



NYSIF[®]

NEW! ENRICHED, LOW COST NYSIFDB

NEW YORK STATE INSURANCE FUND

Workers' Comp.

ADVISOR

nysif.com

April, May, June 2010

21 WAYS To Reduce Your Workers' **COMP. COST**

**Straight Talk
About Workers'
Comp. Rates**

**NYSIF Pays
\$173.3 Million
2009 Dividend**

**154 Fraud Arrests
\$16.6 Million Savings**

Enriched DB, Same Low Rate

NYSIF policyholders may now take advantage of one of the lowest disability benefits insurance rates in New York State along with the opportunity to enrich coverage for their workers at the same low rate.

■ NYSIF slashed disability benefits insurance premium for New York State statutory coverage to a gender neutral \$0.14 per \$100 of payroll for all employees, effective January 1, 2010. Effective April 1, 2010, NYSIF is offering “Enriched Disability Benefits” based on the same low rate structure for employers who want increased disability benefits coverage for their employees. NYSIF began selling statutory disability benefits insurance in 1950 at the inception of the mandatory New York State Disability Benefits Law. The NYS



Insurance Dept. recently approved NYSIF to offer qualified employers enriched DB at up to five times statutory coverage. DB covers temporary, partial wage replacement for off-the-job injury and illness.

■ “Our low disability benefit rates make mandatory or enriched coverage more affordable for New York employers,” NYSIF Chief Deputy

Executive Director Francine James said.

■ NYSIFDB statutory coverage provides claim benefits up to a maximum weekly benefit of \$170 for 26 weeks. Beginning April 1, standard-risk policyholders can opt for enriched coverage starting at 1.5 times the statutory weekly benefit for an annual maximum premium of \$37.13 per employee with a minimum annual policy of \$90. NYSIF enriched maximum weekly benefits pay \$255 at 1.5 times the statutory benefit, increasing to \$340 (2 x benefits), \$425 (2.5x), \$510 (3x), \$680 (4x) and \$850 (5x). Standard-risk policyholders can purchase five times statutory coverage for a maximum annual premium of just \$123.76 per person with a minimum annual policy of only \$300.

■ NYSIFDB offers a payment plan for annual policies of \$1,000 or more, which requires an initial 25% premium deposit and spreads the balance over nine monthly installments. Visit nysif.com for a no-obligation quote.

NYSIF People

Board Re-Elects Chairman Hurlbut, Elects Vice Chair Holmes; Welcomes Frank, Gardner

NYSIF’s Board of Commissioners re-elected Robert H. Hurlbut as chairman of the board during its monthly meeting January 20, at 199 Church Street. The board also elected H. Sidney Holmes, III as vice chairman.

Chairman Hurlbut received his initial appointment to the board in 1989 by then-Gov. Mario Cuomo. He became vice chair in 1995, and was unanimously elected to succeed the late-NYSIF Chairman Terence



Robert Hurlbut



H. Sidney Holmes

Morris on May 17, 2006.

Gov. David Paterson recognized

WCA FYI

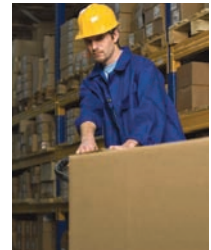
News You Can Use

NYSIF Workers' Comp. Advisor
April/May/June 2010

This Issue

Pay Heed, Pay Less

Anyone paying attention knows how to pay less for workers' comp. insurance: proactive safety, risk and claims management. Here's straight talk about what affects your WC premium, 21 ways any business can lower comp. costs, and what NYSIF can do to help.



Pages 3-5



Experts gave our emergency preparedness coverage kudos (*WCA Jan-Mar '10*). On a related note: Lack of a respiratory-protection program at a Queens plant was found to have led to three confined-space deaths covered in the article.

More about breathing hazards Page 7

Chairman Hurlbut last December for 20 years of exemplary service to the board with a proclamation citing his “dedicated leadership and compassion.”

Chairman Hurlbut, a member of the Rochester Business Hall of Fame, is founder and president of the Hurlbut Trust, a consulting and financial services firm for health care facilities, retirement

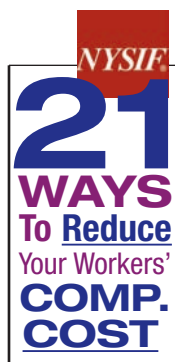
See Page 8

TO BEGIN, LOOK AT WHAT AFFECTS YOUR PREMIUM, NOT AT ADVERTISED RATES

Straight Talk About Workers' Comp. Insurance Rates

There is always a lot of talk about what causes workers' comp. insurance costs to increase or decrease. With all the talk lately about cost increases, it seems a good time for some straight talk about the price you pay for workers' comp. insurance.

