



April 4, 2007

Addition of Underwriting
Guide information on
Page 3 – May 4, 2007

BUREAU CIRCULAR NO. 818

To All Members of the Bureau:

Re: **MANUAL REVISIONS – SECTIONS 1, 2 AND 5**
BUREAU FILING NO. 0701
EFFECTIVE JUNE 1, 2007

- 1) Code 861, Automobile Dismantling
- 2) Housekeeping Revisions – Sections 1, 2 and 5

The Delaware Compensation Rating Bureau, Inc. has filed and the Insurance Commissioner has approved Manual revisions to Sections 1, 2 and 5 pertaining to classification changes in Delaware. These revisions become **effective as of 12:01 a.m., June 1, 2007** with respect to new and renewal business only.

NOTE

The following is important Department of Insurance information pertaining to this filing.

The following requirements are consistent with previous instructions from the Delaware Department of Insurance pertaining to the adoption of revised loss costs resulting from a Bureau filing(s):

Bureau Filing No. 0701 amended Manual language and/or rating values for Codes 815 and 860 and allowed for the discontinuation of Code 861.

In order to establish approved rates for the classifications affected by Bureau Filing No. 0701, all Bureau members must make expense multiplier filings reflecting the most recent three years of expense data from the Insurance Expense Exhibit subsequent to the approval of the Bureau filing and not later than 90 days after the effective date of approval of the Bureau filing.

As Bureau Filing No. 0701 was approved March 29, 2007 with an effective date of June 1, 2007, carrier expense multiplier filings must be made with the Insurance Department after March 29, 2007 and not later than September 1, 2007. **For any period of time between June 1, 2007 and September 1, 2007 in which a carrier has not yet made the required expense multiplier filing, it must continue to use rates and classifications currently approved for that carrier by the Department of Insurance.**

Carrier filings which produce rates not less than the Bureau loss costs in each classification affected by Bureau Filing No. 0701 will be effective upon filing for use in Delaware. Other carrier filings must specify an effective date not less than 30 days after receipt of the filing by the Department of Insurance.

In the event that any carrier fails to make an expense multiplier filing with the Department of Insurance subsequent to March 29, 2007 and not later than September 1, 2007, the Department of Insurance will impose the approved June 1, 2007 residual market rates by classification for those classifications affected by Bureau Filing No. 0701 as the approved rates for such carrier(s) in those classifications effective September 1, 2007.

The classification revisions, as referenced on Page 1, are discussed below.

1) Code 861, Automobile Dismantling

This revision is the result of a Bureau study of Code 861, which was undertaken after a Pennsylvania study of that classification in an effort to keep Delaware classification procedures uniform with Pennsylvania when possible. Both studies found that Code 861 scope departed from both the Bureaus' separate but identical classification philosophies of assigning an employer to the class that best depicts how the employer is principally engaged or on the basis of the activity that develops more than 50 percent of the employer's revenue and is the only classification in either state that does so. The study conclusion is that the Bureau can no longer support a classification based upon the mere presence of an activity (i.e., automobile dismantling) regardless of the remainder of the employer's operations. Since the PCRB is recommending that its Code 861 be discontinued as a classification in Pennsylvania, and Delaware's Code 861 is a non-reviewed classification, necessitating a one-to-one equivalent classification in Pennsylvania, the result of the study is to discontinue Code 861 in Delaware as well and add wording to Section 5, Rulings and Interpretations, for proper assignment of automobile dismantlers going forward.

Manual revisions are shown below:

SECTION 2

CLASSIFICATIONS

DELETION

861 AUTOMOBILE DISMANTLERS.

Businesses engaged in automobile dismantling for the recovery of usable parts must be assigned to this classification. It includes all stores, yards or shops operated at the same or contiguous locations. It does not include businesses who demolish automobiles solely for the purpose of obtaining scrap metal; such businesses must be assigned to the applicable scrap metal classification based on the principal type of scrap metals.

SECTION 5

RULINGS AND INTERPRETATIONS

ADDITION

AUTOMOBILE DISMANTLING

A business whose operations include the dismantling of automobiles or other types of vehicles to recover usable/salable used parts shall be classified pursuant to the manner in which the employer is principally engaged. Please see the "Definitions" Ruling and Interpretation for additional information on principally engaged. Below find examples of reasonably common classification assignments for such businesses:

1. Assign Code 815 to businesses principally engaged in dismantling automobiles or other vehicles to recover usable/salable used parts and the sale of such and new parts.
2. Assign Code 815 to businesses principally engaged in performing automobile repairs (e.g., mechanical or body).
3. Assign Code 818 to businesses principally engaged in the sale of new and/or used automobiles or other vehicles (e.g., trucks, motorcycles).
4. Assign Code 858 to businesses principally engaged in the collection, handling and sale of ferrous scrap metal.
5. Assign Code 859 to businesses principally engaged in the collection, handling and sale of nonferrous scrap metal.
6. Assign Code 860 to businesses dismantling automobiles or other vehicles and collecting and handling a combination of ferrous and/or nonferrous scrap metal and/or other secondhand commodities (e.g., paper, glass) with no principal line of merchandise.
7. Assign Code 934 to businesses principally engaged in the sale of new and/or used automobile parts. There may be a payroll division with Code 815 when such businesses also provide automobile repair services or dismantle automobiles when the following conditions are fulfilled: the automobile repair services or automobile dismantling is conducted in a physically separate work area by separate employee crews, and the majority of the automobile parts are sold to unrelated customers and are neither installed or used by the business for repair services.
8. Assign Code 825 to businesses principally engaged in the storage of automobiles (e.g., an impound lot) or in the parking of customers' automobiles.

