Montana Workers Compensation Classification Review Committee

Meeting Agenda


Date of Meeting: April 28, 2020  Schedule Release Date: April 3, 2020

Meeting information: The Montana Workers Compensation Classification Review Committee (Committee) will conduct its next meeting at 1:00 p.m. Mountain Daylight Time, on April 28, 2020. The meeting will be conducted via teleconference only.

Teleconference Information: To participate by telephone, dial 1-800-525-8529 and enter Conference ID 737 288 699.

Members:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Voting?</th>
<th>Present?</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Anderson – Vice Chair</td>
<td>Montana State Fund</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Greg Roadifer - Chair</td>
<td>Associated Employers</td>
<td>Y</td>
<td></td>
</tr>
<tr>
<td>Linsey Lockner</td>
<td>Employers Insurance</td>
<td>Y</td>
<td></td>
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<tr>
<td>Brenda Miller</td>
<td>Liberty Mutual</td>
<td>Y</td>
<td></td>
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<tr>
<td>David Seitz</td>
<td>Seitz Insurance</td>
<td>Y</td>
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## Agenda

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<thead>
<tr>
<th>Time</th>
<th>Issue</th>
<th>Resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>1:00 p.m.</td>
<td>Approval of the Draft Minutes for the Montana Workers Compensation Classification Review Committee meeting held on August 13, 2019.</td>
<td></td>
</tr>
<tr>
<td>1:15 p.m.</td>
<td>Approval of the Draft Minutes for the Montana Workers Compensation Classification Review Committee meeting held on December 11, 2019.</td>
<td></td>
</tr>
<tr>
<td>1:30 p.m.</td>
<td>Presentation of NCCI Item B-1438—Revisions to Basic Manual Classifications for Oil and Gas Field Operations with a proposed effective date of July 1, 2021.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administrative Rules- Rulemaking- Proposed supplements to NCCI’s <em>Basic Manual for Workers Compensation and Employers Liability Insurance</em> incorporated by reference in ARM 6.6.8301 Establishment of Classification for Compensation Plan No. 2 and Plan No. 3</td>
<td></td>
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<tr>
<td></td>
<td>a. Public Comment</td>
<td></td>
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<td></td>
<td>b. Committee Action/Vote</td>
<td></td>
</tr>
<tr>
<td>2:15 p.m.</td>
<td>Presentation of NCCI Item B-1439—Revisions to Basic Manual Classifications and Appendix E including Construction Salespersons and Estimators with a proposed effective date of July 1, 2021.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administrative Rules- Rulemaking- Proposed supplements to NCCI’s <em>Basic Manual for Workers Compensation and Employers Liability Insurance</em> incorporated by reference in ARM 6.6.8301 Establishment of Classification for Compensation Plan No. 2 and Plan No. 3</td>
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<tr>
<td></td>
<td>b. Committee Action/Vote</td>
<td></td>
</tr>
<tr>
<td>3:00 p.m.</td>
<td>Presentation of NCCI Item B-1440—Revisions to Basic Manual, Reformatting, The preface, and Appendix G.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Administrative Rules- Rulemaking- Proposed supplements to NCCI’s <em>Basic Manual for Workers Compensation and Employers Liability Insurance</em> incorporated by reference in ARM 6.6.8301 Establishment of Classification for Compensation Plan No. 2 and Plan No. 3</td>
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<tr>
<td></td>
<td>b. Committee Action/Vote</td>
<td></td>
</tr>
<tr>
<td>3:15 p.m.</td>
<td>Presentation of NCCI Item 01-MT-2020—Revisions to Basic Manual Classifications for Irrigation Pipe Installation in Montana.</td>
<td></td>
</tr>
</tbody>
</table>
Administrative Rules- Rulemaking- Proposed supplements to NCCI’s *Basic Manual for Workers Compensation and Employers Liability Insurance*
incorporated by reference in ARM 6.6.8301 Establishment of Classification for Compensation Plan No. 2 and Plan No. 3

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<thead>
<tr>
<th>Time</th>
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<tbody>
<tr>
<td>3:45 p.m.</td>
<td>New Business, if any</td>
</tr>
<tr>
<td>4:00 p.m.</td>
<td>Public Comments</td>
</tr>
</tbody>
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Distribution:
Committee Members
Montana Classification Review Committee Interested Parties
NCCI
Office of the Montana State Auditor, Commissioner of Securities and Insurance
Montana Workers Compensation Classification Review Committee

Draft Meeting Minutes


Date of Meeting: August 13, 2019

Meeting information: The Montana Workers Compensation Classification Review Committee met at 10:30 a.m., Mountain Standard Time, on Tuesday, August 13, 2019. The meeting was held at the Helena Great Northern Hotel, 835 Great Northern Blvd., Helena, Montana 59601 and by teleconference.

Members:

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
<th>Voting?</th>
<th>Present?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jay Duce</td>
<td>Montana State Fund</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Greg Roadifer*</td>
<td>Associated Employers</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Linsey Lockner</td>
<td>Employers Insurance</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Brenda Miller</td>
<td>Liberty Mutual</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>David Seitz*</td>
<td>Seitz Insurance</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Others in attendance

<table>
<thead>
<tr>
<th>Name</th>
<th>Representing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bruce Spencer</td>
<td>Law Offices of Bruce M. Spencer, PLLC</td>
</tr>
<tr>
<td>Peter Strauss</td>
<td>Montana State Fund</td>
</tr>
<tr>
<td>Shaunna Berglund</td>
<td>Montana State Fund</td>
</tr>
<tr>
<td>Lance Zanto</td>
<td>Bureau Chief – State of Montana</td>
</tr>
<tr>
<td>Kerri Emmons</td>
<td>Independent Insurance Agents</td>
</tr>
<tr>
<td>Pam Koeing</td>
<td>Office of the Montana State Auditor, Commissioner of Securities and Insurance</td>
</tr>
<tr>
<td>Mari Kindberg</td>
<td>Office of the Montana State Auditor, Commissioner of Securities and Insurance</td>
</tr>
<tr>
<td>Peter Van Nice</td>
<td>Montana Department of Labor and Industry</td>
</tr>
<tr>
<td>Bob Biskupiak</td>
<td>Deputy Insurance Commissioner, Office of the Montana State Auditor</td>
</tr>
<tr>
<td>Todd Johnson</td>
<td>National Council on Compensation Insurance</td>
</tr>
<tr>
<td>Michael Craddock</td>
<td>National Council on Compensation Insurance</td>
</tr>
<tr>
<td>Bill Dodds*</td>
<td>National Council on Compensation Insurance</td>
</tr>
<tr>
<td>Lesley O’Brien*</td>
<td>National Council on Compensation Insurance</td>
</tr>
<tr>
<td>Adam Levell*</td>
<td>National Council on Compensation Insurance</td>
</tr>
<tr>
<td>Nicone Gordon*</td>
<td>National Council on Compensation Insurance</td>
</tr>
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*participated via teleconference
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</thead>
<tbody>
<tr>
<td>10:00 a.m.</td>
<td><strong>Committee Orientation</strong></td>
<td>Bruce Spencer, NCCI outside counsel, presented an overview of the Committee process. Michael Craddock of NCCI provided additional information regarding the workers compensation classification system.</td>
</tr>
<tr>
<td>10:20 a.m.</td>
<td><strong>Election of Committee Chair and Vice Chair</strong></td>
<td>Both nominations were seconded and approved by the Committee.</td>
</tr>
<tr>
<td></td>
<td>The Committee nominated Greg Roadifer to continue as Chair of the Committee. Jay Duce was nominated to serve as Vice-Chair.</td>
<td></td>
</tr>
<tr>
<td>10:30 a.m.</td>
<td><strong>Approval of the Draft Minutes for the Montana Workers Compensation Classification Review Committee meeting held on July 23, 2018.</strong></td>
<td>Minutes were approved as presented.</td>
</tr>
<tr>
<td>10:45 p.m.</td>
<td><strong>Approval of the Draft Minutes for the Montana Workers Compensation Classification Review Committee meeting held on October 23, 2018.</strong></td>
<td>Minutes were approved as presented.</td>
</tr>
</tbody>
</table>
| 11:00 a.m. | **Presentation of ITEM B-1437—Revisions to Basic Manual Classifications and Appendix E—Classifications by Hazard Group, Including Aircraft Maintenance**  
Administrative Rules- Rulemaking: Proposed supplements to NCCI’s *Basic Manual for Workers Compensation and Employers Liability Insurance* incorporated by reference in ARM 6.6.8301 Establishment of Classification for Compensation Plan No.2 and Plan No. 3  
The Item filing consisted of two main parts:  
• The elimination of national and state special classifications with low credibility and  
• A revision of the classification treatment of the aircraft maintenance and repair industry.  
There was a question regarding the elimination of the national Code 5508 - Street or Road Construction - Rock Excavation & Drivers. The phraseology is being assigned to Code 5507. A question was raised about the lack of a transition program for the change. A transition program is not needed since the change will result in a decrease for affected policyholders.  
A national code, Code 4360 – Motion Picture – Development of Negatives, Printing, and All subsequent Operations is being eliminated and the phraseology is being assigned to Code 7610. This change will not affect the Montana State Special, Code 9610 – Motion Picture Production—In Studios or Outside—All Operations Up to the Development of Negatives & Drivers. | A motion was made, seconded and passed by unanimous vote, and it was **RESOLVED**, that Item B-1437 is accepted by the Committee as presented by NCCI and further the Committee approves proceeding to rulemaking. |
Regarding the revisions to the classification treatment of aircraft maintenance and repair, two issues were discussed:

1. Is Code 7403 Aviation—Airport or Heliport Operator—All Employees & Drivers – applicable to airport maintenance operations? The answer was yes.
2. Code 5474 is assigned to the painting of aircraft and shop operations. Is there a height restriction within the Code? The answer was no. Code 5474 is applicable to aircraft painting regardless of height.

a. Public Comment — No comments

<table>
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<tr>
<th>11:30 a.m.</th>
<th><strong>New Business, if any.</strong></th>
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<tr>
<td>A question was raised by a Committee member regarding Committee members proposing agenda items regarding classification changes and/or revisions. Bruce Spencer, NCCI Outside Counsel, advised the Committee members may propose agenda items related to classifications however the committee needs to be mindful of legal requirements so as not to discuss carrier specific issues or rates. Lesley O’Brien of NCCI previewed possible Item filings for 2020. Possible filings may include:</td>
<td></td>
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</tbody>
</table>
|  | • Construction Estimators  
• Social Services  
• Treatment of Oil and Gas Classification Codes  
• Clubs specifically Ski Clubs |

**Public Comment Period:** No comments.

Distribution:
Committee Members  
Montana Classification Review Committee Interested Parties  
NCCI  
Office of the Montana State Auditor, Commissioner of Securities and Insurance
Montana Workers Compensation Classification Review Committee

Draft Meeting Minutes

Agenda Tracking No.: MT-02-2019

Meeting Date: December 11, 2019
Prepared by Michael Craddock

Meeting information: The Montana Workers Compensation Classification Review Committee met at 10:30 a.m., Mountain Standard Time, on Wednesday, December 11, 2019. The meeting was held at the Office of the Montana State Auditor, basement conference room, 840 Helena Ave., Helena, Montana 59601 and by teleconference.

Members:

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>William Anderson*</td>
<td>Montana State Fund</td>
<td>Y</td>
<td>Y</td>
</tr>
<tr>
<td>Greg Roadifer, Chair</td>
<td>Associated Employers</td>
<td>Y</td>
<td>N</td>
</tr>
<tr>
<td>Linsey Lockner*</td>
<td>Employers Insurance</td>
<td>Y</td>
<td>Y</td>
</tr>
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<td>Brenda Miller*</td>
<td>Liberty Mutual</td>
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<td>David Seitz*</td>
<td>Seitz Insurance</td>
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<td>National Council on Compensation Insurance</td>
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<td>National Council on Compensation Insurance</td>
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<tr>
<td>Bruce Spencer</td>
<td>Law Offices of Bruce M. Spencer, PLLC</td>
</tr>
<tr>
<td>Pam Koeing</td>
<td>Office of the Montana State Auditor, Commissioner of Securities and Insurance</td>
</tr>
<tr>
<td>Mike Windsor</td>
<td>Office of the Montana State Auditor, Commissioner of Securities and Insurance</td>
</tr>
</tbody>
</table>

*participated via teleconference
Agenda

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<th>Notes</th>
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</thead>
<tbody>
<tr>
<td>10:30 a.m.</td>
<td>Election of Vice Chair</td>
<td>Mr. William Anderson, representing the Montana State Fund, was nominated for the position of Vice-Chair. The nomination was seconded and approved by the Committee.</td>
</tr>
<tr>
<td></td>
<td>It was necessary to elect a new chair as William Anderson replaced Jay Duce as the Montana State Fund representative. Jay Duce was the former Vice Chair.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>a. Committee Action/Vote</td>
<td></td>
</tr>
</tbody>
</table>
10:35 a.m. Proposed Adoption of Amendments to the below Administrative Rules of Montana, as set forth in MAR Notice No. 6-260, published on September 20, 2019, at page 1548 of the 2019 Montana Administrative Register, Issue Number 18.

   ARM 6.6.8301 - Establishment of Classification for Compensation Plan No. 2 and Plan No. 3.

The Notice of Public Hearing on Proposed Amendment, MAR Notice 6-260, published on September 20, 2019, at page 1548 of the 2019 Montana Administrative Register, Issue Number 18, the Notice of Amendment, published on December 27, 2019 at page 2339 of the Montana Administrative Register, Issue No. 24 and the Adoption Order dated September 10, 2019 are attached and incorporated in these minutes by reference.

a. Public Comment: None

A motion was made, seconded and passed by majority vote, and it was

RESOLVED, that the Committee approved supplementing the Basic Manual with Item B-1437—Revisions to Basic Manual Classifications and Appendix E—Classifications by Hazard Group, Including Aircraft Maintenance with an effective date of July 1, 2020.

The Committee further approves proceeding with the Notice of Amendment and the Adoption Order.

10:40 a.m. New Business, If Any.

None

10:45 a.m. Public Comment Period.

None

DISTRIBUTION:
Committee Members
Montana Classification Review Committee Interested Parties
NCCI
BEFORE THE CLASSIFICATION REVIEW COMMITTEE
OF THE STATE OF MONTANA

(1) I, GREG ROADIFER, Chair of the Classification Review Committee, by virtue of and pursuant to the authority vested in me by sections 33-16-1012, MCA, do promulgate, amend the annexed rules, to wit:

AMEND: 6.6.8301 ESTABLISHMENT OF CLASSIFICATION FOR COMPENSATION PLAN NO. 2 AND PLAN NO. 3

(2) This amendment is effective July 1, 2020.

(3) This amended order is necessary because the July 1, 2020 effective date was not included in the first Notice of Amendment or Order of Amendment filed with this rule change.

(4) This order shall be forwarded to the Secretary of State for filing.

/s/ Greg Roadifer
Greg Roadifer
Committee Chair

Certified to the Secretary of State January 6, 2020.

MAR Notice No. 6-246
BEFORE THE CLASSIFICATION REVIEW COMMITTEE

In the matter of the amendment of ARM 6.6.8301 pertaining to establishment, deletion, or revision of classifications for various industries for supplementing the NCCI Basic Manual for Workers’ Compensation and Employers Liability

) AMENDED NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On September 20, 2019, the Classification Review Committee published MAR Notice No. 6-260 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1548 of the 2019 Montana Administrative Register, Issue Number 18.

2. The committee has amended the above-stated rule as proposed.

3. No comments or testimony were received.

4. The effective date of the amendment is July 1, 2020.

5. This Amended Notice is necessary because the July 1, 2020 effective date was not included in the first Notice of Amendment or Order of Amendment filed with this rule change, the effective date was included in the notice of rulemaking.

