

# THE RISING TOLL OF TRAFFIC ACCIDENTS

**NYSIF**<sup>®</sup>

NEW YORK STATE INSURANCE FUND

*Workers' Comp.*

# ADVISOR

[www.nysif.com](http://www.nysif.com)

April, May, June 2007

*'We want to make doing business with NYSIF easier.'*

- CEO David P. Wehner



## ***NYSIF 2007 Policyholders' Educational Forums***

**Registration Open  
to All Policyholders  
Schedule, Agenda Inside**

**Pages 4 - 5**

**Come tell NYSIF what we can do for YOU to improve the ease of doing business with us!**

# NYCA Honors David Wehner for Excellence in Service

WCA FYI

News You Can Use

NYSIF Workers' Comp. Advisor  
April/May/June 2007

**N**YSIF CEO/Executive Director David P. Wehner was the unanimous choice for the New York Claim Association annual Award of Excellence for 2006. Chosen by the NYCA Board of Directors and executive officers, Mr. Wehner received the award in recognition of excellence in service to the insurance industry at the NYCA yearend dinner attended by more than 225 people.



NYCA honoree David Wehner

NYCA honoree David Wehner said: "Dave Wehner is a prime example of NYCA principles. He has shown tremendous leadership and initiative as NYSIF CEO, and in his former position as Workers' Compensation Board chairman."

"I am honored to be chosen for this prestigious award," CEO Wehner said. "The New York Claim Association and NYSIF have enjoyed a long partnership, and I am proud to have contributed to that success. I am committed to a better workers' compensation system in New York."

Established in 1914, NYCA is dedicated to the advancement of education and ethics in the field of New York claims management, focusing on workers' compensation and no fault insurance. Members include insurance carriers, self-insureds, third-party administrators, risk managers and healthcare providers.

Part of NYCA's mission is to promote high standards of ethics and professional conduct among its members and others engaged in insurance claim and related businesses, and to promote high standards in service delivery by its members.

NYSIF Claims Dir. and NYCA Pres. Ed Hiller

## Reminder: WCB 9/11 Extension Deadline is August 14, 2007

August 14, 2007 is the deadline for workers to register with the Workers' Compensation Board in connection with 9/11-related rescue, recovery and cleanup operations. In accordance with legislation that extends the time to file 9/11-related claims and reopens 9/11-related claims previously denied as untimely, employees and volunteers must file **Form WTC-12** with the Board before the deadline for such claims to come under consideration. NYSIF helped craft the legislation.

**Note:** filing Form WTC-12 does not constitute filing a claim. For more info see **Subject Number 046-159** at [www.wcb.state.ny.us](http://www.wcb.state.ny.us).

## Safety Groups Elect Officers

Thomas McEvily, of Keevily, Spero-Whitelaw, Inc., a NYSIF safety group manager for 63 years, was elected president of the Safety Group Managers Association. Other newly-elected officers include Joseph Gnesin, vp, Chris Durnam, treasurer, and Barry Lovell, secretary.

## In This Issue

### It's *Real* Tough Out On the Road



Motor vehicle accidents are the leading cause of on-the-job fatalities in the U.S. and workers' compensation costs associated with motor-vehicle

accidents far outpace other average claims costs. That only begins to tell the story, according to a recently-released report by the National Council on Compensation Insurance. Frequency has declined at a slower rate than for other claims, while severity and workers' comp. costs have risen disproportionately for motor vehicle accident claims. Fatalities also cut across occupational lines: car accidents accounted for 65% of fatalities in finance, insurance and real estate, 58.2% in public administration, and 47.5% in services between 1997-2003. It's a grim road, unless driver and employer attitudes change for the long haul.

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## 'Current' Events

Many American workers in a variety of industries are exposed to energized circuits while doing their jobs. Any shock exposure has the potential to kill. A look at electrical safety.