UNDERWRITING GUIDE

Automobile Dismantler.....[861]See Rulings and Interpretations
Recovery Of Usable Automobile Parts.....[861]See Rulings and Interpretations

The following are the approved residual market rates, loss costs and related rating values:

CODE	APPROVED EFF. 6/1/07 RESIDUAL MKT. RATE	APPROVED EFF. 6/1/07 LOSS COST	RESIDUAL MARKET MINIMUM PREMIUM	EXPERIENCE RATING PLAN <u>Expected Loss Factors Table</u>			HAZARD GROUP
				A-1	A-2	A-3	
815	\$ 8.47	\$ 6.03	\$2,125	\$1.50	\$1.82	\$2.04	III
860	14.54	10.35	3,250	2.58	3.12	3.50	III

2) HOUSEKEEPING REVISIONS – SECTIONS 1, 2 AND 5

These revisions are intended to make the Manual clearer and less ambiguous. Several revisions clarify classification procedures, while others update language of classification definitions to bring them into alignment with other Manual provisions and/or recognize technological or industrial change. The Employment Contractor – Temporary Staffing Cross-Reference Chart is also updated to incorporate the needed revisions pursuant to the other items contained in this circular.

Manual revisions are shown below.

SECTION 1

UNDERWRITING RULES

CHANGES

RULE IV – CLASSIFICATIONS

B. CLASSIFICATION

2. Standard Exception Classifications

- a. CLERICAL OFFICE EMPLOYEES..... is assigned.

(1) The clerk, such as a counter, front desk, lobby, mall kiosk, time, stock or tally clerk or librarian, whose work is necessary, incidental or part of any operation of the business other than clerical office, shall not be considered a clerical office employee. Such clerk should be assigned to the basic classification of the business.

C. ASSIGNMENT OF CLASSIFICATIONS

7. **NOC** [means not otherwise classified. A classification designated “NOC” shall apply only if no other classification more specifically describes the business.]Please see the Definitions Ruling and Interpretation, Section 5.

SECTION 2

CLASSIFICATIONS

CHANGES

222 PLASTIC Articles MFG., N.O.C.

[Includes all]Applicable to plastic molding businesses principally engaged in the molding of any plastic product by any plastic molding technique[s] except for plastic molding businesses principally engaged in injection molding which is assigned to Code 221 [and the]or businesses principally engaged in molding [of] plastic composite products which is assigned to Code 227.

CHANGES (continued)

467 BALL or Roller BEARING MFG.

[For establishments] Applicable to businesses principally engaged in the fabrication of either metal ball or roller bearings. Where a[n insured] business is engaged in the fabrication of either metal ball or roller bearings and these are consumed by the [insured's] business' production process, such operations shall be classified in accordance with the class appropriate to the business [of the employer].

608 FLAT CEMENT WORK [floors, driveways, yards, sidewalks or curbs. (Self-bearing floors, airport runways, warming aprons, street or road construction to be separately rated.)]

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

609 EXCAVATION [– for cellars or foundations for buildings, bridges, retaining walls and dams, including grading preparatory to building erection.]

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

659 ROOFING [– No payroll division with Code 676 at the same location or job site.]

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

918 BAKERY SHOP – Retail, including on-site preparation, all employees except Office.

Appli[es]cable to [risks] businesses principally engaged in producing bakery products or [to risks] businesses who buy finished bakery products from unrelated producers[.] and the principal [S] sales are over-the-counter for personal or household consumption, either on premises or through satellite outlets.

SECTION 5

RULINGS & INTERPRETATIONS

ADDITIONS

DEFINITIONS

TO BE SEPARATELY RATED OR SEPARATELY RATE: When either of these terms is found in a classification's definition, the payroll of personnel interchanging between that classification's tasks (e.g., shop) and also performing the specified function (e.g., erection, installation) may be divided between that shop class and class(es) designated for the specified function, provided the employer's original records show an allocation to both classifications for each interchanging employee. Estimated or percentage allocation of payroll is not permitted.

N.O.C.: Not Otherwise Classified. A classification so designated is to be assigned when there are two or more potential classification assignments, and there is no specific Underwriting Guide entry for a business' principal product or line of merchandise. For example, in the event there is no Underwriting Guide entry for a principal line of merchandise being sold wholesale, the assignment is Code 924.

ADDITIONS (continued)

FLAT CEMENT WORK – 608

Applicable to a specialist contractor performing ground-supported concrete work in the construction of houses or small (one- to two-story) commercial buildings, including but not necessarily limited to concrete footings, foundation walls, cellar floors, curbs, sidewalks and driveways. Also applicable to constructing ground-supported concrete floors for small commercial buildings and the blacktop paving or repaving of driveways, parking lots, sidewalks or yards. Further applicable to the breakup by use of picks or jack hammers and removal of old ground-supported concrete, digging with shovels, and the set-up and removal of forms by the ground-supported concrete contractor.

OPERATIONS ALSO INCLUDED:

1. Mausoleum or monument erection in cemeteries.
2. Diamond core drilling within buildings by a specialist contractor.
3. Painting lines in parking lots or tennis courts by a specialist contractor.

OPERATIONS NOT INCLUDED:

1. Assign Code 601 to the paving or repaving of streets, roads, airport runways or warming aprons.
2. Assign Code 601 to concrete curb or gutter work performed by a street or road paving contractor.
3. Assign Code 609 to excavation performed by means of mechanical equipment. See the "Excavation – 609" Ruling and Interpretation for further information.
4. Assign Code 654 ground-supported concrete work in the construction of commercial buildings three stories or more.
5. Assign Code 654 to the installation of precast walls or panels.
6. Assign Code 654 to the erection/dismantling of forms incident to the pouring of self-bearing floors or any other non-ground supported concrete work.
7. Assign Code 654 to Guniting/Shotcrete installation.
8. Assign Code 855 to concrete pumping services by a specialist contractor.

