



August 30, 2022

VIA SERFF

The Honorable Michael Humphreys
Acting Insurance Commissioner
Commonwealth of Pennsylvania
Insurance Department
1311 Strawberry Square
Harrisburg, PA 17120

Attention: Michael McKenney, Actuarial Supervisor, Property & Casualty Bureau

**RE: PCRB Filing No. 334 – Proposed Effective April 1, 2023
Classification Procedural Change
Creation of Code 822, Telecommuting Clerical Employees**

Dear Acting Commissioner Humphreys and Actuarial Supervisor McKenney:

On behalf of the members of the Pennsylvania Compensation Rating Bureau (PCRB), we hereby submit the proposed filing for revisions to the PCRB Workers' Compensation Manual of Rules, Classifications and Rating Values for Workers' Compensation and Employers Liability Insurance (Basic Manual). These revisions are proposed for policies with effective dates of 12:01 a.m., April 1, 2023, or later. This proposed effective date coincides with changes resulting from PCRB's normal annual comprehensive loss cost revision filing, which will be filed with the Insurance Department at a later date. This coordination consolidates necessary changes that our members and other constituents must make to policies, forms, and systems so that they occur once annually.

Telecommuting clerical employees are employees performing office clerical work (e.g., keeping the books or records of the insured, conducting correspondence, answering telephone calls) from their home via the use of email, telephone, and the internet. The Basic Manual presently classifies telecommuting clerical employees to Code 953, Office, which is the standard exception classification for office clerical employees.

Instances of employees working remotely increased significantly in 2020 and 2021 due to stay-at-home orders resulting from the COVID-19 pandemic. Industry analysts predict that a permanent shift towards telecommuting for many employees is likely because the pandemic has forced employers to make the necessary investments in technology and management practices in industries where telework is possible. Pursuant to this increase in remote work, the PCRB proposes the creation of a new and separate classification for telecommuting clerical employees: Code 822, Telecommuting Clerical Employee, for policies with effective dates of April 1, 2023, and later. Pending approval, Code 822 will be administered as a standard exception classification and authorized for all employers other than those assigned to a classification designated "All Employees Including Office." Clerical workers who interchange between telecommuting and performing clerical work at their employer's location will be classified to Code 822

when more than 50% of their time is spent telecommuting, and to Code 953 when 50% or less of their time is spent telecommuting.

Since the payroll and loss experience developed by employees meeting the criteria for assignment to Code 822 cannot presently be isolated from the experience developed by employees who would remain classified to Code 953, this proposal does not rely upon historical experience comparisons or statistical testing. The basis for this proposal is the PCRB's recognition that telecommuting is increasingly common across many types of businesses. The creation of a separate telecommuter classification will facilitate the capture of statistical data for telecommuting employees on a going forward basis. It will also align the PCRB with the national perspective, as multiple jurisdictions presently maintain a separate telecommuting classification.

The PCRB does not propose the creation of a corresponding temporary staffing classification for Code 822. Telecommuting presents the same occupational characteristics and exposures whether conducted by direct employees or by temporary staff. In both a direct employment and a temporary staffing arrangement, the telecommuter performs clerical work in the telecommuter's home. Unlike most other types of temporary staff, temporary telecommuting staff are not exposed to varied and unfamiliar work environments. The attached Basic Manual amendments specify that Code 822 is excepted from the general classification procedure for temporary staffing.

Code 822 will be combined with Code 953 for ratemaking purposes until such time as credible payroll and loss experience can be developed for Code 822. The approved April 1, 2022, PCRB Code 953 loss cost is \$0.07. The PCRB Code 953 loss cost that will be in effect on April 1, 2023, may differ from the current Code 953 loss cost due to the PCRB's upcoming April 1, 2023, comprehensive loss cost filing.

The PCRB's June 8, 2022, staff memorandum, which is included as part of this filing, describes, and explains the reasoning for this proposed classification procedural change. This proposal was reviewed and supported by the PCRB Classification and Rating Committee (Committee) at the Committee's June 8, 2022, meeting.

Thank you in advance for your attention to this filing. The PCRB will be pleased to answer any questions you or the Insurance Department staff may have regarding this proposal.

