

A woman wearing a grey and white plaid skirt is shown from the waist down. She is holding a black handgun in her right hand, which is resting on her left hand. Her fingernails are painted red. The background is white.

# How Would You Respond?

**Preparing  
for the  
Worst Case  
Scenario in  
Workplace  
Violence**





## WCA FYI

# Login Streamlined!

**N**YSIF now has a rapid registration process that makes creating an online account at [nysif.com](http://nysif.com) a lot easier and quicker for policyholders.

By creating an online account, policyholders will be able to create and print certificates of insurance and have full access to claims information and account and billing statements.

The new registration is fast and simple. Policyholders just click the "Login" button, choose "Register Now", enter their contact and policy information, create a username and password, and receive email verification with a link that gives them full online access.

## NOW CREATE A NYSIF ONLINE ACCOUNT & PRINT A CERTIFICATE OF INSURANCE THE SAME DAY

No more waiting for a letter from NYSIF with a Personal Identification Number (PIN). No more having to go back to the website to activate the PIN within 30 days. No more lost or expired PIN numbers.

Time is money and having a NYSIF online account saves you time when you're managing your business. If you don't have an online account, see how easy it is and create one today.

## About Limits of Liability

NYSIF sometimes receives inquiries from brokers and policyholders about the limits of liability in our standard workers' compensation insurance policy. There are no limits of liability in the standard policy under Part One. Under Part Two, employer's liability limits apply only for employees not subject to New York Workers' Compensation Law.

## NEED TO KNOW... Aerial Lift Operation

Visit a new webpage for safety resources to prevent a major cause of injuries on many jobsites: [niosh/topics/falls/aeriallift](http://niosh/topics/falls/aeriallift)

### This Issue

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## SPH Act Deadlines

Under the New York State Safe Patient Handling Act, all health-care facilities licensed under Article 28 of the Public Health Law should have established an in-house Safe Patient Handling (SPH) committee as of Jan. 1, 2016.

The law requires committee participation by

specified personnel to establish policy and procedures in each covered facility, and implementation of a formal SPH program by Jan. 1, 2017. See [WCA3Q2015](#) for more about the SPH Act and SPH resources.

If needed, NYSIF will issue a letter explaining the policy limits for workers' comp to satisfy requests from brokers and policyholders. Go to Contact My Underwriter at [nysif.com](http://nysif.com) to request a letter or have one emailed to you.

### PART ONE - WORKERS' COMPENSATION

There is no limit for liability. The policy provides all benefits required by the New York Workers' Compensation Law.

### PART TWO - EMPLOYER'S LIABILITY

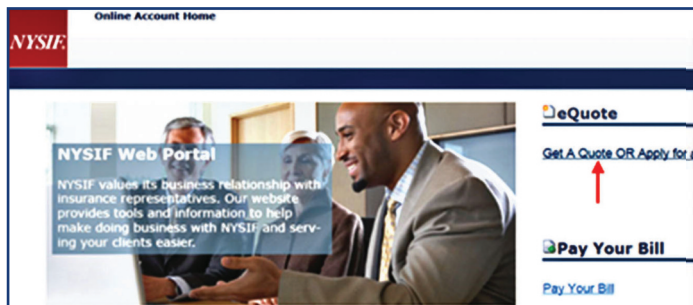
The policy provides for unlimited liability for employees subject to the New York Workers' Compensation Law. Employer liability limits are applicable only in connection with employees who are not subject to the New York Workers' Compensation Law as provided by endorsement to the policy.

See the [New York Compensation Insurance Rating Board Manual Rule VIII - Limits of Liability](#) for more information.

# eApplication for Brokers, Agents, Reps

CLIENTS CAN ELECTRONICALLY  
SIGN AND PAY DEPOSIT  
PREMIUM FOR NEW POLICIES

Introducing a new service for insurance agents, brokers, and representatives. The service also will soon be available for safety group accounts. Brokers can now electronically submit applications on behalf of their clients, while allowing clients to digitally sign the insurance application. The enhanced application also allows brokers or clients to make premium deposits online. Here's how to provide this service to your clients.



1. Login to your online account at nysif.com, get quote or apply for policy

Select one person from the list below to electronically sign the application:

Officer	Email
<input checked="" type="radio"/> VICE-PRESIDENT JKENN	spubl@domain.com
<input type="radio"/> OWNER JKENN	spubl@domain.com
<input type="radio"/> PARTNER JKENN	spubl@domain.com
<input type="radio"/> SECRETARY JKENN	spubl@domain.com
<input type="radio"/> CHAIRPERSON JKENN	spubl@domain.com

**Note: The officer must be present to electronically sign the application**

To submit this document online, instead of by mail, you must respond to identity affirming questions posed on the DocuSign website. If you do not wish to respond to these questions, please submit this form by mail. All applications must be submitted by an officer or owner of the business.

☐ I agree to the terms and conditions of the NYSIF Workers' Compensation Policy.

Once you submit your application, you cannot make any changes. You must "submit" your application to apply for insurance.

