



August 21, 2020

VIA SERFF

The Honorable Trinidad Navarro
Insurance Commissioner
Department of Insurance
State of Delaware
841 Silver Lake Boulevard
Dover, DE 19904-2465

Attention: Tanisha Merced, Deputy Insurance Commissioner

**RE: DCRB Filing No. 2005 – Proposed Effective December 1, 2020
Manual Housekeeping Revisions to Sections 2 of the Basic Manual**

Dear Commissioner Navarro and Deputy Commissioner Merced:

On behalf of the members of the Delaware Compensation Rating Bureau, Inc. (DCRB), we hereby submit the proposed filing for revisions to the Delaware Workers' Compensation Manual of Rules, Classifications and Rating Values for Workers' Compensation and Employers Liability Insurance (Basic Manual). These revisions are proposed for policies with effective dates of 12:01 a.m., December 1, 2020 or later. This proposed effective date is intended to make implementation of these changes concurrent with DCRB's normal annual comprehensive residual market rate and voluntary market loss cost filing, which will be filed with the Department of Insurance at a later date. This coordination consolidates necessary changes that our members and other constituents must make to policies, forms and systems so that they occur once annually. Nothing in the proposed Basic Manual language housekeeping revisions will impact any classification's residual market rate or voluntary market loss cost value.

Details of this filing are provided in DCRB's June 10, 2020 staff memorandum, which is included in this filing. The memorandum describes the proposed revisions to the Basic Manual language. These proposals are intended to assist in the administration of the DCRB's uniform classification plan and do not revise the scope of any classification. The memorandum and proposals were reviewed by the DCRB Classification and Rating Committee at the Committee's June 10, 2020 meeting.

The Basic Manual language housekeeping proposals are summarized below:

- Section 2 – Revisions to six classification descriptions.
- Section 2 – Addition of five new Underwriting Guide entries, revision to six existing Underwriting Guide entries, and deletion of nine Underwriting Guide entries.
- Section 2 – Deletion of the Home Health Care Services entry from the General Auditing and Classification Information Section.

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

Sincerely,

William V. Taylor
President

Enclosure: Revisions to Section 2 – Basic Manual



TO: Delaware Compensation Rating Bureau Classification & Rating Committee

FROM: Joe Lombo, Manager–Classification

DATE: June 10, 2020

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

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

The Section 2 revisions are provided below. None of the language revisions will impact any classification's proposed December 1, 2020 DCRB loss cost or Residual Market rating value. The DCRB recommends that all of the Section 2 language revisions proposed herein become effective December 1, 2020.

DELAWARE WORKERS COMPENSATION MANUAL OF RULES, CLASSIFICATIONS AND RATING VALUES FOR WORKERS COMPENSATION AND FOR EMPLOYERS LIABILITY INSURANCE

Proposed Effective December 1, 2020

INFORMATION PAGE remains unchanged.

PREFACE remains unchanged.

SECTION 1 – UNDERWRITING RULES remains unchanged.

SECTION 2

RATING VALUES through **DEFINITIONS** remains unchanged.

CLASSIFICATIONS

601 ROAD OR STREET CONSTRUCTION: PAVING OR REPAVING

Applies to the laying of the road starting with the sub-base and includes all kinds of paving or repaving, surfacing or resurfacing or scraping, including airport runways or warming aprons. Also included are trimming and finishing of shoulders, installing curbing and erecting guard rails or fences.

~~Asphalt plants operated by a paving contractor shall be classified in accordance with the following procedure. Permanently located plants staffed by a separate crew shall be assigned to Code 855. Portable/ temporarily located asphalt plants shall be assigned to Code 601.~~

OPERATIONS ALSO INCLUDED:

Items 1. through 4. remain unchanged

5. [Portable/temporarily located asphalt plants operated by a paving contractor.](#)

OPERATIONS NOT INCLUDED:

Items 1. through 5. remain unchanged

6. [Assign Code 855 to permanently located and separately staffed asphalt plants.](#)

No change to Classification Code 603 – SEWER CONSTRUCTION – ALL WORK TO COMPLETION, INCLUDING MASONRY WORK IN CONNECTION THEREWITH – NO TUNNELING through Classification Code 608 – FLAT CEMENT WORK.

