *Printing Operation – screen printing*  
9016(1), *Amusement or Recreational Facilities*  
9033, *Housing Authorities – including resident or on-site managers*  
9182, *Athletic Teams or Athletic Facilities*  
9220(1), *Cemetery Operation – all employees*  
9220(2), *Crematory Operation – all employees*  
9507, *Sign Painting or Lettering and Quick Sign Shops – shop or outside*  
9529(2), *Decorating – interior or exterior*  
9549, *Advertising Companies – outdoor*  
9610, *Motion Pictures – production*

### **Executive Summary**

#### **Objective**

The WCIRB receives a significant number of questions from insurers, agents/brokers and employers regarding the application of classifications that contain footnotes directing the assignment of specific operations, duties or employments to Standard Exception classifications 8810, *Clerical Office Employees*, or 8742, *Salespersons – Outside*. To address these questions and ensure that Standard Exception classifications are consistently applied, the WCIRB reviewed the 30 classifications that contain such footnotes for consistency with the restrictions outlined 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)* (Standard Exceptions Rule). WCIRB staff compared each footnote directive to Classification 8810 or 8742 and the operations, duties or employments in question in order to determine if the current classification procedure remains appropriate and, if so, if the footnote correctly references the Standard Exceptions Rule.

#### **Findings**

Based on staff's review of the 30 classifications that include a footnote directive to Classification 8810, *Clerical Office Employees*, or Classification 8742, *Salespersons – Outside*, the WCIRB determined:

1. Twelve classifications address operations, duties or employments that are compatible with the Standard Exceptions definitions, and these directives properly state that the assignment of these operations to a Standard Exception classification is subject to the required rule.

2. Four classifications address duties or employments that are compatible with the Standard Exceptions definitions, but do not state that the assignment of these operations to a Standard Exception classification is subject to the Standard Exceptions Rule, nor do they cite the rule.
3. Six classifications provide generic instructions regarding the assignment of Classification 8810 or 8742 that are unnecessary as they are duplicative of general classification procedures and not unique to the subject classification.
4. Eight classifications describe operations or duties that often fall outside of the scope of the Standard Exceptions definitions and may be unique to the subject classification.

### **Recommendations**

Based on the findings, the WCIRB recommends the following:

1. Retain the existing footnotes to the twelve classifications that (1) provide appropriate direction regarding how the subject operations should be classified, (2) properly state that the assignment of these operations to a Standard Exception classification is subject to the required rule and (3) cite the rule.
2. Amend the footnotes to the four classifications that, while providing appropriate direction, do not state that the assignment of these operations to a Standard Exception classification is subject to the Standard Exceptions Rule and do not cite the rule.
3. Delete the footnote directives for the six classifications that assign Classification 8810 or 8742 to generic operations or job duties that are duplicative of general classification procedures.
4. Delete the footnote directives for the eight classifications that assign Classification 8810 or 8742 to operations that are not compatible with the Standard Exceptions definitions and amend the classifications where applicable to provide clarity regarding how these operations should be classified.

**Introduction**

The WCIRB reviewed all 30 classifications that contain footnotes assigning specific operations, duties or employments to Classification 8810, *Clerical Office Employees*, or 8742, *Salespersons – Outside*. Classifications 8810 and 8742 are *Standard Exceptions* and are subject to the restrictions outlined in Part 3, *Standard Classification System*, Section III, *General Classification Procedures*, Rule 4, *Standard Exceptions*, of the USRP (Standard Exceptions Rule). WCIRB staff evaluated each footnote directive to Classification 8810 or 8742 and the operations, duties or employments in question in order to determine if the current classification procedure remains appropriate and, if so, if the footnote correctly references the Standard Exceptions Rule.

**Directive Types**

After review, staff categorized the 30 classifications based on four scenarios:

**Group 1**

The first group consists of 12 classifications with footnote directives that clarify how certain operations should be classified and address operations, duties or employments that are compatible with the Standard Exceptions definitions. Additionally, where these directives point to Classification 8810 or 8742, they clarify that the operations, duties or employments should be assigned to 8810 or 8742 only if they meet the restrictions outlined in the required rule, and they cite the rule. Staff determined that these directives provide valuable information specific to the classification in question and direct a classification assignment that is not inconsistent with the Standard Exceptions Rule. The 12 classifications in this group and the footnotes at issue are identified below:

<b>Classification</b>	<b>Footnote</b>
7410, <i>Aircraft Operation – agricultural – dusting, spraying or seeding – not members of the flying crew</i>	Unmanned Aircraft Systems (aerial drones) operating crew members working remotely from an office location with no exposure outside of the clerical office shall be classified as 8810, <i>Clerical Office Employees</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .
7428(1), <i>Aircraft Operation – other than agricultural or scheduled air carriers – not members of the flying crew – including gate and ticket counter personnel at airports – N.O.C.</i>	Unmanned Aircraft Systems (aerial drones) operating crew members working remotely from an office location with no exposure outside of the clerical office shall be classified as 8810, <i>Clerical Office Employees</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .
9610, <i>Motion Pictures – production – in studios and outside – all employees</i>	Employees engaged exclusively in the electronic editing of digital files using computerized editing equipment are assignable to Classification 8810, <i>Clerical Office Employees</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .  Employees who create animation using computer or digital applications are assignable to Classification 8810, <i>Clerical Office Employees</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .
4492, <i>Sign Mfg. – metal, plastic or wood – N.O.C.</i>	Employees engaged exclusively in the design or production of adhesive lettering or graphics using office type computers or plotters/printers shall be classified as 8810, <i>Clerical Office Employees</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .
9507, <i>Sign Painting or Lettering and Quick Sign Shops – shop or outside – including counterpersons</i>	Employees engaged exclusively in the design or production of painted, printed or adhesive lettering or graphics using office type computers or plotters/printers shall be classified as 8810, <i>Clerical Office Employees</i> ,