Safety Cop/Page 7



## What Every Employer Should Know

The Occupational Safety and Health Administration issues serious citations when death or serious physical harm is likely to result from hazards that employers should know about—like debilitating and fatal falls. No sooner had our article appeared on the No. 1 source of NYSIF claims [*WCA Jan-Feb '07* (I.), *Slips & Falls Demand Our Attention*], than an Orange County contractor faced serious fines for allegedly exposing employees to fall hazards of 23 and 17 feet with no fall protection. Obviously, it's a topic that bears repeating. You can access the article online at [www.nysif.com](http://www.nysif.com) and find the subject revisited in the *Monthly Safety Topic* for April and May [See page 7].

Back On Attack in '07

# NYSIF '06 Fraud Fight Most Successful Ever

Announcing the arrests, CEO David Wehner said NYSIF's anti-fraud program represents the most aggressive attack by any insurance carrier to purge fraud from New York's workers' compensation system.

"Working with our partners in the Insurance Frauds Bureau and the Workers' Compensation Inspector General's Office, we have what we believe to be the best anti-fraud program among insurance carriers in the state and, certainly, one of the top special investigations units in the country," he said, vowing to continue the crackdown.

Led by Laurence LaPointe, a former Suffolk County, NY, prosecutor and former director of the NYS Insurance Dept. Frauds Bureau, DCI continued to top its own arrest record. In 2005, NYSIF led all workers' compensation insurers in New York State with 126 fraud arrests.

Since 1996, NYSIF's anti-fraud efforts have led to approximately \$130 million of fraud recoveries and potential future savings. Savings estimates represent the dollar amount that NYSIF expects to save in future benefits no longer paid in fraud cases, including reserves set aside to pay fraudulent claims. Lower reserves ultimately affect what employers pay for workers' compensation insurance.

Savings also include additional premium billed to policyholders who have attempted to defraud NYSIF by understating their payroll or the nature of their business and the risks involved.

"Keep in mind, as impressive as these numbers are alone, they don't begin to account for the unseen potential fraud that is deterred by the threat of prosecution, jail time and a felony criminal record," CEO Wehner said.

DCI works in partnership with investigators from the NYS Insurance Dept. Frauds Bureau and Workers' Comp. Board Fraud Inspector General's Office, with the State Attorney General, county prosecutors and law enforcement agencies throughout the state.

**NYSIF's Division of Confidential Investigations reported 148 arrests in NYSIF fraud cases in 2006. The arrests, involving claimants, policyholders and medical providers, accounted for restitution, additional billed premium and estimated savings of \$17 million.**



NYSIF went back on the attack in 2007 with four arrests in a sweep conducted by Queens DA Richard Brown.

These cases and other successful investigations represent alleged fraud and estimated savings of \$443,000. The arrests included claimants **Ali Farouk, Girolamo Vicari** and **Fernando Gonzalez**, and flooring contractor **Joe Ambrosino**, who allegedly falsified a NYSIF certificate of insurance. They occurred in the same week a *New York Times* article cited NYSIF as the standard bearer in fighting insurance fraud.

In separate incidents, investigators from Suffolk County DA Thomas Spota's Office arrested contractor **Harry Babcock** and a claimant, **Bonnie Hunter**, February 9.

Mr. Babcock, who allegedly falsified a NYSIF certificate of insurance, previously pleaded guilty in 2003 in connection with understating his payroll to NYSIF.

It's not unusual to find DCI working with law enforcement throughout the country to bring workers' comp. fraud criminals to justice. The question is how far do you need to go to exceed the long reach of DCI?

Pennsylvania isn't far enough, nor is Mexico as claimants **Frederick Joseph Weisser, Jr.**, and **Candelario Valencia** learned following their arrests.

Mr. Valencia, 45, of Jiquilpan Michoacan, Mexico, who DCI found running an auto parts store, was collecting workers' comp. benefits for a claim he filed while working as a laborer in New York. Mr. Weisser, Jr., 44, a cemetery groundskeeper in Palmertown, PA, was receiving benefits from a claim as a motorcycle mechanic in New York.

## New Services Online Contact Info Now a Click Away

Need to find out who's handling your workers' compensation policy or claim? What about that compensation check that's due?

NYSIF's web site now makes the answers to these questions available 24/7 for qualified users.

