

ADVISOR

www.nysif.com

July, August, September 2006

Look At Our New Web Site!

NYSIF launched a redesigned and revamped web site that contains a warehouse of information for New York businesses about workers' compensation and disability benefits insurance, a comprehensive library of current safety resources for employers, and a full line-up of convenient e-business services that are available to NYSIF policyholders.

Login

NY Mourns Terry Morris' Passing



July 16, 1943 - April 19, 2006

Robert Hurlbut Named Chairman



'I have no hope of filling the shoes of Terry Morris. I just hope to follow the path those shoes have set.'

Insurance Dept. Weighs Rating Board's Rate Hike Proposal

As the *Advisor* went to press, the State Insurance Department had scheduled a June 28 public hearing on the Compensation Insurance Rating Board's filing for a 7.5% increase in the average workers' compensation insurance rate, beginning on October 1.

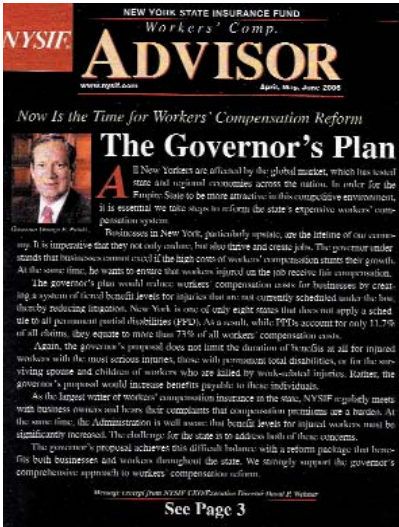
The proposed changes include an average rate rise of 6.8%, plus an increase in the foreign terrorism premium charge from 3.4 cents to 4.4 cents per \$100 of payroll to cover a higher carrier deductible under the Terrorism Risk Insurance Act as amended in January 2006.

In past years, the Insurance Department has rejected or reduced recommended increases by the Rating Board, a nonprofit association of insurance companies that collects data and proposes rates for the Insurance Dept., which has final approval.

The filing includes proposed decreases to Construction Classification Territorial Surcharges, also subject to Insurance Department approval: Territory 1 (NYC), from 29% to 19.5%; Territory 2 (NYC suburban counties), from 22% to 14%, and Territory 3 (upstate counties), from 14% to 10%.

A separate assessment set by the Workers' Compensation Board to cover administration and special workers' compensation funds would rise from 17.5% to 18.6% of premium.

Business advocates, including the Business



Council of New York State, Inc., are troubled by the proposed increases. The council supports legislation proposed by Governor George E. Pataki (*WCA April/May/June 2006*, above) to control costs by capping awards for permanent partial disabilities and containing rising medical costs, while increasing benefits for injured workers.

Sponsors of a separate bill introduced late in the legislative session would similarly limit partial disability awards, and change the state's so-called Scaffold Law so employers could show evidence of worker negligence regarding on-the-job injury.

Safety and Partnerships

The **Flanders Safety Group** recently presented NYSIF Underwriter Jim Conroy with the Flanders Excellence in Service Award. The Flanders Group has awarded this recognition to NYSIF people for outstanding service for the past 16 years. "You really go above and beyond for us," Flanders Sr. VP Heather Dougherty told Mr. Conroy. "We really appreciate it"... United Restaurants of New York, NYSIF Safety Group 556, managed by the **Friedlander Group**, paid a 40% dividend to members for policies through September 30, 2005. This was in addition to an advance premium discount of up to 25%... **Beg pardon:** An article and photo in the previous issue of the *Advisor* cited Catskill auto dealer R.C. Lacy as a NYSIF policyholder for 75 years. R.C. Lacy is a member of the **New York State Auto Dealers Association Safety Group 430**, which works tirelessly on behalf of its members and to preserve the long relationships group members such as R.C. Lacy have with NYSIF.

Teen Safety Campaign

OSHA recently launched its Teen Summer Job Safety Campaign, a multi-year project aimed at lowering teen injuries and fatalities on the job. Go to osha.gov.

NYSIF Workers' Comp. Advisor
July/August/September 2006

In This Issue Older Generation Staying On

An older generation of workers is staying on the job longer, leading risk managers and safety professionals to assess the effects of aging on the workplace and make recommendations on preparing for an aging workforce.



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Cost of Fraud

As NYSIF cracks down, jail time, restitution and loss of benefits loom for those who stand convicted of workers' comp. fraud.