Sincerely,

William V. Taylor
President

Enclosures: June 8, 2022, Memorandum to the Committee
Revisions to Sections 1 and 2 of the Basic Manual

TO: Pennsylvania Compensation Rating Bureau Classification and Rating Committee

FROM: Robert Ferrante, Senior Classification Analyst – Technical Services

DATE: June 08, 2022

RE: Classification Procedural Change:
Creation of Code 822, Telecommuting Clerical Employees

INTRODUCTION AND BACKGROUND

Telecommuting clerical employees are employees performing office clerical work (e.g., keeping the books or records of the insured, conducting correspondence, answering telephone calls) from their home via the use of email, telephone and the internet. PCRB procedure presently classifies telecommuting clerical employees to Code 953, Office, which is the standard exception classification for office clerical employees. The scope of Code 953 is defined in Rule IV.B.4. (“Standard Exception Classification”) from the Basic Manual and is partially replicated below:

CLERICAL OFFICE EMPLOYEES – Code 953 – are employees exclusively engaged in keeping the books or records of the insured or conducting correspondence or who are engaged wholly in office work where such books or records are kept or such correspondence is conducted.

This classification shall be applied only to employees herein described who work exclusively in separate buildings or on separate floors or in departments on such floors which are separated from all other workplaces of the employer by floor to ceiling partitions except for retail stores where a partition at least five feet high is required and within which no work is performed other than clerical office duties as defined in this rule.

Telecommuters i.e., employees who work from their home by use of the internet, email and telephone, shall also be considered clerical office employees for purposes of assignment to Code 953.

PCRb was prompted to review the classification applicable to telecommuting clerical employees due to the increasing prevalence of telecommuting, particularly as a result of the Covid 19 pandemic. Prior to the Covid outbreak, telecommuting was slower to take hold than many industry analysts predicted when remote work technology first emerged. This was reflective of the general slowness with which work cultures typically change and of employers’ reluctance to invest in the technology and management practices necessary to manage a remote workforce. However, statistics show that as a result of the pandemic up to half of American workers are presently telecommuting. This is more than double the number of workers’ who telecommuted (at least partially) from 2017 to 2018. Industry analysts predict that a permanent shift towards telecommuting is now more likely given that the pandemic has forced employers to make the necessary investments in technology and management practices in industries where telework is possible, and because more workers are learning how to use remote technology.

CLASSIFICATION PROCEDURE IN OTHER JURISDICTIONS

The National Council on Compensation Insurance, Inc. (NCCI) classifies telecommuting clerical employees to Code 8871, Clerical Telecommuter Employees. The NCCI created Code 8871 effective July 1, 1996. NCCI's filing document announcing the creation of Code 8871 (CIF-96-2, dated February 9, 1996) noted that at the time telecommuting appeared to be a growing trend across multiple industries. This growth was attributed to perceived advantages for businesses who adopt telecommuting strategies (e.g., increased employee retention and morale, reduced office space requirements, attracting employees living in areas remote from the employer's location) and to political, social and environmental factors. Those factors include the passing of The Americans with Disabilities Act of 1990, which stressed the importance of accommodating employees who may have commuting issues, and The Clean Air Act, which recognized that employer sponsored flexible work schedules, including telecommuting, may reduce air pollution. The NCCI Code 8871 introductory rating values were the same as those for NCCI Code 8810, Clerical Office Employees, N.O.C., until Code 8871 developed sufficient experience for rate making purposes.

NCCI Code 8871 is applied to employees performing clerical duties in a residence office. NCCI defines a residence office as a clerical work area located within the home of the clerical employee. The residence office must be separate and distinct from the location of the employer. In the event that an employer operates a business from a residence and the employer has clerical staff at the employer's business location residence, those clerical employees are classified to NCCI Code 8810. NCCI classifies telecommuters who interchange between performing clerical work in home and performing clerical work in the employer's office to Code 8871 when more than 50% of their time is spent telecommuting, and to Code 8810 when 50% or less of their time is spent telecommuting. Clerical duties of an employee classified to Code 8871 include but are not limited to creation or maintenance of financial or other employer records, handling correspondence, computer composition, technical drafting, and telephone duties, including sales by phone. NCCI considers telecommuter employees to be Standard Exceptions unless they are specifically included within the phraseology of a basic classification.

An NCCI analysis shows that presently NCCI Code 8871 accounts for 0.5% (or \$13B) of countrywide payroll. By comparison, NCCI Code 8810 accounts for approximately 30% (or \$734B) of countrywide payroll. Due to more permanent trends towards telecommuting as discussed above, countrywide payroll attributed to Code 8871 is expected to increase.