"NYSIF is continuing to improve the quality of customer service for policyholders and for claimants," NYSIF CEO David P. Wehner said, announcing the new service features. "By automating responses to these questions, we hope to provide a new level of quick, efficient, convenient service delivery."

Say, for example, you don't know who your NYSIF claims case manager is – the No.1 query received by NYSIF. You can find out by entering NYSIF's claim number for the case in question. You'll learn the case manager's name, direct phone number, fax number and e-mail address.

See page 8



**welcome to NYSIF**

**What can NYSIF do for me?**

- I'm an employer and I need to contact my underwriter **New**
- I'm a medical provider and I have a medical bill inquiry
- I'm injured I want to know about my compensation check or I want case manager information. **New**
- I represent multiple policyholders and I need to contact my underwriter. **New**
- I'm responsible for workplace safety; I need safety resources

# Educational Forums Extend NYSIF Outreach

**N**YSIF is inviting policyholders to a series of statewide Educational Forums this spring to meet face-to-face with customers, discuss workers' compensation issues that impact businesses, and answer your questions.

"We want to make doing business with NYSIF easier for you," NYSIF CEO David Wehner said in announcing the program and extending an invitation to all policyholders to register for the forums.

These forums, the first of their kind for NYSIF, are designed for you to tell us how to improve the ease of doing business with NYSIF.

The 2007 Policyholders' Educational Forums mark an extension of NYSIF outreach efforts in recent years, in which safety training focused on specific industries or business groups. For the first time ever, NYSIF is reaching out to a larger audience at different venues across the state to cover a wider scope of workers' compensation and disability benefits insurance topics.

Long time policyholders may similarly recall the 1980's

Advisory

Council tours conducted by NYSIF Field Services. The 2007 Educational Forums differ in that they are led by NYSIF CEO Wehner and feature NYSIF specialists in various disciplines covering a broad range of topics – and give policyholders a chance to meet face-to-face with senior NYSIF management.

***'We want to make doing business with NYSIF easier for you.'***

"I think it's important for policyholders to have the chance to meet with us, and to have local and statewide NYSIF staff available to answer individual questions," Mr. Wehner said.

Policyholders will have the opportunity to meet and talk with top management who will be available at the day-long sessions from 8 a.m. to 5 p.m on the 2007 NYSIF tour.

The tour kicks off in **Buffalo** and **Rochester** on March 28-29. Remaining forums are set for **Albany, Long Island, Syracuse, Binghamton, New York City** and **Westchester** [see schedule, opposite page].

Registration is first-come, first-served, available on NYSIF's web site, and closes five days before each forum date. There is no cost to policyholders, but space is limited.

Agenda topics include risk management, timeline of a claim, preparing for an audit, online services, combating fraud, and injured worker services.

To learn more, register, and for directions to forum venues go online at [www.nysif.com](http://www.nysif.com) and click on 2007 NYSIF Policyholders' Educational Forums.





## Scheduled Forum Dates and Venues

### Buffalo

Wednesday, March 28, Adam's Mark Buffalo,  
120 Church Street, Buffalo, NY 14202

### Rochester

Thursday, March 29, Rochester Riverside  
Convention Center, 123 East Main Street,  
Rochester, NY 14604

### Albany

Monday, April 16, Albany Holiday Inn Turf,  
205 Wolf Road, Albany, NY 12205

### Melville

Thursday, April 19, Huntington Hilton Long  
Island, 598 Broad Hollow Road,  
Melville, NY 11747

### Syracuse

Wednesday, April 25, Syracuse Sheraton  
University Hotel, 801 University Avenue,  
Syracuse, NY 13210

### Binghamton

Thursday, April 26, Holiday Inn Binghamton,  
2-8 Hawley Street, Binghamton, NY 13901

### New York City

Thursday, May 3, NYSIF headquarters,  
199 Church Street, New York, NY 10007

### White Plains

Thursday, May 10, Hilton Rye Town, 699  
Westchester Avenue, Rye Brook, NY 10573

**You must register to attend. Registration is free, but space is limited. Registration closes five days prior to forum date. To register and for directions visit [www.nysif.com](http://www.nysif.com)**

These will be beneficial educational forums both for workers' compensation and disability benefits information. All policyholders are encouraged to attend.