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Bi-Lingual Publications Debut

NYSIF's Partners in Safety (*Socios en la Seguridad*) and A Claims Guide for the Employer (*Guía de Solicitudes de Indemnización para el Empleador*) are now available as dual language booklets. Having English/Spanish versions of our most widely-read publications allows NYSIF to reach a wider audience that reflects the changing composition of New York's workforce, and is "another step in keeping with our mission to be the best customer service provider in the industry," NYSIF CEO David Wehner said. Both guides are available through the New York State Library Documents Section and by request from NYSIF at 212-312-9121.

Name Rochester-Based Robert Hurlbut NYSIF Chair

The New York State Insurance Fund Board of Commissioners unanimously approved the appointment of Robert H. Hurlbut as chairman of the board at its monthly meeting in NYSIF's New York City Offices at 199 Church Street, on Wednesday, May 17, 2006.

Chairman Hurlbut, founder and president of the Hurlbut Trust, a consulting and financial services firm for health care facilities and rental properties, succeeds Terence L. Morris, who passed away in April.

Donald T. DeCarlo, an attorney involved in workers' compensation issues since 1973 and a NYSIF board member since 1997, was named to succeed Mr. Hurlbut as vice-chairman.

"NYSIF is extremely fortunate to have Robert Hurlbut and Donald DeCarlo step up to fill the void left by the loss of Terry Morris," NYSIF CEO/Executive Director David P. Wehner said. "Both Bob and Don are extremely knowledgeable and experienced in the area of workers' compensation, and both worked side-by-side with Chairman Morris on the issues facing the industry and affecting business and labor in the state."

SUCCEEDS TERENCE MORRIS

Terry Morris, who was president of Morris Ford Mercury and Terry Chrysler Jeep in Burnt Hills, NY, served on NYSIF's board for 11 years and as chairman for the past nine years.

Appointed to the board in 1989, Mr. Hurlbut was elected by the board as vice chairman in 1995. "I have no hope of filling the shoes of Terry Morris," he said. "I just hope to follow the path that those shoes have set."

Chairman Hurlbut is a state-licensed nursing home administrator and a fellow in the American College of Health Care Administrators. He has broad experience operating long-term health care facilities and retirement complexes in various parts of the United States, and worked in administrative and consulting capacities for nursing homes in New York, Pennsylvania and Hawaii.



Chairman Hurlbut (l.) and Vice Chairman DeCarlo

In 2003, the Rochester businessman was recognized for his contributions to the Rochester area community as a recipient of the Fifty Over 50 Award. He is also recipient of the Forty Over 40 Award, The Mental Health Compeer, is a Boy Scouts of America honoree, and has an honorary doctorate of law degree from St. John Fisher College.

DONALD DeCARLO VICE CHAIR

Vice-Chairman DeCarlo is president and chairman of his own law firm. He was appointed by Governor George E. Pataki as a NYSIF board member in 1997, and has extensive experience in workers' compensation insurance law.

An arbitrator for the American Arbitration Association and Center for Dispute Resolutions, and master arbitrator for the NY State Insurance Department, Mr. DeCarlo has published numerous scholarly articles in legal and trade journals, and co-authored two books on workers' compensation, *Workers' Compensation Insurance & Law Practice - The Next Generation*, and *Stress in the American Workplace - Alternatives to the Working Wounded*.

He is founder and president of the American Society of Workers' Compensation Professionals. He previously served as chair of the American Bar Association Torts and Insurance Practice Corporate Counsel Committee and as chair of the ABA Workers' Compensation Committee, the New York Bar Association Insurance Committee, and the Federation of Insurance Counsel.

The Queens resident earned his law degree from St. John's University.

New York Mourns Loss of Terry Morris



NYSIF regretfully announced the death of Chairman Terence L. Morris on April 19, 2006 at the age 62. Mr. Morris was in his ninth year as chairman of NYSIF's Board of Commissioners and his 11th year on the board.

Widely praised for his philanthropic work in his community, his business acumen and his public service, Mr. Morris death elicited an outpouring of tributes from mourners in all corners of the state.

"Terence Morris was a self-made businessman and dedicated public servant who truly represented the very best of what New York State has to offer," Governor George E. Pataki said. "Mr. Morris was a successful upstate auto dealer, as well as a business and civic leader who still found time to become a dedicated public servant."

