

December 15, 2021

PCRB CIRCULAR NO. 1773

To All Members of the PCRB:

RE: APPROVAL OF PCRB FILING NO. 331
BASIC MANUAL REVISIONS – SECTIONS 1 & 2
EFFECTIVE APRIL 1, 2022**CREATION OF TWO NEW CLASSIFICATION CODES:****CODE 989, VOLUNTEER FIRE COMPANY – SUPPORT STAFF (COMPANION**
CLASSIFICATION TO CODE 994, VOLUNTEER FIRE COMPANY)**CODE 906, VOLUNTEER AMBULANCE CORPS – SUPPORT STAFF (COMPANION**
CLASSIFICATION TO CODE 993, VOLUNTEER AMBULANCE CORPS)

The Pennsylvania Insurance Commissioner has approved PCRB Filing No. 331, which proposed the creation of two new classification codes: Code 989, Volunteer Fire Company – Support Staff, and Code 906, Volunteer Ambulance Corps – Support Staff, for policies effective on or after 12:01 a.m., April 1, 2022. The effective date of these changes is concurrent with the proposed effective date of the PCRB's normal annual comprehensive loss cost revision filing, which will be filed with the Commissioner at a later date. This coordination will consolidate necessary changes that our members and other constituents must make to policies, forms and systems.

Act 108 of the Pennsylvania Code, signed into law on November 3, 2020, amended the Workers' Compensation Act (Act) by expanding the definition of "employee" to include certain persons associated with volunteer fire companies, volunteer ambulance corps, and select other organizations engaged in rescue, emergency response, and similar activities. Act 108 specifies that the term "employee" shall include members of volunteer fire companies and members of volunteer ambulance corps. The term "members of volunteer fire departments or volunteer fire companies" includes but is not necessarily limited to: active volunteer firefighters who respond to emergency calls, officers or directors of a volunteer fire department or volunteer fire company, and participating members of a volunteer fire department or volunteer fire company who provide necessary operational support to the volunteer fire department or volunteer fire company but does not respond to emergency calls. Similarly, Act 108 applies the term "members of volunteer ambulance corps" to active volunteer ambulance corpsmen who respond to emergency calls, officers or directors of a volunteer ambulance corps, and participating members of a volunteer ambulance corps who provide necessary operational support to the volunteer ambulance corps but who do not respond to emergency calls. Operational support includes maintaining the station and equipment, acting as trustee, organizing fundraisers, providing information technology support, and assisting with recruitment and other administrative tasks.

Act 108 directed the PCRB to review and evaluate the impact that this legislative change may have on the existing classification codes affected by the expanded definition of “employee.” The Codes specifically impacted are 994, Volunteer Fire Company, and 993, Volunteer Ambulance Corps. The PCRB evaluation would include loss cost impact assessment for those codes. The PCRB anticipates that additional claims relating to volunteer fire and ambulance companies will be forthcoming because of this new coverage exposure. As a result, it was recognized that a classification study was necessary to evaluate the long-term impact of Act 108 on the Code 994 and Code 993 annual loss costs. Accordingly, the PCRB sent survey requests to all entities reporting exposure to either Code 994 or Code 993, requesting completion of an online questionnaire on PCRB’s Web-based correspondence database. The data collected via these questionnaires was used in conjunction with an analysis of other data sources to determine the PCRB’s proposed course of action in response to Act 108. Pursuant to these analyses, the PCRB recommended the creation of two new companion classifications to contemplate staff dedicated to performing operational support duties.

The exposure bases for Codes 989 and 906 are the same as their corresponding classifications. Specifically, Code 989 will use population as the exposure base and Code 906 will use a single loss cost applied on a per corps (company) basis. The schedule of Code 989 annual loss costs per population and the Code 906 annual per corps loss cost are included in the PCRB’s annual comprehensive loss cost filing, which was submitted to the Department on December 10, 2021 with a proposed effective date of April 1, 2022 (PCRB Filing No. C-380).

Please refer to PCRB Filing No. 331 via the “Filings” tab on PCRB’s website (<http://www.pcrb.com>) for additional information on the revisions discussed above. Please contact Robert Ferrante, Senior Classification Analyst – Technical Services, at (215) 320-4584 or at rferrante@pcrb.com for any questions regarding this circular. The Basic Manual will be updated on the PCRB’s website at a later date.