<b>Classification</b>	<b>Footnote</b>
	subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> . The application of painted, printed or adhesive lettering or graphics onto a surface shall be classified as 9507.
1803, <i>Stone Cutting or Fabrication – shop</i>	Employees engaged exclusively in the design or production of stencils using office type computers or plotters/printers shall be classified as 8810, <i>Clerical Office Employees</i> , subject to the Standard Exceptions rule. See Section III, <i>General Classification Procedures</i> , Rule 4, <i>Standard Exceptions</i> .
7365, <i>Taxicab Operations – all employees</i>	Dispatchers engaged in clerical activities shall be separately classified as 8810, <i>Clerical Office Employees</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .
8720(4), <i>Unmanned Aircraft System Operation – aircraft system and payload total combined weight of less than 55 pounds – including Outside Salespersons</i>	Unmanned Aircraft Systems (aerial drones) operating crew members working remotely from an office location with no exposure outside of the clerical office shall be classified as 8810, <i>Clerical Office Employees</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .
7607(1), <i>Video Post-Production – computer or electronic – all employees – including Clerical Office Employees and Outside Salespersons</i>	This classification does not apply to computer or electronic video post-production operations performed in connection with motion pictures, television features, commercials or similar productions by the same employer; such operations shall be classified as 8810, <i>Clerical Office Employees</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .
7721(1), <i>Detective or Private Investigative Agencies</i>	Employees who solely conduct investigations by researching documents and conducting interviews at locations away from the employer's premises shall be classified as 8742, <i>Salespersons – Outside</i> , subject to the Standard Exceptions rule. See Part 3, Section III, Rule 4, <i>Standard Exceptions</i> .
8017(9), <i>Product Demonstrators or Sample Distributors – by contractors – in stores</i>	This classification does not apply to employees of manufacturers or distributors engaged in product demonstration or sample distribution. Such operations shall be classified as 8742, <i>Salespersons – Outside</i> , subject to the Standards Exception rule (see Section III, Rule 4, <i>Standard Exceptions</i> ) or the applicable manufacturing, store or dealer classification.
8015, <i>Stores – furniture – wholesale or retail</i>	This classification does not apply to the operation of furniture galleries or showrooms that sell exclusively from samples to buyers for stores (no direct sales) and where no inventory (exclusive of showroom samples) is maintained at the gallery or showroom location. Such gallery or showroom salespersons shall be classified as 8742, <i>Salespersons – Outside</i> , provided they have no other duties of any kind in the service of the employer except clerical work or outside sales. See Part 3, Section IV, Rule 6, <i>Stores</i> .

### Group 2

The second group is comprised of four classifications with footnote directives that also provide clarity regarding how certain operations that are compatible with the Standard Exceptions definitions should be classified. However, these directives neither indicate that the assignment is subject to the rules set forth in the Standard Exceptions Rule, nor do they cite the rule. The information contained in the footnotes is valuable for the proper assignment of the subject operations, but without direction that the assignment is subject to the rule, the directive may suggest that the footnote supersedes the Standard Exceptions Rule, which is not the intended outcome. These four classifications are:

Classification	Footnote
5606, <i>Contractors – construction or erection – executive level supervisors – no direct supervision – division of a single employee’s payroll with any other classification is not permitted</i>	Classification 5606 does not apply to employees whose job site duties are limited to estimating, outside sales or public relations. Employees whose non-clerical duties are confined to visiting job sites for the purpose of pre-construction estimating, or for meeting with clients or other project representatives, are classified as 8742, <i>Salespersons – Outside</i> , provided they have no supervisory responsibilities over construction operations and they do not walk through job sites for purposes such as assessing construction progress, evaluating quality or determining compliance with safety standards.
9549, <i>Advertising Companies – outdoor – selling space for advertising purposes – including shop, yard or storage operations; the erection, painting, repair and maintenance, or removal of signs; bill posting; and sign painting or lettering in or upon buildings or structures</i>	The display of hand-held advertisement signs and walking billboards (human sign holders) at locations, including but not limited to sidewalks and street corners shall be classified as 8742, <i>Salespersons – Outside</i> .
9182, <i>Athletic Teams or Athletic Facilities – all employees other than players, umpires, referees and game officials</i>	Athletic scouts shall be classified as 8742, <i>Salespersons – Outside</i> .
8720(1), <i>Inspection for Insurance, Safety or Valuation Purposes – N.O.C. – including Outside Salespersons</i>	Insurance claims or insurance fraud investigation companies that exclusively perform investigations that do not require surveillance of persons without their knowledge shall be classified as 8742, <i>Salespersons – Outside</i> , or 8810, <i>Clerical Office Employees</i> . Insurance claims investigations performed by insurance companies shall be classified as 8822, <i>Insurance Companies</i> .  Property appraisal (or property appraisal in combination with clerical activities) on a fee basis shall be classified as 8742, <i>Salespersons – Outside</i> .

### Group 3

The third group is comprised of six classifications with footnotes that do not provide value or clarity as they assign generic Standard Exception operations, duties or employments that are not unique or specific to the subject classification to Classification 8810 or 8742.

The group includes several classifications in the *Printing, Publishing and Duplicating* industry group with a footnote stating that “Employees engaged in sales, collection or public relations work in support of commercial printing operations shall be separately classified as 8742, *Salespersons – Outside*.” This footnote was added to these classifications to provide direction for classifying outside sales operations when Classification 8742(5), *Printing Operation – Salespersons*, was eliminated effective January 1, 2018. However, it has been several years since 8742(5) was eliminated. In addition, this type of assignment applies to virtually all classifications, and the directive is duplicative of the definition of Outside Salespersons found in the Standard Exceptions Rule. These directives may therefore be confusing as they are included in these classifications but not in others.

Similarly, Classification 8755, *Labor Unions – employees engaged outside of office – including Outside Salespersons*, contains a footnote stating that “Employees engaged in clerical office duties exclusively within the office shall be classified as 8810, *Clerical Office Employees*.” This directive was added to clarify how employees working strictly in an office setting should be classified when the classification assignable to the employer is an “outside” classification. The USRP contains several classifications that describe operations that take place away from the employer’s premises, such as classifications that state “away from shop.” It is typical for employers assigned to such classifications to retain some *Clerical Office Employees* that are assignable to Classification 8810, yet no other classifications include such a directive. This assignment is duplicative of the Standard Exceptions Rule and not exclusively applicable to employers assigned to Classification 8755.

The six classifications in this category are:

<b>Classification</b>	<b>Footnote</b>
4299(1), <i>Printing Operation – all other employees – including counterpersons and drivers and their helpers – N.O.C.</i>	Employees engaged in sales, collection or public relations work in support of commercial printing operations shall be separately classified as 8742, <i>Salespersons – Outside</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .
8813(1), <i>Printing Operation – editing, designing, proofreading and photographic composing – including Clerical Office Employees</i>	Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742, <i>Salespersons – Outside</i> , subject to the Standard Exceptions rule. See Part 3, Section III, Rule 4, <i>Standard Exceptions</i> .
4295(1), <i>Printing Operation – screen printing – all other employees</i>	Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742, <i>Salespersons – Outside</i> , subject to the Standard Exceptions rule. See Part 3, Section III, Rule 4, <i>Standard Exceptions</i> .
8846(1), <i>Printing Operation – screen printing – editing, designing, proofreading and photographic composing – including Clerical Office Employees</i>	Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742, <i>Salespersons – Outside</i> , subject to the Standard Exceptions rule. See Part 3, Section III, Rule 4, <i>Standard Exceptions</i> .
4295(2), <i>Screen Printed Merchandise Dealers – all other employees</i>	Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742, <i>Salespersons – Outside</i> , subject to the Standard Exceptions rule. See Part 3, Section III, Rule 4, <i>Standard Exceptions</i> .
8755, <i>Labor Unions – employees engaged outside of office – including Outside Salespersons</i>	Employees engaged in clerical office duties exclusively within the office shall be classified as 8810, <i>Clerical Office Employees</i> .