A simple explanation is that the amount charged for your type of business is derived from the most recent total amount paid on claims for similar types of businesses statewide. This determines the loss cost for your class of business. The New York Compensation Insurance Rating Board (NYCIRB) promulgates these loss costs, reflecting data from all insurance companies, which become official upon approval by the New York State Insurance Department.



As part of workers' comp. reform, all insurance companies, including NYSIF, apply their own Loss Cost Multiplier (LCM) to the official loss costs in arriving at a manual rate for any given classification.

NYCIRB also promulgates your Experience Modification based on your own loss experience, which modifies your manual rate. All insurance companies must apply this "experience mod," even if you change insurers. The resultant rate is your standard rate. Your standard rate multiplied by your payroll size determines your standard premium with your particular insurance company.

NYSIF applies its prevailing LCM to calculate manual rate and, depending upon your prior loss experience, payment history, adherence to safe workplace practices and compliance with all of your obligations under the Workers' Compensation Law, applies discounts, dividends or other premium credits to your policy.

This is where NYSIF's LCM differs from the advertised LCM of other insurance companies. As of April 1, 2010, NYSIF's published LCM is 1.43, but this is a pre-discount, pre-dividend calculation. In fact, NYSIF maintains a very competitive LCM. Based on your loss experience, NYSIF offers a variable up-front discount that yields an effective LCM as low as .93, which, for customers with a favorable experience mod, is among the lowest in the marketplace.

That includes one of the highest advance discounts offered anywhere – up to 35% for those who meet specific criteria – and the opportunity to spread your payments over 12 equal monthly installments. For eligible safety group members NYSIF offers extremely attractive dividends based on group performance. Finally, NYSIF eliminates the charge applied to Section 15-8 of the New York State Assessment that all insurance companies must pay, reducing by 7.9% the bottom line for all our policyholders.

For 95 years as a not-for-profit insurance carrier, NYSIF has always provided policyholders the lowest cost for workers' comp. insurance consistent with maintaining solvency – with documented up-front discounts and uninterrupted dividends that span our history.

We invite you to ask if you qualify for any of our cost savings programs. Please contact your local office, policyholder services manager, or call toll-free **1-888-875-5790**.

EQUIVALENT LCM AT VARIOUS ADVANCED NYSIF DISCOUNTS

NYSIF DISCOUNT	EQUIVALENT LCM
35%	.93
30%	1.01
25%	1.07
20%	1.14
15%	1.22
10%	1.29
5%	1.36

21 WAYS To Reduce Your Workers' COMP. COST

Part of NYSIF's mission is to drive down the cost of workers' comp. insurance in New York, and, as such, NYSIF doesn't strive to be the biggest workers' comp. insurance carrier in the state, just the best. In line with that mission, we offer these 21 tried and true tips to lower workers' comp. costs that will work not only for NYSIF policyholders, but any business operating in New York State.

1. **Make a Management Commitment to Safety** -

The most effective way to reduce workers' comp. cost is to prevent accidents. No accidents, no claims. No claims, no incurred costs that negatively affect your experience rating. Safety awareness starts at the top. Demonstrate your commitment to safety with a written safety policy visible in the workplace.

2. **Implement Written Safety Policy &**

Procedures - Demonstrate your commitment by developing and promoting a corporate safety policy. The policy should detail safety responsibilities of management, supervisors and line employees. Actions speak louder than words. Top management must demonstrate real commitment to the safety policy.

3. Establish a Safety Committee - A formal safety committee is a good way to involve staff at all levels in the safety program. Include active representatives of labor and management on a committee that meets regularly to discuss safety and health concerns. Change participants often enough to make sure the group is fresh and committed.



4. Investigate Incidents - For the work-related accidents you are unable to prevent, do a thorough incident investigation. Learn from your mistakes! Determine the root cause of the incident. Correct any safety hazards and examine work practices. You must examine "near-miss" incidents as well. Remember, the best way to reduce cost is to have no claims.