/s/ Michael Windsor /s/ Greg Roadifer
Michael Windsor Greg Roadifer
Rule Reviewer Committee Chair

Certified to the Secretary of State January 7, 2020.

Montana Administrative Register 6.246
BEFORE THE CLASSIFICATION REVIEW COMMITTEE

In the matter of the amendment of ARM 6.6.8301 pertaining to establishment, deletion, or revision of classifications for various industries for supplementing the NCCI Basic Manual for Workers’ Compensation and Employers Liability

CORRECTED NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On September 20, 2019, the Classification Review Committee published MAR Notice No. 6-260 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 1548 of the 2019 Montana Administrative Register, Issue Number 18. On December 27, 2019, the committee published the notice of amendment of the above-stated rule at page 2339 of the 2019 Montana Administrative Register, Issue Number 24.

2. This corrected notice is necessary because the July 1, 2020 effective date for the rule was not included in the notice of amendment. The effective date was included in the notice of proposed amendment.

3. The effective date of the rule amendment is July 1, 2020.

/s/ Michael Winsor
Michael Winsor
Rule Reviewer

/s/ Greg Roadifer
Greg Roadifer
Committee Chair

Certified to the Secretary of State January 7, 2020.
BEFORE THE CLASSIFICATION REVIEW COMMITTEE

In the matter of the amendment of ARM 6.6.8301 pertaining to establishment, deletion, or revision of classifications for various industries for supplementing the NCCI Basic Manual for Workers’ Compensation and Employers Liability

NOTICE OF AMENDMENT

TO: All Concerned Persons

1. On September 20, 2019, the Classification Review Committee published MAR Notice No. 6-260 pertaining to the public hearing on the proposed amendment of the above-stated rules at page 1548 of the 2019 Montana Administrative Register, Issue Number 18.

2. The Committee has amended the above-stated rule as proposed.

3. No comments or testimony were received.

/s/ Mike Winsor  /s/ Greg Rodifer
Mike Winsor  Greg Rodifer
Rule Reviewer  Committee Chair

Certified to the Secretary of State December 17, 2019
BEFORE THE CLASSIFICATION REVIEW COMMITTEE
OF THE STATE OF MONTANA

(1) I, GREG ROADIFER, Chair of the Classification Review Committee, by virtue of and pursuant to the authority vested in me by sections 33-16-1012, MCA, do promulgate, amend the annexed rules, to wit:

AMEND: 6.6.8301 ESTABLISHMENT OF CLASSIFICATION FOR COMPENSATION PLAN NO. 2 AND PLAN NO. 3

(2) This order shall be forwarded to the Secretary of State for filing.

/s/ Greg Roadifer
Greg Roadifer
Committee Chair

Certified to the Secretary of State December 17, 2019.

MAR Notice No. 6-246
BEFORE THE CLASSIFICATION REVIEW COMMITTEE

In the matter of the amendment of ARM 6.6.8301 pertaining to establishment, deletion, or revision of classifications for various industries for supplementing the NCCI Basic Manual for Workers' Compensation and Employers Liability

) NOTICE OF PUBLIC HEARING ON PROPOSED AMENDMENT

TO: All Concerned Persons

1. On October 16, 2019, at 11:00 a.m., the Classification Review Committee will hold a public hearing in the basement conference room of the Montana Commissioner of Securities and Insurance, at Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Classification Review Committee will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Classification Review Committee no later than 5:00 p.m. on October 1, 2019, to advise us of the nature of the accommodation that you need. Please contact Ramona Bidon, CSI, 840 Helena Avenue, Helena, Montana, 59601; telephone (406) 444-2726; TDD (406) 444-3246; fax (406) 444-3499; or e-mail rbidon@mt.gov.

3. The affected rule is shown below and no changes will be made to that rule. However, the Basic Manual for Workers' Compensation and Employers Liability (Basic Manual) incorporated by reference in this rule is supplemented by classification codes that are established, deleted, or revised in accordance with (2) of the rule and 33-16-1023(3), MCA.

6.6.8301 ESTABLISHMENT OF CLASSIFICATION FOR COMPENSATION PLAN NO. 2 AND PLAN NO. 3 (1) and (2) remain the same.

AUTH: 33-16-1012, MCA
IMP: 2-4-103, 33-1-115, 33-16-1012, MCA

REASON: It is necessary to supplement the NCCI Basic Manual incorporated by reference in ARM 6.6.8301 by establishing, deleting, or revising classification codes in the Basic Manual that apply to various industries, through rulemaking procedures. The Classification Review Committee approved proceeding to rulemaking to supplement the Basic Manual with Item Filing B-1437- Revisions to Basic Manual Classifications and Appendix E—Classifications by Hazard Group, including Aircraft Maintenance; Wool Spinning and Weaving; Yarn Manufacturing; Glove Manufacturing; Motion Picture Negative Development, Printing, and Subsequent Operations; Duplication and Replication of Prerecorded Audio, Video or

MAR Notice No. 6-260 18-9/20/19
Data; Cottonseed Oil Manufacturing; Street or Road Construction, Rock Excavation and Drivers; proposed to be effective July 1, 2020.

For additional details, see the filing, executive summary, and the classifications to be established, deleted, or revised in the filing as approved by the Montana Workers Compensation Classification Review Committee, at: https://csimt.gov/wp-content/uploads/MT-Item-B-1437-Revised-Exhibit_Final-004.xlsx.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the CR Committee attention of: Michael Craddock, Regulatory Disputes Consultant, NCCI, c/o Regulatory Operations Department, 901 Peninsula Corporate Circle, Boca Raton FL 33487-1362; telephone (561) 893-3820; fax (561) 893-5365; or e-mail Michael_Craddock@NCCI.com, and must be received no later than 5:00 p.m. MST, October 24, 2019.

5. Mike Winsor, State Auditor's Office, has been designated to preside over and conduct this hearing.

6. The Classification Review Committee maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this committee. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the committee.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the Classification Review Committee has determined that the supplementing of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Mike Winsor /s/ Greg Roadifer
Mike Winsor Greg Roadifer
Rule Reviewer Committee Chair

Certified to the Secretary of State September 10, 2019.
Executive Summary for Item B-1438 and Proposed Draft Motion and Resolution
Executive Summary

Item B-1438—Revisions to Basic Manual Classifications for Oil and Gas Field Operations

This item addresses the classification treatment for oil and gas field operations in NCCI’s Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual).

Specialist contractors are classified to Code 6216—Oil or Gas—Lease Work NOC—By Specialist Contractor & Drivers unless they are designated to be separately rated to other oil and gas classifications. Some of their services are performed prior to rig erection, drilling, fracturing, or other oil and gas operations. This drill site preparation includes but is not limited to clearing land; building lease roads, slush pits, levees, or firewalls; and lease beautification or dirt work.

NCCI has determined that drill site preparation services performed by specialist contractors prior to rig erection must be separately rated to the appropriate construction classifications. NCCI has also determined that the proper classification treatment for flowback services must be addressed in NCCI’s Basic Manual. These recommendations will impact multiple rules and classifications in NCCI’s Basic Manual.

Suggested Motion/Resolution for Agenda Item B-1438:

Following review and discussion, upon motion duly made, seconded and unanimously approved, it is RESOLVED, that Item B-1438 is accepted by the Committee as presented by NCCI and further the Committee approves proceeding to rulemaking.
ITEM B-1438—REVISIONS TO BASIC MANUAL CLASSIFICATIONS FOR OIL AND GAS FIELD OPERATIONS
ITEM B-1438—REVISIONS TO BASIC MANUAL CLASSIFICATIONS FOR OIL AND GAS FIELD OPERATIONS

PURPOSE

This item addresses the classification treatment for oil and gas field operations in NCCI's Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual).

BACKGROUND

The oil and gas drilling industry in the United States has evolved over the years. A technique more common today, hydraulic fracturing (“fracking”), involves well stimulation in which rock is fractured by a pressurized liquid. With the expansion of fracturing activities, there is an increased demand for skilled employees in oil and gas field service industries, particularly well drilling and completion, and transportation. Single contractors no longer provide all of the services related to drilling. The drilling process is being subdivided among specialty contractors who do a portion of the work but not the entire job.

Flowback service providers are one such specialty contractor. Flowback refers to a process by which the fluid used for fracturing a shale formation is recovered from the well at the surface. This is done in preparation for a subsequent phase of treatment, or to clean up and transition the well to a production stage. The providers on an active drill site must ensure that sudden pressure fluctuations do not disrupt the formation and that the reclaimed fluid is properly disposed of for environmental reasons. Currently, there is no mention of flowback service providers in NCCI's Basic Manual.

Specialist contractors are classified to Code 6216—Oil or Gas—Lease Work NOC—By Specialist Contractor & Drivers unless they are designated to be separately rated to other oil and gas classifications. Some of their services are performed prior to rig erection, drilling, fracturing, or other oil and gas operations. This drill site preparation includes but is not limited to clearing land; building lease roads, slush pits, levees, or firewalls; and lease beautification or dirt work.

NCCI has determined that drill site preparation services performed by specialist contractors prior to rig erection must be separately rated to the appropriate construction classifications. NCCI has also determined that the proper classification treatment for flowback services must be addressed in NCCI's Basic Manual. These recommendations will impact multiple rules and classifications in NCCI's Basic Manual.

PROPOSAL

This item proposes the following in NCCI’s Basic Manual:

1. Revise the following rules to clarify that oil and gas operations are treated the same as construction or erection operations (refer to Exhibits 1, 2, and 3):
   - Rule 1-C-2-f—“No” or “Not”
   - Rule 1-D-3-b—Insured conducting one or more of the following operations
   - Rule 1-D-3-d—Construction or Erection Operations
   - Rule 1-F—Changes or Corrections in Classifications

2. Revise the following phraseologies to address flowback services (refer to Exhibits 4 and 7):
   - Code 6206—Oil or Gas—Well—Acidizing—All Employees & Drivers

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ITEM B-1438—REVISIONS TO BASIC MANUAL CLASSIFICATIONS FOR OIL AND GAS FIELD OPERATIONS

1. Revise the following codes to address the multiple classification codes where payroll can be reassigned, the exact impact to overall statewide premium cannot be determined. Individual employers may see a premium increase or decrease depending on the loss cost/rate of the code where the payroll is reassigned in relation to the loss cost/rate of the code the payroll is coming from. There will be negligible statewide premium impact as a result of the changes proposed in this item.

2. Revise Appendix E—Classifications by Hazard Group to indicate that Code 8353 is applicable in New Mexico (refer to Exhibit 8).

IMPACT

Due to the multiple classification codes where payroll can be reassigned, the exact impact to overall statewide premium cannot be determined. Individual employers may see a premium increase or decrease depending on the loss cost/rate of the code where the payroll is reassigned in relation to the loss cost/rate of the code the payroll is coming from. There will be negligible statewide premium impact as a result of the changes proposed in this item.

STATE-SPECIFIC PROPOSALS AND IMPACTS

Alaska Proposal:

NCCI is proposing all exhibits in Alaska except for Exhibit 6.

NCCI proposes that Alaska adopt the additional language for drill site preparation in Alaska special Code 6216—Oil or Gas Lease Work NOC—By Contractor & Drivers.

Alaska Impact:

The premium impact in Alaska is expected to be the same as the proposed national treatment.

Florida Proposal:

NCCI is proposing all exhibits in Florida except for Exhibits 3 and 6.

NCCI proposes that Florida adopt the additional language for oil and gas field operations in its exception to Rules 1-D-3-d and 1-F.

NCCI proposes that Florida adopt the additional language for drill site preparation in Florida special Code 6216—Oil or Gas—Lease Work NOC—By Contractor & Drivers.
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ITEM B-1438—REVISIONS TO BASIC MANUAL CLASSIFICATIONS FOR OIL AND GAS FIELD OPERATIONS

Texas Proposal:

NCCI is proposing Exhibit 3, 8, and 9 in Texas.

NCCI proposes that Texas eliminate its exceptions to Rule 1-C-2-f and Rule 1-F-3-b and adopt the proposed national treatments because they will reflect the current Texas exceptions.

NCCI proposes to revise the following Texas special classifications to address flowback services:

- Code 6202—Drilling or Redrilling of Oil or Gas Wells & Drivers
- Code 6202—Oil or Gas Well—Drilling or Redrilling & Drivers
- Code 6202—Oil or Gas Well—Servicing & Drivers
- Code 6202—Oil or Gas Well—Shooting & Drivers
- Code 6206—Oil or Gas Well—Acidizing and Cementing & Drivers
- Code 6206—Oil or Gas Well—Fracturing & Drivers
- Code 6237—Oil or Gas Well—Instrument Logging, Radio Activity, or Survey Work in Wells & Drivers

NCCI proposes to revise the following Texas special phraseology to address drill site preparation:

- Code 6216—Oil or Gas Lease Work NOC—By Contractor & Drivers

NCCI proposes to eliminate the following Texas phraseology to eliminate redundancy with the Texas phraseology above:

- Code 6216—Gas or Oil Lease Work NOC—By Contractor & Drivers

As a result of the above proposal, NCCI proposes that Texas eliminate the state special phraseology for Code 6216—Drill Site Preparation—Oil or Gas Wells & Drivers.

Texas Impact:

The premium impact in Texas is expected to be the same as the proposed national treatment.

Virginia Proposal:

NCCI proposes that Virginia adopt Exhibits 1, 2, 3, and 8, and that it adopt the proposed national treatment for Codes 6206, 6216, 6235, and 6237. Accordingly, the Virginia Special Classifications in NCCI’s Basic Manual must be updated for the following codes:

- 6206—Oil or Gas Well—Cementing & Drivers
- 6206—Oil or Gas Well—Acidizing—All Employees & Drivers
- 6216—Oil or Gas Lease Work NOC—By Specialist Contractor & Drivers
- 6216—Gas or Oil Lease Work—NOC—Natural Gas—By Specialist Contractor & Drivers
- 6235—Oil or Gas Well—Drilling or Redrilling & Drivers

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ITEM B-1438—REVISIONS TO BASIC MANUAL CLASSIFICATIONS FOR OIL AND GAS FIELD OPERATIONS

- 6237—Oil or Gas Well—Instrument Logging or Survey Work & Drivers

Virginia Impact:

The premium impact in Virginia is equivalent to the impact determined by the proposed national treatment for Codes 6206, 6216, 6235, and 6237. The proposed updates to the Virginia Special Classifications in NCCI’s Basic Manual descriptions are not expected to have an additional premium impact.

IMPLEMENTATION

This item applies to new and renewal policies only, and it will become effective concurrent with each state’s approved loss cost/rate filing effective on and after October 1, 2020, unless otherwise noted. For example, this item will become effective January 1, 2021, for approved loss cost/rate filings that have a January 1, 2021 effective date. If there is no loss cost/rate filing for a state in a given year, this item will take effect on that state’s regular loss cost/rate effective date. The regular loss cost/rate effective date is the date of the state’s previous year’s loss cost/rate effective date.