609 EXCAVATION

Remains unchanged.

UNDERWRITING GUIDE ADDITION:

[Foundation Excavation](#)

No change to Classification Code 611 – PILE DRIVING, INCLUDING TIMBER WHARF BUILDING through Classification Code 828 – PARATRANSIT SERVICE.

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855 LUMBER AND/OR BUILDING MATERIAL DEALER

Applicable to establishments principally engaged in selling lumber and/or building materials on a wholesale or retail basis. The lumber may include but is not necessarily limited to: rough and dressed lumber, flooring, molding, doors, sashes, frames and other millwork. The building materials may include but are not necessarily limited to: roofing, siding, shingles, wallboard, ~~paint~~ brick, ~~tile~~ cement, ready-mix concrete, sand or gravel. This class also includes payroll developed in the delivery of hardware, lumber and/or building materials by the lumber/building material dealer.

UNDERWRITING GUIDE REVISION:

Non-Mobile & Non - Self-Propelled Construction Equipment – Rental Or Sale

No change to Classification Code 857 – METAL SERVICE CENTER (FERROUS OR NONFERROUS METALS) through Classification Code 932 – COPYING OR DUPLICATING SERVICE – ALL EMPLOYEES INCLUDING OFFICE.

933 VENDING OR COIN OPERATED MACHINE- INSTALLATION, SERVICE OR REPAIR, ALL EMPLOYEES EXCEPT OFFICE

OPERATIONS ALSO INCLUDED:

1. Assign Code 897 to sandwich or other food preparation when conducted by separate staff in a physically separate work area.

No change to Classification Code 934 – AUTOMOBILE PARTS AND ACCESSORY STORE – RETAIL AND/OR WHOLESALE through Classification Code 941 – SOCIAL REHABILITATION FACILITY – FOR ADULTS OR CHILDREN – ALL EMPLOYEES INCLUDING OFFICE.

942 HOME HEALTH CARE SERVICES–~~PROFESSIONAL STAFF~~, ALL EMPLOYEES EXCEPT OFFICE

~~Please see the Home Health Care Services entry in the General Auditing & Classification Information section for further information on the scope of this class.~~

Applicable to commercial agencies providing home health care services to clients. Home health care is clinical medical care provided by skilled medical professionals and includes but is not necessarily limited to: nursing care, home infusion therapy, and physical, speech and/or occupational therapy.

OPERATIONS ALSO INCLUDED:

1. Outside salespersons employed by a home health care provider.

OPERATIONS NOT INCLUDED:

1. Assign Code 943 to separate staff providing home care services. See Code 943 for additional information.
2. Assign Code 928 to separate staff selling or renting durable medical equipment or supplies such as hospital beds, wheelchairs, commodes and walkers.

943 HOME HEALTH CARE – NONPROFESSIONAL STAFF, ALL EMPLOYEES EXCEPT OFFICE

~~Please see the Home Health Care Services entry in the General Auditing & Classification Information section for further information on the scope of this class.~~

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Applicable to commercial agencies providing home care services to clients. Home care is unskilled non-clinical care provided by home health aides, attendant care aides, companions, live-ins and/or home support personnel. Services provided involve assistance with activities of daily living, including but not necessarily limited to: eating and drinking, walking, transferring (i.e. getting in and out of bed or a chair), personal hygiene, dressing, and using the bathroom.

OPERATIONS NOT INCLUDED:

1. Assign Code 942 to separate staff providing home health care services. See Code 942 for additional information.
2. Assign Code 942 to the outside sales staff of a home care provider, whether or not the home care provider also provides home health care services.
3. Assign Code 928 to separate staff selling or renting durable medical equipment or supplies such as hospital beds, wheelchairs, commodes, and walkers.