'Terry Morris was a self-made businessman and dedicated public servant who represented the very best of what New York State has to offer.'

— Gov. George E. Pataki

NYSIF CEO David P. Wehner said: "NYSIF mourns the loss of a friend and leader who served the Fund as a guiding force through one of the most exciting times of change and growth in NYSIF's long history. A dedicated businessman and community leader, Chairman Morris unselfishly devoted himself to the betterment of the Fund. Through his leadership, the Fund implemented many improvements for New York businesses and working people of the state."

Gov. Pataki appointed Mr. Morris to the board in 1995. He was elected chairman by the board on April 25, 1997. Mr. Morris, of Burnt Hills, NY, served as director of the NYS Auto Dealers Workers' Compensation Board, as chairman of the NYS Automobile Dealers NYPAC, and as director of the NYS Auto Dealers Association Safety Group 430.

As NYSIF chairman, he presided over a major re-engineering of the agency. During his tenure, NYSIF introduced new technology, programs and services designed to increase efficiency, aid business and provide better customer service to policyholders and claimants.

Read more about Terry Morris in NYSIF Newsroom at www.nysif.com

Visit Us at www.nysif.com and See

A Warehouse of Information and Services Awaits All Users at NYSIF's New Web Site

The New York State Insurance Fund launched a redesigned and revamped web site on June 9, containing a warehouse of information about workers' compensation and disability benefits insurance for New York businesses, a comprehensive library of current safety resources for employers, and a full line-up of convenient e-business services that are available to NYSIF policyholders.

"We've changed the contents and the look and feel of our site to make it more user-friendly for our customers and for any user interested in learning about workers' compensation and disability benefits," NYSIF CEO David Wehner said in announcing the new site. "We've made www.nysif.com a one-stop, full service resource for all of our constituents – policyholders, injured workers, insurance representatives, medical providers – and for all businesses in New York State."

The new site offers convenient navigation from the homepage under four distinct sections: Workers' Compensation, Disability Benefits, Safety and Risk Management, and Online Services. The site, developed entirely by NYSIF staff, has a wealth of information and services for New York employers and injured workers.

Some of the improvements include a new guide to common workers' compensation and disability benefits insurance terms, a "How do I?" page that addresses questions covering a full range of workers' compensation and disability benefits topics, frequently-asked-questions found by topic, downloadable forms in one location, and an extensive safety section put together by NYSIF's own workplace safety specialists.

"NYSIF has been in business since the beginning of the Workers' Compensation Law in 1914," Mr. Wehner said. "Who better to create a site that con-

4 Sections for User-Friendly Navigation

The screenshot shows the NYSIF website interface. At the top, there is a navigation bar with links: Home | About NYSIF | Contact Us | Forms | Fraud | How Do I? | Accessibility. Below this is the NYSIF logo and the text "New York State Insurance Fund" and "Workers' Compensation & Disability Benefits Specialist since 1914". A search bar is on the right. Below the logo is a horizontal menu with "Workers' Compensation", "Disab.", "NYSIF.com Home", "Safety & Risk Management", and "Online Services". The main content area is titled "Workers' Compensation > Policyholders". On the left is a sidebar menu with categories: "ABOUT WORKERS' COMPENSATION", "POLICYHOLDERS", "CLAIMANTS", "MEDICAL PROVIDERS", "INSURANCE REPRESENTATIVES". The "POLICYHOLDERS" section is expanded, showing a list of links: Policyholder's Responsibilities, About WC Premium & Billing, Cancellations, About Claims, Executives, Owners & Partners, Auditing & Payroll Reports, Amending a Policy, Return-to-Work. The main content area is titled "Policyholders" and contains text about NYSIF's services and a list of bullet points: "Expert consultation and remedial action in safety and risk management, including Industrial Code Rule 59 compliance, from a trained corps of more than 50 NYSIF Policyholder Services specialists who are Certified Safety Consultants by the New York State Department of Labor; Claims handling and medical case management by the most knowledgeable claims professionals in the business; Step-by-step guidance for establishing an industry-standard Return-to-Work program; The benefit of one of the best workers' compensation anti-fraud programs in the country." A note at the bottom states "NYSIF policyholders receive these services at no extra cost." On the right side of the main content area is a vertical list of "online Account" services: Create new Customer Login, e BILL (Account summary, Monthly bills, Pay your bill), e CERTS (Certificate of Insurance, Validate a certificate), e FROI (Employer's Report of Injury), c 105 (Learn more about C-105, C-105 Notice of Compliance), partners in Safety (Learn more about safety), access CONNECTS (Claims info online 24/7), help fight Fraud (Learn more about fraud, Report fraud now).