The independent bureau states of California, New York, North Carolina, Indiana and Wisconsin also classify telecommuting clerical employees to Code 8871. The Workers' Compensation Insurance Rating Bureau of California (WCIRB) adopted Code 8871 effective January 1, 2021. The scope of WCIRB Code 8871 is similar to the scope of NCCI Code 8871. WCIRB's action was prompted by the increase in telecommuting resulting from state mandated stay at home orders due to Covid 19. WCIRB anticipates that trends towards telecommuting may continue post-pandemic. The introductory rating value for WCIRB Code 8871 is the same as that for WCIRB Code 8810. WCIRB will monitor loss and payroll data reported to Code 8871 to determine when it develops sufficient data for rate making.

RECOMMENDATION

Staff proposes the creation of a new classification for telecommuting clerical employees: Code 822, Telecommuting Clerical Employee, for policies with effective dates of April 1, 2023, and later. This will align PCRB with the national perspective on the classification of telecommuting clerical employees. A separate telecommuting classification will facilitate the identification of an occupation that is becoming increasingly common to many businesses. It will also recognize the differences in exposure between telecommuting clerical work and clerical work performed at the employer's location.

Code 822 will be a standard exception classification and will apply to employees who work from their personal residence by use of the internet, email and telephone to perform office clerical work. PCRB anticipates that many businesses may employ a hybrid work schedule post pandemic, where individual clerical employees will interchange between telecommuting and performing clerical work at their employer's location. Clerical workers who interchange between telecommuting and performing clerical work at their employer's location will be classified to Code 822 when more than 50% of their time is spent telecommuting, and to Code 953 when 50% or less of their time is spent telecommuting. The proposed enabling Manual language amendments are attached. The introductory Code 822 PCRB loss costs will be the same as those for Code 953 until Code 822 develops sufficient experience for rate making purposes. The approved April 1, 2022, PCRB Code 953 loss cost is \$0.07. PCRB anticipates that the PCRB Code 953 loss cost that will be in effect on April 1, 2023, may differ than the current loss cost of \$0.07 due to the PCRB's annual comprehensive loss cost revision, to be filed with the Department at a later date with a proposed effective date of April 1, 2023.

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

Proposed Effective April 1, 2023

INFORMATION PAGE

PREFACE remains unchanged.

MEMBERSHIP remains unchanged.

TABLE OF CONTENTS remains unchanged.

SECTION I – UNDERWRITING RULES

RULE I – GENERAL remains unchanged.

RULE II – EXPLANATION OF COVERAGES AND METHODS OF INSURING

ITEM A. through **ITEM E.** remain unchanged.

F. DEDUCTIBLE COVERAGE

ITEM 1. through **ITEM 4.** remain unchanged.

5. The loss elimination ratio is determined by the hazard group (found in Section 2 of this Manual) of the policy's governing classification. Codes 951, ~~Salesman~~ Salesperson – Outside, Code 953, Clerical Office Employees and Code 822, Telecommuting Clerical Employees, cannot be governing classifications unless they are the only classifications on the policy.

ITEM 6. through **ITEM 8.** remain unchanged.

ITEM G. remains unchanged.

RULE III – POLICY PREPARATION – INSURED, POLICY PERIOD AND STATE OF OPERATIONS remains unchanged.

RULE IV – CLASSIFICATIONS

ITEM A. remains unchanged.

B. Classifications

ITEM 1. through **ITEM 3.** remain unchanged.

4. Standard Exception Classification

No change.

- a. **CLERICAL OFFICE EMPLOYEES – Code 953** – are employees exclusively engaged in keeping the books or records of the insured or conducting correspondence or who are engaged wholly in office work where such books or records are kept or such correspondence is conducted.

This classification shall be applied only to employees herein described who work exclusively in separate buildings or on separate floors or in departments on such floors which are separated from all other workplaces of the employer by floor to ceiling partitions except for retail stores where a partition at least five feet high is required and within which no work is performed other than clerical office duties as defined in this rule.

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

Proposed Effective April 1, 2023

~~Telecommuters i.e., employees who work from their home by use of the internet, email and telephone, shall also be considered clerical office employees.~~

Office employees shall be separately classified except in connection with those classes which are designated "all employees including office."