ROOFING – 659

Applicable to specialist contractors performing any type of roofing, roofing repair or reroofing job utilizing any type of roofing material including but not necessarily limited to hot tar, shingles, slate, tile or rubber on any type of roof such as flat, sloped or built-up. Also applicable to all personnel working on a roofing job (e.g., ground personnel passing materials to personnel on the roof and picking up debris and personnel on the roof). Further applicable to the waterproofing or insulation of roofs and the pressure washing of roofs.

OPERATIONS ALSO INCLUDED:

1. Roof decking and related carpentry work performed by a roofing contractor.
2. The installation of sheet metal products (e.g., fascia, gutters, downspouts) by a roofing contractor that is a part of a roofing job.

OPERATIONS NOT INCLUDED:

1. There is no payroll division between Code 659 and Code 676 at the same location of job.
2. Assign Code 454 to a separately-staffed and located sheet metal fabrication shop.

CHANGES

BAR, TAVERN, COCKTAIL LOUNGE, NIGHTCLUB OR DISCOTHEQUE – 899

A bar, tavern..... the employer's operations.

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

CABINET WORKS – WITH POWER DRIVEN EQUIPMENT – 311

[Applies]Applicable to [payroll developed in]a business principally engaged in the manufacture of cabinets, cabinet parts or similar wood products in which power-driven machinery is used. Many of the products contemplated by this classification are made to buyers' or customers' specifications and require installation. [Separately rate installation work by either Code 646 or Code 648 as provided in the Underwriting Guide.]

Typical products [covered]included by this classification include but are not necessarily limited to:

Architectural Woodwork	Partitions
Bathroom Vanities	Picture Frames
Bookcases	Restaurant Booths
Bulletin Boards	Room Dividers
Counter Tops	Showcases
Display Cases	Store Counters
Kitchen Cabinets	Toys – Wood
Library Cabinets	Walk-In Refrigerators
Parquet Flooring	

[Also includes payroll developed in the finishing of the products cited above. The term finishing means shellacking, staining, painting, lacquering or varnishing or covering with formica, porcelain or similar materials. Upholstering operations conducted by a separate crew of employees in a physically separate department shall be assigned to Code 327.]

OPERATIONS ALSO INCLUDED:

1. Finishing of cabinets, cabinet parts or similar wood products by their manufacturer. The term finishing means shellacking, staining, painting, lacquering or varnishing or covering with Formica, porcelain or similar materials.

OPERATIONS NOT INCLUDED:

1. Separately rate installation work by either Code 646 or Code 648 as provided in the Underwriting Guide.
2. Assign Code 327 to upholstering operations conducted by a separate employee crew in a physically separate department.

CHANGES (continued)

EMPLOYMENT CONTRACTOR – TEMPORARY STAFFING

Code 544 chart unchanged
Code 682 chart unchanged
Code 929 chart unchanged
Code 937 chart **deletion: - 861**
Code 947 chart unchanged
Code 949 chart unchanged

GROCERY STORE – 917

Applicable to businesses..... as defined below.

A supermarket is principally engaged in the retail sale of groceries, fresh fruits, vegetables, dairy products, bakery products, frozen foods and in addition thereto will have a meat department that sells fresh and cured meat, fish and/or poultry. A typical supermarket will also sell other merchandise including but not necessarily limited to: soft drinks, soap and other household cleaning items, paper products and/or cigarettes. A supermarket that is a “supercenter” may also sell non-grocery merchandise including but not necessarily limited to: cosmetics, toiletries, stationery products, [paperback] books, greeting cards, women’s hosiery, [prescription or] non-prescription drugs or kitchen supplies (e.g., pots, pans or potholders). A “super center” may further rent videos and/or DVDs.

A convenience grocer is principally engaged in the retail sale of groceries, fresh fruits, vegetables, dairy products, frozen foods, coffee, tea, spices or delicatessen foods such as cold cuts, salads, pickles, smoked fish or other “appetizers. A convenience grocer or a [D]delicatessen store[s] may also sell coffee by the cup, make sandwiches or sell sandwiches prepared by an unrelated business, prepare salads and/or cook meat such as roast beef, [Virginia] ham, barbecue chicken or spare ribs. A convenience grocer may also sell other merchandise including but not necessarily limited to: soft drinks, [coffee by the cup, sandwiches prepared by an unrelated concern,] household cleaning items, paper products, cigarettes or non-prescription drugs. [A “mini-mart” operated in combination with a self-service gasoline station is a type of convenience grocer.]

OPERATIONS ALSO INCLUDED:

1. Pharmacy operations conducted by the supermarket at the same or contiguous location.
2. Bakery operations conducted by the supermarket.

OPERATIONS NOT INCLUDED:

1. Assign Code 915 to a business[es] principally engaged in the retail sale of fresh or cured meats, poultry or fish.
2. The business of a concessionaire or independent contractor operating on the premises of a supermarket will be classified on the merits of their operations.

HAND TOOL MFG – NON-FORGED – 442

Applies to a business principally engaged in machining or assembling non-forged and non-powered hand tools or bench tools. This includes but is not necessarily limited to screwdrivers, pliers, hammers, chisels and wrenches.

OPERATIONS NOT INCLUDED:

1. Assign Code 433 to a business principally engaged in forging hand tools.
2. Assign Code 473 to a business principally engaged making portable powered hand tools.