Anticipated Effective Dates by State

The following chart shows the anticipated effective dates for each state:

<table>
<thead>
<tr>
<th>State</th>
<th>Anticipated* Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>March 1, 2021</td>
</tr>
<tr>
<td>Alaska</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Arizona</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Arkansas</td>
<td>July 1, 2021</td>
</tr>
<tr>
<td>Colorado</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Connecticut</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>November 1, 2020</td>
</tr>
<tr>
<td>Florida</td>
<td>The effective date of this item depends on the date that regulatory approval is granted. If the item is approved on or before July 1, 2020, it will become effective on January 1, 2021. If it is approved after July 1, 2020, it will become effective on January 1, 2022.</td>
</tr>
<tr>
<td>Georgia</td>
<td>March 1, 2021</td>
</tr>
</tbody>
</table>
## FILING MEMORANDUM

**ITEM B-1438—REVISIONS TO BASIC MANUAL CLASSIFICATIONS FOR OIL AND GAS FIELD OPERATIONS**

<table>
<thead>
<tr>
<th>State</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hawaii</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Idaho</td>
<td>January 1, 2021</td>
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<tr>
<td>Illinois</td>
<td>January 1, 2021</td>
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<tr>
<td>Indiana</td>
<td>January 1, 2021</td>
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<tr>
<td>Iowa</td>
<td>January 1, 2021</td>
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<tr>
<td>Kansas</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Kentucky</td>
<td>October 1, 2020</td>
</tr>
<tr>
<td>Louisiana</td>
<td>May 1, 2021</td>
</tr>
<tr>
<td>Maine</td>
<td>April 1, 2021</td>
</tr>
<tr>
<td>Maryland</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Mississippi</td>
<td>March 1, 2021</td>
</tr>
<tr>
<td>Missouri</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Montana</td>
<td>July 1, 2021</td>
</tr>
<tr>
<td>Nebraska</td>
<td>February 1, 2021</td>
</tr>
<tr>
<td>Nevada</td>
<td>March 1, 2021</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>New Mexico</td>
<td>January 1, 2020**</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Oregon</td>
<td>January 1, 2021</td>
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<tr>
<td>Rhode Island</td>
<td>August 1, 2021</td>
</tr>
<tr>
<td>South Carolina</td>
<td>April 1, 2021</td>
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<tr>
<td>South Dakota</td>
<td>July 1, 2021</td>
</tr>
<tr>
<td>Tennessee</td>
<td>March 1, 2021</td>
</tr>
<tr>
<td>Texas</td>
<td>July 1, 2021</td>
</tr>
<tr>
<td>Utah</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Vermont</td>
<td>April 1, 2021</td>
</tr>
</tbody>
</table>

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FILING MEMORANDUM

ITEM B-1438—REVISIONS TO BASIC MANUAL CLASSIFICATIONS FOR OIL AND GAS FIELD OPERATIONS

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Exhibit Comments</th>
<th>Implementation Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Details the revision to Rule 1-C-2-f in NCCI's Basic Manual.</td>
<td>Applies in all states except TX.</td>
</tr>
<tr>
<td>2</td>
<td>Details the revisions to Rules 1-D-3-b and 1-D-3-d in NCCI's Basic Manual.</td>
<td>Applies in all states except TX.</td>
</tr>
<tr>
<td>3</td>
<td>Details the revision to Rule 1-F in NCCI's Basic Manual.</td>
<td>Applies in all states except FL.</td>
</tr>
<tr>
<td>4</td>
<td>Details the revisions to two phraseologies for Code 6206 in NCCI's Basic Manual.</td>
<td>Applies in all states except TX and VA.</td>
</tr>
<tr>
<td>5</td>
<td>Details the revisions to Code 6216—Gas or Oil—Lease Work NOC—Natural Gas—By Specialist Contractor &amp; Drivers in NCCI’s Basic Manual.</td>
<td>Applies in all states except NM, TX, and VA.</td>
</tr>
<tr>
<td>6</td>
<td>Details the revisions to Code 6216—Oil or Gas—Lease Work NOC—By Specialist Contractor &amp; Drivers in NCCI’s Basic Manual.</td>
<td>Applies in all states except AK, FL, NM, TX, and VA.</td>
</tr>
<tr>
<td>7</td>
<td>Details the revisions to phraseologies under Codes 6235 and 6237 in NCCI’s Basic Manual.</td>
<td>Applies in all states except TX and VA.</td>
</tr>
<tr>
<td>8</td>
<td>Details the revision to Code 8353 in Appendix E of NCCI’s Basic Manual.</td>
<td>Applies in all states.</td>
</tr>
<tr>
<td>9</td>
<td>Details the revisions to state special rules and classifications in NCCI’s Basic Manual.</td>
<td>Applies in AK, FL, MO, NM, TX, and VA.</td>
</tr>
</tbody>
</table>

* Subject to change, depending on the approved effective date of the loss cost/rate filing if a loss cost/rate filing has been submitted for a state.

** The New Mexico Office of Superintendent of Insurance has requested that the proposed effective date of this item be January 1, 2020, in New Mexico.
EXHIBIT 1  
BASIC MANUAL—2001 EDITION  
RULE 1—CLASSIFICATION ASSIGNMENT  
C. CLASSIFICATION WORDING  
2. WORDS AND PHRASES  
(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)  
f. “No” or “Not”  
A classification that includes a restrictive phrase beginning with “no” or “not” must not apply to any risk employer that conducts any operation described in the restrictive phrase.  
Refer to User's Guide for an example.  
Exception:  
For mercantile, mining, or construction, or oil and gas field operations, this rule applies to each job or location.
3. Assignment of More Than One Basic Classification

More than one basic classification may be assigned to an employer that meets conditions a, b, or c below. Operation means activities, enterprises, processes, secondary businesses or undertakings.

a. The insured's principal business is described by a basic classification that requires certain operations or employees to be separately rated.

Refer to User's Guide for an example.

b. The insured conducts one or more of the following operations:
   - Construction or erection
   - Farming
   - Employee leasing, labor contracting, temporary labor services
   - Mercantile business
   - Oil and gas field operations

c. The insured conducts more than one operation in a state.

(1) For purposes of this rule, an insured is conducting more than one operation in a state if portions of the insured's operations in that state are not encompassed by the classification applicable to the insured's principal business. To qualify for a separate classification, the insured's additional operation must meet all of the following conditions:
   - Be able to exist as a separate business if the insured's principal business in the state ceased to exist.
   - Be located in a separate building, or on a separate floor in the same building, or on the same floor physically separated from the principal business by structural partitions. Employees engaged in the principal business must be protected from the operating hazards of the separate additional operations.
   - Maintain proper payroll records. Refer to Rule 2-G for the description of proper payroll records.

Refer to User's Guide for an example.

(2) If the separate additional operation is not encompassed in the classification applicable to the insured's principal business and meets all the conditions listed above in c (1), the insured is considered to be engaged in an additional operation. If this is the case, a separate basic classification may be assigned to each operation that qualifies as a separate additional operation.

(3) If the additional operation does not meet all conditions listed above in c (1) and is not encompassed in the classification applicable to the insured's principal business and has a rate:
   - Lower than the insured's principal business, assign the additional operation to the same classification as the insured's principal business
   - Higher than or equal to the insured's principal business, assign the additional operation to the classification that describes the additional operation

(4) Policies with more than one classification may include employees working under several classifications. Payroll assignment for these employees is subject to the Interchange of Labor rule. Refer to Rule 2-G.
EXHIBIT 2 (CONT’D)
BASIC MANUAL—2001 EDITION
RULE 1—CLASSIFICATION ASSIGNMENT
D. CLASSIFICATION PROCEDURES
(Appplies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

Note: If the insured does not maintain verifiable payroll records specific to the additional higher rated operation, then assign the principal and the additional operation to the higher rated classification, (Refer to Rule 2-G-2 for the description of proper payroll records.)

d. Construction, Erection, or Oil and Gas Field Operations

These operations are identified by a ● immediately following the code number.
Each distinct type of construction, erection, or oil and gas field operation must be assigned to the class that specifically describes the operation only if separate payroll records are maintained for each operation.
If separate payroll records are not maintained for any construction, erection, or oil and gas field operation, the highest rated classification that applies to the job or location where the operation is performed must be assigned.
If a construction, erection, or oil and gas field operation is included in the scope of another classification, a separate code must not be assigned.

(1) Insured Subcontractors
An insured subcontractor who performs a single type of work on a construction project or job must be classified based on the classification that describes the particular type of work involved.
Refer to User’s Guide for an example.

Exception to 1-D-3-d(1) above:
All operations in conjunction with concrete construction including making and erecting forms, placing reinforcing steel and stripping forms, when done by subcontractors, must be assigned to the appropriate concrete construction classification.

(2) Uninsured Subcontractors
Uninsured subcontractors covered under the principal or general contractor’s policy are classified on the basis of the classifications that would apply if the work were performed by the principal’s or general contractor’s own employees.
Refer to User’s Guide for an example.

e. Farm Operations

These operations are identified by a ■ immediately following the code number.
A farm is defined as any parcel(s) of land used for the purpose of agriculture, horticulture, viticulture, dairying, or stock or poultry raising as a business or commercial venture.
If separate payroll records are maintained, a division of payroll is allowed for each separate and distinct type of commercial farm operation.
If payroll records of the farm classification are not clear, and separate payroll records are not maintained, the entire payroll of the farm must be segregated on the basis of proportionate acreages.
Each farm classification includes:
• All employees
• Drivers
ITEM B-1438—REVISIONS TO BASIC MANUAL CLASSIFICATIONS FOR OIL AND GAS FIELD OPERATIONS

EXHIBIT 2 (CONT’D)
BASIC MANUAL—2001 EDITION
RULE 1—CLASSIFICATION ASSIGNMENT
D. CLASSIFICATION PROCEDURES

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

- All normal repair and maintenance of buildings or equipment performed by the employees of the insured
- Operations usual and incidental to a farm, such as:
  - Maintenance of cows, hogs or chickens for family use
  - A family orchard or truck garden
  - Hay or grain crops raised for the purpose of maintaining work animals on the farm
  - Outside domestic workers at the farm location

Each farm classification excludes inside domestic workers at the farm location.

f. Employee Leasing Firms, Labor Contractors, Professional Employer Organization, and Temporary Labor Services

(1) Workers assigned to clients must be classified the same as direct employees of the client performing the same or similar duties.

(2) If the client has no direct employees performing the same or similar duties, leased employees are classified as if they were direct employees of the client entity.

Refer to NCCI’s User’s Guide for an example.

g. Mercantile Businesses

These operations are identified by a ♦ immediately following the code number.

A Mercantile Business is any store or dealer engaged in the sale of goods or merchandise, or in the sale of services.

For mercantile businesses, the classification is assigned separately for each location.

Store operations are classified based on the principal type of merchandise sold and whether the operations are wholesale or retail. For purposes of this rule, principal means more than 50% of gross receipts, excluding receipts derived from the sale of lottery tickets.

The following definitions and instructions must be used to determine the appropriate store classification.

(1) Type of Merchandise Sold

If a store sells a variety of goods, each of which may be subject to a different classification, the store must be assigned to the classification that best describes the merchandise that generates more than 50% of the gross receipts.

(2) Wholesale vs. Retail

Retail applies to the sale of merchandise to the general public for personal or household consumption or use and not for resale.

Wholesale applies to the sale of merchandise for resale to others; or sale to manufacturers, builders, contractors, or others for use in their business or as raw materials.

Exception:

If a store’s sales are clearly retail in nature, the appropriate retail store classification may be assigned regardless of the definition of retail above.
EXHIBIT 2 (CONT'D)
BASIC MANUAL—2001 EDITION
RULE 1—CLASSIFICATION ASSIGNMENT
D. CLASSIFICATION PROCEDURES
(Appplies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

Refer to User’s Guide for an example.

(3) Combination of Retail and Wholesale
A store that sells merchandise on a combined wholesale and retail basis must be assigned to the appropriate store classification depending on whether the majority of gross receipts come from wholesale or retail sales.
F. CHANGES OR CORRECTIONS IN CLASSIFICATIONS

1. Changes in classification due to changes in an employer’s operations will be applied as of the date the change in operations occurred.

2. Corrections in classifications that result in a decrease in premium, whether determined during the policy period or at audit, must be applied retroactively to the inception of the policy.

3. Corrections in classifications that result in an increase in premium must be applied as follows:

<table>
<thead>
<tr>
<th>If the correction in classification is effective . . .</th>
<th>Then the correction is applied . . .</th>
</tr>
</thead>
<tbody>
<tr>
<td>During the first 120 days of the policy term . . .</td>
<td>Retroactively to the inception of the policy.</td>
</tr>
<tr>
<td>After the first 120 days of the policy term, but before the final 90 days . . .</td>
<td>As of the date the company discovers the cause for that correction.</td>
</tr>
<tr>
<td>During the last 90 days of the policy term . . .</td>
<td>Only to a renewal policy, if any.</td>
</tr>
</tbody>
</table>

The effective date of change, for purposes of the time periods noted in the table above, is the date a carrier applies a classification change.

Exceptions to the table above:

a. If the correction in classification is the result of a misrepresentation or omission by the employer, its agents, employees, officers, or directors, then the correction must be applied from the date on which the change would have applied if such misrepresentation omission had not been made.

b. The above rules do not apply to the following types of operations; therefore, classifications are assigned and applied at any time during the term of the policy or at audit:

- Construction or erection
- Oil and gas field operations
- Employee leasing
- Labor contracting
- Temporary labor services
- Professional employer organizations (PEOs)
- Operations assigned to standard exception classifications
- General exclusions

4. For purposes of Rule 1-F the reallocation of payroll among classifications on the policy is not considered a change or correction in classification(s).

Refer to NCCI’s User’s Guide for an example.
EXHIBIT 4
BASIC MANUAL—2001 EDITION
PART TWO—CLASSIFICATIONS

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VT, WV)

6206  Oil or Gas—Well—Acidizing—All Employees & Drivers
Code 6206 must not be assigned at the same job or location to which Code 6235 applies because acidizing would be considered incidental to drilling operations. Includes flowback services when performed in support of fracturing operations.

6206  Oil or Gas—Well—Cementing & Drivers
Code 6206 must not be assigned at the same job or location to which Code 6235 or Code 6236 applies because cementing would be considered incidental to drilling operations or the installation of casing. Includes flowback services when performed in support of fracturing operations.
EXHIBIT 5
BASIC MANUAL—2001 EDITION
PART TWO—CLASSIFICATIONS

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO,
MS, MT, NE, NH, NV, OK, OR, RI, SC, SD, TN, UT, VT, WV)

6216• Gas or Oil—Lease Work NOC—Natural Gas—By Specialist Contractor & Drivers
Includes clearing land; building lease roads, slush pits, levees, or fire walls; laying or taking up
flow lines and water lines; tank truck operations servicing gas or oil well sites; and installing central
pumping units; and lease beautification work. The following operations are not included in Code
6216 and must be separately rated: pipeline construction, tank building, rig or derrick erecting or
dismantling, installing or recovering casing, drilling, cementing, cleaning and swabbing wells, or
well shooting. Not applicable to owner/operators of a gas or oil lease operation, or to a risk under
contract with the lease owner that performs all operations necessary to work a gas or oil lease.

Drill site preparations including but not limited to clearing land; building lease roads, slush pits,
levees, or fire walls; and lease beautification or dirt work performed by a specialist contractor are
classified to codes applicable to these operations, provided the services are performed prior to
rig erection. Specialist contractors who perform these services during or after rig erection are
assigned to Code 6216.
6216 Oil or Gas—Lease Work NOC—By Specialist Contractor & Drivers
Includes clearing land; building lease roads, slush pits, levees, or fire walls; laying or taking up flow lines and water lines; installing central pumping units; and tank truck operations servicing oil or gas well sites; and lease beautification work. The following operations are not included in Code 6216 and must be separately rated: pipeline construction, tank building, rig or derrick erecting or dismantling, installation or recovery of casing, drilling, cementing, cleaning and swabbing of wells, or well shooting. Not applicable to owner/operators of an oil or gas lease operation, or to a risk under contract with the lease owner that performs all operations necessary to work an oil or gas lease.

Drill site preparations including but not limited to clearing land; building lease roads, slush pits, levees, or fire walls; and lease beautification or dirt work performed by a specialist contractor are classified to codes applicable to these operations, provided the services are performed prior to rig erection. Specialist contractors who perform these services during or after rig erection are assigned to Code 6216.
EXHIBIT 7
BASIC MANUAL—2001 EDITION
PART TWO—CLASSIFICATIONS
(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VT, WV)

6235 • Drilling or Redrilling of Oil or Gas Wells & Installation of Casing, Drivers
Includes flowback services when performed during drilling or redrilling operations.