Albany PHS Rep. John McCarthy

## Forum Agenda

### Conference Registration

8 - 8:45 am

### NYSIF Booth

Executive staff available 8 am - 5 pm

### Welcoming Remarks

CEO/Executive Director David P. Wehner  
8:45 am

### Breakout Sessions

#### Session #1 Risk Management

Local PHS Manager

*Safety services, Employer liability, Reducing costs, Safety Group structure, Smart claims filing*

#### Session #2 Timeline of a Claim

Director of Claims

*From injury to appeal, workers' compensation and disability claims*

9 am - 10:15 am

1:15 pm - 2:30 pm

#### Session #3 Preparing for an Audit/Underwriting

Director of Premium Audit

Local auditors and underwriters

*Records needed, Separating payrolls, Construction payroll limitation, How to read your bill, Underwriting*

#### Session #4 Online Services

Director of Information Technology

*Validate certificates, eQuote, Claimant FAQ, Commonly-used forms, Create certificates*

10:30 am - 11:30 am

2:45 pm - 3:45 pm

#### Session #5 Combating Fraud

Director of Confidential Investigations

Local investigators

*Cost of fraud, Red flags, How to protect your business from fraud*

#### Session #6 Injured Worker Services

Director of Customer Service

Supervising Medical Case Manager

*Vocational rehab, Return-to-work programs, Pharmacy network, Home renovation*

11:40 am - 12:30 pm

3:55 pm - 4:45 pm

### Lunch

12:30 pm - 1:15 pm

# Road Work's Rising Toll

Motor vehicle accidents are the leading cause of on-the-job fatalities in the U.S. and workers' compensation costs associated with motor-vehicle accidents far outpace other average claims costs. Just how severe and what occupations they include might come as a shock, however, to some employers.

According to a recently-released report by the National Council on Compensation Insurance, while frequency declines at a slower pace than other workers' comp. claims, on-the-job crashes comprise a growing share of workers' comp. injuries, a disproportionate share of severe claims and a rising portion of workers' comp. loss costs.

NCCI's report, *Traffic Accidents—A Growing Contributor to Workers' Comp. Losses*, found:

- Motor vehicle accidents resulted in 2% of claims, but more than 5.5% of all losses from 1997 to 2003, accounting for one-fifth of fatalities, nearly 7% of permanent total injuries, 3.5 % of permanent partial and 3% of temporary total injuries.
- In terms of losses, they make up more than 15% of permanent total injuries and more than 20% of fatal injuries.
- Motor vehicle claims are not exclusive to truckers, but impact a diverse range of occupations, particularly salespersons and clerical.
- Fatality frequency is higher for trucks; nonfatal injuries are higher for passenger vehicles. Cars accounted for 65% of deaths in finance, insurance and real estate, 58.2% in public administration and 47.5% in services.
- Motor vehicle claims have longer duration, fewer closed claims, a higher subrogation percentage and are three times as likely to involve an attorney than other average claims.

Moreover, NCCI reported the total cost of traffic accidents for employers—about \$60 billion a year between 1998 and 2000 for

## Classes With Crashes

1. Clerical
2. Salespersons
3. Chauffeurs
4. Long-Distance Trucking
5. Service Stations
6. Trucking – all employees
7. Police Officers
8. Local Haul Trucking
9. Bus Companies
10. Home Healthcare

Source: NCCI, accident years '97-'03

accidents both on and off the job—is much greater than the workers' comp. costs.

Listen to Gary Dombroff, a state-certified safety consultant, a workers' comp. certified professional, and a NYSIF occupational safety specialist with more than 27 years' experience: "Work-related vehicle accidents represent a nightmare of liability issues beginning with workers' compensation and leading to a Pandora's box of litigation, financial liability, lost productivity, potential loss of key employees and shattered lives."

Include vehicle repair or replacement, higher insurance premiums, property damage, liability for non-worker personal and the incalculable human toll. Indeed, more employers need a clearer understanding of these high cost claims, and the realization that it might be time to tune up their traffic-safety training programs.