CHANGES (continued)

HOTEL OR MOTEL OPERATIONS

The two classifications..... see Section 1, Rule V.

[Codes 973 and 945 apply only to workers directly employed by the hotel or motel and do not include employees of concessionaires or independent contractors operating on the premises. The operations of each such concessionaire or independent contractor will be classified solely on the merits of their operations.]

Payroll developed..... the higher value.

[Employees of either the hotel or hotel restaurant exclusively engaged in clerical office duties shall be assigned to Code 953.]

OPERATIONS ALSO INCLUDED:

1. Religious retreats.
2. Bed and breakfast enterprises.

OPERATIONS NOT INCLUDED:

1. The business or a concessionaire or independent contractor operating on the premises of a hotel or motel will be classified on the merits of their operations.
2. Assign Code 953 to employees of the hotel or hotel restaurant exclusively engaged in clerical office duties as defined in Section 1, Rule IV.

RETAIL STORE WITH MANUFACTURING CONCERN

Where a retail outlet is located at the same or contiguous premises as [an insured's] a business' manufacturing facility, [a separate] the applicable retail store classification shall apply to the payroll of the retail outlet provided that such retail outlet is operated in a work area physically separate [department] from the business' other operations by a floor-to-ceiling partition and by a separate crew of employees.

TOOL MFG. – N.O.C. – 441

Applies to a business principally engaged in machining tool steel or tungsten carbide into tools used for cutting or machining operations on machine shop equipment (e.g., lathes, mills)[, dies or molds which are used to cut or form materials in a press or,]. Also applies to a business principally engaged in making jigs or fixtures used to hold or position work [for] on machine shop equipment. [Also] Further applies to a business principally engaged in machining tool steel or tungsten carbide into molds for [unrelated] plastics or powdered metal molding or nonferrous metal casting [businesses] or dies for [unrelated] wire drawing, metal stamping, plastic or nonferrous metal extrusion [businesses]. The business' machining operations may include but are not necessarily limited to turning, milling, grinding or tapping. The tools, dies or molds may be assembled together, polished, buffed, tested and inspected. [Such business is typically a job shop. A job shop is defined as a business principally engaged in machining for unrelated businesses and that has either no proprietary products or the business' proprietary products is less than 50 percent of the business' revenue.]

A business principally engaged in the operations discussed above is typically a job shop. A job shop is defined for this classification as a business principally engaged in machining one or more of the above listed products for unrelated businesses and that has either no proprietary product(s) or the business' proprietary product(s) generates less than 50 percent of the business' revenue.

CHANGES (continued)

[Also included are employers principally engaged in the manufacture of wood or metal patterns or models and analogous products such as aircraft propeller mfg. – wood, architectural scale models mfg. by a specialist contractor, last form mfg. – wood, or wood carving by hand or machine.]

OPERATIONS ALSO INCLUDED:

1. Employers principally engaged in the manufacture of one or more of the following products: wood or metal patterns, models, aircraft propellers – wood, architectural scale models, last forms – wood, or wood carving by hand or machine.

OPERATIONS NOT [COVERED] INCLUDED:

1. through 5. remain unchanged.
6. Metal stamping or sheet metal products fabrication shall be classified as provided in this Manual.
7. and 8. remain unchanged.
9. Precision Machined Parts Mfg. - N.O.C. shall be defined as machining parts for unrelated businesses where the plans or specifications require more than 50 percent of the employer's machining operations will be held to a final tolerance of .001 inches or closer (e.g., .0005 inches) and where more than 50 percent of the machined parts made by the employer are not assigned to any other manufacturing classification. Businesses so principally engaged shall be assigned to Code 446.
10. [The]Assign Code 461 to an employer where more than 50 percent of the employer's machining of parts for unrelated businesses or the employer's proprietary product(s) where more than 50 percent of the employer's machinery operations are held to a final tolerance cruder than .001 inches (e.g., .003 inches, .005 inches, .010 inches) and where more than 50 percent of the parts [made]machined by the employer are not assigned to any other manufacturing classification[, shall be assigned to Code 461].
11. An employer principally engaged in [M]machining parts or products specifically assigned to any manufacturing classification shall be assigned to that specified manufacturing classification regardless of the final machining tolerance called for by the plans or specifications.
12. remains unchanged.
13. Code 441 is not applicable to any business that has a separate department making tools, dies molds or any other products assigned to Code 441 principally for use by that business in making any product(s) assigned to another manufacturing classification by this Manual.

RULINGS AND INTERPRETATIONS - AUDITING

ADDITIONS

Executive Officers – Classification Assignment

A significant number of disputes occur as a result of the misclassification of executive officers' payroll. In an attempt to enhance the accuracy and consistency of the treatment of these issues by insurance companies, below find a series of questions that the PCRБ believes will aid in the determination of the proper classification for executive officers.

ADDITIONS (continued)

- Who are the officers of the corporation for the policy period in question?
- Was each of these officers active in the business during the policy period in question?
- What were each officer's exact job duties?
- How many hours a week (or what percentage of time) does each officer work in the store, shop, job site, farm, etc.?
- How many hours a week (or what percentage of time) does each officer spend in the basic classification work area, providing direct supervision and/or giving instructions to employees?
- How many hours a week (or what percentage of time) does each officer spend out of the office for sales calls, meetings or other similar purposes?

Please also see Section 1, Rule IX, Paragraph A. 4. "Assignment of Payroll" that advises an executive officer shall be classified in the same manner as any employee. Also please see the "Regular and Frequent" Auditing Ruling and Interpretation.