5. Conduct Routine Safety Inspections - As one of its responsibilities, the safety committee should conduct regular inspections of operations. The goal of these inspections is to uncover unsafe work conditions and practices. Use individuals from various departments to conduct inspections. Department outsiders may see hazards that department experts might overlook. Use checklists, review results and make department heads responsible for correcting unsafe acts and conditions.

6. Conduct Meaningful Safety Training - Schedule regular training sessions with a variety of appropriate topics to train all staff in safe work practices and procedures. Behavior based safety training places emphasis on the need to *take time for safety*. *Unsafe acts*, not *unsafe conditions*, are the cause of the vast majority of accidents.

7. Use Monthly Safety Themes to Emphasize Safety Year-Round - Employers should strive for a fresh approach to safety. Rotate training and safety posters minimally each month to keep employees interested in safety. Both on- and off-the-job safety topics are important for the health and safety of your employees.

8. Report Claims Timely and Accurately - The best way to minimize the impact of a lost-time claim is to report the claim timely and accurately. Timely reporting by the employer enables early investigation.

9. Facilitate Early Intervention - NYSIF will make contact with the employer, the claimant and the medical provider as soon as possible after the accident occurs. This process allows NYSIF to make a determination of liability and address any immediate requests for medical treatment.

10. Cooperate with Prompt Claims Investigations - Investigation should begin at the outset of a claim and continue over the duration of the claim. Employers should contact their broker or NYSIF with any information pertinent to an open claim.

11. Implement Return-to-Work - In many situations creating opportunities for the injured worker to return to work is the best way to avoid lengthy loss of time. NYSIF and the state Workers' Comp. Board web sites offer guidelines and resources for implementing a successful Return-to-Work program.

12. Ask about IMEs - NYSIF and all workers' comp. insurance companies may arrange for second opinions from Independent Medical Examiners to determine degree of disability, causal relationship, need for treatment, apportionment and permanency.

13. Limit Liability with Section 32 Settlements -

Workers' comp. reforms of 1996 allow all carriers to limit liability on long term claims by negotiating a Section 32 settlement that provides a full and final resolution to a claim.

14. Pay Minor Medical Expense Claims - Sect. 110 of the NYS Workers' Comp. Law allows employers to pay for first aid claims if there is no permanency or disfigurement, or loss of time beyond the day of injury, or more than two visits to a medical provider.

15. Know What Coverage You Have - Read your policy and endorsements at inception and at each renewal. Read your policy information page, containing projected classifications and exposures, and update it if necessary.

16. Report Policy Changes Timely - Minimize the impact of a premium variance on your audit by promptly reporting any changes in estimated payrolls. Changes may include additional contracts, layoffs, or opening or closing of a location. When adding a new location, advise your broker (or your underwriter) of the address along with any increased payroll. If you incorporate your business or have a change in ownership, notify your broker or NYSIF immediately.

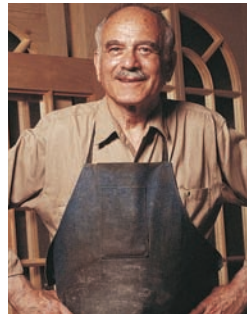
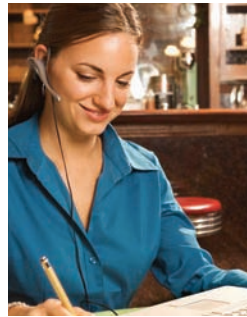
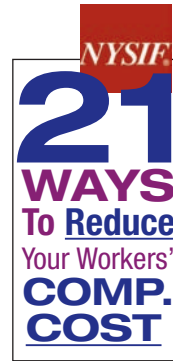
17. Prepare for Your Premium Audit - Your carrier may conduct an audit at the end of a policy period and issue earned premium adjustments. You may receive an appointment letter from an auditor, or a statement to complete and return. Facilitate a timely premium adjustment by returning your statement promptly, keep the initial appointment with your auditor, and have your books and records ready.

18. Maintain Communication - Whether through a representative or directly with NYSIF, maintain frequent communication and establish a positive working relationship to ensure effective loss control, underwriting, payroll audit and claims case management.

19. Minimize Workers' Comp. Fraud - Combating fraud is a responsibility shared by the employer and the comp. carrier.

20. Apply Your Knowledge - NYSIF employs a variety of insurance professionals to appropriately manage claims, limit liability and provide loss control services. These include medical care representatives, vocational rehabilitation counselors, claims investigators, legal counsel and safety experts.

