

November 15, 2022

DCRB CIRCULAR NO. 1018

To All Members of the DCRB:

Re: **APPROVAL OF DCRB FILING NO. 2204**
BASIC MANUAL HOUSEKEEPING REVISIONS TO SECTIONS 1 AND 2
EFFECTIVE: DECEMBER 1, 2022

The Delaware Insurance Commissioner has approved DCRB Filing No. 2204 regarding housekeeping revisions to Sections 1 and 2 of the Delaware Workers Compensation Manual of Rules, Classifications and Rating Values for Workers Compensation and for Employers Liability Insurance (Basic Manual) for policies effective 12:01 a.m., December 1, 2022, or later. The filing effective date aligns concurrently with the DCRB's normal voluntary market loss cost and residual market rate revision filing, which was approved by the Commissioner with an effective date of December 1, 2022, (see DCRB Circular No. 1016, dated October 31, 2022, and which may be accessed on the DCRB's website: <http://www.dcrb.com> by clicking on the home screen's "Circulars" tab, for reference). This coordination will consolidate necessary changes that members and other constituents must make to policies, forms, and systems.

The housekeeping revisions are intended to improve Basic Manual language by making it clearer and less ambiguous. The revisions clarify existing classification procedures and update language defining certain classifications to align with verbiage used in other Basic Manual provisions and/or to recognize ongoing technological or industrial changes. These changes are intended to assist in the administration of the DCRB's uniform classification plan and do not revise the scope of any classification or impact any classification's voluntary market loss cost or residual market rating value.

The Basic Manual housekeeping revisions are summarized below:

Section 1

- Revisions to Rule IV.B. (Classifications) for clarity.

Section 2

- Revision to the Code 0011, Flower Raising, Cultivating or Growing, class description for clarity.

- General Auditing and Classification Information – the entry pertaining to temporary staffing is retitled from “Employment Contractor – Temporary Staffing Contractor” to “Temporary Staffing Contractor” and moved so that this section remains in alphabetical order.

Underwriting Guide

- Addition of four new Underwriting Guide entries.

Please refer to Filing No. 2204, posted under the “Filings” tab of the DCRB’s website, for additional information. Please contact Joe Lombo – Manager - Classification, at (215) 320-4498 or at jlombo@dcrb.com for any questions relating to this Circular. The Basic Manual will be updated on the DCRB’s website at a later date.

William V. Taylor
President

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

Proposed Effective December 1, 2022

MANUAL RULES

PREFACE remains unchanged.

MEMBERSHIP remains unchanged.

TABLE OF CONTENTS remains unchanged.

SECTION 1 – UNDERWRITING RULES - RULE I – GENERAL through RULE III – POLICY PREPARATION remains unchanged.

RULE IV – CLASSIFICATIONS

A. GENERAL EXPLANATION – Remains unchanged.

B. CLASSIFICATIONS

Classifications are listed numerically in Section 2 (Classifications) of this Manual. [The classification description, if applicable, and Underwriting Guide entry immediately below a classification's title pertain to that classification.](#) ~~Each temporary staffing classification is a one-to-one match with a direct employment classification. Temporary staffing classifications are identified by a four-digit number that is 2,000 greater than the associated direct employment classification. For example, for direct employment classification, the corresponding temporary staffing classification.~~

~~The classification description, if applicable, and Underwriting Guide entry immediately below a classification's title pertain to that classification.~~ [Each temporary staffing classification is a one-to one match with a direct employment classification. Temporary staffing classifications are identified by a four-digit number that is 2000 greater than the associated direct employment classification. For example, for direct employment classification 323, the corresponding temporary staffing classification is 2323.](#)

1. Direct Employment Classifications

All classifications in this Manual, other than the standard exception classifications and the temporary staffing classifications, are direct employment classifications. [The direct employment classification description, if applicable, and Underwriting Guide entry immediately below a direct employment classification's title pertain to the classification.](#) Direct employment classifications describe an employer's field of business as illustrated in the following examples:

Examples – Remain unchanged.