Nursing Home Personal Care Home and Residential Care Facility Classification Guideline

The following guidelines have been developed to aid in the classification of employees of a typical nursing home/personal care home. Proper documentation on audit worksheets should be added whenever exceptions are made to these guidelines. These guidelines, to varying degrees, affect the following basic business classifications.

Code 960, NURSING AND CONVALESCENT HOME

Code 974, RETIREMENT OR LIFECARE COMMUNITY

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

Nursing home/personal care home employees do not have to provide actual "hands-on care" to the patients and/or residents in order to have their payroll assigned to one of the above basic classifications. The object of the classification system is to group insureds into classifications so that the rating value for each classification reflects the exposures common to such distinct business enterprise (See Section 1, Rule IV. C. 2. and C. 3.) It is the business of the insured that is classified within Delaware not the separate employments, occupations or operations within the business.

Employees who typically comprise the basic classification for a nursing home/personal care home are activity staff, beauticians or barbers (usually remunerated through a 1099), dining room set-up and servers, drivers, food preparation, housekeeping, laundry, maintenance/plant, including supervisors, nurses (registered nurses, licensed practical nurses), nurses aides, including certified nurses aides, security and therapists (physical and speech).

Employees typically considered office employees include accounting, accounts payable and accounts receivable, business office, bookkeeping, finance, human resources and the office manager. These employees must work in a physically separate office as defined in Section 1, Rule IV, B. 2.

Codes 960, 974 and 979 are "all employees except office," which means none of the three classes permit payroll division with Code 951, Outside Sales.

With the above statements in mind, the payroll of nursing home/personal care home employees should be assigned in the following manner.

ADDITIONS (continued)

ADMINISTRATOR/EXECUTIVE DIRECTOR

Each facility has a licensed nursing home or residential care facility administrator on site who is in charge of all operations at the facility. This employee prepares budgets, reviews departmental reports, answers questions of department managers, deals with licensing issues, handles public relation issues, attends community events to promote the business, deals with HIPAA (Health Insurance Portability and Accounting Act) regulations, deals with employee benefits, handles safety issues, interprets procedures and writes plans of correction based on inspection reports. The employee will attend patient care plan meetings. The administrator will make rounds of the facility on a regularly scheduled basis. Each round will vary as to the amount of time it takes depending on the size and complexity of the facility. During rounds, the administrator walks the halls to observe that the patients are being cared for properly, there are no unreported maintenance issues, no housekeeping issues that are unsolved, the floor has adequate staffing and the general appearance of the facility is acceptable.

The administrator will stop and talk to residents to inquire if they have any complaints or concerns and will talk to family members and volunteers who may have questions. The administrator will not provide direct patient care. By state law (for nursing homes only), the administrator is not permitted to feed, toilet, administer medications or provide any other type of care. However, administrators do keep track of how often nurses see patients.

Administrators should have their payroll assigned to the applicable basic classification, as they are regularly exposed to the operative hazards of the nursing home/personal care facility. An administrator's job duties fall beyond the Manual definition of a clerical office employee.

ASSISTANT ADMINISTRATOR

An assistant administrator performs many of the same job duties as the administrator and reports directly to the administrator in the chain of command. This employee may assist the administrator in the preparation of budgets, review departmental reports, answer questions of department managers, deal with licensing issues, handle public relation issues, attend community events to promote the business, deal with HIPPA regulations, deal with employee benefits, handle safety issues, interpret procedures and write plans of correction based on inspection reports. The employee will attend patient care plan meetings. The assistant administrator may make rounds of the facility on a regularly scheduled basis. Each round will vary as to the amount of time it takes depending on the size and complexity of the facility. During rounds, the assistant administrator may walk the halls to observe that the patients are being cared for properly. They make sure no restraints are being used, there are no unreported maintenance issues or housekeeping issues that are unsolved, the floor is adequately staffed, and the general appearance of the facility is acceptable.

The assistant administrator may stop and talk to residents to inquire if they have any complaints or concerns and may talk to family members and volunteers who have questions. The assistant administrator may or may not provide direct patient care. Assistant administrators should have their payroll assigned to the appropriate basic classification, as they are regularly exposed to the operative hazards of the nursing home/personal care facility. See the Regular and Frequent Ruling and Interpretation for the definitions of "regular and frequent." An assistant administrator's job duties fall beyond the Manual definition of a clerical office employee.

ACTIVITY DIRECTOR

The activity director is in charge of the recreational and educational activities at a nursing home. The director is responsible for setting up a schedule, ordering supplies for the activities and, in some of the smaller homes, directly supervising the employees and residents in activities. If the activities director has

ADDITIONS (continued)

a physically separate office, does not participate nor directly supervise (this activity may be done by the assistant activity director) and has no regular job duties in or about the facility, then the employee may have their payroll assigned to the clerical office classification. However, most activity directors are responsible for organizing and directly supervising the event and are present at the activity, whether it be on the premises of the facility or at another location (e.g., a shopping trip to a local mall). As such, the payroll of an activity director is generally assignable to the basic classification.