21. Maximize Your Resources - NYSIF and the Workers' Comp. Board offer many online resources. WCB resources at <http://www.wcb.state.ny.us/> include an Employers' Handbook, all claims forms with instructions, and a Return to Work Handbook. NYSIF resources at nysif.com include a voluminous workplace safety library of training handouts, checklists, posters, articles, monthly safety topics, our Partners in Safety and Employer's Claims Guide handbooks, and COMMIT, an easy, six-step program to reduce workers' comp. costs. **All of these resources are available at no cost to any business.** NYSIF also has an online tracking system called CONNECTS for policyholders to monitor claim status 24/7.



Venerable Guides

Prepare for audits, help **fight fraud** and become **Partners In Safety** with your employees by making use of NYSIF online publications (bottom) available free to download at nysif.com

Maximize NYSIF Resources

Tap into safety resources at nysif.com under **Safety & Risk Management** to help lower your comp. costs, including training materials/handouts such as the **Safety Basics** series (below), checklists, articles, posters, monthly safety topics and our **Partners In Safety** handbook covering management commitment, written safety policies, safety committees, accident investigation and more. Implement our six-step **COMMIT** program—Care, Organize, Meet, Manage, Involve, Train—suitable for all businesses, and use our **Return-to-Work** template.

Fast Filing With NYSIF eFROI

Studies show timely reporting helps contain claims' cost. For faster claim filing use **NYSIF eFROI®** (First Report of Injury) 24/7 at nysif.com and manage your claims with **CONNECTS** (Clients On Net - NYSIF Electronic Claims Tracking System).

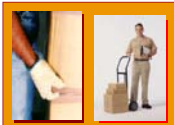
Workers' Compensation & Disability Benefits Specialist since 1914
Then...Now...Always™

SAFETY BASICS


SAFE LIFTING- PLANNING THE LIFT

Plan the lift first.

1. Test the weight by attempting to pick up a corner of the object. Do not attempt to lift the load by yourself if it is too heavy or awkward.
2. If the load is too heavy or difficult to handle, seek assistance from a fellow employee to transport the load; use a hand truck or other lifting aide.
3. Inspect the load. If it is sharp or slippery wear hand protection.
4. Examine the walking path for obstructions and slip hazards.



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NYSIF is leading the fight against workers' compensation fraud.

You can help.



David A. Patterson
Governor



Robert H. Hurbutt
Chairman

'Red Flags' of Claims Fraud

Policy and Provider Fraud

Reporting Fraud to NYSIF

Partners In Safety

New York State Insurance Fund



Safety Policy
Safety Committees
Safety Training
Employee Cooperation
Accident Reporting
Accident Investigation
First Aid
Bloodborne Pathogens
Working Conditions
Protective Equipment
Materials Handling
Ergonomics
Air Quality
Violence
Emergency Planning
Inspections

Workers' compensation & disability benefits specialist since 1914
Then...Now...Always™

Safety Pays \$173.3M in Dividends

NYSIF announced the return of \$173,323,008 in dividends for 2009 to approximately 34,025 policyholders in 98 NYSIF safety groups as a reward for an exceptional record of workplace safety and sound business practices.

'This shows the importance of a strong commitment to safety.'

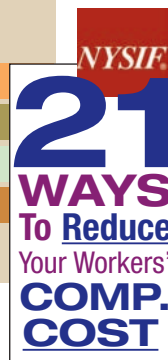
- The average 2009 dividend of 29.98% is the largest in recent years, surpassing the 28.20% in 2008 and 27.47% in 2007.
- The dividends are in addition to very competitive up-front discounts applied earlier.
- NYSIF Chief Deputy Executive Director Francine James said the performance of NYSIF safety groups demonstrates

the importance of a strong commitment to workplace safety and loss prevention. "We were able to increase the dividend and return significant money to our policyholders even in a depressed economy, money that can be used to expand operations, create jobs and help rebuild the New York economy," Ms. James said. "The dividend distribution underscores the strength of NYSIF's safety group partners and the work they have done to ensure their groups are on sound financial footing."

Selected Group Dividends — Three-Year Totals

(Combined groups)	3-Year Combined Dividend '07-'09
Automotive groups	\$17,192,323
Contractor groups	\$95,711,614
Restaurant groups	\$40,024,038
Retail & Hospitality groups	\$41,316,998

Past and present dividends are not a guarantee of future dividends.