2. Subclassification – Carrier Option – Remains unchanged.

3. Temporary Staffing Classifications

A temporary staffing contractor hires employees and assigns those employees to an unrelated business for temporary work assignments varying in duration from one day to any period less than one year. Subject to specified exceptions, temporary staff provided by a temporary staffing contractor to a client shall be assigned to the temporary staffing classification corresponding to

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the client's assigned direct employment classification. [Each temporary staffing classification is a one-to-one match with a direct employment classification. Temporary staffing classifications are identified by a four-digit number that is 2,000 greater than the associated direct employment classification.](#) The corresponding temporary staffing classification for each direct employment classification, where applicable, is identified in the direct employment classification's entry in the Section 2 – Alphabetic Classification Underwriting Guide. Examples of temporary staffing classifications are shown below:

Examples – Remain unchanged.

Refer to the Temporary Staffing Contractors entry in the General Auditing & Classification Information section of this Manual for additional details regarding the classification procedure for temporary staffing contractors.

SECTION 1, RULE B.4 - STANDARD EXCEPTION CLASSIFICATION through **RULE XVII – MEMBER CARRIER DISPUTE (DISPUTE RESOLUTION CONFERENCE)** remain unchanged.

SECTION 2 – CLASSIFICATIONS AND BUREAU RATING VALUES

TABLE OF CONTENTS through Classification code 821, **BEVERAGE DISTRIBUTOR, WHOLESALE,** remain unchanged.

825 AUTOMOBILE STORAGE GARAGE OR PARKING STATION OR LOT

No change.

Underwriting Guide

[Valet Parking, By Specialist Contractor](#)

Classification code 828, **PARATRANSIT SERVICE**, through Classification code 935, **LUMBER AND/OR BUILDING MATERIAL DEALER – STORE EMPLOYEES - FOR USE IN CONJUNCTION WITH CODE 855 ONLY** remain unchanged.

936 BROADCASTING STATION – RADIO OR TELEVISION, ALL EMPLOYEES INCLUDING OFFICE

No change.

Operations Also Included

No change.

Operations Not Included.

No change.

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Underwriting Guide

[Transferring Film, Photos, Videotape, Etc. To Digital Media](#)

Classification code 939, **CARNIVAL, CIRCUS, OR AMUSEMENT DEVICE OPERATOR – TRAVELING**, through Classification code 944, **CLUB – COUNTRY, GOLF OR YACHTING – ALL EMPLOYEES EXCEPT OFFICE**, remain unchanged.

945 HOTEL RESTAURANT EMPLOYEES, ALL EMPLOYEES EXCEPT OFFICE. FOR USE IN CONJUNCTION WITH CODE 973 ONLY.

No change.

[Underwriting Guide](#)

[Hotel Restaurant Employees](#)

Classification code 948, **MAILING OR ADDRESSING COMPANY – ALL EMPLOYEES INCLUDING OFFICE** through Classification code 956, **LAW FIRM, ALL EMPLOYEES INCLUDING OFFICE**, remain unchanged.

957 PHYSICIAN OR DENTIST, ALL EMPLOYEES INCLUDING OFFICE

No change.

Operations Also Included.

No change.

Operations not Included.

No change.

Underwriting Guide

[Medical Testing, Mobile/Traveling, By Specialist Contractor](#)

Classification code 958, **REHABILITATION HOSPITAL, ALL EMPLOYEES INCLUDING OFFICE**, through Classification code 0008, **MUSHROOM RAISING**, remain unchanged.

0011 FLOWER RAISING, CULTIVATING OR GROWING

No change.

Operations Also Included:

1. No change.

2. [An employer principally engaged in growing medical marijuana.](#)

Operations Not Included:

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1. Assign Code 919 to a physically separate and separately staffed [florist](#) store or outlet operated by an employer classified to Code 0011.
2. [Assign Code 927 to a physically separate and separately staffed medical marijuana dispensary.](#)

Classification code 0013, **NURSEY**, through 9741, **CATASTROPHE (OTHER THAN CERTIFIED ACTS OF TERRORISM)** remain unchanged.