Navigation is made simple with pages tailored specifically for policyholders, claimants, medical providers and insurance representatives

Convenient e-Business & Online Services

The screenshot shows the NYSIF website interface. At the top, there is a navigation bar with links: Home | About NYSIF | Contact Us | Forms | Fraud | How Do I? | Accessibility. Below this is the NYSIF logo and the text "New York State Insurance Fund" and "Workers' Compensation & Disability Benefits Specialist since 1914". A search bar is on the right. Below the logo is a horizontal menu with "Workers' Compensation", "Disability Benefits", "Safety & Risk Management", and "Online Services". The main content area is titled "Online Services > Disability Benefits". On the left is a sidebar menu with categories: "WORKERS' COMPENSATION", "DISABILITY BENEFITS", "PAY YOUR BILL", "PROCUREMENT OPPORTUNITIES". The "DISABILITY BENEFITS" section is expanded, showing a list of links: Get a Quote, Premium Calculator, Certificates of Insurance, Report Payroll, Account Access, Policyholder Information, Claimant Information. The main content area is titled "Disability Benefits" and contains text about New York State disability benefits insurance and a list of bullet points: "Report your payroll electronically", "Obtain and/or validate a certificate", "Estimate premium with our online premium calculator", "Pay your bill online with Official Payment Corp.", "Report fraud". A note at the bottom states "For an explanation of NYSIF online services, click the links in the left menu bar." and "To start using online services, select the service from our Quick Links list to the right." On the right side of the main content area is a vertical list of "workers' Comp" services: Get a Quote, Validate a Certificate, Certificate of Insurance, First Report Of Injury, C105 Notice of Compliance, CONNECTS, Account Summary, Monthly Bills, Investigator Access, IME Access, Create an Account, Claimant Inquiry, Where's My Check, Report Fraud, Medical Bill Inquiry, Underwriting Inquiry. Below this is a vertical list of "disability Benefits" services: Get a Quote, Premium Calculator, Validate a Certificate, Certificate of Insurance, Report Payroll, Create an Account, Existing User Login, Policyholder Information, Claimant Information, Where's My Check, Report DB Fraud.

Access our full menu of e-business and online services conveniently listed under the Online Services section

How We've Changed!

tains comprehensive information and services for the workers' compensation and disability benefits markets in New York State than us?"

Employers, injured workers, insurance representatives and medical providers each have their own sections in the new site under which NYSIF covers a full complement of topics and offers a variety of online services tailored to each constituent.

Under Safety and Risk Management, any user can access a variety of safety materials for free. The materials are designed especially for small business, but applicable to all businesses. They include a full library of safety resources that cover safety basics, industry safety fact sheets, and Industrial Code Rule 59 Workplace Safety Program compliance. In addition, a new online safety feature, COMMIT, is a do-it-yourself safety program developed by NYSIF to help New York businesses lower their workers' comp. costs.

"We've developed this site to be a state-of-the-art resource and service destination for workers' compensation and disability benefits for New York businesses," Mr. Wehner said.

Site features also include full accessibility, an improved method for contacting NYSIF, procurement opportunities, a complete site map and an RSS feed.

A Warehouse of Information

Forms

Frequently used forms are available when you want them. They're collected here, in one place, accessible from the top of every page, for you to view online, print and complete. In addition to business forms for both policyholders and brokers, we encourage you to use our safety checklists, tip sheets and other resource materials.

Form Number	Form Name	Purpose
C-105	Notice of Compliance	Workers' Compensation Law requires that you post a Notice of Compliance, C-105, in all business locations. A C-105 was provided to you in your policy and renewal information packages.
U-9, U-9a	Assignment of Interest Agreement	Transfer of Policy Interest
U-111, U-111a	Request for Inclusion of Additional Interest	This form must be completed for each entity, including the FEINs, signed, and returned to NYSIF. Please have the form signed by BOTH a principal or executive officer of the company you wish to add. No coverage will be issued if there is no combinability* between the entities. *Combinability - The same person, group of persons or corporation owns more than 50% of each entity.
U-218	Executive Officer Information Sheet	Form U-218 must be completed and returned to NYSIF in every case where there is a change of officers of a corporation presently insured by us or where a request is made to transfer the policy to a corporation.
U-421	Notice of Election of an Incorporated Religious, Charitable,	This form applies only to the Executive officers certified within and should be sent

Who better to create a comprehensive site for information and services on workers' compensation and disability benefits in New York State than NYSIF?

