

Code Rule 59 Program Timeline

- 1. THE RATING BOARD CITATION:** Upon receipt of a New York Compensation Insurance Rating Board citation you (the employer) have 30 days to arrange for a consultation by a NYS Department of Labor-certified safety consultant.
- 2. NOTIFYING THE NYS DEPARTMENT OF LABOR AND YOUR WORKERS' COMPENSATION INSURANCE CARRIER:** Within 10 days after choosing a certified safety consultant, you must notify the NYS Department of Labor and your workers' compensation carrier of your selection. *(If you are a NYSIF policyholder and NYSIF is not selected to perform your consultation, you must provide us the name of consultant you have selected. Use the addresses listed below for NYSIF and the NYS Department of Labor for all Code Rule 59 notifications).*
- 3. THE CONSULTANT'S REPORT:** You should receive the consultant's written report within 75 days from citation *(assuming that you arranged for the consultation timely).*
- 4. FORWARD THE CONSULTANT'S REPORT:** It is your responsibility to send a copy of the report to the NYS Department of Labor within 30 days of its receipt. *(If you are a NYSIF policyholder and we did not perform the consultation, you must send NYSIF a copy of the report and a remediation plan that explains how you will address the recommendations contained in the report. Use the addresses listed below for all Code Rule 59 notifications).*
- 5. REMEDIATION:** If you have adhered to the timeline, you (the employer) have 6 months from receipt of the consultant's report to implement all of the recommendations. *(If you are a NYSIF policyholder, we can help guide you in the remediation process).*
- 6. COMPLIANCE CALL:** Within 60 days after the end of the 6-month remediation period, your workers' compensation carrier evaluates your compliance with the consultant's recommendations.
- 7. COMPLIANCE REPORT:** Your carrier then submits a report on the compliance to you (the employer) and to the Department of Labor within 45 days after inspection.
- 8. APPEAL:** If the employer is found not to be in compliance, you have 30 days to file an appeal with the NYS Department of Labor. *(Use the addresses listed below for all Code Rule 59 matters).*
- 9. FINAL STATUS:** After the compliance report is completed, the carrier either certifies compliance or charges the statutory 5% penalty for non-compliance. This penalty accrues each year (5% first year, 10% second year, etc.)

Address to notify NYSIF regarding Code Rule 59 matters-

New York State Insurance Fund
Statewide Policyholder Services
Code Rule 59 Coordinator
199 Church St. 7th floor
New York, NY 10007

Address to notify NYS DOL regarding Code Rule 59 matters or appeals-

Marino Franchini, Program Coordinator
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New York State Department of Labor
Division of Safety and Health
State Office Campus
Building 12 - Room 167
Albany, New York 12240