GENERAL AUDITING & CLASSIFICATION INFORMATION

TABLE OF CONTENTS remains unchanged.

AUTOMOBILE DISMANTLING through **DRIVERS (PAYROLL ALLOCATION)** remain unchanged.

~~EMPLOYMENT CONTRACTOR—TEMPORARY STAFFING CONTRACTOR~~ A temporary staffing contractor hires employees and assigns those employees to an unrelated business for temporary work assignments in order to supplement the unrelated business' permanent workforce. The duration of temporary assignments varies but typically will not exceed one year. Payroll developed by temporary staff shall be assigned to the applicable temporary staffing classification(s), subject to the exceptions listed below. To determine the applicable temporary staffing classification(s), identify the direct employment classification assigned to the client's field of business. Payroll developed by temporary staff provided to that client is then assigned to the temporary staffing classification corresponding to the client's direct employment classification. The corresponding temporary staffing classification for each direct assignment classification, where applicable, is identified in the direct employment classification's entry in Section 2—Alphabetic Classification Underwriting guide.

Exceptions:

1. ~~AVIATION~~—temporary staff provided as flight crew in any capacity shall be assigned to the applicable direct employment aircraft operation classification.
2. ~~LONGSHORING~~—temporary staff provided to load or unload vessels shall be assigned to the applicable direct employment stevedoring classification.
3. ~~SHIP BUILDING~~—temporary staff providing either ship building and/or ship repair shall be assigned to the applicable direct employment Federal classification.
4. ~~FARM LABOR~~—temporary staff shall be assigned to the applicable direct employment agricultural classification except for staff provided to perform harvesting, picking and related activities using mechanized farming equipment. Such staff shall be assigned to Code 007.
5. ~~LEASED EMPLOYEES~~—the leasing of personnel shall not be construed as temporary staffing.
6. ~~CLERICAL~~—all temporary clerical staff shall be assigned to Code 2953 regardless of the client's applicable direct employment classification. See Rule IV.B.2 (“Standard Exception Classification” in Section 1 of this Manual for the definition of clerical staff.

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~~7. HOME HEALTH CARE AND HOME CARE—temporary staff performing home health care shall be assigned to direct employment Code 942 and temporary staff performing home care shall be assigned to direct employment Code 943.~~

~~8. The following classifications are not available as a guide in classifying temporary staffing contractors: 985, 0908, 0909, 0912 and 0913.~~

~~9. PERMANENT STAFF—the permanent staff of a temporary staffing contractor shall be assigned to direct employment Code 951 and direct employment Code 953. See Rule IV.B.4 and 5 for the scope of Codes 951 and 953. Permanent staff of a temporary staffing contractor performing duties that are not included within the definition of either Code 951 or Code 953 shall be assigned to direct employment Code 971.~~

EXECUTIVE OFFICERS – CLASSIFICATION ASSIGNMENT through **SNOW PLOWING AND/OR REMOVAL** remain unchanged.

TEMPORARY STAFFING CONTRACTOR - A temporary staffing contractor hires employees and assigns those employees to an unrelated business for temporary work assignments in order to supplement the unrelated business' permanent workforce. The duration of temporary assignments varies but typically will not exceed one year. Payroll developed by temporary staff shall be assigned to the applicable temporary staffing classification(s), subject to the exceptions listed below. To determine the applicable temporary staffing classification(s), identify the direct employment classification assigned to the client's field of business. Payroll developed by temporary staff provided to that client is then assigned to the temporary staffing classification corresponding to the client's direct employment classification. The corresponding temporary staffing classification for each direct assignment classification, where applicable, is identified in the direct employment classification's entry in Section 2 – Alphabetic Classification Underwriting Guide.

Exceptions:

1. AVIATION – temporary staff provided as flight crew in any capacity shall be assigned to the applicable direct employment aircraft operation classification.

2. LONGSHORING – temporary staff provided to load or unload vessels shall be assigned to the applicable direct employment stevedoring classification.