William V. Taylor
President

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

Proposed Effective April 1, 2022

INFORMATION PAGE PREFACE

remains unchanged.

MEMBERSHIP remains unchanged.

TABLE OF CONTENTS remains unchanged.

SECTION I – UNDERWRITING RULES

RULE I through RULE III remains unchanged.

RULE IV – CLASSIFICATIONS

ITEM A. remains unchanged.

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

5. GENERAL INCLUSIONS

a. Remains unchanged.

b. Item 1. through **Item 3.** remain unchanged.

(4) Act 108 of 2020 amended the Workers' Compensation Act (Act) by expanding the definition of "employee" to include members of volunteer fire companies and members of volunteer ambulance corps providing operational support but who do not respond to emergency calls. Operational support includes maintaining the station and equipment, providing information technology support, and assisting with recruitment and other administrative tasks. The additional exposures for these entities resulting from this legislation shall be separately classified as follows: Code 989 shall be applied to dedicated staff providing operational support for a volunteer fire company (an entity classified to Code 994) and Code 906 shall be applied to dedicated staff providing operational support for a volunteer ambulance corps (an entity classified to Code 993).

ITEM B.6 remains unchanged.

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

RULE V. through **RULE XVIII** remain unchanged.

**PENNSYLVANIA WORKERS COMPENSATION MANUAL OF RULES, CLASSIFICATIONS
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RULE I through RULE III remains unchanged.

RULE IV – CLASSIFICATIONS

ITEM A. remains unchanged.

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

5. GENERAL INCLUSIONS

a. Remains unchanged.

b. Item 1. through **Item 3.** remain unchanged.

(4) Act 108 of 2020 amended the Workers' Compensation Act (Act) by expanding the definition of "employee" to include members of volunteer fire companies and members of volunteer ambulance corps providing operational support but who do not respond to emergency calls. Operational support includes maintaining the station and equipment, providing information technology support, and assisting with recruitment and other administrative tasks. The additional exposures for these entities resulting from this legislation shall be separately classified as follows: Code 989 shall be applied to dedicated staff providing operational support for a volunteer fire company (an entity classified to Code 994) and Code 906 shall be applied to dedicated staff providing operational support for a volunteer ambulance corps (an entity classified to Code 993).

ITEM B.6 remains unchanged.

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

RULE V. through **RULE XVIII** remain unchanged.

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

Proposed Effective April 1, 2022

SECTION 2 –

CLASSIFICATIONS AND PCRB RATING VALUES

RATING VALUES through DEFINITIONS remains unchanged.

CLASSIFICATIONS

No change to Classification Code 005 – TREE PRUNING, SPRAYING, REPAIRING OR FUMIGATING through Classification Code 979 – RESIDENTIAL FACILITY FOR THE ELDERLY – NON-MEDICAL – ALL EMPLOYEES EXCEPT OFFICE AND HOME HEALTH CARE

980 CITY, TOWNSHIP, BOROUGH OR COUNTY

Remains unchanged.

OPERATIONS NOT INCLUDED:

ITEM 1. through **ITEM 10.** remain unchanged.

11. Assign Code 993 [and, if applicable, Code 906](#) to Volunteer Ambulance Corps.

12. Assign Code 994 [and, if applicable, Code 989](#) to Volunteer Fire Companies. **ITEM 13.** through **ITEM 15.** remain unchanged.

UNDERWRITING GUIDE

Remains unchanged.

No change to Classification Code 981 – CASINO GAMBLING - ALL EMPLOYEES INCLUDING OFFICE through Classification Code 988 – BANK – ALL EMPLOYEES INCLUDING OFFICE.

906 VOLUNTEER AMBULANCE CORPS – SUPPORT STAFF

Applies to staff of volunteer ambulance services, emergency medical services (EMS), and rescue and/or first aid squads providing operational support but who do not respond to calls. Operational support includes but is not necessarily limited to: maintaining the station and equipment, providing information technology support, and assisting with recruitment and other administrative tasks.

OPERATIONS NOT INCLUDED:

1. Classify first responders of a volunteer ambulance service, EMS and/or rescue and/or first aid squad to Code 993.

2. Classify an independent contractor operating an ambulance service staffed by salaried employees to Code 807.

UNDERWRITING GUIDE

Ambulance Corps – Volunteer – Support Staff

Volunteer Ambulance Corps – Support Staff

No change to Classification Code 991 – ATHLETIC TEAM - NONCONTACT SPORTS – PROFESSIONAL OR SEMI-PROFESSIONAL through Classification Code 992 – SANITATION COMPANY.