If any clerical office employee (including drafting employees) has any other regular duty, the entire payroll of that employee shall be assigned in accordance with the class to which the business is assigned.

COVID 19 CORONAVIRUS EXCEPTION:

An employee's job duties may be temporarily reclassified to Code ~~953-822 -Telecommuting~~ Clerical Office Employees during any emergency orders, laws regulations issued due to COVID-19 (Coronavirus), if separate, accurate, verifiable records are maintained. If such records are not maintained, the employee is assigned to the classification applicable to their duties prior to any emergency orders, laws, or regulations issued due to the COVID-19 (Coronavirus) pandemic. Once normal business operations resume, appropriate classifications should be applied.

This exception is for policies in force on March 1, 2020. The exception will continue to remain in effect and will not expire until determined at a later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

This classification does not apply to:

- (1) The clerk, such as a counter, front desk, lobby, mall kiosk, time, stock or tally clerk or librarian, whose work is necessary, incidental or part of any operation of the business other than clerical office. Such clerk should be assigned to the basic classification of the business.
- (2) A cashier who is responsible for accepting payment for merchandise or services rendered. The cashier's physical location may include but is not necessarily limited to: a booth, behind a counter or on a sales floor. The cashier or any employee whose regular and frequent duty is accepting payment for merchandise or services rendered should be assigned to the basic classification of the business regardless of the physical work location.

- b. TELECOMMUTING CLERICAL EMPLOYEES – CODE 822 are employees who work from their personal residence by use of the internet, email and telephone to perform clerical office work. The personal residence of the telecommuter must be separate and distinct from the business location of the employer. Telecommuters shall be exclusively engaged in clerical office type work including but not necessarily limited to: keeping the books or records of the employer, conducting correspondence and telephone duties (including inside sales by telephone).

An employee who interchanges between performing clerical office work at the employer's place of business and performing clerical office work by telecommuting shall be assigned to Code 822 when more than 50% of the employee's time is spent telecommuting. Such employees shall be assigned to Code 953 when 50% or less of their time is spent telecommuting

- b.c. SALESPERSONS – OUTSIDE, Code 951 are employees either exclusively engaged in sales or collection work away from the employer's premises or who regularly and frequently (as defined in Section 2 of this Manual) are engaged in sales or collection work away from their employer's premises and devote the balance of their time to clerical office duties. Salespersons, collectors or messengers shall be separately classified except in connection with those classifications designated either "all employees including office" or "all employees except office.)

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

Proposed Effective April 1, 2023

This classification does not apply to:

ITEM 1. and **ITEM 2.** remain unchanged.

3. Employees who sell or solicit exclusively by telephone. Such employees shall be assigned to Code 953 or to Code 822 except in connection with any classification designated "all employees including office."

ITEM 4. remains unchanged.

ITEM 5. and **ITEM 6.** remain unchanged.

ITEM C. and **ITEM D.** remain unchanged.

RULE V – PREMIUM BASIS through **RULE VIII – LIMITS OF LIABILITY** remain unchanged.

RULE IX – SPECIAL CONDITIONS OR OPERATIONS AFFECTING COVERAGE

A. EXECUTIVE OFFICERS

ITEM 1. through **ITEM 6.** remain unchanged.

7. Assignment of payroll

Payroll assignment shall be made in the same manner as for any employee. No executive officer's payroll may be assigned to the standard exception classification unless that officer's duties fulfill the ~~definition of either Salesman~~ criteria of assignment to one the following classifications: Code 951, Salesperson – Outside, or Office Code 953, Clerical Office Employees or Code 822, Telecommuting Clerical Employees. See Rule IV.

ITEM 8. through **ITEM 10.** remain unchanged.

ITEM B. through **ITEM I.** remain unchanged.

RULE X – CANCELLATION through **RULE XVIII – PROFESSIONAL EMPLOYER ORGANIZATIONS, PROFESSIONAL EMPLOYER AGREEMENTS, AND PROFESSIONAL EMPLOYER SERVICES** remains unchanged.

SECTION 2 – CLASSIFICATIONS AND PCRB RATING VALUES

TABLE OF CONTENTS through **EXCESS LOSS (PURE PREMIUM) FACTORS FOR UNITED STATES LONGSHORE AND HARBOR WORKERS ACT** remain unchanged.