UNDERWRITING GUIDE CHANGES:

~~Community Nursing Services—Nonprofessional~~

Home ~~Health~~-Care Services – Nonprofessional Staff

Hospice Care Performed In Client's Residence –~~Nonprofessional Staff~~

UNDERWRITING GUIDE ADDITION:

Respite Care Services – In Home

No change to Classification Code 944 – COUNTRY, GOLF OR YACHTING – ALL EMPLOYEES EXCEPT OFFICE through Classification Code 967 – THEATERS – ALL EMPLOYEES INCLUDING OFFICE.

968 AMATEUR SPORTS, RECREATIONAL OR AMUSEMENT FACILITY, INDOOR

UNDERWRITING GUIDE ADDITION:

Haunted House

No change to Classification Code 969 – AMUSEMENT, OUTDOOR: FAIRS, EXHIBITIONS, AMUSEMENT PARKS OR ANY OUTDOOR AMUSEMENT THAT IS PERMANENTLY SITED through Classification Code 971 – COMMERCIAL BUILDINGS.

973 HOTEL - ALL EMPLOYEES EXCEPT OFFICE, ~~AND~~ FOOD SERVICE OR BEVERAGE OPERATIONS STAFF AND SLOT MACHINE GAMBLING STAFFS

No change to Classification Code 974 – RETIREMENT OR LIFE CARE COMMUNITY – WITH LESS THAN 50% OF BEDS LICENSED AS INTERMEDIATE CARE OR HIGHER – ALL EMPLOYEES EXCEPT OFFICE through Classification Code 976 – COMMUNITY CENTER – ALL EMPLOYEES INCLUDING OFFICE.

977 BARBER SHOP, BEAUTY PARLOR OR HAIR STYLING SALON

UNDERWRITING GUIDE ADDITION:

Cryotherapy Services

No change to Classification Code 978 – CAMPS, N.O.C. – ALL EMPLOYEES INCLUDING OFFICE AT CAMP LOCATIONS through Classification Code 999 – CEMETERY.

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0006 FIELD CROP OR VEGETABLE FARM – THE RAISING OF ALL FIELD CROPS OR VEGETABLES

UNDERWRITING GUIDE DELETIONS:

~~Farm, Grain~~

~~Farm, Tobacco~~

~~Farm, Vegetable~~

No change to Classification Code 0008 – MUSHROOM RAISING through Classification Code 0013 – NURSERY.

0016 ORCHARD – THE RAISING OF FRUIT OR NUT TREES OR OF BERRIES OR GRAPES

(No change.)

UNDERWRITING GUIDE REVISIONS:

Berry ~~Or Fruit~~ Farm

Orchard ~~Or Vineyard~~

Vineyard ~~Or Orchard~~

UNDERWRITING GUIDE DELETIONS:

~~Farm, Berry~~

~~Farm, Fruit~~

~~Farm, Vineyard~~

~~Orchard Or Fruit Farm~~

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~~Home Health Care Services~~
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Wrecking Or Demolition Or Building Moving Or Raising Project

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HOME HEALTH CARE SERVICES

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

~~Code 942, "HOME HEALTH CARE - Professional Staff, all employees except office," includes registered or licensed practical nurses, pharmacists, physical, speech and/or occupational therapists, medical social workers and outside salespersons.~~

~~Code 943, "HOME HEALTH CARE - Nonprofessional Staff, all employees except office," includes but is not necessarily limited to home health aides and certified home health aides, certified nurse assistants, attendant care aides, companions and live-ins and home health support personnel such as homemakers and chore workers.~~

~~OPERATIONS ALSO INCLUDED:~~

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

~~OPERATIONS NOT INCLUDED:~~

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

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OPERATIONS ALSO INCLUDED:

Items 1. through 4. remain unchanged.