993 VOLUNTEER AMBULANCE CORPS – FIRST RESPONDERS

Applies to first responders of volunteer ambulance services, emergency medical services (EMS), and rescue and/or first aid squads.

**PENNSYLVANIA WORKERS COMPENSATION MANUAL OF RULES, CLASSIFICATIONS
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Proposed Effective April 1, 2022

The per Corps (Company) charge shall be applied on a per location basis, regardless of the number of ambulances garaged at each location.

Any stipends paid to a member(s) of a volunteer ambulance corps should be considered remuneration except to the extent that stipends paid qualify as expense reimbursements (See Section 1, Rule V, Item F.1. - Employee Expense Reimbursements).

[For additional details please see the Volunteer Fire Departments and/or Volunteer Fire Companies – Workers' Compensation Insurance Options entry in the General Auditing & Classification Information section, which includes information on coverage options for volunteer ambulance corps.](#)

OPERATIONS NOT INCLUDED:

1. [Classify support staff of a volunteer ambulance service, EMS and/or rescue and/or first aid squad to Code 906.](#)
2. [Classify an independent contractor operating an ambulance service staffed by salaried employees to Code 807.](#)

UNDERWRITING GUIDE

Ambulance Corps - Volunteer [– First Responders](#)

Volunteer Ambulance Corps [– First Responders](#)

994 **FIREFIGHTER – VOLUNTEER FIRE COMPANY – FIRST RESPONDERS**

[Applies to first responders of a volunteer fire company.](#)

Please see the Volunteer Fire Departments and/or Volunteer Fire Companies – Workers' Compensation Insurance Options entry in the General Auditing & Classification Information section for further information.

OPERATIONS NOT INCLUDED:

1. [Classify support staff of a volunteer fire company to Code 989.](#)
2. [Classify salaried employees of cities, townships, boroughs, or counties performing firefighting duties to Code 985.](#)

UNDERWRITING GUIDE

Fire Department - Volunteer [– First Responders](#)

Fire Police - Special Voluntary

[Firefighters](#) ~~Firemen~~ - Volunteer

Police, Special Fire - Voluntary

Volunteer Fire Company [– First Responders](#)

No change to Classification Code 995 – RUBBISH OR GARBAGE REMOVAL through Classification Code 997 – UNDERTAKERS.

989 VOLUNTEER FIRE COMPANY – SUPPORT STAFF

[Applies to staff of volunteer fire companies providing operational support but who do not respond to calls. Operational support includes but is not necessarily limited to: maintaining the station and equipment, providing information technology support, and assisting with recruitment and other administrative tasks.](#)

OPERATIONS NOT INCLUDED:

1. [Classify first responders of a volunteer fire company to Code 994.](#)

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- 2 [Fire company staff that are salaried employees of cities, townships, boroughs, or counties shall be classified to Code 985.](#)

UNDERWRITING GUIDE

[Fire Department – Volunteer – Support Staff](#)

[Volunteer Fire Company – Support Staff](#)

No change to Classification Code 999 – CEMETERY through Classification Code 9741 – CATASTROPHE (OTHER THAN CERTIFIED ACTS OF TERRORISM)

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GENERAL AUDITING & CLASSIFICATION INFORMATION

No change to AUTOMOBILE DISMANTLERS through DRIVERS (Payroll Allocation) *Proposed Effective April 1, 2022*

TEMPORARY STAFFING CONTRACTOR

No change.

Exceptions to the general procedure for classifying temporary staffing are as follows:

EXCEPTIONS

ITEM 1. through **ITEM 8.** remain unchanged.

- 9.** The following classifications are not available as a guide in classifying temporary staffing contractors: [906](#), 972, 985, [989](#), 993, 994, 996, 0901, 0902, 0908, 0909, 0912 and 0913.

No change to EXECUTIVE OFFICERS - CLASSIFICATION ASSIGNMENT through COAL MINES

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No change to Classification Code 005 – TREE PRUNING, SPRAYING, REPAIRING OR FUMIGATING through Classification Code 979 – RESIDENTIAL FACILITY FOR THE ELDERLY – NON-MEDICAL – ALL EMPLOYEES EXCEPT OFFICE AND HOME HEALTH CARE

980 CITY, TOWNSHIP, BOROUGH OR COUNTY

Remains unchanged.