6235 • Oil or Gas—Well—Drilling or Redrilling & Drivers
Code 6235 is applicable to drilling or redrilling oil or gas wells and includes erection or dismantling of drilling rigs, formation fracturing, cementing, and installation of casing, and flowback services when such operations are performed by employees of the drilling company. Cleaning or swabbing of a new well that has not yet been completed is included under Code 6235 whether performed by employees of the driller or by a specialist contractor.

6235 • Oil or Gas—Well—Shooting & Drivers
Includes flowback services when performed during drilling or redrilling operations.

6237 • Oil or Gas—Well—Instrument Logging or Survey Work & Drivers
Not applicable to wire line-type work that involves the installation, repair, or servicing of equipment used for drilling purposes. Includes flowback engineers who only monitor and log flowback pressure.
EXHIBIT 8

BASIC MANUAL—2001 EDITION
APPENDIX E
CLASSIFICATIONS BY HAZARD GROUP

TABLE OF CLASSIFICATIONS BY HAZARD GROUP

<table>
<thead>
<tr>
<th>Class Code</th>
<th>Applies In:</th>
<th>Discontinued In:</th>
<th>Hazard Group A–G</th>
</tr>
</thead>
<tbody>
<tr>
<td>8353</td>
<td>AL, AZ, FL, LA, MS, MO, OK</td>
<td>01/01/2020: NM</td>
<td>E</td>
</tr>
</tbody>
</table>

* Upon approval of this item, each state will have its state-specific effective date indicated.
Executive Summary for Item B-1439 and Proposed Draft Motion and Resolution
Montana Workers Compensation Classification Review Committee

Executive Summary

Item B-1439—Revisions to Basic Manual Classifications and Appendix E Including Construction Salespersons and Estimators

This item proposes the following for NCCI’s *Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual)*:

- Eliminate national and state special classifications with low credibility
- Establish a classification treatment for construction job site salespersons and estimators

The workers compensation classification system groups employers with similar operations by classification so that loss costs and rates may be calculated to reflect overall employee exposure to injury. NCCI periodically reviews individual classifications, on a statewide and national basis, to determine which, if any, should be considered for elimination because of low credibility.

An analysis of NCCI’s classification system identified certain classifications with low credibility that are recommended to be eliminated and reassigned to other national or state special classifications with similar operations. NCCI uses the term “low credibility” to identify classifications that are too small to develop meaningful data for ratemaking purposes.

This item also revises the classification treatment of construction job site salespersons and estimators.

In addition, this item includes proposals for the individual classifications identified in each exhibit, including format changes and consistency-only changes, where applicable.

Suggested Motion/Resolution for Agenda Item B-1439:

Following review and discussion, upon motion duly made, seconded and unanimously approved, it is RESOLVED, that Item B-1439 is accepted by the Committee as presented by NCCI and further the Committee approves proceeding to rulemaking.
ITEM B-1439—REVISIONS TO BASIC MANUAL CLASSIFICATIONS AND APPENDIX E, INCLUDING CONSTRUCTION SALESPERSONS AND ESTIMATORS
FILING MEMORANDUM

ITEM B-1439—REVISIONS TO BASIC MANUAL CLASSIFICATIONS AND APPENDIX E, INCLUDING CONSTRUCTION SALESPERSONS AND ESTIMATORS

PURPOSE

The item proposes the following for NCCI’s Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual):

- Eliminate national and state special classifications with low credibility
- Establish a classification treatment for construction job site salespersons and estimators

BACKGROUND

An analysis of NCCI’s classification system identified certain classifications with low credibility that are recommended to be eliminated and reassigned to other national or state special classifications with similar operations. NCCI uses the term “low credibility” to identify classifications that are too small to develop meaningful data for ratemaking purposes.

This item also revises the classification treatment of construction job site salespersons and estimators.

In addition, this item includes proposals for the individual classifications identified in each exhibit, including format changes and consistency-only changes, where applicable.

PROPOSAL

Classifications With Low Credibility to Be Eliminated

The workers compensation classification system groups employers with similar operations by classification so that loss costs and rates may be calculated to reflect overall employee exposure to injury. NCCI periodically reviews individual classifications, on a statewide and national basis, to determine which, if any, should be considered for elimination because of low credibility.

Credibility is the degree of reliance assigned to a certain body of data, expressed as a weight ranging from 0 to 1. NCCI applies credibility in its classification ratemaking methodology. A classification with low credibility has limited premium volume; therefore, it is too small to develop meaningful data for ratemaking purposes, even with the use of national experience in the ratemaking process. Because of the limited premium volume, a large loss in a classification with low credibility adversely affects the volatility of the loss cost or rate for the classification. Classifications with a high degree of credibility are more stable from a ratemaking perspective.

NCCI reviewed the credibility for all classifications based on the latest policy periods used for ratemaking in NCCI’s 2018 loss cost and rate filing cycle. As a result of this review, NCCI identified some classifications that have state credibility of 25% or less in a majority of NCCI states. NCCI considers these classifications to have low credibility.

When determining whether a classification with low credibility should be eliminated and reassigned to another classification with similar operations, NCCI considered:

- The amount of payroll in the classifications.
ITEM B-1439—REVISIONS TO BASIC MANUAL CLASSIFICATIONS AND APPENDIX E, INCLUDING CONSTRUCTION SALESPERSONS AND ESTIMATORS

- The swing limits used for classification ratemaking within a particular state. (The swing limit constrains the percentage change, up or down, that the loss cost or rate for a classification may vary from the existing loss cost or rate for that classification. The purpose of the swing limit is to avoid extreme fluctuations in loss costs or rates from year to year.)

In general, the use and length of a transition program is determined in such a manner as to avoid having the rates/loss costs for codes exceed state swing limits to the extent possible while ensuring that the rates/loss costs are fully transitioned within a maximum of three phases.

Low-credibility classifications are recommended for elimination because very few employers are assigned to the code. In all cases, alternate codes in the classification system include the same or similar exposure as the classification being eliminated.

Classifications that are proposed for elimination are not unique to a single industry group. These classifications represent varied groups including, but not limited to, construction, farming, and manufacturing. The decline in payroll and credibility in these classifications may be due to a number of economic factors. For example, in the manufacturing industry, some products may have simply diminished in popularity, technology has changed over the years, or production has moved overseas—resulting in classifications that are unstable for ratemaking purposes.

Eliminated classifications may have a small amount of remaining exposure or the possibility of generating exposure in the future. Anticipating these situations, NCCI has assigned alternate classifications to ensure the proper transition from the eliminated code to an existing code. This is referred to as code mapping.

Below are the guidelines used by NCCI when determining code mapping:
- The proposed classification to be eliminated has an identical match to an existing classification. The only difference is the code number under which the data will be reported.
- In cases where the proposed classification to be eliminated does not map directly to an existing classification, NCCI has identified an alternate classification that most closely describes the business.

Fact Sheets 1 and 2, related to low-credibility code elimination, include a table that displays the code mapping. These tables are provided for informational purposes only. The corresponding exhibits display the classification proposed for each state.

Construction Job Site Salespersons and Estimators

Job site salespersons and estimators for construction operations such as roofing, carpentry, electrical wiring, and insulation may be exposed to some of the hazards of these construction operations. This would include accessing confined spaces, using ladders, and inspecting electrical circuits and circuit-breaker boxes. In some cases, such as roofing, the construction job site salesperson or estimator is currently assigned to the roofing code if they access the roof as part of their sales assessment. This recommended item will provide a consistent and clear assignment of these employees.
FILING MEMORANDUM

ITEM B-1439—REVISIONS TO BASIC MANUAL CLASSIFICATIONS AND APPENDIX E, INCLUDING CONSTRUCTION SALESPERSONS AND ESTIMATORS

Fact Sheet 3 explains the establishment of and revisions to classifications that address construction job site salespersons and estimators.

PROPOSAL

This item is presented with fact sheets and exhibits as shown in the Exhibit Comments and Implementation Summary table. The fact sheet for each exhibit details the proposals relating to that exhibit, as well as the background and basis for the proposed changes, the estimated impact of the proposals, and the details of implementation.

The proposed changes have been consolidated for display purposes only. Exhibits may display several revised, established, and eliminated phraseologies. These phraseologies should each be viewed as individual changes to Basic Manual content. The exhibit will show only the proposed changes for the classification impacted by this item.

IMPACT

This item will support the uniform and equitable treatment of employers within each industry. NCCI recognizes that some recommendations, such as moving a specific operation from one classification to another, may have a premium impact for particular employers. Additionally, some of the proposed changes will have a loss cost/rate impact. The fact sheet for each exhibit details the potential impacts specific to each of the proposed changes.

IMPLEMENTATION

This item is applicable to new and renewal policies, and it will become effective concurrent with each state’s approved loss cost/rate filing effective on and after October 1, 2020, unless otherwise noted. For example, this item will become effective January 1, 2021, for approved loss cost/rate filings that have a January 1, 2021 effective date. If there is no loss cost/rate filing for a state in a given year, this item will take effect on that state’s regular loss cost/rate effective date. The regular loss cost/rate effective date is the anniversary date of the state’s previous year’s loss cost/rate effective date.

Transition Programs

The proposals related to Fact Sheet 1, National Classifications With Low Credibility to Be Eliminated, include a transition program, subject to a maximum of two phases. The details corresponding to the initiation and final implementation dates of the transition programs are provided in Exhibit 6 for the following states:

AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV

For the Illinois special classification with low credibility to be eliminated (Fact Sheet 2), a three-phase transition program is proposed (Exhibit 7).
FILING MEMORANDUM

ITEM B-1439—REVISIONS TO BASIC MANUAL CLASSIFICATIONS AND APPENDIX E, INCLUDING CONSTRUCTION SALESPERSONS AND ESTIMATORS

Anticipated Effective Dates by State

The following chart shows the anticipated effective dates for each state:

<table>
<thead>
<tr>
<th>State</th>
<th>Anticipated* Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>March 1, 2021</td>
</tr>
<tr>
<td>Alaska</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Arizona</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Arkansas</td>
<td>July 1, 2021</td>
</tr>
<tr>
<td>Colorado</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Connecticut</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>November 1, 2020</td>
</tr>
<tr>
<td>Florida</td>
<td>The effective date of this item will depend on the date that regulatory approval is granted. If the item is approved on or before July 1, 2020, it will become effective January 1, 2021. If it is approved after July 1, 2020, it will become effective January 1, 2022.</td>
</tr>
<tr>
<td>Georgia</td>
<td>March 1, 2021</td>
</tr>
<tr>
<td>Hawaii</td>
<td>This item will be implemented in Hawaii’s loss cost filing proposed to be effective January 1, 2021. The effective date will be determined upon regulatory approval of the individual carrier’s election to adopt this change.</td>
</tr>
<tr>
<td>Idaho</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Illinois</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Indiana</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Iowa</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Kansas</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Kentucky</td>
<td>October 1, 2020</td>
</tr>
<tr>
<td>Louisiana</td>
<td>May 1, 2021</td>
</tr>
<tr>
<td>Maine</td>
<td>April 1, 2021</td>
</tr>
<tr>
<td>Maryland</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Mississippi</td>
<td>March 1, 2021</td>
</tr>
</tbody>
</table>

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FILING MEMORANDUM

ITEM B-1439—REVISIONS TO BASIC MANUAL CLASSIFICATIONS AND APPENDIX E, INCLUDING CONSTRUCTION SALESPERSONS AND ESTIMATORS

<table>
<thead>
<tr>
<th>State</th>
<th>Effective Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Montana</td>
<td>July 1, 2021</td>
</tr>
<tr>
<td>Nebraska</td>
<td>February 1, 2021</td>
</tr>
<tr>
<td>Nevada</td>
<td>March 1, 2021</td>
</tr>
<tr>
<td>New Hampshire</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>New Mexico</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Oregon</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>August 1, 2021</td>
</tr>
<tr>
<td>South Carolina</td>
<td>April 1, 2021</td>
</tr>
<tr>
<td>South Dakota</td>
<td>July 1, 2021</td>
</tr>
<tr>
<td>Tennessee</td>
<td>March 1, 2021</td>
</tr>
<tr>
<td>Texas</td>
<td>July 1, 2021</td>
</tr>
<tr>
<td>Utah</td>
<td>January 1, 2021</td>
</tr>
<tr>
<td>Vermont</td>
<td>April 1, 2021</td>
</tr>
<tr>
<td>Virginia</td>
<td>April 1, 2021</td>
</tr>
<tr>
<td>West Virginia</td>
<td>November 1, 2020</td>
</tr>
</tbody>
</table>

* Subject to change, depending on the approved effective date of the loss cost/rate filing if a loss cost/rate filing has been submitted for a state.

EXHIBIT COMMENTS AND IMPLEMENTATION SUMMARY

<table>
<thead>
<tr>
<th>Exhibits</th>
<th>Fact Sheet</th>
<th>Exhibit #</th>
<th>Proposal Applicable in:</th>
</tr>
</thead>
<tbody>
<tr>
<td>NCCI’s Basic Manual</td>
<td>1</td>
<td>1-A</td>
<td>All states except TX, VA</td>
</tr>
<tr>
<td>National Classifications With Low Credibility to Be Eliminated—Two-Phase Transition Program</td>
<td>1</td>
<td>1-B</td>
<td>All states except TX, VA</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>5</td>
<td>TX, VA</td>
</tr>
<tr>
<td>Illinois Special Classification With Low Credibility to Be Eliminated—Three-Phase Transition Program</td>
<td>2</td>
<td>2-A</td>
<td>IL</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>2-B</td>
<td>IL</td>
</tr>
</tbody>
</table>

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EXHIBIT FACT SHEET 1

NATIONAL CLASSIFICATIONS WITH LOW CREDIBILITY TO BE ELIMINATED—TWO-PHASE TRANSITION PROGRAM

PURPOSE

The proposed changes in this fact sheet eliminate certain national classifications that have low credibility.

BACKGROUND

NCCI has identified some national classifications that have low credibility. Low credibility refers to classifications with insufficient premium to develop meaningful data for ratemaking purposes.

These national classifications must be eliminated and reassigned to other classifications with similar operations. The reassignment of these classifications to existing, analogous classifications will result in the use of more credible data from which to calculate loss costs and rates.

The national classifications to be eliminated are listed in the Proposal section of this fact sheet. For all states, the difference between the loss costs or rates for the eliminated classification and the proposed classification exceeds the swing limits used for ratemaking within each state. As a result, a two-phase transition program is proposed. Details of the transition program are provided in Exhibit 6.

PROPOSAL

This item proposes to:

1. Eliminate and revise national classifications as indicated in the following table and exhibits. Refer to the following table and Exhibits 5 and 6 for state-specific information.
2. Revise Appendix E—Table of Classifications by Hazard Group for applicable states to update the codes being eliminated. Refer to Exhibit 4.

<table>
<thead>
<tr>
<th>National Classification to Be Eliminated</th>
<th>Proposed National Classification (Unless Otherwise Noted)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2683—Luggage Mfg.</td>
<td>2501—Luggage Mfg.</td>
</tr>
<tr>
<td>3240—Wire or Cable Rope Mfg.—Iron or Steel</td>
<td>3257—Wire Rope or Cable Mfg.—Iron or Steel</td>
</tr>
</tbody>
</table>

IMPACT

NCCI conducted a review of the latest policy periods used for ratemaking in NCCI’s 2018 loss cost and rate filing cycle to determine whether a transition program was needed to minimize the impact of these proposed changes. Based on the results of this review:

- Code 2683 has a two-phase transition program in all states
- Code 3240 has a two-phase transition program in all states

Where applicable, using a transition program will help minimize the impact to individual employer premium charges. Historical experience from the discontinued national codes will be reassigned to the corresponding national codes when the eliminated code maps primarily to one corresponding national code. The loss costs/rates and rating values for the national codes will be based on the combined historical data of the discontinued codes and the corresponding national codes.
EXHIBIT FACT SHEET 1 (CONT'D)

Negligible impact to overall statewide premium is expected as a result of these changes.