#### **Group 4**

The fourth group is comprised of eight classifications with footnote directives assigning Classification 8810 or 8742 to operations or duties that are or may be incompatible with the Standard Exceptions definitions. While these directives may have originally been added to address specific limited circumstances, the directives are not clear and could lead to the misclassification of certain operations, duties or employments. In some instances, the directives cite the *Standard Exceptions* Rule, despite the fact that the subject operations are not consistent with the rule’s restrictions, which may lead to confusion. The eight classifications in this category are:

<b>Classification</b>	<b>Footnote</b>
9529(2), <i>Decorating – interior or exterior – hanging flags or bunting for conventions or celebrations</i>	Interior decorators or designers who operate on a fee basis and do not engage in the installation or placement of furnishings shall be classified as 8742, <i>Salespersons – Outside</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .
9033, <i>Housing Authorities – including resident or on-site managers</i>	Employees engaged exclusively in determining the eligibility of properties owned and operated by separate parties for rental subsidies shall be classified as 8742, <i>Salespersons – Outside</i> , subject to the Standard Exceptions rule. See Section III, Rule 4, <i>Standard Exceptions</i> .
9016(1), <i>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</i>	This classification also applies to automobile or horse race track operations by employers that are not public agencies. Pari-mutuel employees shall be separately classified as 8810, <i>Clerical Office Employees</i> .
9220(1), <i>Cemetery Operation – all employees</i>	Cemetery plot or mausoleum sales counselors shall be classified as 8742, <i>Salespersons – Outside</i> .
9220(2), <i>Crematory Operation – all employees</i>	Cemetery plot or mausoleum sales counselors shall be classified as 8742, <i>Salespersons – Outside</i> .
7539, <i>Electric Power Companies – all operations – including construction or extension of lines</i>	Employees engaged exclusively in meter reading activities (or in combination with clerical office activities) shall be classified as 8742, <i>Salespersons – Outside</i> .
7500, <i>Gas Works – all operations – including construction or extension of lines</i>	Employees engaged exclusively in meter reading activities (or in combination with clerical office activities) shall be classified as 8742, <i>Salespersons – Outside</i> .
7520, <i>Water Companies – all employees – including construction or extension of lines</i>	Employees engaged exclusively in meter reading activities (or in combination with clerical office activities) shall be classified as 8742, <i>Salespersons – Outside</i> .

Each of the eight classifications in the fourth group require individual analysis and revision.

It is important to note that the employers assigned to these eight classifications may retain employees who perform clerical duties and work in clerical office locations, as well as employees who perform sales, collection or public relations work away from the employer' premises and devote the balance of their time to clerical office duties. To the extent the duties of these employees meet the Standard Exception definitions, these employees will remain assignable to Classification 8810 or 8742.

#### **Group 4 Classification Analysis**

##### **Classification 9529(2), *Decorating***

This classification contains a footnote stating that “[i]nterior decorators or designers who operate on a fee basis and do not engage in the installation or placement of furnishings shall be classified as 8742, *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.” While this directive does cite the Standard Exceptions Rule and does exclude the placement of furniture from an 8742 assignment, it provides classification direction based on job title and that may lead to inconsistent classification assignments. In some cases, an employee in the role of an interior decorator or designer may have a number of job duties that fall outside the scope of a Standard Exception, even if the employee does not install or place furnishings.

Further, an employer that is in the business of providing design and decorating services on a fee basis may also engage in a wide range of duties and activities depending on how the specific business operates. Again, a classification assignment, including the assignment of some or all employees to a

Standard Exception classification, should be based on the nature of the business and the duties of the employees, not the use of titles such as “decorators or designers.”

The above positions or employers should not be directed to a Standard Exception classification. Rather, decorators and designers should be included in Classification 9529(2) unless the operations specifically meet the criteria for a Standard Exception, as is the procedure for most classifications.

Finding and Recommendation:

The footnote directing the assignment of Classification 8742 to certain interior decorators or designers is not always consistent with the Standard Exceptions Rule and should be removed.

**Classification 9033, Housing Authorities**

Classification 9033 contains a footnote stating that “Employees engaged exclusively in determining the eligibility of properties owned and operated by separate parties for rental subsidies shall be classified as 8742, *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.” However, determining the eligibility of properties owned and operated by separate parties for rental subsidies requires an inspection of the property, and this duty generally falls outside the scope of the Standard Exceptions Rule.

Classification 9033 is part of the *Municipal, State or Other Public Agencies* Industry Group. This Industry Group includes Classification 9410, *Municipal, State or Other Public Agency Employees – not engaged in manual labor, or direct supervision of construction or erection work – N.O.C.*, which applies to municipal employees, including but not limited to building inspectors.

Finding and Recommendations:

The footnote directing the assignment of Classification 8742 to employees engaged in determining the eligibility of properties for rental subsidies is not consistent with the Standard Exceptions Rule and should be removed. Classification 9033 should be amended to direct that the assignment of employees engaged in property inspections to determine the eligibility of properties owned and operated by separate parties for rental subsidies should be assigned to Classification 9410, *Municipal, State or Other Public Agency Employees – not engaged in manual labor, or direct supervision of construction or erection work*.

**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**

Classification 9016(1) applies to horse race track operations and contains a footnote stating that “Pari-mutuel employees shall be separately classified as 8810, *Clerical Office Employees*.” Pari-mutuel employees work at race tracks and other horse race betting venues and take money, record bets and pay bet winners. These activities are substantially similar to ticket sales and collection activities at similar facilities, which are assigned to Classification 9016(1), and are more consistent with those of a ticket seller/collector at an amusement facility than those of a Standard Exception. Further, Classification 9016(1) applies to “all employees other than those engaged in the operation or maintenance of amusement devices, restaurants or retail stores” at amusement facilities. The term “all employees” requires that “division of payroll shall not be made for any employee or operations (other than the Standard Exceptions or General Exclusions)...except for an operation not incidental to and not usually associated with the enterprise described by such classification.” As pari-mutuel operations are integral to race track operations assigned to 9016(1), there should be no division of the pari-mutuel employee payroll.

Prior to 1969, pari-mutuel employees were assigned to Classification 9154, *Theaters – not motion picture – all employees other than performers and directors of performers – including managers, stage hands, box office employees or ushers*. In 1969 a group of employers appealed this assignment and asserted that since these employees work behind counters or windows selling pari-mutuel tickets, their duties are essentially clerical in nature and unlike those of theater employees, such as stagehands, ushers or motion picture operators. Although such operations could equally be compared to theater box office employees who are assigned to Classification 9154, the Committee determined that pari-mutuel employees should be assigned to Classification 8810.

In 1976, the Committee reconsidered the assignment of pari-mutuel employees to Classification 8810 as the duties of these employees did not appear to be consistent with a restriction that was in effect at that time limiting the amount of money-handling operations performed by clerical office employees. In its review of the issue, the Committee noted that the relevant payroll and loss data experience developed by the operations in question were insufficient to draw a meaningful conclusion. At the close of its review, the Committee elected to continue assigning pari-mutuel employees to Classification 8810 and to add a directive to Classification 9016(1).