DEFINITIONS

ALL EMPLOYEES EXCEPT OFFICE remains unchanged.

ALL EMPLOYEES INCLUDING OFFICE: There is no payroll division between a business classification designated "all employees including office" and Codes 951, ~~and~~ Code 953, and Code 822. Such business classification contemplates all salespersons employed by any business assignable to that classification. Such classification also contemplates clerical office personnel engaged in the administration of the business, regardless of whether the office personnel are located at or contiguous to the business' location or a location separate from the business' location.

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

Proposed Effective April 1, 2023

ALL EMPLOYEES INCLUDING OFFICE EXCEPT WORKFARE OR HOME HEALTH CARE SERVICES AND/OR HOME CARE SERVICES through **TEMPORARY STAFFING CLASSIFICATION** remain unchanged.

CLASSIFICATIONS

No change to Classification Code 005 – **TREE PRUNING, SPRAYING, REPAIRING OR FUMIGATING** through Classification Code 821 – **BEVERAGE DISTRIBUTOR, WHOLESALE**.

822 TELECOMMUTING CLERICAL EMPLOYEES

Applicable to employees who work from their personal residence by use of the internet, email and telephone to perform clerical work. The personal residence of the telecommuter must be separate and distinct from the business of the employer. Telecommuters shall be exclusively engaged in clerical office type work including but not necessarily limited to: keeping the books or records of the employer, conducting correspondence and telephone duties (including inside sales by telephone).

An employee who interchanges between performing clerical office work at the employer's place of business and performing clerical office work by telecommuting shall be assigned to Code 822 when more than 50% of the employee's time is spent telecommuting. Such employees shall be assigned to Code 953 when 50% or less of their time is spent telecommuting. See Code 953 for information on the scope of that classification.

OPERATIONS NOT INCLUDED:

1. Code 822 may not be applied to telecommuters working for an employer that is assigned to a classification designated "All Employees Including Office." Such employees must be classified in accordance with the employer's applicable field of business classification.
2. A business that operates from a personal residence shall have employees who perform clerical office work at that personal residence assigned to Code 953, provided that the employer is not classified to a classification designated, "All Employees Including Office" and the office employees fulfill the criteria for assignment to Code 953. See Code 953 for additional details.
3. Not applicable to telecommuting employees who perform outside sales work, any duties directly related to the employer's business operations, or any work necessary, incidental or related to the employer's business operations, including but not necessarily limited to stock, tally, front desk or cashier duties.

Underwriting Guide

Telecommuting Clerical Employees

No change to Classification Code 825 – **AUTOMOBILE STORAGE GARAGE OR PARKING STATION OR LOT – NO AUTOMOBILE REPAIR** through Classification Code 945 – **HOTEL RESTAURANT EMPLOYEES, ALL EMPLOYEES EXCEPT OFFICE. FOR USE IN CONJUNCTION WITH CODE 973 ONLY**.

948 MAILING OR ADDRESSING COMPANY – ALL EMPLOYEES INCLUDING OFFICE

No change.

Clerical is included within the phraseology of this classification. Code 948 does not provide for payroll division with ~~either~~ Code 951, ~~or~~ Code 953, or Code 822.

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Proposed Effective April 1, 2023

OPERATIONS NOT INCLUDED:

No change.

Underwriting Guide

No change.

951 SALESPERSON – OUTSIDE

No change.

OPERATIONS NOT INCLUDED:

ITEM 1. through ITEM 3. remain unchanged.

4. Assign Code 953 [or Code 822](#) to employees who sell or solicit exclusively by telephone except in connection with any classification designated “all employees including office.”

ITEM 5. through ITEM 7. remain unchanged.

UNDERWRITING GUIDE

No change.

No change to Classification Code 952 – **OFFICE MACHINE SERVICE OR REPAIR.**

953 CLERICAL OFFICE EMPLOYEES

No change.

Operations Not Included:

ITEM 1. through ITEM 4. remain unchanged.

5. [An employee who interchanges between performing clerical office work at the employer's place of business and performing clerical office work by telecommuting shall be assigned to Code 822 when more than 50% of the employee's time is spent telecommuting. Such employees shall be assigned to Code 953 when 50% or less of their time is spent telecommuting. See Code 822 for information on the scope of that classification.](#)

UNDERWRITING GUIDE:

~~Telecommuter~~

No change to Classification Code 954 – **SECURITY AGENCY** through Classification Code 9741 – **CATASTROPHE (OTHER THAN CERTIFIED ACTS OF TERRORISM).**

GENERAL AUDITING & CLASSIFICATION INFORMATION

No change to **AUTOMOBILE DISMANTLERS** through **SNOW PLOWING AND/OR REMOVAL.**

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Proposed Effective April 1, 2023

TEMPORARY STAFFING CONTRACTOR

No change.