ADMISSIONS DIRECTOR

The admissions director may have alternate job titles, such as Marketing Director, Social Services Director, Public Relations Director or Director of Development. Regardless, this employee is responsible for working with residents and their families and guiding them through the admission process. The admissions director will explain facility rules (such as marking clothing with a name) and patients' rights. The employee will work with family members who wish to bring furniture from home. The admissions director may explain that all electrical appliances must be inspected for safety (no frayed wires). If a family member visits and removes money from the patient, the admissions director must determine if an abuse situation exists and deal with reporting suspected abuse. If a patient is not happy with his room or roommate, the admissions director will determine if the patient can be transferred to another room. The admissions director may coordinate family concerns with department heads. If two family members disagree about treatment or how a resident's money is being spent, the admissions director may intervene and mediate the situation. They may do the charting about the social interactions of residents. They will plan care meetings. If a patient passes away or moves to another facility, the admissions director may contact the family about collecting personal belongings. They may also work with the ombudsman (a representative from the Area Agency on Aging that is assigned to a nursing home). The payroll of an admissions director is usually assigned to the basic classification, as they regularly spend time in and about the facility even though their primary job duties keep them in a physically separate office.

CASE MANAGER

This position is responsible for the management of the rehabilitation department. The employee directs the therapists and gathers information on the level of care needed for minimum data sets (MDS) forms. The case manager maintains the resident's logs and compares the amount of therapy provided to the resident's care plan. The case manager usually does not provide any rehabilitation services. This employee may go to the local hospital to screen charts for potential admissions. The case manager deals with discharge personnel in hospitals regarding possible admissions to their facility. While at the nursing home, the case manager attends managed therapy meetings to see that therapy provided to a resident is in compliance with Medicare regulations. The employee prepares communications bulletins and may write articles for a news bulletin that is distributed to residents.

The case manager meets with physicians and social service workers to determine if any residents in the assisted living facility need to be moved to the nursing home. The employee is responsible for "hospitality" when new residents move into the independent living cottages, if such a facility exists. The employee will go to the resident's apartment and visit with the resident, answering any questions while providing information about the facility.

The case manager's payroll is properly assigned to the basic classification.

ADDITIONS (continued)

CENTRAL SUPPLY CLERK

This employee is responsible for distributing supplies to the floors and assuring the cupboards are stocked with needed supplies. This employee orders the supplies and determines what is chargeable to a resident. The employee will physically stock the supplies in the units. Some facilities title these employees as purchasing, but they work in an area similar to a storage office. They will make deliveries of supplies throughout the facility, and their control/purchasing is confined to a computer, paperwork or reports. Their offices are usually locked, since this is also where the supplies are located. The central supply clerk's payroll is properly assigned to the basic classification.

CHAPLAINS

A chaplain is a clergyman in charge of the nursing facility's chapel. They organize and conduct religious services for the residents of the nursing facility. They will visit non-ambulatory and ambulatory facility residents to provide spiritual counseling, individual worship services and counseling or just to see how a resident is faring in the facility. They may conduct in-room communions and/or last rites. Their payroll is properly assigned to the basic classification

CLINICAL DIRECTOR

The clinical director's job responsibilities usually involve updating and reviewing the resident's medical and treatment charts and folders. If they review medications and treatments on the floor or in the resident rooms or if their offices are not physically separate from all other areas of the nursing facility, the payroll of the clinical director is properly assigned to the basic classification.

DIETARY COORDINATOR /DIRECTOR /MANAGER / SUPERVISOR

In some of the larger facilities there is a Dietary Director/Manager who maintains all the dietary requirement records for the residents. Many residents have varying dietary needs, so this is often a critical position. This employee would develop menus and oversee food service. This may entail charting the intake of food by the residents. These duties are performed both in the office and on the floor. The duties also involve supervising the preparation of the food and may directly supervise dietary preparation in the kitchen or walk throughout the facility when meals are served to see that the patient is given their dietary requirements. The payroll of the dietary coordinator/director/ manager is properly assigned to the basic classification.

DIRECTOR OF NURSING (DON)/ASSISTANT DIRECTOR OF NURSING (ADON)

Director of Nursing - This position is usually charged with overseeing the entire nursing/care functions of the facility. This employee is responsible for administering the nursing program to maintain standards of patient care and advises medical staff, department heads and administrators in matters related to nursing service. The employee analyzes and evaluates the quality of care administered by the nursing staff and visits residents routinely. The DON does not do any actual patient care.

Some nursing directors move throughout the facility all of the time, while others less so, spending the majority of their time in the office. This employee performs the scheduling of the nursing staff, all of the interviewing and hiring of nursing staff, and may review the unit manager's work. Due to the nature of the employee's work and the fact that the position requires the visitation of residents and the evaluation of the quality of care administered by the nursing staff, the payroll of the director of nursing is properly assigned to the basic classification.

ADDITIONS (continued)

Assistant Director of Nursing - This position is responsible for directing the programs of the facility. The employee collaborates in composing and implementing nursing policy, practice and quality assurance throughout the nursing department. The employee does not do any actual patient care. Primarily, their job responsibilities center around the quality assurance programs. The ADON makes sure all nursing departments are ready for the state survey. The ADON develops the schedule for quality assurance audits and reports. The employee directs, supervises and assigns projects and programs to a quality assurance analyst. The employee develops and directly oversees the Infection Control Program and reports monthly to the Quality Assurance Committee. The employee may oversee the wound care program and plans, organizes and oversees the staff development program reviewing the accurate recording of in-service attendance records. The ADON interacts on a regular basis with patients, families, physicians and facility employees and makes tours throughout the facility on a daily basis.

In smaller facilities the ADON is the supervisor on the floor. Their time may be split between directly supervising the registered nurses and other nursing staff and completing paperwork in an office. The payroll of the ADON is properly assigned to the basic classification.

FACILITIES MANAGER

This employee, in most cases, has direct floor duties and can do hands-on repair and maintenance work in and about the facility. This employee will also conduct evaluations for major repairs and improvements to the facility that requires the hiring of outside contractors. The payroll of the facilities manager is properly assigned to the basic classification.