STATE-SPECIFIC PROPOSALS AND IMPACTS

Texas Proposal:

NCCI is not proposing Exhibit 1-A in Texas because the national treatment for Code 2683 does not apply in Texas.

Texas has the following state special phraseologies for Code 2683 that will be reassigned to Code 2501:

- Luggage Mfg.—Cloth or Leather
- Handbags, Purses, Tote Bags Mfg.*
- Purses, Handbags, Tote Bags Mfg.*
- Tote Bags, Handbags, Purses Mfg.*
- Fur Mfg.—From Tanned Hides
- Bag Mfg.—Luggage
- Bag Mfg.—Cloth or Leather

* To eliminate redundancy, only the first of these three phraseologies will be retained and reassigned.

NCCI is not proposing Exhibit 1-B in Texas because Code 3240 does not apply in Texas.

Texas Impact:

The premium impact in Texas is expected to be the same as the proposed national treatment.

Virginia Proposal:

NCCI recommends that Virginia adopt the treatments detailed in Exhibit 5. Refer to the table shown in the Proposal section of Fact Sheet 1 for a list of the classifications revised in Exhibit 5.

Accordingly, the Virginia Special Classifications in NCCI’s Basic Manual must be updated to reflect the approved revisions.

Virginia Impact:

The premium impact in Virginia is expected to be the same as the proposed national treatment. The proposed updates to the Virginia Special Classifications in NCCI’s Basic Manual descriptions are not expected to have an additional premium impact.
EXHIBIT 1-A
BASIC MANUAL—2001 EDITION
FACT SHEET 1—NATIONAL CLASSIFICATIONS WITH LOW CREDIBILITY TO BE
ELIMINATED—TWO-PHASE TRANSITION PROGRAM
PART TWO—CLASSIFICATIONS
(Appplies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO,
MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VT, WV)

2683  Luggage Mfg.
Applies to the mfg. of traveling bags and hand luggage. Trunk mfg. to be separately rated as Code 2883.

2501  Luggage Mfg.
Applies to the manufacture of travel bags and hand luggage. Trunk manufacturing is separately rated to Code 2883.
### EXHIBIT 1-B
### BASIC MANUAL—2001 EDITION
### FACT SHEET 1—NATIONAL CLASSIFICATIONS WITH LOW CREDIBILITY TO BE ELIMINATED—TWO-PHASE TRANSITION PROGRAM
### PART TWO—CLASSIFICATIONS

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VT, WV)

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>3240</td>
<td>Cable or Wire Rope Mfg.—Iron or Steel</td>
<td>No wire drawing. Mfg. of insulated electrical cable to be separately rated as Code 4470—Cable mfg.</td>
</tr>
<tr>
<td>3240</td>
<td>Wire Rope or Cable Mfg.—Iron or Steel</td>
<td>No wire drawing.</td>
</tr>
<tr>
<td>3257</td>
<td>Wire Rope or Cable Mfg.—Iron or Steel</td>
<td>No wire drawing.</td>
</tr>
</tbody>
</table>
ITEM B-1439—REVISIONS TO BASIC MANUAL CLASSIFICATIONS AND APPENDIX E, INCLUDING CONSTRUCTION SALESPERSONS AND ESTIMATORS

EXHIBIT FACT SHEET 3
CONSTRUCTION JOB SITE SALESPERSONS AND ESTIMATORS

PURPOSE
The proposed changes in this fact sheet revise the classification treatment for construction job site salespersons and estimators.

BACKGROUND
For construction projects, a job site salesperson or estimator must determine the nature of the operations and provide a cost estimate to the client. For residential and commercial construction projects, a job site salesperson or estimator visits the actual location to inspect the property or structure, take measurements and photos, discuss the proposed work, and provide an estimate or work proposal to the property owner.

The job site estimating process exposes the salesperson or estimator to a variety of hazards, depending on the type of project. These employees may need to go onto a roof, crawl into small spaces like attics, or inspect electrical wiring panels. Different types of ladders, measuring devices, cameras, and computer tablets or laptops are used while visiting the site and completing the estimate.

The employee may complete the entire estimate while on the job site, or they may need to return to the office to do further research. They may also revisit the client to review the final estimate. In addition to job site estimating, time may be spent in an office, making appointments with prospective clients, doing territory sales research, and performing other office-related tasks.

PROPOSAL
Code 8720—Inspection of Risks for Insurance or Valuation Purposes NOC currently includes inspections on roofs and other areas of a building. NCCI views this classification as also appropriate for job site salespersons and estimators for roofing and other construction operations.

This item proposes to:
1. Revise NCCI’s Basic Manual Rule 1-B-2-c to indicate that Code 8742 is not applicable to employees who perform job site measurements or inspections to prepare bids for a construction contractor.
2. Revise NCCI’s Basic Manual Rule 1-D-3-d to include Construction—Job Site Salespersons and Estimators. This addition to the rule will address employees who are separately rated to Code 8720, and it will indicate that a division of payroll is not permitted between Code 8720 and a construction classification at any single job site.
4. Revise the phraseology of Code 8742—Salespersons or Collectors—Outside to refer to Code 8720 for the assignment of construction job site salespersons and estimators.

IMPACT
The proposed changes revise the classification treatment for construction job site salespersons and estimators. It is possible that some payroll may transfer between the codes included in the proposal. The amount of payroll transferred cannot be identified using current industry data sources. The impact to individual employers will depend on the amount of payroll (if any) that transfers from code to code as well as their associated loss cost/rates.

Negligible impact to overall statewide premium is expected as a result of these changes.

STATE-SPECIFIC PROPOSALS AND IMPACTS

Arizona Proposal:
NCCI is proposing all exhibits in Arizona.
NCCI proposes that Arizona eliminate its state special phraseology Code 8742—Estimators and adopt the proposed national treatment Code 8720—Construction—Job Site Salespersons and Estimators because it is a more appropriate classification for the operations and hazards involved.

Arizona Impact:
The premium impact in Arizona is expected to be the same as the proposed national treatment.

Florida Proposal:
NCCI is proposing all exhibits in Florida except Exhibit 3-A because Florida has an exception to Rule 1-B-2-c. NCCI proposes to revise Florida’s rule exception to reflect the proposed revision to national Rule 1-B-2-c.

Florida Impact:
The premium impact in Florida is expected to be the same as the proposed national treatment.

New Mexico Proposal:
NCCI is proposing all exhibits in New Mexico.

NCCI proposes that New Mexico eliminate its exception to NCCI’s Basic Manual Rule 1-D-3-d—Construction, Erection, or Oil and Gas Field Operations and adopt the proposed national treatment because it will reflect the current New Mexico treatment.

NCCI proposes that New Mexico eliminate its state special phraseology Code 8720—Estimators—Construction and adopt the proposed national treatment Code 8720—Construction—Job Site Salespersons and Estimators because it will reflect the current New Mexico treatment.

New Mexico Impact:
The premium impact in New Mexico is expected to be the same as the proposed national treatment.

Oklahoma Proposal:
NCCI is proposing all exhibits in Oklahoma.

NCCI proposes that Oklahoma eliminate its exception to NCCI’s Basic Manual Rule 1-D-3-d—Construction or Erection Operations and adopt the proposed national treatment because it will reflect the current Oklahoma treatment.

NCCI proposes that Oklahoma eliminate its state special phraseology Code 8720—Estimators—Roofing and adopt the proposed national treatment Code 8720—Construction—Job Site Salespersons and Estimators because it will reflect the current Oklahoma treatment.

Oklahoma Impact:
The premium impact in Oklahoma is expected to be the same as the proposed national treatment.

Oregon Proposal:
NCCI is proposing all exhibits in Oregon.

NCCI proposes that Oregon eliminate its state special phraseology Code 8742—Estimators and adopt the proposed national treatment Code 8720—Construction—Job Site Salespersons and Estimators because it is a more appropriate classification for the operations and hazards involved.

Oregon Impact:
The premium impact in Oregon is expected to be the same as the proposed national treatment.

Texas Proposal:
NCCI is proposing all exhibits in Texas except Exhibit 3-D because the national treatment for Code 8742 does not apply in Texas.

NCCI proposes that Texas adopt a revision to its state special phraseology 8742—Salespersons, Collectors, or Messengers—Outside for consistency with the national proposal. To eliminate redundancy, the other two phraseologies for Code 8742 will be eliminated.

**Texas Impact:**

The premium impact in Texas is expected to be the same as the proposed national treatment.

**Virginia Proposal:**

NCCI recommends that Virginia adopt the proposed national treatment for Codes 8720 and 8742. Accordingly, the Virginia Special Classifications in NCCI’s *Basic Manual* will be updated for the following codes:

- Code 8720—Construction—Job Site Salespersons and Estimators
- Code 8742—Salespersons or Collectors—Outside

**Virginia Impact:**

The premium impact in Virginia is equivalent to the impact determined by the proposed national treatment Codes 8720 and 8742. The proposed updates to the Virginia Special Classifications in NCCI’s *Basic Manual* descriptions are not expected to have an additional premium impact.
c. Salespersons or Collectors—Outside (Code 8742)

(1) This classification is assigned to employees who perform these duties away from the employer's premises.

(2) This classification is not assigned to employees who:
   
   (a) Deliver merchandise.
   
   (b) Use vehicles to deliver or pick up goods, even if they collect or sell. These employees must be assigned to the classification applicable to the business for drivers.

   (c) Use public transportation or walk to deliver goods even if they collect or sell. These employees must be assigned to the governing classification applicable to the business.

   (d) Travel between locations of the employer as district or regional managers to perform various duties not involving outside sales or collection. Refer to Rule 2-G—Interchange of Labor.

   (e) Perform job site measurements or inspections to prepare bids for a job for a construction contractor.

(3) Code 8742 does not apply when the basic classification wording includes outside salespersons and/or collectors.
EXHIBIT 3-B
BASIC MANUAL—2001 EDITION
FACT SHEET 3—CONSTRUCTION JOB SITE SALESPERSONS AND ESTIMATORS
RULE 1—CLASSIFICATION ASSIGNMENT
D. CLASSIFICATION PROCEDURES

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

3. Assignment of More Than One Basic Classification

More than one basic classification may be assigned to an employer that meets conditions a, b, or c below. Operation means activities, enterprises, processes, secondary businesses or undertakings.

d. Construction, Erection, or Oil and Gas Field Operations

These operations are identified by an immediately following the code number.

Each distinct type of construction, erection, or oil and gas field operation must be assigned to the class that specifically describes the operation only if separate payroll records are maintained for each operation.

If separate payroll records are not maintained for any construction, erection, or oil and gas field operation, the highest rated classification that applies to the job or location where the operation is performed must be assigned.

If a construction, erection, or oil and gas field operation is included in the scope of another classification, a separate code must not be assigned.

(1) Insured Subcontractors

An insured subcontractor who performs a single type of work on a construction project or job must be classified based on the classification that describes the particular type of work involved.

Refer to User's Guide for an example.

Exception to 1-D-3-d(1) above:

All operations in conjunction with concrete construction including making and erecting forms, placing reinforcing steel and stripping forms, when done by subcontractors, must be assigned to the appropriate concrete construction classification.

(2) Uninsured Subcontractors

Uninsured subcontractors covered under the principal or general contractor's policy are classified on the basis of the classifications that would apply if the work were performed by the principal's or general contractor's own employees.

Refer to User's Guide for an example.

(3) Construction—Job Site Salespersons and Estimators

Construction job site salespersons and estimators are separately rated to Code 8720, a nonconstruction code. A division of payroll is not permitted between Code 8720 and a construction classification at any single job site. If the construction job site salesperson or estimator also performs construction duties at the same job site or supervises construction workers at the same job site, the employee's payroll at that job site must be assigned to the appropriate construction classification.

Refer to User's Guide for an example.
8720 Construction—Job Site Salespersons and Estimators

Applies to employees who perform job site measurements or inspections to prepare bids for a job for a construction contractor. Employees who work for contractors and provide sales estimates, but do not conduct the actual construction, are also assigned to Code 8720. Employees may perform these measurements or inspections from ground level, in crawl spaces, on ladders, or on roofs. Code 8720 does not apply when the employee also performs construction duties or supervises construction workers at the same job site. In those cases, the employee's payroll at that job site must be assigned to the appropriate construction classification. A division of payroll is not permitted between Code 8720 and a construction classification at any single jobsite.
8742 Salespersons or Collectors—Outside
Subject to Basic Manual rules. Refer to Code 8720 for assignment of construction job site salespersons and estimators.
EXHIBIT 4

BASIC MANUAL—2001 EDITION
APPENDIX E
CLASSIFICATIONS BY HAZARD GROUP

TABLE OF CLASSIFICATIONS BY HAZARD GROUP

<table>
<thead>
<tr>
<th>Class Code</th>
<th>Applies in:</th>
<th>Discontinued in:</th>
<th>Hazard Group</th>
</tr>
</thead>
<tbody>
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<td>National, IN</td>
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<td>B</td>
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<tr>
<td></td>
<td>40/04/2007+ WV</td>
<td>11/01/2021: DC, WV</td>
<td></td>
</tr>
<tr>
<td></td>
<td>06/04/2014+ TX</td>
<td>01/01/2022: AK, AZ, CO, CT, FL, HI, IA, ID, IL, IN, KS, MD, MO, NH, NM, OK, OR, UT</td>
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<td></td>
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<td>02/01/2022: NE</td>
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<td>08/01/2022: RI</td>
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<td>TX</td>
<td>B</td>
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<tr>
<td></td>
<td>40/04/2007+ WV</td>
<td>10/01/2021: KY</td>
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<td>03/01/2022: AL, GA, MS, NV, TN</td>
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<td>04/01/2022: ME, SC, VA, VT</td>
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<td></td>
<td></td>
<td>05/01/2022: LA</td>
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<tr>
<td></td>
<td></td>
<td>07/01/2022: AR, MT, SD</td>
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<tr>
<td>4940</td>
<td>IL</td>
<td>01/01/2017: MO, OK</td>
<td>E</td>
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<tr>
<td></td>
<td></td>
<td>01/01/2023: IL</td>
<td></td>
</tr>
</tbody>
</table>

± Upon approval of this item, each state will have its state-specific effective date indicated.
TWO-PHASE TRANSITION PROGRAM RULES

(Appplies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

The following details the two-phase transition program implementing the loss costs/rates and rating values for the code being eliminated and the acquiring code. NCCI will administer this program through each state's specific loss cost/rate classification experience filing revision process.

Phase 1 of the transition program will be made effective with each state’s approved loss cost/rate filing effective on and after October 1, 2020, unless otherwise noted. For example, Phase 1 will become effective January 1, 2021, for approved loss cost/rate filings that have a January 1, 2021 effective date. If there is no loss cost/rate filing for a state in a given approved implementation year, Phase 1 will take effect on that state’s regular loss cost/rate effective date. The regular loss cost/rate effective date is the anniversary date of the state’s previous year’s loss cost/rate effective date. The same rule would apply to Phase 2 in the following year.

The following details the steps needed to implement the loss costs/rates and rating values for the code being eliminated and the acquiring code, within each of the classification’s loss cost/rate filings. An example of the two-phase transition program calculation, including the weight value calculation, is shown in subsequent pages of this exhibit. Rating values, which will be based on the final NCCI proposed loss costs/rates, will be calculated according to the standard procedure.

A. Employers will continue to be classified to either the code being eliminated or the acquiring code as appropriate the second phase of the transition program.