"One accident has the potential to jeopardize an entire company's ability to do business," Mr. Dombroff said, citing a case in which one auto accident led to four claims with NYSIF. Automobile accidents made up 6% of NYSIF claims in 2005.

One factor above all others helps reduce traffic injuries and deaths—**mandatory seat belt use**. Driver attitudes toward seat belt use and other driving practices play a big role in avoiding accidents. Employers can play just as big a part by encouraging and re-emphasizing safe driving practices and procedures.

## So, What's an Employer to Do?



NCCI reported that driver attitudes and practices are paramount, and organizational support in training (speed reduction, obeying traffic laws) employer business practices (accident review, shift scheduling, realistic drive-time expectations) and planning actions before trips (vehicle checks, route plans)

make a huge difference. The overall goal is to raise consciousness in these areas. The National Institute for Occupational Safety and Health recommends periodic vision and health screenings for workers hired primarily as drivers.

OSHA publishes an Employers Guide to Reduce Motor Vehicle Crashes including a **10-Step Program to Minimize Crash Risk** at [www.osha.gov/Publications/motor\\_vehicle\\_guide.html](http://www.osha.gov/Publications/motor_vehicle_guide.html)

## 3 RISKS TO WATCH

### 'Drunk With Exhaustion'

Operators "drunk with exhaustion" are one reason trucking's been called the most

treacherous industry in America as measured by overall deaths and injuries from truck accidents. Fatigue increases the risk of accidents and, deregulation notwithstanding, safety experts agree that trucking employers should be designing workdays and shifts to minimize fatigue.

### Don't Call Us, We'll Call You

Driving and cell phone use don't mix, even with a hands-free headset, because the brain is not suited to multi-tasking, neuroscientists say. Ironically, researchers use a traffic term to describe what happens when the brain tries to do even two things at once: a central bottleneck. This occurs even if drivers use a headset, "because they're still doing two cognitively demanding tasks at once." Instruct drivers to pull over to take or make calls. If you *must* stay in touch, arrange for calls at idle intervals.

### Harnessing the Invincible



If you're thinking of hiring teenagers this summer, you might not want to put them behind the wheel. Teens have the highest fatality rate in motor vehicle crashes for many reasons: high-risk behavior, they're easily distracted and, not surprisingly, they don't like wearing seat belts. If you're hiring teens—or anyone—to drive make sure they know you insist that seat belts must always be worn (and cell phones must never be used while driving).

## Deadly Serious About Electric Exposure

Gary Dombroff, WCP

**Safety Cop**



Electricity flowing through the body can be lethal, even in small doses. The

safety rule is simple: Avoid exposure to electric currents.

An average of one American worker is electrocuted on the job every day. NYSIF statistics show no fewer than 12 electrocution death claims in the years 2001-2005, not to mention non-fatal injuries related to electrical exposure.

Electricity factors into three of OSHA's "Top 10" violations for 2006 [WCA Oct-

Dec 2006]: lockout/tagout (controlling hazardous energy during machinery maintenance [WCA Jan-Mar 2004]), electrical wiring (equipment grounding, insulation, cords, cables) and general electrical requirements (system design, guarding, identifying mains and circuits, use of hazardous equipment).

These hazards may exist through contact with an object as seemingly harmless as a broken light bulb, to an energized overhead powerline.

It's no surprise, then, that many American workers in a variety of industries and occupations are exposed to energized circuits during the performance of their tasks.

Any shock exposure has the potential to be deadly because the body is a good conductor of electricity. Damp, humid conditions, wet clothing, even perspiration, increase the risk of electrocution.

It doesn't take much to kill. Amounts greater than 75 milliamperes ("75 mA", 75/1000 of an amp) can interrupt the heart's natural rhythm and cause death in a matter of minutes.

Electric current has a paralyzing effect that compounds the danger of live circuits. Once shocked, a worker sometimes cannot break free (currents above 10 mA can "freeze" muscles). The object may be clutched more tightly, resulting in longer exposure to the current. Handheld tools that give a shock can be very dangerous.