Workers' Compensation & Disability Benefits Specialist since 1914

Then...Now...Always™

SAFETY MATTERS


AVOIDING SLIPS, TRIPS & FALLS

Slips, trips and falls cause the majority of general industry accidents, and a number of accidental deaths – more fatalities than all other accident causes but motor vehicles.

You can fall when walking, standing, or even sitting in a chair, but most occur while walking. Causes may include oil or water spilled on a floor, losing your footing on stairs or a gravel path, a slippery parking lot or a wet floor, or tripping over a loose wire.

Paying attention to the conditions around you and looking before you walk can help you prevent painful and disabling slips and falls.

- Is the floor clean and level? Is it dry?
- If you are carrying something, can you see where you are going?
- Is carpeting torn, bulging or bunched?
- Do area rugs or mats have non-slip backings?
- Are highly-polished floors slippery?
- Are there any "wet floor" warning signs?
- Are aisles and passageways clear?
- Do stairs have hand railings?
- Are ladders used safely?
- Is snow, ice or rainwater removed promptly?
- Is lighting adequate in all work areas, halls and stairways?
- Do employees wear appropriate footwear?



New York State Insurance Fund
www.nysif.com

Workers' Compensation Terms

Guide to Common Workers' Compensation Terms

ABCDEFGHIJKLMNOPQRSTUVWXYZ

15-B Cases §15-B is a section of the NYS WC law relating to disability following previous permanent physical impairment. See second injury fund definition.

25A Cases §25-A is a section of the NYS WC law. If there are new medical bills submitted for a case which is closed in which no lost wage payments were made for three years and it is seven years post date of accident, payments will be made by the Special Funds Conservation Committee and not the Employer or the Employer's Insurance Carrier.

A-Rate An "A-Rated Classification" is a classification with no predefined manual rate shown in the rate pages of the NYCIRB Manual.

Accident Date Refers to either (a) the date the accident is deemed to have occurred or (b) the date of onset assigned to an occupational disease. The accident date is officially established by a WCLJ.

Accident Notice and Causal Relationship (ANCR) The finding made by WCLJ that the claimant sustained an accidental injury arising out of and in the course of employment; that timely notice was given to the employer; and that the disability is causally related to the accidental injury. (WC law § 2, Sub. 7; § 18)

Accident (Work Related) An event, arising out of and in the course of employment, which results in personal injury to a worker.

Actuary A mathematician in the insurance field.

Adjourn (a hearing) The Workers' Compensation Board WCLJ can put off or suspend until a future time, without making any findings.

Adjusted manual rate premium A premium level charged a risk under a NYSIF workers' compensation policy, produced by applying an experience modification to the manual

Frequently used forms listed by form number, name and purpose (l.), and a guide to workers' comp. terms (above) are part of the extensive site features

A Safety Resource Library

Safety & Risk Manager

Partners in Safety

Since 1914, NYSIF has provided New York businesses with quality safety services and proactive loss prevention and risk management assistance. Our mission statement reflects our commitment to help New York businesses control the cost of workers' compensation insurance. Promoting safety, making loss prevention resources available to all businesses and providing safety materials geared to small business are all ways NYSIF fulfills its mission.

Specialists in Workers' Compensation and Disability Benefits Insurance

In this section of our site, safety directors, risk managers or anyone responsible for safety in the workplace may learn about NYSIF safety and risk management services, Code Rule 59 compliance and remediation services, and the many safety presentations we may offer to NYSIF policyholders.

NYSIF also offers online safety resources including: Safety Basics, one-page handouts ideal for training; Safety Matters, a more in depth look at specific safety topics; Safety Checklists, industry specific checklists designed to help businesses identify hazards and unsafe work practices; Safety Cop articles on seasonal safety concerns, and safety posters that may be used to promote safety.