When evaluating the current operations of pari-mutuel employees in California, however, staff determined that pari-mutuel employees are not typically employed directly by race tracks. Instead, pari-mutuel employees and wagering activities at race tracks are typically provided under contract by a pari-mutuel service company. Only two employers with primary operations focused on pari-mutuel betting were identified in California. One of these employers has pari-mutuel operations at off-track betting facilities, and all of its operations have been reported in Classification 9069, *Clubs – gaming – all employees – including front desk employees and restaurant or tavern employees*. Gaming operations, such as the operation of casinos and off-track betting facilities, are described by Classification 9069, and pari-mutuel clerks at off-track betting locations are assignable to Classification 9069.

Classification 9069 was established effective January 1, 1995 and was not in effect when the Committee last reviewed the operations of pari-mutuel employees in 1976. Further, the data for pari-mutuel operations reported in Classification 8810 strongly suggests that Classification 8810 significantly understates the exposure of pari-mutuel operations.

#### Findings and Recommendations:

The activities of pari-mutuel employees are consistent with those of ticket sellers/collectors at an amusement facility and not consistent with the Standard Exceptions Rule. In addition, Classification 9016(1) is an *all employees* classification assignable to race track operations and there is no compelling reason to carve out pari-mutuel employees from this classification. The footnote in Classification 9016(1) directing the assignment of Classification 8810 to pari-mutuel operations should be removed.

Additionally, pari-mutuel clerks at off-track betting locations, as well as pari-mutuel wagering operations provided to horse racing tracks or other horse race betting venues under contract with pari-mutuel service companies are assignable to Classification 9069. A footnote should be added to Classification 9069 to state that it applies to off-track betting facilities and employers that provide pari-mutuel wagering operations to horse racing tracks and other horse race betting venues on a contract basis.

#### **Classification 9220(1), Cemetery Operation – all employees**

#### **Classification 9220(2), Crematory Operation – all employees**

These classifications each contain a footnote stating that “Cemetery plot or mausoleum sales counselors shall be classified as 8742, *Salespersons – Outside*.” Cemetery plot or mausoleum sales often require the sales employee to walk or drive the cemetery grounds to show prospective clients available spaces and products. Classification 8742 specifies that it is assignable to employees engaged exclusively in sales, collection or public relations work *away from the premises of the employer*. Walking or driving the cemetery grounds with prospective clients is a regular job duty that exposes the employee to the operative hazards of the business and is outside the definition of an Outside Salesperson. In addition, like Classification 9016(1), Classifications 9220(1) and 9220(2) are “all employees” classifications. As sales counselor operations are integral to these classifications, there should be no division of the sales counselors’ payroll.

The classification assignments for salespersons employed by cemeteries and crematories have been reviewed several times throughout the history of these classifications. These reviews concluded that the duties of some salespersons fall outside of the scope of the Standard Exceptions definitions and are therefore described by Classification 9220, while the duties of some salespersons do fit the scope of a Standard Exception employee. For these reasons no significant changes were made to Classification 9220 as a result of these periodic reviews.

In 1996, an employer disputed the WCIRB's assignment of Classification 9220 to its cemetery sales staff engaged in assisting families in the purchase of burial plots, vaults, markers, monuments, and burial services, including showing customers burial plots at the cemetery. Although the operations were performed at the employer's own cemetery location and these employees were therefore not engaged exclusively in "sales, collection or public relations work away from the premises" as required for assignment to Classification 8742, the WCIRB agreed with the employer that its cemetery salespersons should be classified as 8742, *Salespersons – Outside*. In 2015, Classification 9220 was amended as part of the USRP enhancement project to add the footnote: *Cemetery plot or mausoleum sales counselors shall be classified as 8742, Salespersons – Outside*.

#### Findings and Recommendations:

The activities of cemetery plot or mausoleum sales counselors at the cemetery or mausoleum location are not consistent with the definition of an Outside Salesperson. In addition, Classifications 9220(1) and 9220(2) are *all employees* classifications, and there is no compelling reason to carve out cemetery plot or mausoleum sales counselors from these classifications. The process of selling cemetery plots, mausoleum space and related services to customers at the cemetery or mausoleum location is not a clerical or outside sales process, as it exposes the salespersons to cemetery or mausoleum work areas and operations. The footnotes in these classifications directing cemetery plot or mausoleum sales counselors to Classification 8742 should be removed, and Classifications 9220(1) and 9220(2) should be amended to specifically include cemetery plot or mausoleum sales counselors at the cemetery or mausoleum location.

#### **Classification 7539, Electric Power Companies – all operations**

#### **Classification 7500, Gas Works – all operations**

#### **Classification 7520, Water Companies – all employees**

Each of these classifications includes a footnote directing that "Employees engaged exclusively in meter reading activities (or in combination with clerical office activities) shall be classified as 8742, *Salespersons – Outside*." Meter reading does not equate to sales, collection or public relations work, as it includes exposure to environmental hazards beyond those experienced by Outside Salespersons, as well as exposure to equipment that is integral to the provision of electric, gas or water service to customers. Further, each of these classifications includes the term "all operations" or "all employees." As the reading of water, electric and gas meters at customer locations is a typical and integral operation performed by employers assigned to these classifications, there should be no division of the meter readers' payroll.

The footnotes at issue originated from a 1920 Committee decision stating that "Payroll of meter readers not exposed to operative hazard of the risk may be separately classified and rated upon receiving approval of the Bureau." Following this decision, insurers requested approval to separately classify meter readers as Outside Salespersons. Later, this classification practice was included in the footnotes stating that 8742 can only be assigned to employees engaged exclusively in meter reading activities and not exposed to operative hazards.

#### Findings and Recommendations:

The activities of meter readers are not consistent with the Standard Exceptions Rule. In addition, Classifications 7539, 7500 and 7520 are "all operations" or "all employees" classifications, and there is no compelling reason to carve out these operations from these classifications. The footnotes in these Classifications directing the assignment of meter readers to Classification 8742 should be removed, and these classifications should be amended to specifically include meter reading activities.

#### **Impact Analysis**

The impact of the proposed change is limited to the eight Group 4 classifications that contain a footnote that improperly directs the assignment of specific operations, duties or employments to a Standard Exception classification. The WCIRB cannot provide a statistical analysis showing the impact of reassigning these specific operations, duties or employments from Classification 8810 or 8742 to the classification otherwise assignable to these employers because this data cannot be segregated from that of other Classification 8810 and 8742 operations that may be performed by these employers. In addition, it is unclear to what extent insurers have assigned such exposures to Classification 8810 or 8742 in cases where the operations clearly do not meet the criteria of the Standard Exceptions Rule.

## **Outreach**

The WCIRB notified 125 industry associations of this study and encouraged feedback. The WCIRB notified associations affiliated with the classifications referenced above and provided information about how the industry may be impacted.

For the constituents of the Group 4, notifications were tailored to highlight the changes being proposed for the classifications directly impacting their industry. Additionally, as there are only two California employers with primary operations focused on pari-mutuel betting, these employers were notified directly.

