

§ 4416 Out-of-State Competition

[Sections (a) through (h) - No Changes]

(i) NAICS Industries. As an exception to the discretionary Determination process at subsections (d)-(h), any employer that finances liability for unemployment insurance benefits will be deemed to meet the out-of-state competition requirement based on industry classifications. The pertinent industries are classified into Sectors by the federal Office of Management and Budget under the ~~2002~~ 2022 North American Industrial Classification System (NAICS), hereby incorporated by reference. The Employment Development Department (EDD) routinely assigns NAICS classifications to all businesses in California.

For the purpose of meeting the out-of-state competition requirement, the Panel will accept the EDD assignment of NAICS classifications for the Sectors identified in both (1) and (2) below:

(1) Any NAICS classification in:

Sectors 31-33. Manufacturing Industry

(2) Designated NAICS classifications in:

Sector 11. Agriculture, Forestry, Fishing & Hunting Industry

Sector 21. Mining Industry

Sector 51. Information Industry

Sector 54. Professional, Scientific & Technical Services Industry

(3) A detailed definition of each industry classification is set forth in the "NAICS Manual" published by the U.S. Census Bureau under the Office of Management and Budget. All of these classifications may be viewed online free of charge at www.census.gov. The particular classifications designated by the Panel in Sectors 11, 21, 51 and 54 are shown in the following chart:

NORTH AMERICAN INDUSTRIAL CLASSIFICATION SYSTEM	
Sector 11. Agriculture, Forestry, Fishing & Hunting Industry	
111	Crop Production
112	Animal Production
113	Forestry and Logging
114	Fishing, Hunting & Trapping
Sector 21. Mining	
211	Oil & Gas Extraction
212	Mining
Section 51. Information	
511	Publishing Industries (except Internet)
51211	Motion Picture and Video Production

512191	Teleproduction and Other Postproduction Services
<u>513</u>	<u>Publishing Industries</u>
Sector 54. Professional, Scientific and Technical Services	
541330	Engineering Services
54138	Testing Laboratories
541511	Custom Computer Programming Services
541512	Computer System Design Services
54171	Research & Development in the Physical, Engineering and Life Sciences

Authority cited: Section 10205(m), Unemployment Insurance Code. Reference: Sections 10200(a), 10200(b)(1) and 10201(b), Unemployment Insurance Code.