B. As part of Phase 1 of the two-phase transition program, the payroll-weighted loss cost/rate of the code being eliminated, and the acquiring code will be calculated using the latest available year’s payroll and the standard calculated loss cost/rate of the two individual codes. If the payroll-weighted loss cost/rate is within the swing limits determined for the code being eliminated and the acquiring code, then each of these codes will take on the payroll-weighted loss cost/rate.

If the payroll-weighted loss cost/rate is outside of the filing’s swing limits for any of the codes, then the loss cost/rate for each of the codes will be determined by a methodology weighting together (1) the payroll-weighted loss cost/rate and (2) the standard calculated loss cost/rate for each code. The ratio used in this methodology will first be determined by calculating the maximum weighting value given to the payroll-weighted loss cost/rate. This will be done in order to keep the loss costs/rates for the code being eliminated and the acquiring code within the swing limits of the filing. However, a 50% minimum weighting value must be used regardless of the swing limits to execute the transition program within two years.

C. As part of Phase 2 of the two-phase transition program, the applicable code will be eliminated. All insured operations previously assigned to the code being eliminated will be assigned to the acquiring code. The loss cost/rate for the acquiring code will be the payroll-weighted loss cost/rate of the code being eliminated and the acquiring code, using the latest available year’s payroll and the standard calculated loss cost/rate of the two individual codes.
EXHIBIT 6

EXAMPLE OF TWO-PHASE TRANSITION PROGRAM CALCULATION
(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

Note: The loss costs/rates used in the following example are for illustration purposes only and are not the actual loss costs/rates in use, nor do they represent expected actual loss costs/rates for the codes indicated.

In the following example, the “Payroll-Weighted Loss Cost/Rate” for each year can be calculated by using the “NCCI Initially Calculated Loss Cost/Rate” and the payroll for the latest available year.

The following assumptions are made for this example:

<table>
<thead>
<tr>
<th>Code XXX1</th>
<th>Code XXX2</th>
<th>Code XXX3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payroll $</td>
<td>400,000</td>
<td>700,000</td>
</tr>
<tr>
<td>Phase 1 Loss Cost/Rate</td>
<td>21.00</td>
<td>10.50</td>
</tr>
<tr>
<td>Phase 2 Loss Cost/Rate</td>
<td>19.78</td>
<td>12.25</td>
</tr>
</tbody>
</table>

(Payroll is assumed to remain constant throughout the transition period.)

The “Payroll-Weighted Loss Cost/Rate” is calculated as follows:

$$\frac{(400,000 \times 21.00) + (700,000 \times 10.50) + (3,000,000 \times 11.81)}{400,000 + 700,000 + 3,000,000} = 12.48$$

Additionally, the swing limits are assumed to be plus or minus 25%. Note: The weight value used represents the largest possible value keeping the loss cost/rate changes within the swing limits. The weight value below is subject to a minimum of 0.50 for Phase 1 and 1.00 for Phase 2 without regard to swing limits to transition the loss costs/rates within two years.

| Filing Effective in Phase 1 | 0.57* | XXX1 | (0.57 x 12.48) | + | (0.43 x 21.00) | = | 16.14 |
| Filing Effective in Phase 2 | 1.00 | XXX1 | (1.00 x 12.49) | + | (0.00 x 19.78) | = | 12.49 |
| | XXX2 | (1.00 x 12.49) | + | (0.00 x 12.25) | = | 12.49 |
| | XXX3 | (1.00 x 12.49) | + | (0.00 x 11.57) | = | 12.49 |

* Refer to “Example of Two-Phase Weight Value Calculation” on the following page.
EXAMPLE OF TWO-PHASE WEIGHT VALUE CALCULATION

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

Note: The weight value calculation in the following example is for illustration purposes only and is not the actual weight value calculation in use, nor does it represent the expected actual weight value calculation for the codes indicated.

In the following example, the loss costs/rates are calculated for each class code by using successively higher weight values until the largest weight value is found that keeps the loss costs/rates within the swing limits. However, depending on which phase of the transition the filing is effective, this weight value is subject to minimums without regard to swing limits. These minimums are 0.50 for Phase 1 and 1.00 for Phase 2. For the purposes of illustration, the codes are represented as XXX1, XXX2, and XXX3.

The following assumptions are made for this example:

1. The swing limits are plus or minus 25%.
2. The loss costs/rates are as follows:

<table>
<thead>
<tr>
<th>Last Approved Filing</th>
<th>Loss Cost/Rate for Code XXX1</th>
<th>Loss Cost/Rate for Code XXX2</th>
<th>Loss Cost/Rate for Code XXX3</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>21.49</td>
<td>11.32</td>
<td>11.05</td>
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<tr>
<td>Phase 1</td>
<td>16.14</td>
<td>11.63</td>
<td>12.19</td>
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</tbody>
</table>

Weight Calculation Table

<table>
<thead>
<tr>
<th>Phase 1</th>
<th>Code XXX1</th>
<th>Code XXX2</th>
<th>Code XXX3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weight Value</td>
<td>Calculated Loss Cost/Rate Given Weight Value</td>
<td>Loss Cost/Rate Change %</td>
<td>Calculated Loss Cost/Rate Given Weight Value</td>
</tr>
<tr>
<td>0.50</td>
<td>16.74</td>
<td>-22.1%</td>
<td>11.49</td>
</tr>
<tr>
<td>0.51</td>
<td>16.65</td>
<td>-22.5%</td>
<td>11.51</td>
</tr>
<tr>
<td>0.52</td>
<td>16.57</td>
<td>-22.9%</td>
<td>11.53</td>
</tr>
<tr>
<td>0.53</td>
<td>16.48</td>
<td>-23.3%</td>
<td>11.55</td>
</tr>
<tr>
<td>0.54</td>
<td>16.40</td>
<td>-23.7%</td>
<td>11.57</td>
</tr>
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<td>0.55</td>
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<td>0.56</td>
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<td>11.63</td>
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<td>15.97</td>
<td>-25.7%</td>
<td>11.67</td>
</tr>
<tr>
<td>0.60</td>
<td>15.89</td>
<td>-26.1%</td>
<td>11.69</td>
</tr>
</tbody>
</table>
| 0.61    | 15.80     | -26.5%    | 11.71     | 3.4%   | 12.22     | 10.6%   | continues
Executive Summary for Item B-1440 and Proposed Draft Motion and Resolution
Executive Summary

Item B-1440—Revisions to The Basic Manual Including Reformatting, the Preface and Appendix G

This item proposes the following for NCCI’s *Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual)*:

- NCCI proposes that certain sections of the Preface and Appendix G—Dispute Resolution Process in NCCI’s *Basic Manual* be revised.

As part of NCCI’s ongoing process dedicated to the systematic research, analysis, and maintenance of NCCI’s manuals, NCCI identified a need to revise the Preface and Appendix G—Dispute Resolution Process of its *Basic Manual*.

Changes are proposed for Preface A, Preface D and Preface E. In addition, changes to Appendix G—Dispute Resolution Process in NCCI’s Basic Manual are proposed. Please note that Appendix G is not applicable in Montana.

Suggested Motion/Resolution for Agenda Item B-1440:

Following review and discussion, upon motion duly made, seconded and unanimously approved, it is RESOLVED, that Item B-1440 is accepted by the Committee as presented by NCCI and further the Committee approves proceeding to rulemaking.
ITEM B-1440—REVISIONS TO THE BASIC MANUAL, INCLUDING REFORMATTING, THE PREFACE, AND APPENDIX G
FILING MEMORANDUM

ITEM B-1440—REVISIONS TO THE BASIC MANUAL, INCLUDING REFORMATTING, THE PREFACE, AND APPENDIX G

PURPOSE

This item updates certain sections of NCCI’s Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual).

The sections and states impacted by this item, and the applicable fact sheets and exhibits, are listed in the Exhibit Comments and Implementation Summary table in this filing memorandum.

BACKGROUND

Part Two and Part Four

NCCI’s Basic Manual was last rewritten in its entirety with Item B-1369—2001 Basic Manual for Workers Compensation and Employers Liability Insurance.

One of NCCI’s core functions is the ongoing process dedicated to the systematic research, analysis, and maintenance of NCCI’s manuals, rules, and classification system. This process ensures that NCCI remains responsive to the needs of various industry stakeholders.

Since Item B-1369, NCCI has submitted several filings including Item B-1411—Revision to Basic Manual Introduction—Application of Manual Rules and Part Two—Classifications. Item B-1411 was filed to clarify and enhance the Basic Manual by implementing changes to:

- Part Two—Classifications by creating data tables that assist with determining effective dates, exceptions, and applicability
- Part Four—Classifications Pending, which showed the classifications that are pending discontinuation until the effective date of the change or completion of a transition program

In September 2018, NCCI released a new Class Look-Up tool designed to modernize workers compensation stakeholder access to classification code and statistical code information. Due to the implementation of the Class Look-Up tool, the data tables in Part Two are no longer needed and Part Four can be eliminated.

Classifications to be Reformatted

Certain classifications in Part Two—Classifications of NCCI’s Basic Manual must be revised to simplify their display and to improve online search results. Some wording will be revised to:

- Maintain the proper context of the information when displayed on a separate Web page
- Modernize the language and bring the classification in line with NCCI’s current standards
- Eliminate phraseologies and notes not associated with a specific classification
- Revise certain classifications’ designations for consistency with designations applicable to other phraseologies in the same classification group
FILING MEMORANDUM

ITEM B-1440—REVISIONS TO THE BASIC MANUAL, INCLUDING REFORMATTING, THE PREFACE, AND APPENDIX G

Preface and Appendix G

NCCI’s *Basic Manual* Preface provides information about manual organization, jurisdiction applicability, and the locations of NCCI’s office and customer service centers. As part of NCCI’s review, various changes that need to be made to the Preface have been identified and will be made as part of this filing.

Appendix G provides information to policyholders on how to resolve disputes and where to mail dispute materials. NCCI has changed the email address for submitting information and must revise that address in Appendix G.

This item also includes proposals for changes to individual classifications and rules, including format and consistency-only changes, if applicable. The proposed changes are detailed in each exhibit. The background information is contained in each exhibit’s fact sheet.

**PROPOSAL**

This item is presented with fact sheets and exhibits as shown in the Exhibit Comments and Implementation Summary table. The fact sheet for each exhibit details the proposals relating to that exhibit, as well as the background and basis for the proposed changes, the estimated impact of the proposals, and the details of the implementation.

**IMPACT**

There will be no premium impact as a result of the changes proposed in this item.

**EXHIBIT COMMENTS AND IMPLEMENTATION SUMMARY**

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Fact Sheet</th>
<th>Exhibit #</th>
<th>Proposal Applicable in:</th>
<th>Implementation Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface and Appendix G</td>
<td>1</td>
<td>1A</td>
<td>All states</td>
<td>To become effective for new and renewal voluntary and assigned risk policies, effective on and after 12:01 a.m. on April 1, 2020.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1B</td>
<td>All States except CO, FL, HI, KY, LA, MD, ME, MO, MT, NE, OK, RI, TX, UT</td>
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<td>1C</td>
<td>All states</td>
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<td></td>
<td></td>
<td>1D</td>
<td>All states except AZ, IN, MT, TX</td>
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</tr>
</tbody>
</table>
FILING MEMORANDUM

ITEM B-1440—REVISIONS TO THE BASIC MANUAL, INCLUDING REFORMATTING, THE PREFACE, AND APPENDIX G

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Fact Sheet</th>
<th>Exhibit #</th>
<th>Proposal Applicable in:</th>
<th>Implementation Summary</th>
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<td>All states</td>
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<td>All states except TX, VA</td>
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<td>Part Four—Classifications Pending</td>
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<td></td>
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<td>State-Specific Exhibits</td>
<td>1 and 2</td>
<td>4</td>
<td>AK, AZ, FL, HI, ID, MO, OR, TX, VA</td>
<td>To become effective for new and renewal voluntary and assigned risk policies, effective on and after 12:01 a.m. on April 1, 2020.</td>
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PURPOSE

NCCI proposes that certain sections of the Preface and Appendix G—Dispute Resolution Process in NCCI’s Basic Manual be revised.

BACKGROUND

As part of NCCI’s ongoing process dedicated to the systematic research, analysis, and maintenance of NCCI’s manuals, NCCI identified a need to revise the Preface and Appendix G—Dispute Resolution Process of its Basic Manual.

PROPOSAL

The following is a summary of the key changes proposed for the Preface and Appendix G:

• **Preface A—Organization of the Manual**

  Preface A details the structure of the Basic Manual. This item proposes to eliminate Part Four—Classifications Pending; therefore, the reference to Part Four in Preface A must be eliminated.

• **Preface D—Jurisdictions Where Rule 4 Applies**

  Preface D provides a table that summarizes, by state, the applicability of residual market-specific Rules 4-A to 4-I where NCCI is the Plan Administrator or provides Plan Administration services. This information is also contained in NCCI’s companion to Rule 4—Workers Compensation Insurance Plan. The companion is the Assigned Risk Supplement to the Basic Manual for Workers Compensation and Employers Liability Insurance, Appendix C—Rules and Rating Programs. Because it is not NCCI’s intent to duplicate information in these two manuals, it is proposed that Preface D be removed from the Basic Manual.

• **Preface E—Offices of the National Council on Compensation Insurance, Inc.**

  Preface E provides information on NCCI’s headquarters and customer service locations. Because this information resides in the Basic Manual, any changes that are made to it require an item filing. To facilitate quicker changes to this information in the future, NCCI is proposing to move this section to the Basic Manual User’s Guide.

• **Appendix G—Dispute Resolution Process**

  Appendix G provides policyholders with the means to resolve disputes regarding the application of NCCI manual rules to NCCI’s Workers Compensation and Employers Liability Insurance Policy (Policy). Item number 5—Where to Send Documents, of Appendix G, provides the mailing, and email addresses, and fax number for policyholders to submit their requests and additional information specific to their dispute. NCCI has revised the email address and therefore, must revise this section.

IMPACT

There will be no statewide premium impact as a result of the changes proposed in this item.

ADDITIONAL STATE-SPECIFIC PROPOSALS AND IMPACTS

Virginia Proposal
EXHIBIT 1—FACT SHEET (CONT’D)

This item proposes to eliminate the Virginia exception to Preface A and recommend adoption of national Preface A. Refer to Exhibit 1A for the national and Exhibit 4 for the state specific exception.

Virginia Impact

There is no impact as a result of this state-specific proposal.
A. ORGANIZATION OF MANUAL

This manual has four parts:

Part One—Rules
Part Two—Classifications
Part Three—Loss Costs, Rates and State Exceptions

Refer to Part Three for Rates, State Special Rules, and Special Classifications when applying Parts One and Two in a specific state.

Part Four—Classifications Pending
E. OFFICES OF THE NATIONAL COUNCIL ON COMPENSATION INSURANCE, INC.
(RESERVED FOR FUTURE USE)

1. LOCATION OF OFFICES

   Headquarters
   901 Peninsula Corporate Circle Boca Raton, FL 33487
   Phone: 561-893-1000

2. LOCATION OF CUSTOMER SERVICE CENTERS

   FLORIDA SERVICE CENTER
   901 Peninsula Corporate Circle
   Boca Raton, FL 33487
   Phone: 800-NCCI-123
   Phone: 800-622-4123

   ARKANSAS SERVICE CENTER
   2400 Crestwood, Suite 207
   North Little Rock, AR 72116
   Phone: 501-753-5180

   NEW MEXICO OFFICE
   The Citadel
   6501 Indian School Road N.E., Suite 990
   Albuquerque, NM 87110
   Phone: 505-242-1330
   Fax: 505-242-1932

   All states in B. of this preface, except:

   • Arkansas (Assigned Risk Only)
   • Independent Bureau States
   • Arkansas (Assigned Risk Only)
   • New Mexico (Assigned Risk Only)
EXHIBIT 2—FACT SHEET

CLASSIFICATIONS TO BE REFORMATTED

PURPOSE
The proposed changes are to reformat certain classifications in Part Two—Classifications of NCCI’s *Basic Manual* to simplify the display of the classifications in the manual for improved online search results. This item also updates the designation for various classifications.