## **Findings**

Based on staff's review of the 30 classifications that include a footnote directive to Classification 8810, *Clerical Office Employees*, or Classification 8742, *Salespersons – Outside*, the WCIRB determined:

1. Twelve classifications address operations, duties or employments that are compatible with the Standard Exceptions definitions, and these directives properly state that the assignment of these operations to a Standard Exception classification is subject to the Standard Exceptions Rule.
2. Four classifications address duties or employments that are compatible with the Standard Exceptions definitions but do not state that the assignment of these operations to a Standard Exception classification is subject to the Standard Exceptions Rule, nor do they cite the rule.
3. Six classifications provide generic instructions regarding the assignment of Classification 8810 or 8742 that are unnecessary as they are duplicative of general classification procedures and not unique to the subject classification.
4. Eight classifications describe operations or duties that often fall outside of the scope of the Standard Exceptions definitions and may be unique to the subject classification.

## **Recommendations**

Based on the findings, the WCIRB recommends the following:

1. Retain the existing footnotes to the twelve classifications that (1) provide appropriate direction regarding how the subject operations should be classified, (2) properly state that the assignment of these operations to a Standard Exception classification is subject to the Standard Exceptions Rule and (3) cite the rule.
2. Amend the footnotes to the four classifications that, while providing appropriate direction, do not state that the assignment of these operations to a Standard Exception classification is subject to the Standard Exceptions Rule and do not cite the rule.
3. Delete the footnote directives for the six classifications that assign Classification 8810 or 8742 to generic operations or job duties that are duplicative of general classification procedures.
4. Delete the footnote directives for the eight classifications that assign Classification 8810 or 8742 to operations that are not compatible with the Standard Exceptions definitions and amend the classifications where applicable to provide clarity regarding how these operations should be classified.

**Recommendation**

Amend Classification 5606, *Contractors – construction or erection – executive level supervisors*, to amend the footnote assigning employees whose non-clerical duties are confined to visiting job sites for pre-construction estimating to Classification 8742, *Salespersons – Outside*, to indicate that the assignment is subject to the rules set forth in Section III, Rule 4, *Standard Exceptions*.

PROPOSED

**CONTRACTORS – construction or erection – executive level supervisors – no direct supervision – division of a single employee’s payroll with any other classification is not permitted** **5606**

This classification may be assigned only in connection with the construction or erection classifications listed in Appendix I, *Construction and Erection Classifications*.

This classification applies to executive level supervisors of construction operations wherein the employer develops payroll in one or more construction or erection classification(s) provided not less than two levels of supervision, as defined in Section IV, Rule 2d, *Executive Level Supervisors*, are retained between the executive level supervisor and the workers performing actual construction operations.

This classification also includes management level employees, such as safety managers, project managers and engineers, who do not supervise construction operations but whose duties include walking through a construction site during the construction phase, provided the employer retains two levels of supervision over the construction crew(s) or where all operations have been subcontracted to licensed subcontractors. Otherwise, such employees are miscellaneous employees and shall be classified in accordance with Section IV, Rule 2c, *Miscellaneous Employees (Construction or Erection)*.

This classification also applies to executive level supervisors when all construction operations are subcontracted to licensed contractors and no payroll is developed under any construction classification. In such instances, executive level supervisors exercise control exclusively through licensed subcontractors.

On jobs where all construction operations are subcontracted to licensed subcontractors, Classification 5610, *Contractors – construction or erection – all construction subcontracted*, applies to all other employees, including but not limited to job site cleaning and debris removal and post-construction warranty repair operations.

Classification 5606 does not apply to employees whose job site duties are limited to estimating, outside sales or public relations. Employees whose non-clerical duties are confined to visiting job sites for the purpose of pre-construction estimating, or for meeting with clients or other project representatives, are classified as 8742, *Salespersons – Outside*, provided they have no supervisory responsibilities over construction operations, and they do not walk through job sites for purposes such as assessing construction progress, evaluating quality or determining compliance with safety standards, and their activities do not exceed those of Standard Exception Employees. See Section III, Rule 4, *Standard Exceptions*.

Fee-based construction management companies that do not engage in or perform supervision over construction operations, but serve as an intermediary between the general contractor and project owner or otherwise provide expertise regarding a construction project, shall be classified as 8601(1), *Engineers – consulting*.

Also see Section IV, Rule 2, *Construction or Erection Work*.

\* \* \* \* \*

**Recommendation**

Amend Classification 9549, *Advertising Companies*, to amend the footnote assigning the display of hand-held advertisement signs and walking billboards (human sign holders) to Classification 8742, *Salespersons – Outside*, to indicate that the assignment of 8742 is subject to the rules set forth in Section III, Rule 4, *Standard Exceptions*.

PROPOSED

**ADVERTISING COMPANIES – outdoor – selling space for advertising purposes – including shop, yard or storage operations; the erection, painting, repair and maintenance, or removal of signs; bill posting; and sign painting or lettering in or upon buildings or structures 9549**

This classification includes the production of signs, banners and related products by advertising companies and the operation of mobile billboard trucks (mobile advertising signs).

The application of painted or adhesive lettering or graphics onto surfaces on a fee basis or onto customer vehicles by employers engaged in sign painting or lettering shall be classified as 9507, *Sign Painting or Lettering and Quick Sign Shops*.

The display of hand-held advertisement signs and walking billboards (human sign holders) at locations, including but not limited to sidewalks and street corners shall be classified as 8742, *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

\* \* \* \* \*

**Recommendation**

Amend Classification 9182, *Athletic Teams or Athletic Facilities – all employees other than players, umpires, referees and game officials*, to amend the footnote assigning athletic scouts to Classification 8742, *Salespersons – Outside*, to indicate that the assignment of 8742 is subject to the rules set forth in Section III, Rule 4, *Standard Exceptions*.

PROPOSED

**ATHLETIC TEAMS OR ATHLETIC FACILITIES – all employees other than players, umpires, referees and game officials 9182**

This classification applies to employees of athletic teams or parks who are engaged in the care of teams or the care, operation and maintenance of grounds and facilities, including but not limited to coaches and assistant coaches, non-playing managers, trainers, equipment managers, bat and ball retrievers, mascots, dancers, locker room attendants, public address announcers, scorekeepers, timekeepers, ushers, ticket sellers or collectors, parking lot attendants, security staff, and facility and grounds maintenance employees. This classification also applies to employees of youth or recreational athletic teams or facilities.

Athletic scouts shall be classified as 8742, *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

The operation of athletic facilities during non-sporting events, including but not limited to concerts and exhibitions 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.*

~~Radio or television broadcasting shall be separately classified as 7610, *Radio, Television or Commercial Broadcasting Stations.*~~

Players, playing managers, and umpires, referees and game officials who monitor play, shall be classified as 9181, *Athletic Teams or Athletic Facilities – players, umpires, referees and game officials.*

Radio or television broadcasting shall be separately classified as 7610, *Radio, Television or Commercial Broadcasting Stations.*

Also refer to companion Classification 9181, *Athletic Teams or Athletic Facilities – players, umpires, referees and game officials.*

If an employee who performs duties described by Classification 9182 also performs duties described by Classification 9181, the payroll of that employee may be divided between Classifications 9181 and 9182, provided the employer maintains accurate records supported by time cards or time book entries that show such division. See Part 3, Section V, Rule 3, *Division of Single Employee's Payroll.*

Restaurants, retail stores and vendors shall be separately classified.