EXCEPTIONS:

ITEM 1. through **ITEM 6.** remain unchanged.

- 7. CLERICAL** – all temporary clerical staff [other than telecommuting clerical employees](#) shall be assigned to Code 2953 regardless of the client’s applicable direct employment classification. See Rule IV.B.2 (“Standard Exception Classification”) in Section 1 of this Manual for the definition of clerical staff. [Telecommuting clerical employees shall be classified to 822. Refer to Code 822 for information regarding the scope of that classification.](#)

ITEM 8. remains unchanged.

- 9.** The following classifications are not available as a guide in classifying temporary staffing contractors: [822](#), 972, 985, 993, 994, 996, 0901, 0902, 0908, 0909, 0912 and 0913.

ITEM 10 and **ITEM 11.** remain unchanged.

No change to **TIPS VS. AUTOMATIC GRATUITIES** through **WRECKING OR DEMOLITION OR BUILDING MOVING OR RAISING PROJECT.**

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RULE II – EXPLANATION OF COVERAGES AND METHODS OF INSURING

ITEM A. through **ITEM E.** remain unchanged.

F. DEDUCTIBLE COVERAGE

ITEM 1. through **ITEM 4.** remain unchanged.

5. The loss elimination ratio is determined by the hazard group (found in Section 2 of this Manual) of the policy's governing classification. Code 951, Salesperson – Outside, Code 953, Clerical Office Employees and Code 822, Telecommuting Clerical Employees, cannot be governing classifications unless they are the only classifications on the policy.

ITEM 6. through **ITEM 8.** remain unchanged.

ITEM G. remains unchanged.

RULE III – POLICY PREPARATION – INSURED, POLICY PERIOD AND STATE OF OPERATIONS remains unchanged.

RULE IV – CLASSIFICATIONS

ITEM A. remains unchanged.

B. Classifications

ITEM 1. through **ITEM 3.** remain unchanged.

4. Standard Exception Classification

No change.

- a. **CLERICAL OFFICE EMPLOYEES – Code 953** – are employees exclusively engaged in keeping the books or records of the insured or conducting correspondence or who are engaged wholly in office work where such books or records are kept or such correspondence is conducted.

This classification shall be applied only to employees herein described who work exclusively in separate buildings or on separate floors or in departments on such floors which are separated from all other workplaces of the employer by floor to ceiling partitions except for retail stores where a partition at least five feet high is required and within which no work is performed other than clerical office duties as defined in this rule.

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Proposed Effective April 1, 2023

Office employees shall be separately classified except in connection with those classes which are designated "all employees including office."

If any clerical office employee (including drafting employees) has any other regular duty, the entire payroll of that employee shall be assigned in accordance with the class to which the business is assigned.

COVID 19 CORONAVIRUS EXCEPTION:

An employee's job duties may be temporarily reclassified to Code 822 -Telecommuting Clerical Office Employees during any emergency orders, laws regulations issued due to COVID-19 (Coronavirus), if separate, accurate, verifiable records are maintained. If such records are not maintained, the employee is assigned to the classification applicable to their duties prior to any emergency orders, laws, or regulations issued due to the COVID-19 (Coronavirus) pandemic. Once normal business operations resume, appropriate classifications should be applied.

This exception is for policies in force on March 1, 2020. The exception will continue to remain in effect and will not expire until determined at a later date as circumstances warrant in consultation with Pennsylvania regulatory authorities.

This classification does not apply to:

- (1) The clerk, such as a counter, front desk, lobby, mall kiosk, time, stock or tally clerk or librarian, whose work is necessary, incidental or part of any operation of the business other than clerical office. Such clerk should be assigned to the basic classification of the business.
- (2) A cashier who is responsible for accepting payment for merchandise or services rendered. The cashier's physical location may include but is not necessarily limited to: a booth, behind a counter or on a sales floor. The cashier or any employee whose regular and frequent duty is accepting payment for merchandise or services rendered should be assigned to the basic classification of the business regardless of the physical work location.