Fraud Savings

\$16.6M for 2009, \$183.1M since '95

NYSIF's anti-fraud program led to 154 arrests in 2009 and \$16.6 million in recoveries and estimated savings. Since 1995, NYSIF's anti-fraud totals include 1,382 insurance fraud arrests, and \$183.1 million in recoveries and estimated savings.

Working with the NYS Insurance Department Frauds Bureau, the Workers' Comp. Board Inspector General, local, state and federal law enforcement, and district attorneys in various jurisdictions, NYSIF's Division of Confidential Investigations (DCI) has a national reputation for fighting workers' comp. fraud.

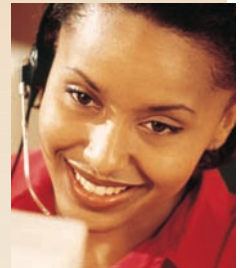
"NYSIF has long been a leader in the fight against workers' compensation fraud," NYSIF Chief Deputy Director Francine James said. "As the state's largest workers' compensation insurance company, that's a commitment we make to the people and all businesses in New York."

DCI ranks near the top nationally among special investigation units in annual arrests and cumulative fraud savings. Likewise, NYSIF auditors set a standard among insurance carriers for conducting premium audits that discourage improper payroll reporting and worker misclassification.

"Our investigators, auditors and claims personnel train continually to recognize potential fraud," DCI Director Laurence LaPointe said. "There are numbers of red flags built into our training to help us detect possible fraudulent activity by claimants, policyholders, or medical providers with whom we work."

Smile, Our IVR Just Got Friendlier

Getting through to a NYSIF customer service representative has never been easier. Our Interactive Voice Response (IVR) system improvements shorten the the number of steps to reach your desired option when contacting NYSIF's toll-free Call Center at **1-888-875-5790**.



A shorter welcome message and a new free form question—"Tell me in a few words what you are calling about"—designed to quickly take you to your desired option, now greet callers before the main menu. It's also easier to reach a customer service rep. Saying "attendant" or dialing "0" takes callers to the next available operator regardless of the nature of the call. In the past, this led to more menu choices.

For callers who self-serve the new IVR script is more concise and better organized to conform to the most popular menu choices, with upgrades including:

- improved handling of NYSIF electronic payment options;
- requests for certificates of insurance go directly to a representative;
- the option to immediately transfer to a case manager or underwriter.

There Is Nothing Innocent About Insurance Fraud



Workers' Comp. Fraud costs taxpayers billions annually in layoffs, lost wages, higher insurance premiums and higher prices for consumer goods.



NYSIF has established an industry standard for fighting fraud in cooperation with our partners in state government, district attorneys, local law enforcement and the public.

**Over 1,380 fraud arrests since 1995
More than \$183 million in fraud savings**

We still need your help. Report workers' compensation fraud against NYSIF anonymously at 1-877-WCNYSIF or nysif.com, and report insurance fraud of any kind to the New York State Insurance Department Frauds Bureau at 1-800-372-8369.

A Matter of Life & Breath

There is danger in the air: failure to provide respiratory protection was the fourth most-often found workplace violation in 2009. The Occupational Safety and Health Administration cited more than 3,800 employers for not protecting workers against airborne hazards such as dust, fumes, gases, smoke, sprays, infectious material, or insufficient oxygen.

OSHA's Respiratory Protection Standard (29 CFR 1910.134) compels employers to provide appropriate respirators for affected employees in all businesses, including construction and health care, and implement a written respiratory protection program that covers respirator selection, fit, use, maintenance and inspection. Worker training, medical testing, supervision, recordkeeping and monitoring are all mandatory. As 2009 citations show, compliance is a problem.

FIRST STEPS

Employers must first assess their workplace to determine if respiratory hazards exist, and which employees need protection. If engineering controls like air filtration, isolation and ventilation, or changing work practices (such as substituting safer materials for toxic ones), cannot correct respiratory hazards workers must wear respirators to filter out harmful substances.

OSHA specifies chemical exposure limits. Oxygen content is vital: The standard requires that workers must have not only contaminant-free air, but also oxygen-containing, breathable air. Employers must provide air-supplied respirators or self-contained breathing equipment if work area oxygen levels fall below 19.5%.

WHAT IS A RESPIRATOR?

There are two major types of respirators: air-purifying, which remove contaminants from the air, and atmosphere-supplying, which provide clean, breathable air from an uncontaminated source for more hazardous conditions.