Disability Benefits | Safety & Risk Management | Online Services

promoting Safety
Management commitment
Safety Committees
Safety Training
Safety Surveys
Accident Investigation
Risk Management
Claims Reporting
Working with NYSIF
Limiting Liability
Claims Resolution
Claims Monitoring Loss Analysis
code rule 59
Consultation
Remediation
Compliance
Penalties
Timeline
small Business
COMMIT online safety program
Monthly Safety Topic
Payroll Reporting
Claims Guide
safety Resources
Safety Basics
Safety Matters
Safety Checklists
Safety Cop Articles

Safety Basics

At NYSIF, we recognize that training your employees is a vital part of your safety program. Developed for small business, but right for all business, Safety Basics cover a variety of safety topics to assist our policyholders in promoting safe work practices. Safety Basics may be utilized in tool box talk handouts, safety training sessions, or put on display in the workplace to promote safety and educate employees on how to avoid injuries.

Title
Chemical Safety Basics
Fire Safety General
Fire Safety Basics
Hand and Power Tool Safety Basics
Power Tool Safety Tips
Ladder Safety Basics
Ladder Safety Tips
Machine Safety
Personal Protective Equipment Use
Personal Protective Equipment Basics
Personal Protective Equipment Tips
Chemical Safety (MSDS)
Preventing Infectious Diseases
Proper Housekeeping

Workers' Compensation | Disability Benefits | Safety & Risk Management | Online Services

online Account
Create new
Customer login
ready to COMMIT?
Lower your workers' compensation costs now
access CONNECTS
Claims Info Online 24/7
small Business
What may NYSIF do for me?
safety Monthly
Seasonal topics for regular safety meetings
help fight Fraud
Learn More
Report Fraud Now

Pick virtually any workplace safety topic from a vast library of safety resources – all available free of charge

Prepare For Changing Workforce

Articles and studies about the 1946-1964 baby boomers report a notable trend: many of them will stay on the job longer.

According to the New York State Labor Department, the population of New Yorkers age 55-64 is expected to grow by over 500,000 in the next 15 years, while those 65 and older will increase by 704,000. In contrast, the core working-age population, 35-54 years old, is expected to decline by 630,000. This will have a major impact on the economy and the workplace.

Risk managers and safety professionals have conflicting opinions on how these older workers will perform and how safe they will be. (Statistics show that older workers are injured less frequently, but accident severity is often greater.)

Now is a prudent time to prepare for this emerging demographic trend.

EFFECTS OF AGING

Research on aging workers discusses the balance between “positives,” like attitude, experience, good work habits and stability, versus “negatives,” such as slower reaction time, decreasing muscle strength and range of motion, less capability for sustained physical activity, poorer vision, and predisposition to more-severe injuries.

Numerous safety articles on older workers suggest that falls, lighting and back pain must be addressed; that loss of balance, resulting from changes in the inner ear, can lead to slips and falls—sometimes fatal; that factors from lighting and layout of controls, to task scheduling, physical fitness and work station design must be considered.

OLDER WORKER SAFETY

The American Society of Safety Engineers (ASSE) offers these suggestions to increase safety for an aging workforce:

- Improve illumination, add color contrast
- Eliminate heavy lifts, elevated work from ladders, and long reaches
- Reduce static standing time
- Remove clutter from control panels and computer screens and use large video displays
- Reduce noise levels
- Install chain actuators for valve hand wheels, damper levers, etc.; this brings the control manipulation to ground level and helps reduce falls

Gary Dombroff, WCP
Safety Cop 

- Install skid resistant material for flooring and especially for stair treads
- Increase task rotation to reduce the strain of repetitive motion
- Lower sound pitches, such as on alarm systems, as they tend to be easier to hear
- Lengthen time between steps in a task
- Consider necessary reaction time when assigning older workers to tasks
- Provide opportunities for practice and time to develop task familiarity.

Employers can use these suggestions to assess the appropriateness of tasks assigned to older workers, and make necessary

Manage Generation Gap Now

The Mayo Clinic and Monster.com have published articles indicating there are four distinct generations in today's workplace, each with their own style of communicating.

Ergoweb.com reports that a breakdown in intergenerational communication among the Silent Generation (1925-1942), the Boom Generation (1946-1964), and the two “Now” (X & Y) generations (1965-77 and 1979-88)



Older workers “positives”: experience, attitude changes before accidents or injuries occur.