- b. TELECOMMUTING CLERICAL EMPLOYEES – CODE 822** are employees who work from their personal residence by use of the internet, email and telephone to perform clerical office work. The personal residence of the telecommuter must be separate and distinct from the business location of the employer. Telecommuters shall be exclusively engaged in clerical office type work including but not necessarily limited to: keeping the books or records of the employer, conducting correspondence and telephone duties (including inside sales by telephone).

An employee who interchanges between performing clerical office work at the employer's place of business and performing clerical office work by telecommuting shall be assigned to Code 822 when more than 50% of the employee's time is spent telecommuting. Such employees shall be assigned to Code 953 when 50% or less of their time is spent telecommuting

- c. SALESPERSONS – OUTSIDE, Code 951** are employees either exclusively engaged in sales or collection work away from the employer's premises or who regularly and frequently (as defined in Section 2 of this Manual) are engaged in sales or collection work away from their employer's premises and devote the balance of their time to clerical office duties. Salespersons, collectors or messengers shall be separately classified except in connection with those classifications designated either "all employees including office" or "all employees except office.)

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AND RATING VALUES FOR WORKERS COMPENSATION AND FOR EMPLOYERS LIABILITY INSURANCE**

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This classification does not apply to:

ITEM 1. and **ITEM 2.** remain unchanged.

- (3) Employees who sell or solicit exclusively by telephone. Such employees shall be assigned to Code 953 or to Code 822 except in connection with any classification designated "all employees including office."

ITEM 4. remains unchanged.

ITEM 5. and **ITEM 6.** remain unchanged.

ITEM C. and **ITEM D.** remain unchanged.

RULE V – PREMIUM BASIS through **RULE VIII – LIMITS OF LIABILITY** remain unchanged.

RULE IX – SPECIAL CONDITIONS OR OPERATIONS AFFECTING COVERAGE

A. EXECUTIVE OFFICERS

ITEM 1. through **ITEM 6.** remain unchanged.

7. Assignment of payroll

Payroll assignment shall be made in the same manner as for any employee. No executive officer's payroll may be assigned to the standard exception classification unless that officer's duties fulfill the criteria of assignment to one the following classifications: Code 951, Salesperson – Outside, Code 953, Clerical Office Employees or Code 822, Telecommuting Clerical Employees. See Rule IV.

ITEM 8. through **ITEM 10.** remain unchanged.

ITEM B. through **ITEM I.** remain unchanged.

RULE X – CANCELLATION through **RULE XVIII – PROFESSIONAL EMPLOYER ORGANIZATIONS, PROFESSIONAL EMPLOYER AGREEMENTS, AND PROFESSIONAL EMPLOYER SERVICES** remains unchanged.

SECTION 2 – CLASSIFICATIONS AND PCRB RATING VALUES

TABLE OF CONTENTS through **EXCESS LOSS (PURE PREMIUM) FACTORS FOR UNITED STATES LONGSHORE AND HARBOR WORKERS ACT** remain unchanged.

DEFINITIONS

ALL EMPLOYEES EXCEPT OFFICE remains unchanged.

ALL EMPLOYEES INCLUDING OFFICE: There is no payroll division between a business classification designated "all employees including office" and Code 951, Code 953 and Code 822. Such business classification contemplates all salespersons employed by any business assignable to that classification. Such classification also contemplates

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

Proposed Effective April 1, 2023

clerical office personnel engaged in the administration of the business, regardless of whether the office personnel are located at or contiguous to the business' location or a location separate from the business' location.

ALL EMPLOYEES INCLUDING OFFICE EXCEPT WORKFARE OR HOME HEALTH CARE SERVICES AND/OR HOME CARE SERVICES through **TEMPORARY STAFFING CLASSIFICATION** remain unchanged.

CLASSIFICATIONS

No change to Classification Code 005 – **TREE PRUNING, SPRAYING, REPAIRING OR FUMIGATING** through Classification Code 821 – **BEVERAGE DISTRIBUTOR, WHOLESALE.**

822 TELECOMMUTING CLERICAL EMPLOYEES

Applicable to employees who work from their personal residence by use of the internet, email and telephone to perform clerical work. The personal residence of the telecommuter must be separate and distinct from the business of the employer. Telecommuters shall be exclusively engaged in clerical office type work including but not necessarily limited to: keeping the books or records of the employer, conducting correspondence and telephone duties (including inside sales by telephone).