\* \* \* \* \*

**Recommendation**

Amend Classification 8720(1), *Inspection for Insurance, Safety or Valuation Purposes*, to amend the footnotes assigning property appraisers and insurance claims or insurance fraud investigation companies that exclusively perform investigations that do not require surveillance of persons without their knowledge to Classification 8742, *Salespersons – Outside*, or Classification 8810, *Clerical Office Employees*, to indicate that the assignment of 8742 or 8810 is subject to the rules set forth in Section III, Rule 4, *Standard Exceptions*.

PROPOSED

**INSPECTION FOR INSURANCE, SAFETY OR VALUATION PURPOSES – N.O.C. – including 8720(1)  
Outside Salespersons**

This classification applies to employers that perform inspections for insurance, safety or valuation purposes on a fee basis, including but not limited to boiler inspections, electric meter inspection and testing, backflow valve inspection and testing, energy efficiency inspections, fire protection and safety inspections, log scaling and agricultural products inspection. This classification also applies to monitoring the flow of fluids on oil leases or along pipelines on a fee basis.

This classification also applies to insurance claims or insurance fraud investigations performed on a fee basis that involve surveillance of persons without their knowledge.

Insurance claims or insurance fraud investigation companies that exclusively perform investigations that do not require surveillance of persons without their knowledge shall be classified as

8742, *Salespersons – Outside*, or 8810, *Clerical Office Employees*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*. Insurance claims investigations performed by insurance companies shall be classified as 8822, *Insurance Companies*.

Investigation operations for other than insurance claims or insurance fraud shall be classified as 7721(1), *Detective or Private Investigative Agencies*.

When performed in connection with an employer's own operations, other than construction or erection, the operating crew of Unmanned Aircraft Systems (aerial drones) with an aircraft system and payload total combined weight of less than 55 pounds shall be classified in accordance with Section III, Rule 5, *General Inclusions*.

Property appraisal (or property appraisal in combination with clerical activities) on a fee basis shall be classified as 8742, *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.

The weighing, grading, inspecting or sampling of merchandise at docks, railway stations or warehouses on a fee basis shall be classified as 8720(3), *Weighers, Samplers or Inspectors of Merchandise on Docks or at Railway Stations or Warehouses*.

The fee inspection of boats, ships or marine vessels for safety or to determine seaworthiness or the fee inspection or surveying of cargo that may have been damaged in marine transit shall be classified as 7248, *Marine Appraisers or Surveyors*.

The provision of legal support services on a fee basis, including but not limited to process serving of summons, subpoenas and complaints; filing court documents; or reproducing documents shall be classified as 8821, *Law Firm Support Services*.

\* \* \* \* \*

### **Recommendation**

Amend Classification 4299(1), *Printing Operation – all other employees*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to remove the footnote assigning sales, collection or public relations work to Classification 8742, *Salespersons – Outside*, as it is duplicative of general classification procedures and not unique to this classification.

## PROPOSED

### **PRINTING, PUBLISHING AND DUPLICATING**

#### **PRINTING OPERATION – all other employees – including counterpersons and drivers and their helpers – N.O.C. 4299(1)**

This classification applies to employers engaged in commercial offset printing using methods, including but not limited to lithography, flexography, rotogravure, hot stamp or letterpress to produce printed matter such as business forms, stationery, greeting cards, labels, bumper stickers, bar codes, playing cards, bank checks, books and magazines. This classification includes incidental bindery and die cutting activities in support of the printing operations.

This classification does not apply when printing operations are performed by an employer in connection with its own operations. Such operations shall be assigned to the applicable classification of the employer.

~~Employees engaged in sales, collection or public relations work in support of commercial printing operations shall be separately classified as 8742, Salespersons – Outside, subject to the Standard Exceptions rule. See Section III, Rule 4, Standard Exceptions.~~

Locations at which job printing is exclusively performed with sheet-fed offset printing presses on paper not exceeding 18" x 24" shall be classified as 8019(1), *Printing – quick printing*.

Publishing or printing of newspapers, tabloids or advertising newspapers or newspaper inserts shall be classified as 4304, *Newspaper Publishing or Printing – all other employees*, or 8818, *Newspaper Publishing or Printing – editing, designing, proofreading and photographic composing*.

Screen printing shall be classified as 4295(1), *Printing Operation – screen printing – all other employees*, or 8846(1), *Printing Operation – screen printing – editing, designing, proofreading and photographic composing*.

Document duplication or photocopying by use of equipment, including but not limited to electrostatic copiers, scanners, and ink jet and laser printers shall be classified as 8019(2), *Document Duplication or Photocopying Service*.

Employers engaged in the printing of signs, banners and related commercial advertising products shall be classified as 9507, *Sign Painting or Lettering and Quick Sign Shops*.

Also refer to companion Classification 8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*.

\* \* \* \* \*

**Recommendation**

Amend Classification 8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*, which is part of *Printing, Publishing and Duplicating* Industry Group, to remove the footnote assigning sales, collection or public relations work to Classification 8742, *Salespersons – Outside*, as it is duplicative of general classification procedures and not unique to this classification.

PROPOSED

**PRINTING, PUBLISHING AND DUPLICATING**

**PRINTING OPERATION – editing, designing, proofreading and photographic composing – including Clerical Office Employees 8813(1)**

This classification includes pre-press activities and clerical office employees of employers engaged in commercial off-set printing. Pre-press activities include but are not limited to editing, designing, proofreading and photographic composition, including negative stripping and plate making.

~~Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742, Salespersons – Outside, subject to the Standard Exceptions rule. See Part 3, Section III, Rule 4, Standard Exceptions.~~

Also refer to companion Classification 4299(1), *Printing Operation – all other employees*.

\* \* \* \* \*

**Recommendation**

Amend Classification 4295(1), *Printing Operation – screen printing – all other employees*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to remove the footnote assigning sales, collection or public relations work to Classification 8742, *Salespersons – Outside*, as it is duplicative of general classification procedures and not unique to this classification.

PROPOSED

**PRINTING, PUBLISHING AND DUPLICATING**

**PRINTING OPERATION – screen printing – all other employees**

**4295(1)**

This classification applies to fee-based screen printing of a variety of items, including but not limited to clothing, banners, wallpaper, business cards, plastic, glass and metal containers and various parts received from customers. This classification also applies to pad printing.

Commercial printing operations shall be classified as 4299(1), *Printing Operation – all other employees*, 8813(1), *Printing Operation – editing, designing, proofreading and photographic composing*, or 8019(1), *Printing – quick printing*.

~~Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742, *Salespersons – Outside*, subject to the Standard Exceptions rule. See Part 3, Section III, Rule 4, *Standard Exceptions*.~~

Also refer to companion Classification 8846(1), *Printing Operation – screen printing – editing, designing, proofreading and photographic composing*.