Perhaps the best safety precaution for an aging workforce might be the example of baby boomers themselves who are unwilling to compromise their active lifestyle: improve overall health and fitness. That's common-sense advice that can add years to life, and to a career that's not ready to end.

can be found in dysfunctional workplaces.

According to research, X and Y thrive on technology and are adept at multitasking. Older co-workers prefer more face-to-face contact. On the other hand, younger workers require more feedback and active coaching.

The consensus: wise management values a worker's individual qualities and manages the generations to capitalize on the strengths of each.

NYSIF Role ‘Vital’ to Hudson Safety Council

CEO David Wehner announced that NYSIF recently teamed with the Safety and Health Council of the Hudson Valley to offer a free 10-hour Occupational Safety and Health Administration (OSHA) training course in Kingston, New York.

“I'm pleased our staff could provide this valuable service to businesses in the Hudson Valley,” Mr. Wehner said. “Workplace safety is an essential component of keeping workers' compensation costs down, and it is crucial that we protect our state's working men and women.”

NYSIF's Augie Bortoloni, Lou Caputo, Russ Fitch and John McCarthy, OSHA-authorized outreach trainers, conducted the two-day course covering walking and working surfaces, exit routes, emergency plans, fire prevention, electrical, PPE, machine guarding, hazard communications, and flammable and combustible liquids.

“When envisioning the idea of a council back in 2004, my main goal was to bring area businesses together to network and share best practices, while at the same time, offering them complimentary quality education in the key areas of safety and health,” Council President and Founder Ron Coons said. “NYSIF has played a vital part in the success of the council. It is because of the Fund's professional and passionate consultants that our membership has grown to more than 200 members.”

‘NYSIF has played a vital part in the success of the council. It is because of the Fund's professional and passionate consultants that our membership has grown.’

Arrests Signal Another Busy Quarter for DCI

CEO/Executive Director David P. Wehner announced a string of workers' compensation fraud arrests from April through June in a busy quarter for NYSIF's Division of Confidential Investigations. "We are cracking down on fraud committed by claimants, policyholders and medical providers, and have the tools in place to effectively identify, investigate and deliver cases for successful prosecution to law enforcement authorities who agree that fraud is a serious crime," Mr. Wehner said. "The message is clear: NYSIF has zero tolerance for fraud."

FRAUD FILE

Defendants Hit With Jail Time

Several recent cases led to jail time for defendants.

Edward Vasquez received a prison sentence of three years to be served concurrently, stemming from several indictments in a case prosecuted by Manhattan DA Robert Morgenthau. In addition to insurance fraud in the third degree, Mr. Vasquez pled guilty to second degree perjury and non-support of a child.

Mr. Vasquez, a NYSIF claimant who reported an on-the-job injury in October 1989, also signed a Confession of Judgment in



the amount of \$30,000 payable to NYSIF as restitution for a claim settlement to which he was not entitled.

Claimant **Austin Andrews** received a prison sentence of 15 days followed by five years' probation after pleading guilty to grand larceny in the fourth degree. Mr. Andrews was videotaped unloading 100-lb. bags of rice from a truck on three separate occasions. Mr. Andrews allegedly collected more than \$8,000 in fraudulent benefits, and NYSIF has sought to have

him disqualified from receiving future compensation.

In Nassau County, **Solomon Sorto**, 46, of Westbury, was sentenced to eight weekends in jail and five years' probation after pleading guilty to insurance fraud for collecting workers' compensation benefits after returning to work. Mr. Sorto allegedly collected \$47,554 in illegal benefits while he was employed. He faces restitution and a civil judgment for the balance owed to NYSIF.

Payroll Schemes Unravel

Several employers face charges following their arrests in premium fraud schemes against NYSIF.

Gordon Dobbins, 73, and his wife, **Kathryn Dobbins**, 66, who own and operate **Dobbins Auto Parts** in Adams, New York, face grand larceny charges following their arrests by the Jefferson County Sheriff's Office for allegedly under-reporting their payroll to avoid paying approximately \$4,000 in premium to NYSIF.

Police arrested **Vincent S. Buonanno**, who owns a Fairport, NY, stone mason business, after NYSIF auditors found that he allegedly failed to report proper payroll amounts. Mr. Buonanno's alleged scam came undone when he filed a claim for an injured worker, but failed to provide the worker's name on the claim form.

One week later, authorities arrested **David Haskins**, 56, owner of **Haskins Auto Repair** in Cuba, NY, whose alleged payroll scam similarly unraveled after an employee filed a claim with NYSIF.