A common respirator often used in healthcare and light-industry is a simple fabric mask covering nose and mouth, filtering out dusts, sprays and certain biological hazards. OSHA refers to these dust masks as "filtering facepieces." They are disposable and may be reusable.

Non-disposable respirators require regular care and cleaning. Clean respirators not assigned to a specific individual worker after each use. Many respirators require inspections of replaceable cartridge filters prior to each use.

WHEN TO USE A RESPIRATOR

OSHA considers an atmosphere to be Immediately Dangerous to Life and Health (IDLH) when it poses an immediate threat to

life, could cause irreversible adverse health effects, or impair an employee's ability to escape. Oxygen-deprived atmospheres are always IDLH and require air-supplied respirators or other self-contained breathing apparatus. This equipment must not only supply air, but also protect against harmful substances that could affect the lungs. Before working in a confined space, empty tank, pit, vault or similar area, first test the air for oxygen content and toxic vapors or gases.

Employers must supply respirators to protect against the **exact** hazards of the workplace. Respirators for gases and vapors must be equipped with an end-of-service-life indicator (ELSI), or the employer must implement a canister or cartridge change schedule. For best results, use National Institute for Occupational Safety and Health (NIOSH)-certified respirators.

In 2006, the OSHA standard added Assigned Protection Factor (APF) and Maximum Use Concentration (MUC) provisions. APF indicates the respirator's level of respiratory protection (5 to 10,000). Higher APFs offer greater protection. Whenever exposure levels exceed the MUC, select a respirator with a higher APF.

FIT TO BE TESTED

Employers must conduct medical evaluations of all employees required to wear respirators to determine their ability to use a respirator. Overall health, weight, the respirator's breathing resistance and workplace conditions may affect a worker's ability to wear a respirator. High blood pressure, angina, asthma, chronic bronchitis, emphysema, heart disease and reduced lung function are conditions that may place employees at increased risk when wearing a respirator.

Once cleared to wear a respirator, employees must be fit tested. Part of the employer's respiratory protection program, fit testing ensures that the mask or facepiece seals properly against the face without letting in any harmful substances. This is very important because even small amounts of an airborne substance can be dangerous. A variety of harmless substances are used for fit testing. Train workers to perform their own seal check **each time** they put on their respirator.

TRAINING

Train workers to know there is more to wearing a respirator than slipping it over his or her face. Among other things, OSHA requires workers to receive training in the nature of the respiratory hazard, consequences of not fitting, using and maintaining a respirator properly, inspection and storage, capabilities and limitations of a particular respirator, and medical conditions that may inhibit effective use of a respirator. Training must emphasize that improper respirator use or maintenance can be deadly. Retain documented training records; a visiting OSHA compliance officer will ask for them. Two new videos at osha.gov discuss respirator safety and training.

NO SECOND CHANCES

Too often we hear news of workers fatally overcome by brief, unprotected exposure. Recognize and reduce exposures, and make sure employees wear the proper respirator, especially in IDLH conditions. Do it today. When there's danger in the air there may not be a second chance.



Workers' Comp. Advisor

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Send WCA comments to jmesa@nysif.com

Board Appointments

From 2

complexes and rental properties. A member of the University of Rochester Board of Trustees, Mr. Hurlbut received the Eastman Medal in 2006 for outstanding service to the university and community.

■ Vice Chairman Holmes received his initial appointment to the board in June 2008 by Gov. Paterson.

A corporate partner of Winston & Strawn LLP, he has served as bond counsel, underwriters' counsel and bank counsel in virtually every type of municipal bond financing throughout the United States and its territories. Mr. Holmes also serves as a commissioner of the Port Authority of NY & NJ, and a board member of the NY Urban League, the Greater Jamaica Development Corporation, and the Brooklyn Navy Yard Development Corporation.

■ Gov. Paterson appointed Eileen A. Frank to the board of commissioners in March. Ms. Frank is president of J.P. West,



Eileen A. Frank



Colleen Gardner

Inc., a Wall Street insurance brokerage specializing in insurance and investment services for large clients and groups. She is a board member of the Independent Insurance Agents & Brokers of America, the TriCounty Agents Association, and a member of the Independent Insurance Agents & Brokers of NY.

■ The New York State Senate confirmed the appointment of Colleen Crawford Gardner as state labor commissioner on March 10. Ms. Gardner joined the state Labor Dept. in 2007 as associate commissioner for Labor Affairs after 23 years as director of Organizing and Community Services for the New York State AFL-CIO.