### IMPLEMENT THESE MEASURES

- Train employees about the dangers of making contact with electrical current. *Employees should recognize and report worn or frayed cord, broken plugs, exposed wires, outlet boxes and circuit breaker panels. Take defective equipment out of service.*
- Maintain safe working conditions; comply with all applicable safety standards. *Limit use of extension cords; do not overload outlets and circuits; ensure the grounding pin on all three-prong plugs is intact; observe polarized plugs' polarity (wide blade/narrow blade) – never file down the wide prong if it doesn't fit into the outlet. Replace the outlet instead.*
- Ensure work practices keep employees away from live electricity.

Electricity is our most common power source. Smart businesses recognize the importance of respecting electricity's power and not cutting corners when protecting workers from its hazards.

- **For more info** visit [www.nysif.com](http://www.nysif.com) *Safety & Risk Management* for Safety Resources on electrical safety; [www.osha.gov](http://www.osha.gov) for OSHA pub. 3075, "Controlling Electrical Hazards"; [www.cdc.gov/niosh](http://www.cdc.gov/niosh) for NIOSH pub. 2002-123, "Safety and Health For Electrical Trades Student Manual"; Underwriters Labs [www.ul.com](http://www.ul.com), and Electrical Safety Foundation International [www.esfi.org](http://www.esfi.org).



Cooley (l.), Schreider (r.) and some 'L&Q' students

## Working Safe With Food

One doesn't usually associate caramel apple cheesecake or key lime pie with danger, but food manufacturers face risks in making these and other tasty treats.

NYSIF safety specialists Gregg Schreider and Al Cooley, both OSHA outreach trainers, pointed out the dangers to "Love and Quiches," a large, Long Island manufacturer of baked goods, at a recent OSHA 30-Hour General Industry Safety Seminar.

At the company's request, Mr. Cooley and Mr. Schreider conducted the training over four days at NYSIF's Melville location, covering materials handling, personal protective equipment, bloodborne pathogens and other OSHA standards.

So what are the dangers of baking quiches and desserts? According to Mr. Schreider, risks include "falls, back injuries, burns, and cuts and lacerations."

Other, job-specific dangers inherent in the food industry include removing hot plates without wearing hand protection, operating mixers while wearing loose aprons, carrying heavy or odd sized boxes without assistance, and wearing open-toed or soft shoes in storage areas.

An encouraging sign for Love & Quiches' proactive safety program is that supervisory staff attending the training began formulating how to implement safety improvements.

"How they're going to organize the safety program and how they're going to involve employees is one of the things we talked about," Mr. Cooley said.

According to Mr. Cooley, management commitment and employee participation are keys to a successful safety program. "If either one doesn't buy into it, it's not going to work," he said.

Fortunately, employee feedback would indicate Love & Quiches has the right combo for a successful program. Most gratifying, Mr. Cooley said, the safety message got through to participants.

"It's like your kids, 20 years later, saying, 'Dad actually did know something'." Such as, remember to tie your apron strings and don't touch that hot plate!

### Monthly Safety Topics

Find safety topics at [www.nysif.com](http://www.nysif.com)

**April** Slips, Trips and Falls

**May** Falls From Ladders

**June** Working in Hot Weather

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Send *WCA* comments to John Mesagno, chief of agency publications, [jmesa@nysif.com](mailto:jmesa@nysif.com)

*New Online Service*

**NYSIF Contacts a Click Away Online**

**From 3**

The second-most queried data, "Where's my check?" is available to users who enter the claim number, last four digits of the claimant's social security number and the claimant's date of birth. This replaces a procedure that previously generated an e-mail response with one that provides information on the last six compensation payments mailed or electronically transferred by NYSIF to the claimant.

Policyholders seeking to contact their underwriters can obtain underwriter contact information by providing the policy number or policy zip code.

"Our service representatives are among the best in the business, and NYSIF has become a workers' compensation carrier of choice in New York thanks, in large part, to the courteous service they provide," CEO Wehner

***'Policyholders or claimants can log on—at any time—to retrieve the information they need. This takes our service commitment a step further.'***



said. "This takes our service commitment a step further by allowing claimants or policyholders to log on to our web site—at any time—to retrieve the information they need."



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