HOME HEALTH CARE OPERATIONS

Payroll developed by separate staff(s) performing home health care services shall be separately classified as provided in the Delaware Workers Compensation Manual.

INVENTORY CONTROL COORDINATOR

This employee is responsible for the control and purchasing of hard goods and supplies used throughout the facility. This employee usually has no hands-on responsibilities on the facility floor. They usually make no deliveries of supplies throughout the facility, and their control/purchasing is confined to data entry, computer-generated reports and related paperwork. The payroll of the inventory control coordinator is properly assigned to Code 953, Office, if their job duties are confined to working in a physically separate office.

MEDICAL DIRECTOR/MEDICAL COORDINATOR

The medical director is usually a physician who is only active on a part-time basis. When he/she is active, the duties are usually visiting patients and making rounds within the nursing home. The payroll of the medical director is properly assigned to the basic classification.

MAINTENANCE DISPATCH

These employees' major job responsibility is to dispatch work assignments to the maintenance employees. These employees are found in larger type facilities. They spend no time performing maintenance work in most facilities. They do not supervise the maintenance employees or do any inspections of the facility. As long as their job duties are confined to working in a physically separate office, their payroll can be assigned to Code 953, Office.

ADDITIONS (continued)

MASHGIAH

A mashgiah is an Orthodox rabbi or a person appointed by such a rabbi whose responsibility is to prevent violations of Jewish dietary laws by inspection of facilities where food assumed to be kosher is prepared for the public. These employees enter the kitchen area of the facility to make sure certain foods are kosher. This job position is usually found in faith-based facilities, and their payroll is properly assigned to the basic classification.

MEDICAL RECORDS CLERK/WARD CLERK

The medical records clerks are normally responsible for updating resident's charts and medical records. If they spend no time picking up and dropping off charts at either nurses' stations or resident's rooms, assign Code 953. If they perform any of the above duties on a regular basis on the floor, their payroll is properly assigned to the basic classification. If they complete their updates in a physically separate office, their payroll may be assigned to Code 953, Office.

In larger facilities, medical records clerks usually work in the business office and use computers to maintain a database of records. In such circumstances assign Code 953. In the smaller facilities, they may have other duties, including the delivery of medical supplies to nursing stations and interchanging labor as a central supply clerk. If a medical records clerk has any of these duties, then their payroll should be assigned to the basic classification.

NURSING SECRETARY/SCHEDULER

These employees do the paperwork for the nursing department, such as typing, scheduling, filing and other administrative support job duties. Their payroll may be assigned to Code 953, Office, if they work in a physically separate office and have no floor exposure. If they have their desks at the nursing station that is on the floor, their payroll would be assigned to the basic classification.

RECEPTIONIST

Receptionists answer incoming telephone calls and direct them to the correct extension. This employee also greets incoming visitors and asks them why they are at the facility. They may direct all visitors to sign a guest register. They may assist staff in making photocopies. They may maintain the postage meter and be responsible for outgoing mail. They will observe resident safety while the resident is in the lobby area. If one of the residents needs assistance or falls while in the lobby area, the receptionist may quickly page an aide to assist the resident rather than walk out to the resident herself. The receptionist will type the necessary information onto a new resident's identification bracelet. They may accept payment from residents or their representatives. They may walk out to the office, lobby and/or solarium to lock up the doors at the close of each day.

Receptionists in a nursing home facility not only greet and direct visitors but also provide a measure of security/safety for wandering residents and for visitors as well. Such an arrangement invariably precludes the assignment of Code 953, Office. Their payroll is properly assigned to the basic classification.

ADDITIONS (continued)

REGISTERED NURSE ASSESSMENT COORDINATOR (RNAC)

These employees are responsible for the completion and accuracy of the resident care planning process and monitoring level-of-care changes and determinations. The RNAC oversees the development and implementation of individual resident care plans and ensures the resident's reaction and ongoing development. They are case managers for the residents and compile all of the paperwork that is needed to deal with the Health Maintenance Organizations that reimburse the nursing home for the treatment and care of the resident. They input all types of information into the computer about the activity level of all of the residents. They complete forms called Minimum Data Sets (MDS) for each new admission to the facility. They complete MDS reviews on each resident on a quarterly basis, as well as an annual MDS. The form must be completed for each resident at least once a quarter and at other times required by Medicaid, including admission and change in condition.

The RNAC compiles this information by a comprehensive review of the patient charts. The form contains many different sections used to determine how well the resident is able to function. The dietician is responsible for completing the dietary section. The physical therapy department will complete a range of motion study and will complete the appropriate section of the form. The form is a comprehensive form that gathers information about the resident's social skills, communication skills, activities, cognitive skills, nutrition, vision and activities of daily living.

Nursing homes are reimbursed by Medicare for the care of a patient based on the condition of the patient. If a patient is in a severe condition and requires extensive medical condition, Medicare will reimburse more funds for that patient than a patient who is more self-sufficient. The RNAC writes up reports to be submitted to Medicare. These employees will visit nurses' stations to discuss the patient's progress with a DON or nursing supervisors. The RNAC will take the patient's charts back to their office to type up the reports. These individuals will also visit patient rooms to do evaluations.

The amount of time an RNAC spends working throughout the facility varies. An assessment nurse has to assess the patient, and different department heads complete parts of the form, but the RNAC signs off on the form. The RNAC places his/her license at risk by signing a form verifying the data is correct. For example, if a report states a patient has bedsores, the RNAC will go on the floor and physically turn the patient over to verify this is correct. Direct observation of the resident, as well as communication with the resident's direct caregivers across all shifts, are essential for the RNAC to complete their job according to the Resident Assessment Instrument User's Manual, a manual issued by the Federal government regarding the MDS. Based on the above information and job duties, the payroll of RNACs is properly assigned to the basic classification.