BACKGROUND
Classifications to be Reformatted
There are various reasons for proposing that certain classifications be reformatted in Part Two—Classifications of NCCI’s *Basic Manual:*

- Presently, when one phraseology note applies to multiple phraseologies, the phraseologies are displayed as a list, followed by the note. The classifications must be reformatted so that the phraseology note is displayed with each phraseology.
- Some phraseologies and notes do not have an associated code and only provide reference information. These phraseologies and notes must be eliminated where possible.
- Some phraseology notes need to be revised to maintain the proper context of the information when displayed on a separate Web page.
- Some redundant classification references must be eliminated.

The proposed formatting changes will improve online search results. The new structure will also allow online users to successfully search by code number or applicable phraseologies.

Reformatting will not result in the reclassification of any employers.

Part Two—Classifications—Designation Update
Classification designations are detailed in NCCI’s *Basic Manual* Rule 1-D-3—Assignment of More Than One Basic Classification. This rule provides the conditions for the assignment of more than one basic classification when an employer has a specific type of operation.

- Rule 1-D-3-d—Construction or Erection Operations details that such classifications are identified by a circle symbol (•). The rule allows for each distinct type of construction or erection operation to be assigned to the classification that specifically describes the operation if separate payroll records are maintained.
- Rule 1-D-3-e—Farm Operations details that such classifications are identified by a square symbol (■). The rule allows for a division of payroll among the classifications for each separate and distinct type of commercial farm if separate payroll records are maintained.
- Rule 1-D-3-g—Mercantile Businesses details that such classifications are identified by a diamond symbol (♦). This rule applies to a store or dealer that sells goods, merchandise, or services and requires that classifications be assigned separately for each location.

A routine review was performed to determine whether classification designation changes are warranted. Several changes have already been made to state-specific classifications through the state item filing process. However, three national classifications and one Alaska-specific classification require an addition or revision of a designation. Specifically, it is proposed that national Code:

- 6319—Gas Main or Connection Construction & Drivers have its designation changed from mercantile to construction
- 8046—Automobile—Recycling have the mercantile designation added
- 8279—Dog Show—Kennel Employees & Drivers have its designation changed from mercantile to farm
EXHIBIT 2—FACT SHEET (CONT’D)

It is also proposed that the construction designation be added to the Alaska-specific phraseology for Code 6400—Mobile Home Windstorm Tie-Down Installation—By Specialist Contractor.

The designation additions and revisions are consistent with the designations already applicable to the other national phraseologies for the same classifications.

Part Two—Classifications—Data Tables

Effective April 1, 2009, Item B-1411—Revision to Basic Manual Introduction—Application of Manual Rules and Part Two—Classifications added a data table for each classification entry in the Basic Manual to provide users with information regarding effective dates, exceptions, and applicability of class codes.

NCCI recently released its Class Look-Up tool on ncci.com. This tool introduced certain functionality that renders some of the content in the Basic Manual obsolete because the tool includes the information that was previously provided in the data tables. As a result, references to the data tables must be eliminated.

PROPOSAL

This item proposes to:

• Reformat certain classifications in Part Two—Classifications of the Basic Manual
• Eliminate phraseologies and notes not associated with a classification code
• Revise the classification designations for national Codes 6319 and 8279; add the mercantile designation to national Code 8046; and add the construction designation to Alaska Code 6400
• Address the removal of the reference to the data tables

Plain language changes are also recommended for some of the classifications in Exhibits 2 and 4.

IMPACT

There will be no statewide premium impact, and no changes are proposed to the loss costs or rates for any of the classifications being reformatted in this item.

ADDITIONAL STATE-SPECIFIC PROPOSALS AND IMPACTS

All state exceptions will continue to apply unless otherwise noted in the state-specific exhibits (Exhibit 4).

Alaska Proposal:

Add the construction designation to Code 6400—Mobile Home Windstorm Tie-Down Installation—By Specialist Contractor.

Alaska Impact:

There will be no statewide premium impact in Alaska as a result of the national and state-specific proposals.

Arizona Proposal:

• Eliminate the Arizona special classification phraseology and note for Concrete or Masonry—Sawing, Coring or Drilling and Trucking. They are not associated with a classification and should be eliminated for improved online search results.
• Reformat the Arizona special classifications for Farm (Codes 0006, 0016, 0017, 0034, 0036, and 0037) for improved online search results.

Arizona Impact:

There will be no statewide premium impact in Arizona as a result of the national and state-specific proposals.

Florida Proposal:
EXHIBIT 2—FACT SHEET (CONT'D)

- Eliminate the Florida special classification phraseologies and notes for Berry Farm and Farm—Sugarcane. They are not associated with a classification and should be eliminated for improved online search results.
- Eliminate the Florida special classification for Code 0106—Christmas Tree Harvesting Exclusively & Drivers and propose the national treatment.
- Eliminate the Florida special classifications for Refrigerator (Codes 3179 and 3076) and propose the national treatment.
- Reformat the Florida special classifications for Construction (Codes 3507, 5022, 5213, and 5403), Nursing Home (Codes 8841, 9047), Railroad Operation (Codes 7133, 7382, 8385), Refrigeration (Codes 3724, 5183, 5190, and 9519), and Wrecking (Codes 5022, 5057, 5213, 5403, 7394, 7395, and 7398) for improved online search results.
- Revise the agency name in the filed note for Codes 8841 and 9047 from the Division of Health of the Florida Department of Health and Rehabilitative Services to Agency for Health Care Administration in accordance with Chapter 400, Florida Statutes.

Florida Impact:
There will be no statewide premium impact in Florida as a result of the national and state-specific proposals.

Hawaii Proposal
Eliminate the Hawaii special classification phraseology and note for Canoe Building & Drivers. They are not associated with a classification and should be eliminated for improved online search results.

Hawaii Impact
There will be no statewide premium impact in Hawaii as a result of the national and state-specific proposals.

Idaho Proposal:
Reformat the Idaho special classifications for Farm (Codes 0037 and 0083) for improved online search results.

Idaho Impact:
There will be no statewide premium impact in Idaho as a result of the national and state-specific proposals.

Missouri Proposal:
Reformat the Missouri special classifications for Shipbuilding—Iron or Steel & Drivers (Codes 6825F and 6835) for improved online search results.

Missouri Impact:
There will be no statewide premium impact in Missouri as a result of the national and state-specific proposals.

Oregon Proposal:
- Eliminate classification phraseologies and notes in the Oregon special classifications that are not associated with a classification code.
- Reformat the Oregon special classifications for Stevedoring and Store for improved online search results.
- Eliminate Oregon special classifications for Freight Handling (Code 7350F and 7360) and propose national treatment.

Oregon Impact:
There will be no statewide premium impact in Oregon as a result of the national and state-specific proposals.

Texas Proposal:
Eliminate classification phraseologies and notes in the Texas special classifications that are not associated with a classification code.

Texas Impact:

There will be no statewide premium impact in Texas as a result of the national and state-specific proposals.
EXHIBIT 2A
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT WV)

A. NATIONAL CLASSIFICATIONS

Data tables are included to assist with determining the effective dates, exceptions, and applicability.

Refer to Part Two—Classifications, and Part Three—Special Classifications, and Part Four—Classifications Pending when applying classifications in a specific state.

Refer to the User’s Guide for an example. Refer to the Class Look-Up tool on ncci.com for classification and all related filed content.
EXHIBIT 2B
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
(Appplies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VT, WV)

Apiary.
See Farm.

Boarding Houses.-
See Roaming houses.-

Canning or Bottling Carbonated Beverages.-
See Carbonated Beverage Mfg. or Bottling.-

Cartridge Mfg. or Loading.-
See Explosives.-

County Employees NFC.-
See Municipal.

Cranberry Growers.-
See Farm.-

Curator.-
See Public Library or Museum.

Dairy Farm Operation.-
See Farm.-

Dismantling of Prefabricated Dwellings.-
See Wrecking.-

Diving—Submarine—Not Marine Wrecking.-
Refer to Rule 3-A-4.

Dry Deck Operation.-
See Ship Repair or Conversion.-

Dye or Dye Intermediate Mfg.-
Assign to the appropriate chemical Code 4828 or 4829.

Egg or Poultry Producer.-
See Farm.-

Employee Leasing Risks
Refer to Rule 1-D-3-f.

Estate—Private.-
See Rule 3-C.
EXHIBIT 2B (CONT’D)

BASIC MANUAL—2001 EDITION

FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED

PART TWO—CLASSIFICATIONS

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VT, WV)

Exhibition.
See Amusement Park.

Express Co.
See Trucking.

Fulfillment Centers.
See Packaging—Contract.

Games.
See Recreational Facilities.

Gardening.
See Farm.

Gas Well or Pipeline
See Oil or Gas Well.

Labor Contractor.
See Employee Leasing Risks.

Library—Public.
See Public Library.

Liquefied Petroleum Gas.
See Gas Distributing.

Livery Co.
See Limousine Co.

Lock or Dam Construction.
See Dam or Lock Construction.

Museum—Public.
See Public Library or Museum.

Nursery Persons
See Farm.

Oil Mfg.—Cottonseed
See Cottonseed Oil Mfg.

Package or Parcel Delivery.
See Trucking.

Parcel or Package Delivery.
See Trucking.
EXHIBIT 2B (CONT’D)
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
(Appplies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VT, WV)

Paving.
See Street or Road.

Pipeline or Gas Well.
See Oil or Gas.

Poultry or Egg Producer.
See Farm.

Private Estate.
See Rule 3-C.

Projectile or Shell Mfg.
See Explosives.

Residence—Private.
See Domestic Workers—Residences and Rule 3-C.

Rolling Mill—Iron or Steel
See Iron or Steel.

Shell or Projectile Mfg.
See Explosives.

Soundproofing.
See Insulation Work NOC.

State Employees NOC.
See Municipal.

Steel Mfg., Fabrication, or Erection.
See Iron or Steel.

Subway Construction.
Assign appropriate construction or erection classifications.

Sulphur Refining

Assign to the appropriate chemical Code 4828 or 4829.

Tar.
See Asphalt or Tar.

Telephone Book Delivery.
See Distributing Companies.
EXHIBIT 2B (CONT’D)
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VT, WV)

Temporary Labor Service.
Classify workers assigned to clients the same as direct employees of the client entity performing the same or similar duties.

Township Employee NOC.
See Municipal.

Trailer Body Mfg.—Not Home Type.
See Automobile, Bus, Truck or Trailer Body Mfg.

Trucking—Riggers
See Mobile Crane & Hoisting Services.

Tube Mfg.
See Pipe or Tube Mfg.

Vegetable Oil Mfg.
See Oil Mfg.—Vegetable.

Vessel
Refer to Rule 3-A-4.

Wrecking—Marine & Salvage Operations
Refer to Rule 3-A-4.
## EXHIBIT 2C
### BASIC MANUAL—2001 EDITION
#### FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED

**PART TWO—CLASSIFICATIONS**

(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

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<td>Paper or Plastic Mfg.</td>
<td>Paper and plastic mfg. to be separately rated.</td>
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<tr>
<td>4273</td>
<td>Bag Mfg.—Paper or Plastic</td>
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EXHIBIT 2D
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
(Appplies in: AK, AL, AR, AZ, CO, CT, DC, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

Boatbuilding or Repair & Drivers—
The following classifications include shop and yard work and are applicable to the construction or repair of wood, metal, fiberglass or plastic yachts, motorboats, sailboats, or rowboats not exceeding 150 feet in length overall.

6824F Coverage Under U.S. Act
6834 Coverage Under State Act only

6834 Boatbuilding or Repair & Drivers—Coverage Under State Act Only
Includes shop and yard work. Applies to the construction or repair of wood, metal, fiberglass or plastic yachts, motorboats, sailboats, or rowboats not exceeding 150 feet in length overall.

6824F Boatbuilding or Repair & Drivers—Coverage Under US Act
Includes shop and yard work. Applies to the construction or repair of wood, metal, fiberglass or plastic yachts, motorboats, sailboats, or rowboats not exceeding 150 feet in length overall.
EXHIBIT 2E
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

**Boat Livery—Boats Under 15 Tons**
This classification includes the laying up or putting into commission of boats. Boats 15 tons or over to be separately rated under the appropriate vessels classification.

**Coverage Under Admiralty Law:**

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<td>Program II—State Act Benefits</td>
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<tr>
<td>7050</td>
<td>Program II—USL&amp;HW Act Benefits</td>
</tr>
</tbody>
</table>

**7038**  
**Boat Livery—Boats Under 15 Tons—Coverage Under Admiralty Law—Program I**  
Includes the laying up or putting into commission of boats. Boats 15 tons or over are to be separately rated to the appropriate vessels classification.

**7090**  
**Boat Livery—Boats Under 15 Tons—Coverage Under Admiralty Law—Program II—State Act Benefits**  
Includes the laying up or putting into commission of boats. Boats 15 tons or over are to be separately rated to the appropriate vessels classification.

**7050**  
**Boat Livery—Boats Under 15 Tons—Coverage Under Admiralty Law—Program II—USL&HW Act Benefits**  
Includes the laying up or putting into commission of boats. Boats 15 tons or over are to be separately rated to the appropriate vessels classification.
EXHIBIT 2F
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
NATIONAL REDUNDANT PHRASEOLOGY TO BE ELIMINATED
(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO,
MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

Inspectors, Samplers, or Weighers of Merchandise on Vessels or Decks or Railwa
stations
or Warehouses.

These classifications include mending or repacking of damaged containers.

8709F Coverage Under U.S. Act
8749 Coverage Under State Act only
EXHIBIT 2G

BASIC MANUAL—2001 EDITION

FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED

PART TWO—CLASSIFICATIONS

(Appplies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, RI, SC, SD, TN, UT, VA, VT, WV)

2915 Plywood Mfg.
Includes veneer mfg.

2946 No Veneer Mfg.

2915 Plywood Mfg.
Includes veneer manufacturing.

2916 Plywood Mfg.—No Veneer Mfg.
Salvage Operation & Incidental Wrecking and Structural Work. See Wrecking. Includes clerical and salespersons at wrecking site. Also includes the handling of machinery in damaged buildings. Drivers to be separately rated as Code 8204—Building material yard.

5705• No Wrecking or Any Structural Operations. Applies to the removing, sorting, reconditioning, and distributing of merchandise in damaged buildings, including incidental operations away from such buildings.

Operations—Marine:
Coverage Under Admiralty Law:

7394 Program I
7395 Program II—State Act Benefits
7398 Program II—USL&HW Act Benefits

5705• Salvage Operation—No Wrecking or Any Structural Operations
Applies to removing, sorting, reconditioning, and distributing merchandise in damaged buildings, including incidental operations away from such buildings.

7394 Salvage Operations—Marine—Coverage Under Admiralty Law—Program I
7395 Salvage Operations—Marine—Coverage Under Admiralty Law—Program II—State Act Benefits
EXHIBIT 2I
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
(Appplies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

Ship

6872F Cleaning—All Operations & Drivers

Repair Conversion—All Operations & Drivers—Includes shop or yard operations as well as the operation of dry docks and marine railways. Applicable only to concerns engaged in general ship repairing or conversion that are equipped to do various kinds of ship repair or conversion work and that undertake such diversified operations as a usual part of their business. Work performed on ships by others performed on ships is to be assigned to the manual classifications describing the work. Refer to Rule 3-A-4.

6872F Coverage Under U.S. Act

6882 Coverage under State Act only

6874F Scaling—Coverage under U.S. Act

6884 Coverage under State Act only

6872F Ship Cleaning—All Operations & Drivers—Coverage Under US Act

6882 Ship Repair or Conversion—All Operations & Drivers—Coverage Under State Act Only

Includes shop or yard operations as well as the operation of dry docks and marine railways. Applies to employers that perform various kinds of general ship repair or conversion work and that undertake such diversified operations as a usual part of their business. Work by others performed on ships is to be assigned to the classifications describing the work. Refer to Rule 3-A-4.