An employee who interchanges between performing clerical office work at the employer's place of business and performing clerical office work by telecommuting shall be assigned to Code 822 when more than 50% of the employee's time is spent telecommuting. Such employees shall be assigned to Code 953 when 50% or less of their time is spent telecommuting. See Code 953 for information on the scope of that classification.

OPERATIONS NOT INCLUDED:

1. Code 822 may not be applied to telecommuters working for an employer that is assigned to a classification designated "All Employees Including Office." Such employees must be classified in accordance with the employer's applicable field of business classification.
2. A business that operates from a personal residence shall have employees who perform clerical office work at that personal residence assigned to Code 953, provided that the employer is not classified to a classification designated, "All Employees Including Office" and the office employees fulfill the criteria for assignment to Code 953. See Code 953 for additional details.
3. Not applicable to telecommuting employees who perform outside sales work, any duties directly related to the employer's business operations, or any work necessary, incidental or related to the employer's business operations, including but not necessarily limited to stock, tally, front desk or cashier duties.

Underwriting Guide

Telecommuting Clerical Employees

No change to Classification Code 825 – **AUTOMOBILE STORAGE GARAGE OR PARKING STATION OR LOT – NO AUTOMOBILE REPAIR** through Classification Code 945 – **HOTEL RESTAURANT EMPLOYEES, ALL EMPLOYEES EXCEPT OFFICE. FOR USE IN CONJUNCTION WITH CODE 973 ONLY.**

948 MAILING OR ADDRESSING COMPANY – ALL EMPLOYEES INCLUDING OFFICE

No change.

Clerical is included within the phraseology of this classification. Code 948 does not provide for payroll division with Code 951, Code 953, or Code 822.

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

Proposed Effective April 1, 2023

OPERATIONS NOT INCLUDED:

No change.

Underwriting Guide

No change.

951 SALESPERSON – OUTSIDE

No change.

OPERATIONS NOT INCLUDED:

ITEM 1. through **ITEM 3.** remain unchanged.

4. Assign Code 953 or Code 822 to employees who sell or solicit exclusively by telephone except in connection with any classification designated “all employees including office.”

ITEM 5. through **ITEM 7.** remain unchanged.

UNDERWRITING GUIDE

No change.

No change to Classification Code 952 – **OFFICE MACHINE SERVICE OR REPAIR.**

953 CLERICAL OFFICE EMPLOYEES

No change.

Operations Not Included:

ITEM 1. through **ITEM 4.** remain unchanged.

5. An employee who interchanges between performing clerical office work at the employer’s place of business and performing clerical office work by telecommuting shall be assigned to Code 822 when more than 50% of the employee’s time is spent telecommuting. Such employees shall be assigned to Code 953 when 50% or less of their time is spent telecommuting. See Code 822 for information on the scope of that classification.

No change to Classification Code 954 – **SECURITY AGENCY** through Classification Code 9741 – **CATASTROPHE (OTHER THAN CERTIFIED ACTS OF TERRORISM).**

GENERAL AUDITING & CLASSIFICATION INFORMATION

No change to **AUTOMOBILE DISMANTLERS** through **SNOW PLOWING AND/OR REMOVAL.**

TEMPORARY STAFFING CONTRACTOR

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

Proposed Effective April 1, 2023

No change.

EXCEPTIONS:

ITEM 1. through **ITEM 6.** remain unchanged.

- 7. CLERICAL** – all temporary clerical staff other than telecommuting clerical employees shall be assigned to Code 2953 regardless of the client's applicable direct employment classification. See Rule IV.B.2 ("Standard Exception Classification") in Section 1 of this Manual for the definition of clerical staff. Telecommuting clerical employees shall be classified to 822. Refer to Code 822 for information regarding the scope of that classification.

ITEM 8. remains unchanged.

- 9.** The following classifications are not available as a guide in classifying temporary staffing contractors: 822, 972, 985, 993, 994, 996, 0901, 0902, 0908, 0909, 0912 and 0913.

ITEM 10 and **ITEM 11.** remain unchanged.

No change to **TIPS VS. AUTOMATIC GRATUITIES** through **WRECKING OR DEMOLITION OR BUILDING MOVING OR RAISING PROJECT.**