\* \* \* \* \*

**Recommendation**

Amend Classification 8846(1), *Printing Operation – screen printing – editing, designing, proofreading and photographic composing*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to remove the footnote assigning sales, collection or public relations work to Classification 8742, *Salespersons – Outside*, as it is duplicative of general classification procedures and not unique to this classification.

PROPOSED

**PRINTING, PUBLISHING AND DUPLICATING**

**PRINTING OPERATION – screen printing – editing, designing, proofreading and photographic composing – including Clerical Office Employees**

**8846(1)**

This classification applies to pre-press activities and clerical office employees of employers engaged in fee-based screen printing. Pre-press activities include but are not limited to the design and development of artwork and the preparation of screens. This classification also includes the post-printing cleaning of screens.

~~Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742, Salespersons – Outside, subject to the Standard Exceptions rule. See Part 3, Section III, Rule 4, Standard Exceptions.~~

Also refer to companion Classification 4295(1), *Printing Operation – screen printing – all other employees.*

\* \* \* \* \*

**Recommendation**

Amend Classification 4295(2), *Screen Printed Merchandise Dealers*, which is part of the *Printing, Publishing and Duplicating* Industry Group, to remove the footnote assigning sales, collection or public relations work to Classification 8742, *Salespersons – Outside*, as it is duplicative of general classification procedures and not unique to this classification.

PROPOSED

**PRINTING, PUBLISHING AND DUPLICATING**

**SCREEN PRINTED MERCHANDISE DEALERS – all other employees 4295(2)**

This classification applies to the screen printing or pad printing of merchandise, including but not limited to clothing, advertising novelties, balloons and souvenirs, where not less than 75% of gross receipts are developed through the sale of items printed by the employer.

Retail store operations shall be separately classified.

~~Employees engaged in sales, collection or public relations work in support of printing operations shall be separately classified as 8742, Salespersons – Outside, subject to the Standard Exceptions rule. See Part 3, Section III, Rule 4, Standard Exceptions.~~

Also refer to companion Classification 8846(2), *Screen Printed Merchandise Dealers – editing, designing, proofreading and photographic composing.*

\* \* \* \* \*

**Recommendation**

Amend Classification 8755, *Labor Unions*, to remove the footnote assigning clerical office employees to Classification 8810, *Clerical Office Employees*, as it is duplicative of general classification procedures and not unique to this classification.

PROPOSED

**LABOR UNIONS – employees engaged outside of office – including Outside Salespersons 8755**

This classification applies to labor union employees who represent various groups of workers and are engaged in activities away from the office, including but not limited to handling grievances, performing job evaluations, collecting delinquent payments, checking work conditions, performing contract, wage and benefit negotiations and union organizing. This classification also applies to staff attorneys who work outside of the office at least part of the time. This classification also applies to employee associations and guilds that engage in collective bargaining.

~~Employees engaged in clerical office duties exclusively within the office shall be classified as 8810, Clerical Office Employees.~~

\* \* \* \* \*

**Recommendation**

Amend Classification 9529(2), *Decorating*, to remove the footnote assigning interior decorators and designers who do not install or place furnishings to Classification 8742, *Salespersons – Outside*, as this is not a definitive assignment and must be based on the actual duties performed by each decorator or designer.

PROPOSED

**DECORATING – interior or exterior – hanging flags or bunting for conventions or celebrations 9529(2)**

This classification applies to decorating the interior or exterior of buildings, streets, parking lots or malls with flags, banners, pennants or bunting in connection with conventions, celebrations, festivals or parades. This classification also applies to the installation of seasonal decorations, including but not limited to garland, trees, stars, balloons, lights, inflatable figurines and props. This classification includes the installation of similar items for advertising or commercial purposes.

The erection, removal or repair of tents away from the shop shall be classified as 9529(3), *Tent – erection, removal or repair*.

Painting or wallpaper installation shall be classified as 5474(1)/5482(1), *Painting or Wallpaper Installation*.

The installation or placement of house furnishings for other concerns on a fee basis shall be classified as 9521(1), *House Furnishings*.

~~Interior decorators or designers who operate on a fee basis and do not engage in the installation or placement of furnishings shall be classified as 8742, Salespersons – Outside, subject to the Standard Exceptions rule. See Section III, Rule 4, Standard Exceptions.~~

The installation of floor coverings, including but not limited to linoleum, vinyl, asphalt or rubber tile, carpet or rugs within buildings shall be classified as 9521(2), *Floor Covering*.

The installation of window coverings shall be classified as 9521(3), *Window Covering*.

\* \* \* \* \*

**Recommendation**

Amend Classification 9033, *Housing Authorities*, which is part of the *Municipal, State or Other Public Agencies* Industry Group, to assign employees engaged exclusively in determining the eligibility of properties owned and operated by separate parties for rental subsidies to Classification 9410, *Municipal, State or Other Public Agency Employees*, instead of Classification 8742, *Salespersons – Outside*.

PROPOSED

**MUNICIPAL, STATE OR OTHER PUBLIC AGENCIES**

**HOUSING AUTHORITIES – including resident or on-site managers**

**9033**

**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 public agencies that provide housing or housing assistance to individuals in need. The housing authority may own and operate the housing or provide financial assistance in the form of housing vouchers, which allow clients to reside in approved housing operated by other concerns. This classification includes but is not limited to resident or on-site property managers and property maintenance or repair staff.

On-site property managers are those employees whose base of operations is at any property location that they are employed to manage. The term “resident” shall refer to any employee who resides at a property managed by the employer.

Employees engaged in property inspections to determine the eligibility of properties owned and operated by separate parties for rental subsidies shall be separately classified as 9410, *Municipal, State or Other Public Agency Employees – not engaged in manual labor, or direct supervision of construction or erection work.*

The preparation or serving of hot foods shall be separately classified as 9079(1), *Restaurants or Taverns*.

Day care centers operated by housing authorities shall be separately classified as 9059, *Day Care Centers*.

~~Employees engaged exclusively in determining the eligibility of properties owned and operated by separate parties for rental subsidies shall be classified as 8742, *Salespersons – Outside*, subject to the Standard Exceptions rule. See Section III, Rule 4, *Standard Exceptions*.~~

New construction, alteration or demolition work shall be separately classified.

\* \* \* \* \*

**Recommendation**

Amend Classification 9410, *Municipal, State or Other Public Agency Employees – not engaged in manual labor, or direct supervision of construction or erection work*, which is part of the *Municipal, State or Other Public Agencies Industry Group*, to include employees engaged in determining the eligibility of properties owned and operated by separate parties for rental subsidies.

PROPOSED

**MUNICIPAL, STATE OR OTHER PUBLIC AGENCIES**

**MUNICIPAL, STATE OR OTHER PUBLIC AGENCY EMPLOYEES – not engaged in manual labor, or direct supervision of construction or erection work – N.O.C. 9410**

This classification includes mayors, city council members, elected officials, judges, hearing officers, district attorneys, courthouse clerks and public records clerks, employees engaged in laboratory work, health inspectors, building inspectors, engineers not engaged in actual construction or operation, meter readers other than water meter readers and similar occupations.