3. SHIP BUILDING – temporary staff providing either ship building and/or ship repair shall be assigned to the applicable direct employment Federal classification.

4. FARM LABOR – temporary staff shall be assigned to the applicable direct employment agricultural classification except for staff provided to perform harvesting, picking and related activities using mechanized farming equipment. Such staff shall be assigned to Code 007.

5. LEASED EMPLOYEES – the leasing of personnel shall not be construed as temporary staffing.

6. CLERICAL – all temporary clerical staff shall be assigned to Code 2953 regardless of the client's applicable direct employment classification. See Rule IV.B.2 ("Standard Exception Classification" in Section 1 of this Manual for the definition of clerical staff.

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7. HOME HEALTH CARE AND HOME CARE – temporary staff performing home health care shall be assigned to direct employment Code 942 and temporary staff performing home care shall be assigned to direct employment Code 943.

8. The following classifications are not available as a guide in classifying temporary staffing contractors: 985, 0908, 0909, 0912 and 0913.

9. PERMANENT STAFF – the permanent staff of a temporary staffing contractor shall be assigned to direct employment Code 951 and direct employment Code 953. See Rule IV.B.4 and 5 for the scope of Codes 951 and 953. Permanent staff of a temporary staffing contractor performing duties that are not included within the definition of either Code 951 or Code 953 shall be assigned to direct employment Code 971.

TIPS VS. AUTOMATIC GRATUITIES through **WRECKING OR DEMOLITION OR BUILDING MOVING OR RAISING PROJECT** remain unchanged.

CLASSIFICATION GUIDELINES through the end of **SECTION 2** remain unchanged.

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Examples – Remain unchanged.

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3. Temporary Staffing Classifications

A temporary staffing contractor hires employees and assigns those employees to an unrelated business for temporary work assignments varying in duration from one day to any period less than one year. Subject to specified exceptions, temporary staff provided by a temporary staffing contractor to a client shall be assigned to the temporary staffing classification corresponding to the client's assigned direct employment classification. Each temporary staffing classification is a

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TABLE OF CONTENTS through Classification code 821, **BEVERAGE DISTRIBUTOR, WHOLESALE,** remain unchanged.

825 AUTOMOBILE STORAGE GARAGE OR PARKING STATION OR LOT

No change.

Underwriting Guide

Valet Parking, By Specialist Contractor

Classification code 828, **PARATRANSIT SERVICE,** through Classification code 935, **LUMBER AND/OR BUILDING MATERIAL DEALER – STORE EMPLOYEES - FOR USE IN CONJUNCTION WITH CODE 855 ONLY** remain unchanged.

936 BROADCASTING STATION – RADIO OR TELEVISION, ALL EMPLOYEES INCLUDING OFFICE

No change.

Operations Also Included

No change.

Operations Not Included.

No change.

Underwriting Guide

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945 HOTEL RESTAURANT EMPLOYEES, ALL EMPLOYEES EXCEPT OFFICE. FOR USE IN CONJUNCTION WITH CODE 973 ONLY.

No change.

Underwriting Guide
Hotel Restaurant Employees

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957 PHYSICIAN OR DENTIST, ALL EMPLOYEES INCLUDING OFFICE

No change.

Operations Also Included.

No change.

Operations not Included.

No change.

Underwriting Guide

Medical Testing, Mobile/Traveling, By Specialist Contractor

Classification code 958, **REHABILITATION HOSPITAL, ALL EMPLOYEES INCLUDING OFFICE**, through Classification code 0008, **MUSHROOM RAISING**, remain unchanged.

0011 FLOWER RAISING, CULTIVATING OR GROWING

No change.

Operations Also Included:

1. No change.
2. An employer principally engaged in growing medical marijuana.

Operations Not Included:

2. Assign Code 919 to a physically separate and separately staffed florist store or outlet operated by an employer classified to Code 0011.

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2. Assign Code 927 to a physically separate and separately staffed medical marijuana dispensary.

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