6872F Ship Repair or Conversion—All Operations & Drivers—Coverage Under US Act

Includes shop or yard operations as well as the operation of dry docks and marine railways. Applies to employers that perform various kinds of general ship repair or conversion work and that undertake such diversified operations as a usual part of their business. Work by others performed on ships is to be assigned to the classifications describing the work. Refer to Rule 3-A-4.

6874F Ship Scaling—Coverage Under US Act

6884 Ship Scaling—Coverage Under State Act Only
EXHIBIT 2J
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS

(Appplies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

**Trucking**
Truckers engaged in hauling under contract, whether for one or more individuals or concerns, shall under no circumstances be classified and rated except in accordance with the appropriate “Trucking” classification.

*Exception:* When trucking operations are a secondary business and conducted as a separate undertaking or enterprise, the payroll of an individual employee may be divided and allocated to other than a “Trucking” classification. Refer to Rule 1-E.

Each classification includes miscellaneous employees such as terminal employees, garage employees, and repairers.

7232 **Mail, Parcel, or Package Delivery—Under Contract With the U.S. Postal Service—All Employees & Drivers**—Applies to risks engaged under contract to the U.S. Postal Service for delivery of mail involving letters, parcels, packages, sacks, pallets, and rolling containers. Includes both U.S. Postal Service contract mail delivery performed on a bulk basis as well as on an individual-letter, parcel, or package basis.

7222 **Oil Field Equipment—All Employees & Drivers**

7230 **Parcel or Package Delivery—All Employees & Drivers**—Applies to risks engaged exclusively in delivery from retail stores under term contracts.
7222 Trucking—Oil Field Equipment—All Employees & Drivers

Truckers hauling under contract, whether for one or more individuals or employers, must under no circumstances be classified except in accordance with the appropriate trucking classification. Includes miscellaneous employees such as terminal employees, garage employees, and repairers.

When trucking operations are a secondary business and conducted as a separate undertaking or enterprise, the payroll of an individual employee may be divided and allocated to other than a trucking classification. Refer to Rule 1-E.
EXHIBIT 2L
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

7230 Trucking—Parcel or Package Delivery—All Employees & Drivers
Applies to employers that exclusively deliver from retail stores under term contracts. Includes miscellaneous employees such as terminal employees, garage employees, and repairers. Truckers hauling under contract, whether for one or more individuals or employers, must under no circumstances be classified except in accordance with the appropriate trucking classification. When trucking operations are a secondary business and conducted as a separate undertaking or enterprise, the payroll of an individual employee may be divided and allocated to other than a trucking classification. Refer to Rule 1-E.
7232  Trucking—Mail, Parcel, or Package Delivery—Under Contract With the US Postal Service—All Employees & Drivers

 Applies to employers under contract with the US Postal Service for delivery of mail involving letters, parcels, packages, sacks, pallets, and rolling containers. Includes US Postal Service contract mail delivery performed on both a bulk basis and an individual letter, parcel, or package basis. Includes miscellaneous employees such as terminal employees, garage employees, and repairers.

 Truckers hauling under contract, whether for one or more individuals or employers, must under no circumstances be classified except in accordance with the appropriate trucking classification. When trucking operations are a secondary business and conducted as a separate undertaking or enterprise, the payroll of an individual employee may be divided and allocated to other than a trucking classification. Refer to Rule 1-E.
EXHIBIT 2N
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

9522 Upholstering
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 9522 are conducted as a separate and distinct business. This restriction does not apply in connection with coffin or casket mfg., automobile body mfg., or furniture mfg.

9524 Away From Shop

9521 Upholstering—Away From Shop
Must not be assigned to an employer conducting operations described by another classification unless the operations subject to Code 9521 are conducted as a separate and distinct business. This restriction does not apply to coffin or casket manufacturing, automobile body manufacturing, or furniture manufacturing.

9522 Upholstering
Must not be assigned to an employer conducting operations described by another classification unless the operations subject to Code 9522 are conducted as a separate and distinct business. This restriction does not apply to coffin or casket manufacturing, automobile body manufacturing, or furniture manufacturing.
EXHIBIT 2O
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT, WV)

Weighers, Samplers, or Inspectors of Merchandise on Vessels or Docks or at Railway Stations or Warehouses
These classifications include mending or repacking of damaged containers. Operation of warehouses to be separately rated.

8709F Coverage Under U.S. Act
8719 Coverage Under State Act Only

8709F Weighers, Samplers, or Inspectors of Merchandise on Vessels or Docks or at Railway Stations or Warehouses—Coverage Under U.S. Act
Includes mending or repacking of damaged containers. Operation of warehouses is to be separately rated.

8719 Weighers, Samplers, or Inspectors of Merchandise on Vessels or Docks or at Railway Stations or Warehouses—Coverage Under State Act Only
Includes mending or repacking of damaged containers. Operation of warehouses is to be separately rated.
Gas Main or Connection Construction & Drivers*
Includes tunneling at street crossings when not performed under air pressure. All other tunneling is to be separately rated. Separately rate the construction of pipelines between natural gas producing fields and points of connection with local distributing systems. Such cross-country pipeline construction shall be must be rated as to Code 6233—Oil or gas pipeline construction. Code 7502—Gas company shall not be assigned at the same job or location to which that Code 6319 applies.

*(Filing Note: Code 6319 is being revised to replace the mercantile designation with the construction designation and make plain language changes.)
8046♦ Automobile—Recycling*
Applies to $store employees who do not engage in perform other operations and have no yard exposure.

*(Filing Note: Code 8046 is being revised to add the mercantile designation and make plain language changes.)
EXHIBIT 2R
BASIC MANUAL—2001 EDITION
FACT SHEET 2—CLASSIFICATIONS TO BE REFORMATTED
PART TWO—CLASSIFICATIONS
(Applies in: AK, AL, AR, AZ, CO, CT, DC, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, UT, VA, VT, WV)

8279 ■ Dog Show—Kennel Employees & Drivers*

*(Filing Note: Code 8279 is being revised to replace the mercantile designation with the farm designation.)
EXHIBIT 3—FACT SHEET

PART FOUR—CLASSIFICATIONS PENDING

PURPOSE
The proposed changes eliminate Part Four—Pending Classifications in NCCI’s Basic Manual.

BACKGROUND
Part Four—Classifications Pending

Item B-1411—Revision to Basic Manual Introduction—Application of Manual Rules and Part Two—Classifications was filed effective April 1, 2009. This item added Part Four—Classifications Pending to show classifications that are:

• No longer in effect nationally but remain state specials until each state’s effective date
• Pending discontinuation until the effective date of the change or completion of a transition program

Since the implementation of Item B-1411, various upgrades have been made to improve NCCI’s ability to provide classification information on ncci.com. This warrants a review of how the same information is presented in the online and hard copy versions of the Basic Manual. Most recently, NCCI released its Class Look-Up tool on ncci.com. This tool introduced certain functionality that renders some of the content in the Basic Manual obsolete. Specifically, the tool:

• Provides a central look-up for classifications and statistical codes, loss costs and rates, and associated code elements, such as effective and discontinued dates
• Includes all phraseologies for each classification, by state
• Enables customers to refine their search results by user-defined criteria

As a result of implementing the Class Look-Up tool, the information contained in Part Four—Classifications Pending is no longer necessary and is being eliminated.

PROPOSAL
This item proposes to eliminate:

1. Part Four A—Classifications Pending Discontinuation
2. Part Four B—Classifications Pending Completion of Transition Program

IMPACT
There will be no statewide premium impact as a result of this item.
A. CLASSIFICATIONS PENDING DISCONTINUATION

The classifications listed below are the previous national classification treatments that will remain in effect until each state’s effective date.

Refer to Part Two—Classifications, Part Three—Special Classifications, and Part Four—Classifications Pending when applying classifications in a specific state.

4860 Abrasive Paper or Cloth Preparation
Paper or cloth mfg. to be separately rated.

4282 Boot or Shoe Pattern Mfg.
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 4282 are conducted as a separate and distinct business.

6047 Dam or Lock Construction—Concrete Work—All Operations
Includes work on foundations, or the making, setting up, or taking down of forms, scaffolds, falsework, or concrete distributing apparatus. With respect to non-pneumatic caisson or non-pneumatic cofferdam operations, the appropriate caisson or cofferdam classification shall apply only to the construction, maintenance, or removal of the caisson or cofferdam. Excavation—pile driving, shaft sinking, tunnelling, caisson or cofferdam work to be separately rated.

4282 Dress Pattern Mfg.—Paper
Includes designers, drafting employees, and cutters. Magazine printing to be separately rated as Code 4299—Printing.

2534 Feather or Flower Mfg.—Artificial

4361 Film Print Shops—All Employees & Clerical, Salespersons, Drivers

Includes developing and printing of film.

4744 Flint or Spar Grinding & Driverts.
Digging, mining, or quarrying to be separately rated.

2534 Flower or Feather Mfg.—Artificial

4443 Glass Mfg.—Cut

2534 Hair Goods Mfg.
Applies to products made from human hair.

5069 Iron or Steel—Erection—Construction of Dwellings Not Over Two Stories in Height

7370 Limousine Co.—All Other Employees & Drivers—Nonscheduled
EXHIBIT 3A (CONT’D)
BASIC MANUAL—2001 EDITION
FACT SHEET 3—PART FOUR—CLASSIFICATIONS PENDING
(Applies in: AK, AL, AR, AZ, CO, CT, DC, FL, GA, HI, IA, ID, IL, IN, KS, KY, LA, MD, ME, MO, MS, MT, NE, NH, NM, NV, OK, OR, RI, SC, SD, TN, TX, UT, VA, VT WV)

7382 Limousine Co.—All Other Employees & Drivers—Scheduled

4853 Mica Goods Mfg. & Mica Preparing.
Mining to be separately rated.

5069* Military Reservation—Construction—Iron or Steel Erection—Not Over Two Stories in Height
Applications only to the construction or repair of buildings designed for the housing, welfare, and keep of personnel. All other operations in the construction or repair of such buildings and all other construction or repair in connection with military reservations must be assigned to appropriate classifications.

4282 Music Roll Mfg.—Perforated Paper.
Paper mfg. to be separately rated as Code 4239.

4063 Pottery Mfg.—China or Tableware
Mining, quarrying, or clay digging to be separately rated.

4064 Pottery Mfg.—Earthenware—Glazed or Porcelain—Hand Molded or Cast
Codes 4064 and 4062—Pottery mfg.—porcelain ware—mechanical press forming shall not be assigned to the same risk unless the operations described by these classifications are conducted as separate and distinct businesses. Mining, quarrying, or clay digging to be separately rated.

4655 Quarry—Limestone—Surface & Drivers
Includes construction, repair, or maintenance of all buildings, structures, or equipment, installation of machinery and is applicable only to surface quarries operated by lime manufacturers, provided that at least 75% of the stone quarried is used in the actual lime mfg. If more than 25% of the quarry output is used for other than lime mfg., such operations shall then be classified under Code 1624—Quarry NOC.

4282 Shoe or Boot Pattern Mfg.
Shall not be assigned to a risk engaged in operations described by another classification unless the operations subject to Code 4282 are conducted as a separate and distinct business.

17.4 Silica Grinding & Drivers.
Digging; mining; or quarrying to be separately rated.

17.4 Spar or Flint Grinding & Drivers.
Digging; mining; or quarrying to be separately rated.

405 Terra-Cotta Mfg.
Applies to decorative or architectural terra-cotta. Mining, quarrying, or clay digging to be separately rated.
B. CLASSIFICATIONS PENDING COMPLETION OF TRANSITION PROGRAM

The classifications listed below are the pending national classification changes that will become effective in the last phase of each state’s transition program.

Refer to Part Two—Classifications; Part Three—Special Classifications; and Part Four—Classifications Pending when applying classifications in a specific state.

Refer to the User’s Guide for an example.
Executive Summary for 01-MT-2020 and Proposed Draft Motion and Resolution
Montana Workers Compensation Classification Review Committee

Executive Summary

Item 01-MT-2020—Revisions to Basic Manual Classification for Irrigation Pipe Installation in Montana

This item revises the classification treatment for above-ground agricultural irrigation pipe installation in the Montana Special Classifications section of for NCCI’s *Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual)*:

Questions recently surfaced related to the proper classification of commercial irrigation system work in Montana. National Code 6229—Irrigation or Drainage System Construction & Drivers includes all types of commercial agricultural irrigation construction operations. Code 6229 is the appropriate classification for the national treatment for commercial irrigation system work, as these operations are described by Code 6229.

This item proposes to establish a Montana special phraseology Code 6229 — Irrigation Pipe Installation—Agricultural—Above Ground & Drivers in Code 6229 to clarify that above-ground agricultural irrigation pipe installation is assigned to Code 6229.

**Suggested Motion/Resolution for Agenda Item 01-MT-2020:**

Following review and discussion, upon motion duly made, seconded and unanimously approved, it is **RESOLVED**, that Item 01-MT-2020 is accepted by the Committee as presented by NCCI and further the Committee approves proceeding to rulemaking.
ITEM 01-MT-2020—REVISIONS TO BASIC MANUAL CLASSIFICATION FOR IRRIGATION PIPE INSTALLATION IN MONTANA
ITEM 01-MT-2020—REVISIONS TO BASIC MANUAL CLASSIFICATION FOR IRRIGATION PIPE INSTALLATION IN MONTANA

PURPOSE

This item revises the classification treatment for above-ground agricultural irrigation pipe installation in the Montana Special Classifications section of NCCI’s Basic Manual for Workers Compensation and Employers Liability Insurance (Basic Manual).

BACKGROUND

Item B-1431—Revisions to Basic Manual Classifications and Appendix E—Classifications by Hazard Group was approved by the Montana Office of the Commissioner of Securities and Insurance effective July 1, 2018. Certain low-credibility state special classifications were eliminated with the approval of Item B-1431. Montana Special Classification Code 6365—Irrigation Pipe Installation—Agricultural—Above Ground & Drivers was eliminated and reassigned to national Code 3724—Machinery or Equipment Erection or Repair NOC & Drivers.

Questions recently surfaced related to the proper classification of commercial irrigation system work in Montana. National Code 6229—Irrigation or Drainage System Construction & Drivers includes all types of commercial agricultural irrigation construction operations. Code 6229 is the appropriate classification for the national treatment for commercial irrigation system work, as these operations are described by Code 6229.

PROPOSAL

This item proposes to establish a Montana special phraseology—Irrigation Pipe Installation—Agricultural—Above Ground & Drivers in Code 6229 to clarify that above-ground agricultural irrigation pipe installation is assigned to Code 6229.

IMPACT

It is anticipated that the overall statewide premium impact of this item will be negligible. Individual employers may see a premium increase from the transfer of payroll from Code 3724 to Code 6229. The impact to individual employers will depend on the amount of payroll that transfers between codes as well as their associated loss costs.

EXHIBIT COMMENTS AND IMPLEMENTATION SUMMARY

<table>
<thead>
<tr>
<th>Exhibit</th>
<th>Exhibit Comments</th>
<th>Implementation Summary</th>
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<tr>
<td>1</td>
<td>Displays the establishment of a Montana exception to national Code 6229 in the Montana Special Classifications section of NCCI’s Basic Manual.</td>
<td>To become effective for new and renewal voluntary policies only, effective on and after 12:01 a.m. July 1, 2021.</td>
</tr>
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</table>
EXHIBIT 1
BASIC MANUAL—2001 EDITION
MONTANA SPECIAL CLASSIFICATIONS

6229• Irrigation Pipe Installation—Agricultural—Above Ground & Drivers

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