5. Portable/temporarily located asphalt plants operated by a paving contractor.

OPERATIONS NOT INCLUDED:

Items 1. through 5. remain unchanged

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OPERATIONS ALSO INCLUDED:

1. Assign Code 897 to sandwich or other food preparation when conducted by separate staff in a physically separate work area.

No change to Classification Code 934 – AUTOMOBILE PARTS AND ACCESSORY STORE – RETAIL AND/OR WHOLESALE through Classification Code 941 – SOCIAL REHABILITATION FACILITY – FOR ADULTS OR CHILDREN – ALL EMPLOYEES INCLUDING OFFICE.

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OPERATIONS ALSO INCLUDED:

1. Outside salespersons employed by a home health care provider.

OPERATIONS NOT INCLUDED:

1. Assign Code 943 to separate staff providing home care services. See Code 943 for additional information.
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OPERATIONS NOT INCLUDED:

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UNDERWRITING GUIDE CHANGES:

Home Care Services – Nonprofessional Staff
Hospice Care Performed In Client's Residence –

UNDERWRITING GUIDE ADDITION:

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No change to Classification Code 944 – COUNTRY, GOLF OR YACHTING – ALL EMPLOYEES EXCEPT OFFICE through Classification Code 967 – THEATERS – ALL EMPLOYEES INCLUDING OFFICE.

968 AMATEUR SPORTS, RECREATIONAL OR AMUSEMENT FACILITY, INDOOR

UNDERWRITING GUIDE ADDITION:

Haunted House

No change to Classification Code 969 – AMUSEMENT, OUTDOOR: FAIRS, EXHIBITIONS, AMUSEMENT PARKS OR ANY OUTDOOR AMUSEMENT THAT IS PERMANENTLY SITED through Classification Code 971 – COMMERCIAL BUILDINGS.

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0016 ORCHARD – THE RAISING OF FRUIT OR NUT TREES OR OF BERRIES OR GRAPES

Remains unchanged.

UNDERWRITING GUIDE REVISIONS:

Berry Farm
Orchard
Vineyard

UNDERWRITING GUIDE DELETIONS:

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No change to Abrasive Paper Or Cloth Preparation – Code 255 through Beret Mfg – Code 161

Berry Or ~~Fruit~~-Farm **0016**

No change to Beverage Can Recycling – Code 862 through Community Living Arrangement (CLA) for the Intellectually and/or Developmentally Disabled – Code 941

~~Community Nursing Services – Nonprofessional Staff~~ **943**

No change Community Nursing Services - Professional Staff – Code 942 through Crutches Mfg. – Wood – Code 309

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~~Farm, Berry~~ **0016**

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~~Farm, Tobacco~~ **0016**

No change to Farm, Tree – Code 0013

~~Farm, Vegetable~~ **0006**

~~Farm, Vineyard~~ **0006**

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Non-Mobile & Non-Self-Propelled Construction Equipment - Rental Or Sale **855**

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~~Orchard Or Fruit Farm~~ **0016**

~~Orchard Or Vineyard~~ **0016**

No change to Orchard Work, Fumigating Or Pruning By Contractor – Code 005 through Respirator Equipment Mfg. – Code 488

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No change Vegetable Oil Mfg. - All Types – Code 551 through Vinegar Mfg. – From Purchased Concentrates Only – Code 104

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No change Vinyl Asbestos Floor Tile Mfg. – Code 509 through Zoo – Code 969

0016

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No change Vinyl Asbestos Floor Tile Mfg. – Code 509 through Zoo – Code 969

SECTION 3 – ENDORSEMENTS remain unchanged.

SECTION 4 – RETROSPECTIVE RATING PLANS remains unchanged.

SECTION 5 – EXPERIENCE RATING PLAN remains unchanged.

SECTION 6 – MERIT RATING PLAN remains unchanged.