This classification includes housing authority employees engaged in determining the eligibility of properties owned and operated by separate parties for rental subsidies.

This classification also includes recreation and park department operations that are performed by recreation leaders, coaches, instructors, referees, and officials; daycare/babysitting; activity supervisors; and similar operations that do not involve manual labor.

Also refer to companion Classification 9420, *Municipal, State or Other Public Agency Employees – all other employees*.

\* \* \* \* \*

**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*, to remove the footnote assigning pari-mutuel employees to Classification 8810, *Clerical Office Employees*, as pari-mutuel employees working at 9016(1) operations are assignable to 9016(1) and to clarify its intended application.

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, ~~zoos~~, water parks, miniature golf courses, batting cages, bumper car facilities, archery ranges, water excursions/tours, laser tag, airsoft or paintball facilities, ~~and~~ 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 race track operations by employers that are not public agencies. ~~Pari-mutuel employees shall be separately classified as 8810, Clerical Office Employees.~~

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.

~~Restaurants or retail stores shall be separately classified.~~

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

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

Traveling carnivals or circuses shall be classified as 9185, *Carnivals or Circuses*.

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 race tracks 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 or retail stores shall be separately classified.

\* \* \* \* \*

### **Recommendation**

Amend Classification 9069, *Clubs – gaming*, to include a footnote directing that this classification applies to off-track betting facilities and includes the provision of pari-mutuel wagering operations to horse racing tracks and other horse race betting venues on a contract basis.

### PROPOSED

#### **CLUBS – gaming – all employees – including front desk employees and restaurant or tavern employees 9069**

This classification applies to the operation of casinos and gaming houses, including but not limited to card rooms, off-track betting facilities and bingo parlors.

This classification also applies to the provision of gaming tables, equipment, dealers and operators for private events.

This classification includes the provision of pari-mutuel wagering operations to horse racing tracks or other horse race betting venues on a contract basis.

\* \* \* \* \*

**Recommendation**

Amend Classification 9220(1), *Cemetery Operation*, to include cemetery plot or mausoleum sales counselors at the cemetery location.

PROPOSED

**CEMETERY OPERATION – all employees**

**9220(1)**

This classification applies to the operation and maintenance of cemeteries or mausoleums, including cemetery plot or mausoleum sales counselors at the cemetery location. This classification also applies to the operation and maintenance of pet cemeteries.

~~Cemetery plot or mausoleum sales counselors shall be classified as 8742, Salespersons – Outside.~~

Crematory operations shall be separately classified as 9220(2), *Crematory Operation*.

The operation of funeral homes and mortuaries shall be classified as 9620, *Funeral Directors*.

The manufacture of stone cemetery monuments shall be classified as 1803, *Stone Cutting or Fabrication*.

\* \* \* \* \*

**Recommendation**

Amend Classification 9220(2), *Crematory Operation*, to include cemetery plot or mausoleum sales counselors at the crematory location.

PROPOSED

**CREMATORY OPERATION – all employees**

**9220(2)**

This classification applies to the operation and maintenance of crematories, including cemetery plot or mausoleum sales counselors at the crematory location.

~~Cemetery plot or mausoleum sales counselors shall be classified as 8742, Salespersons – Outside.~~

Cemetery operations shall be separately classified as 9220(1), *Cemetery Operation*.

The operation of funeral homes and mortuaries shall be classified as 9620, *Funeral Directors*.

\* \* \* \* \*

**Recommendation**

Amend Classification 7539, *Electric Power Companies*, to include meter reading activities.

PROPOSED

**ELECTRIC POWER COMPANIES – all operations – including construction or extension of lines** **7539**

This classification applies to publicly or privately operated electric power companies that supply electrical power to customers. This classification includes the operation of all types of power generation plants or systems, including but not limited to hydro, solar, wind, geothermal, biomass and landfill gas power plants. This classification also includes the construction, operation, maintenance or repair of substations or transmission lines and the reading, installation or repair of electric meters.

The erection of aerial power lines by separate concerns shall be classified as 7538, *Electric Power Line Construction*.

The construction of buildings, dams or reservoirs shall be separately classified.

~~Employees engaged exclusively in meter reading activities (or in combination with clerical office activities) shall be classified as 8742, *Salespersons—Outside*.~~

\* \* \* \* \*

**Recommendation**

Amend Classification 7500, *Gas Works*, to include meter reading activities.

PROPOSED

**GAS WORKS – all operations – including construction or extension of lines** **7500**

This classification applies to the operations of publicly or privately operated natural gas utility companies. The operations include but are not limited to the operation and maintenance of gas processing and storage plants; construction or repair of gas lines and valves; installation, repair and replacement of flow regulation and metering devices; meter reading activities; and the sale and delivery of containerized propane or liquefied petroleum gas.

~~Employees engaged exclusively in meter reading activities (or in combination with clerical office activities) shall be classified as 8742, *Salespersons—Outside*.~~

The sale and delivery of containerized propane or liquefied petroleum gas by separate concerns shall be classified as 8350, *Gasoline or Oil Dealers*.

The operation of gas pipelines on a fee basis shall be classified as 7515, *Oil or Gas Pipeline Operation*.

The construction of gas pipelines between natural gas producing fields and points of connection with local distributing systems by separate concerns shall be classified as 6233, *Oil or Gas Pipeline Construction*.

The construction of gas mains along streets or roads by separate concerns shall be classified as 6315(2)/6316(2), *Gas Mains or Connections Construction*.

\* \* \* \* \*

**Recommendation**

Amend Classification 7520, *Water Companies*, to include meter reading activities.

PROPOSED

**WATER COMPANIES – all employees – including construction or extension of lines 7520**

This classification applies to the operations of publicly or privately operated water companies that supply potable water to communities. This classification includes but is not limited to the construction, maintenance or repair of water mains and lateral lines, the treatment of water, the operation and maintenance of pumping stations and the reading, installation or repair of water meters.

The construction of aqueducts, buildings, dams or reservoirs shall be separately classified.

~~Employees engaged exclusively in meter reading activities (or in combination with clerical office activities) shall be classified as 8742, *Salespersons—Outside*.~~

The construction of cross-country water pipelines by separate concerns shall be classified as 6361(2), *Cross-Country Water Pipeline Construction*.

The construction of water mains along streets or roads by separate concerns shall be classified as 6315(1)/6316(1), *Water Mains or Connections Construction*.

The delivery and spraying of water at construction sites by water truck service companies shall be classified as 7272, *Water Truck Service Companies*.

The operation of hydroelectric power plants shall be classified as 7539, *Electric Power Companies*.

\* \* \* \* \*

**WCIRB**California®  
Objective.Trusted.Integral.

1221 Broadway, Suite 900  
Oakland, CA 94612  
Voice 415.777.0777  
Fax 415.778.7007  
[www.wcirb.com](http://www.wcirb.com)  
[wcirb@wcirb.com](mailto:wcirb@wcirb.com)