OPERATIONS NOT INCLUDED:

ITEM 1. through **ITEM 10.** remain unchanged.

13. Assign Code 993 and, if applicable, Code 906 to Volunteer Ambulance Corps.

14. Assign Code 994 and, if applicable, Code 989 to Volunteer Fire Companies. **ITEM 13.** through **ITEM 15.** remain unchanged.

UNDERWRITING GUIDE

Remains unchanged.

No change to Classification Code 981 – CASINO GAMBLING - ALL EMPLOYEES INCLUDING OFFICE through Classification Code 988 – BANK – ALL EMPLOYEES INCLUDING OFFICE.

906 VOLUNTEER AMBULANCE CORPS – SUPPORT STAFF

Applies to staff of volunteer ambulance services, emergency medical services (EMS), and rescue and/or first aid squads providing operational support but who do not respond to calls. Operational support includes but is not necessarily limited to: maintaining the station and equipment, providing information technology support, and assisting with recruitment and other administrative tasks.

OPERATIONS NOT INCLUDED:

1. Classify first responders of a volunteer ambulance service, EMS and/or rescue and/or first aid squad to Code 993.

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The per Corps (Company) charge shall be applied on a per location basis, regardless of the number of ambulances garaged at each location.

Any stipends paid to a member(s) of a volunteer ambulance corps should be considered remuneration except to the extent that stipends paid qualify as expense reimbursements (See Section 1, Rule V, Item F.1. - Employee Expense Reimbursements).

For additional details please see the Volunteer Fire Departments and/or Volunteer Fire Companies – Workers' Compensation Insurance Options entry in the General Auditing & Classification Information section, which includes information on coverage options for volunteer ambulance corps.

OPERATIONS NOT INCLUDED:

1. Classify support staff of a volunteer ambulance service, EMS and/or rescue and/or first aid squad to Code 906.
2. Classify an independent contractor operating an ambulance service staffed by salaried employees to Code 807.

UNDERWRITING GUIDE

Ambulance Corps - Volunteer – First Responders
Volunteer Ambulance Corps–First Responders

994 VOLUNTEER FIRE COMPANY – FIRST RESPONDERS

Applies to first responders of a volunteer fire company.

Please see the Volunteer Fire Departments and/or Volunteer Fire Companies – Workers' Compensation Insurance Options entry in the General Auditing & Classification Information section for further information.

OPERATIONS NOT INCLUDED:

1. Classify support staff of a volunteer fire company to Code 989.
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OPERATIONS NOT INCLUDED:

1. Classify first responders of a volunteer fire company to Code 994.

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CLASSIFICATION UNDERWRITING GUIDE

No change to Abrasive Paper or Cloth Preparation – Code 255 through Ambulance Body Mfg. - Including Attaching Manufactured Body To A Customer Supplied Or Purchased Chassis – Code 451	
Ambulance Corps - Volunteer – First Responders	<u>993</u>
Ambulance Corps – Volunteer – Support Staff	<u>906</u>
No change to Ambulance Service– Non Volunteer – Code 807 through Fire Department – Paid – Code 985	
Fire Department - Volunteer – First Responders	<u>994</u>
Fire Department – Volunteer – Support Staff	<u>989</u>
No change to Fire Escape Installation by Contractor – Outside – Code 655 through Firemen – Not Volunteer - Code 985	
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Volunteer Ambulance Corps – First Responders	<u>993</u>
Volunteer Ambulance Corps – Support Staff	<u>906</u>
Volunteer Fire Company – First Responders	<u>994</u>
Volunteer Fire Company – Support Staff	<u>989</u>
No change to Volunteer Haz Mat (Hazardous Materials) Response Team – Code 996 through Zoo – Code 969	

SECTION 3 – ENDORSEMENTS – remains unchanged

SECTION 4 – RETROSPECTIVE RATING PLANS – remains unchanged

SECTION 5 – EXPERIENCE RATING PLAN – remains unchanged

SECTION 6 – MERIT RATING PLAN – remains unchanged

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SECTION 6 – MERIT RATING PLAN – remains unchanged