RESTORATIVE PROGRAMS DIRECTOR

This employee is responsible for making sure that the residents eat regularly, walk and engage in the therapy that is provided by the insured's restorative aides. The employee will go out to see the residents and test them and regularly walks around the facility. Part of the employee's job responsibilities requires the employee to walk, lift and bend. The restorative programs director directly supervises the restorative aides and reviews them doing their jobs. Their payroll is assigned to the basic classification.

ADDITIONS (continued)

STAFF DEVELOPMENT/IN-SERVICE TRAINING COORDINATOR

These employees are registered nurses and are the “clinical experts.” When a new employee is hired, these employees will do an orientation with the employee. They review corporate compliance, explain workers’ compensation and infection control, and introduce the employee to his manager. They verify that all forms are completed as required for the new hire. They attend “stand-up meetings.” These are meetings that occur at the change of a shift. The employees completing their shift will explain any changes in a resident’s condition to the new shift. These meetings used to take place at the nursing station, but, due to HIPPA regulations, they are now held in an activity room.

They are responsible for assuring the staff’s credentials and licenses are up-to-date. They assure nurses have the correct number of continuing education credits. They arrange for educational classes to be provided to employees. They may arrange for the maintenance department to provide information in a classroom setting on fire safety and the correct operation of a fire extinguisher. They may arrange for housekeeping to conduct a class for staff on infection control. They will gather information from the floor supervisors verifying nurses have met IV competencies (inserted the correct number of IVs successfully in the correct amount of time).

They regularly spend time doing classroom teaching of employees. They will teach and provide instruction classes on hand-washing techniques, resident safety, wound care and proper lifting mechanics. Their payroll is properly assigned to the basic classification.

STAFF COORDINATOR

This employee would only work from their office completing staffing schedules for the various departments. Their main job duty is to make sure there are enough employees for each shift.

If they have no other job duties and their scheduling work is done in a physically separate office, then the payroll of these employees may be assigned to Code 953, Office.

TRANSPORTATION DISPATCHER

Some of the larger facilities have employees who sit in an office and schedule transportation for the residents for shopping, doctors’ visits and family visits. If the employee has no other job duty and their scheduling work is done in a physically separate office, then their payroll may be assigned to Code 953, Office. If the employee regularly engages in driving the residents to and from their destinations, their payroll is properly assigned to the basic classification.

UTILIZATION MEDICAL REVIEWER - UMR

These individuals review charts from medical records for the doctors to determine patient medical needs.

These individuals work in enclosed offices and usually have no floor duties. If their work is done in a physically separate office, then the payroll of these employees may be assigned to Code 953, Office.

ADDITIONS (continued)

UNIT CLERK/SECRETARY

This employee is responsible for ordering supplies for the nursing department and checking secretarial notes for quality. The unit clerk will code bills for insurance companies, Medicare and Medicaid. These employees may work on the nursing home floor at a desk behind the nursing stations, or they may work in a physically separate office. Their responsibilities include maintaining all unit records of the patient residents. The employee answers the phones, schedules medical appointments for residents on the unit and marks files if a resident leaves the facility. The employee coordinates all labs and doctor appointments by telephone.

They call for transportation for all of the appointments and perform chart-thinning work according to the nursing home's policy. They maintain all forms and active files and coordinate all lab orders by telephone. They fax paperwork to pharmacies and physicians and complete admission/readmission checklists for each admission.

This employee is responsible for the secretarial work on the unit. The employee assures doctor's orders are placed in the patient's chart. The employee may work at a desk in the nursing station on the floor or may be in a physically separate office. If the employee has no regular job duties on the nursing room floor and works in a physically separate office, then their payroll may be assigned to Code 953, Office. If they work on the nursing home floor at a desk behind the nursing station, then their payroll should be assigned to the basic classification.

VOLUNTEER COORDINATOR

The coordinator who has no duties/supervisory responsibilities over the volunteers on the floor, who simply schedules and coordinates volunteers' activities, can be classified as clerical. They usually work in an enclosed office. Many coordinators simply spend their time on the telephone recruiting volunteers or asking them to come in on a particular day. If they have no regular job duties in or about the facility and they work in a physically separate office, their payroll should be assigned to Code 953. Those volunteer coordinators who supervise volunteers on the floor should have their payroll assigned to the basic classification.

CHANGE

PROPERTY MANAGEMENT FIRMS

Property management firms are engaged in the management of real property which may be owned by the management firm or owned by [other concerns]unrelated businesses and managed under contract. Real property is defined for this Ruling and Interpretation as apartment houses, condominiums, private dwellings (houses) and commercial office buildings. The duties of a property management firm are to enforce the provisions of the lease agreement entered into by the tenant and landlord, to ensure that necessary tax, mortgage, insurance and other payments are made in a timely manner, and to ensure that the property is maintained in such a way as to maximize its value to the owner. In the conduct of such operating management companies may employ maintenance personnel, resident or on-site managers, leasing agents or property management supervisors or may subcontract all or portions of these separate responsibilities. The basic functions performed by the personnel of property management firms and the current classification procedures followed in connection therewith are presented below.

ADDITIONS (continued)

Maintenance

Maintenance personnel generally.....assigned to Code 951.

OPERATIONS NOT INCLUDED:

1. The management or operation of all other types of real property is not subject to this Ruling and Interpretation and shall be classified as provided elsewhere in this Manual.

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

Timothy L. Wisecarver
President

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