The Orange County Sheriff's Office arrested **Philip Mathew Young, Sr.**, 31, of Crawford, NY, for falsifying business records and for forgery, both felonies. Mr. Young allegedly presented a fraudulent certificate of insurance for his company, **Affordable Paving**, to gain work from a general contractor. Investigators said the certificate allegedly had been altered from a previous policy with NYSIF.

NYSIF is the first insurer in the state to have an electronic certificate of insurance system, eCERTS, that allows any NYSIF certificate holder to validate the certificate's authenticity at www.nysif.com.

Nab Fraud Pair in Georgia for Drugs, Weapons

Police in the state of Georgia arrested two Syracuse men who fled New York to avoid prosecution in a forged check scheme that resulted in their indictments in Onondaga County in November 2004.

The men, wanted by Syracuse authorities, were arrested on drugs and weapons charges in Georgia. The suspects were returned to Syracuse after Georgia authorities contacted New York police.

Ira Williams, 38, and **Robert Adams**, 29, face charges in New York that include criminal possession of a forged instrument, attempted grand larceny, and one count each of third- and fourth-degree grand larceny.

Investigators said the suspects allegedly presented a forged NYSIF check in the amount of \$14,480 at a Syracuse credit union in October 2003. A second presented check, bearing the same check number, raised the suspicions of NYSIF and law enforcement authorities.

In January 2004 Syracuse Police executed a search warrant in an unrelated case at the home of Mr. Williams. The search turned up a "thumb drive" containing the signature of a former NYSIF executive director, allegedly used to forge NYSIF checks.

Mr. Williams and Mr. Adams were arraigned in Onondaga County Court and held without bail at Onondaga Justice Center.

Medical Record Altered

Suffolk County DA Thomas Spota's Office arrested **Brendon Lattanzi**, 26, of Huntington Station, NY, and **Carrie Colwell**, 33, of Mastic Beach, NY, charging them with felony violations of S. 114 of the Workers' Compensation Law.

Mr. Lattanzi reported a work-related injury to his shoulder, submitting MRI and medical reports to NYSIF to document his injury. An investigation found that Mr. Lattanzi allegedly altered the date on his MRI and falsified other medical documents to coincide with the reported date of injury.

Ms. Colwell filed a claim for a back injury in 1994. She received a disability award of \$150 per week from NYSIF.

She told NYSIF that she had returned to work as a part-time deli clerk in December 2005. Investigators found she allegedly was

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FRAUD FILE

'Inter-agency cooperation of the NY State Insurance Department, the Workers' Compensation Board Fraud Inspector General, and local law enforcement organizations is a big key to the success of NYSIF's anti-fraud efforts. Each arrest, each successful prosecution reinforces our commitment to provide the best workers' compensation and disability insurance for our customers at the lowest possible cost, and helps drive down the costs of doing business in NY State.'

— NYSIF CEO David P. Wehner

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More Claimant Arrests

State Police at Liberty arrested **Victoria Felton**, 44, of Fallsberg, NY, and charged her with forgery in the second degree, offering a false instrument for filing and third degree insurance fraud for allegedly taking more than \$4,000 in compensation payments intended for her late husband.

In another case, video surveillance showed **William C. Ford**, 57, of Port Jervis, allegedly changing a tire and climbing a ladder in his job as a maintenance worker one hour after stating in a form to NYSIF that he had not returned to work following a back injury. Mr. Ford was charged with insurance fraud for violating section 114 of the Workers' Compensation Law.

Cecillia Castellanos, 39, of Monticello, NY, and **Gerald Wicks**, 41, of

Binghamton, NY, were charged after separate investigations by DCI and NYSIF claims investigators in conjunction with the NY State Insurance Dept. Frauds Bureau in Binghamton.

Ms. Castellanos and Mr. Wicks were arrested for collecting workers' compensation benefits while gainfully employed. In Ms. Castellanos' case, investigators said she claimed to be totally disabled and allegedly lied under oath before the Workers' Compensation Board. She was arraigned in the Village of Liberty Court and remanded to the Sullivan County jail without bail.

In an unrelated case, Manhattan DA Robert Morgenthau's Office charged **Japa Emiliano**, 55, of Brooklyn, NY, with grand larceny.

Criminal complaints and indictments are accusations only. All defendants are innocent until proven guilty.

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