2. Complete application,

select client to sign document, submit online with signature request

Thank you for submitting the application for workers' comp insurance on behalf of SUSAN P. JOHNSON. NYSIF has sent an e-mail to JOHN PUBLIC at jpubl@nysif.com containing instructions and a signature to the application and complete the application process.

Please advise your client to check their Junk Mail or Spam folders if they have not received the email.

3. Broker receives verification and an option to pay premium deposit online

4. Client receives email for digital signature

**Subject:** Your NYSIF workers' comp application is ready for your signature.

**Dear JOHN PUBLIC:**

An application for workers' comp coverage has been submitted by SUSAN P. JOHNSON.

Please [click here](#) for instructions on completing the application process.

If the above link does not work, please cut and paste the following into the address bar of your web browser:

Thank you,

NYSIF is pleased to offer you the convenience of completing this process electronically. If you also plan to pay your deposit electronically, please have your checking account or credit card information available before beginning this process.

We recommend you download a copy of your application from DocuSign prior to beginning the electronic signature process. You will also be able to print and mail your application, should you choose to do so.

**NOTE:** To submit this document online, instead of by mail, you must respond to identity affirming questions posed on the DocuSign website. If you do not wish to respond to these questions, please submit this form by mail. All applications must be submitted by an officer or owner of the business.

5. Client digitally signs application, has option to pay electronic deposit, receives email confirmation of payment.

# SAFETY COP

Gary Dombroff, CSC  
NYSIF



## Plan, Prepare for Worst Case Threat

**W**orkplace violence remains a leading cause of on-the-job death. This category includes active shooter and terrorism events. While the risk of shooting incidents may be small, recent events demonstrate they can be catastrophic and occur anywhere. According to an FBI multi-year study, commercial establishments and schools comprise more than half of all active shooter incidents.

According to the Department of Homeland Security (DHS), active shooter situations are unpredictable and evolve quickly. They are often over within 10 to 15 minutes. Approximately 60% of the incidents in the FBI study ended before police arrived.

As with domestic and foreign terrorism, workers injured or killed by active shooters may be covered by workers' compensation. Prevention, however, is possible and begins with understanding the threat, training workers to be prepared for dealing with this kind of event, and clearly communicating the danger when an active threat exists.

### DEFINING THE THREAT

Unlike robbers, active shooters seek to maximize casualties. Many shooters have little or no connection to their victims. Fortunately, there are strategies for keeping these risks out of the workplace. Sometimes the threat is internal. Training workers to recognize the common red flags preceding workplace violence, can keep everyone on alert.

**There are three keys:** Plan and prepare in advance; improve security to prevent intrusion; and understand the options should a shooter gain access.

### SECURE THE PERIMETER

Businesses can take steps to prevent intrusion by active shooters. In *Buildings* magazine, editor Jennie Morton interviewed security experts who said a security review of the physical plant is important, especially addressing doors and their hardware. She advises focusing on visibility, monitoring and access control. See "The Role of Buildings in Mass Shootings," [http://www.buildings.com/DesktopModules/BB\\_ArticleMax/ArticleDetail/BBArticleDetailPrint.aspx?ArticleID=16988&Template=Standard\\_Print.ascx&siteID=1](http://www.buildings.com/DesktopModules/BB_ArticleMax/ArticleDetail/BBArticleDetailPrint.aspx?ArticleID=16988&Template=Standard_Print.ascx&siteID=1)

Certain safety hardware such as panic exit locks can admit intruders if they are bypassed or jammed open, for in-



Indicators of potentially violent employee behavior may include one or more of the following over time (not a comprehensive list, or intended to diagnose violent tendencies):

- Increased alcohol/illegal drug use;
- Unexplained increased absences/vague physical complaints;
- Noticeable decline in appearance/hygiene;
- Depression/withdrawal;
- Resistance/overreaction to policy or procedural changes;
- Repeated violations of company policies;
- Increased severe mood swings;
- Noticeably unstable, emotional responses;
- Explosive outbursts of anger/rage without provocation;
- Suicidal, comments about "putting things in order";
- Paranoid behavior ("everybody is against me");
- Increased talk of problems at home;
- Escalation of domestic problems into the workplace, talk of severe financial problems;
- Talk of previous incidents of violence;
- Empathy with individuals committing violence;
- Increased unsolicited comments about firearms, other dangerous weapons and violent crimes.

Source: <https://www.dhs.gov/sites/default/files/publications/active-shooter-how-to-respond-508.pdf>

stance, by employees who step outside on breaks. Check with local safety and National Fire Prevention Association codes before retrofitting exits or hardware. Don't forget to account for access codes or extra keys, especially in the case of former employees.

Access control and building security is aided by Crime Prevention Through Environmental Design (CPTED), which includes separate doors and areas for staff and the public, regularly scheduled door inspections and maintenance, adding door alarms, balancing safety codes with security needs, installing surveillance equipment, or utilizing guards.

### PLANNING FOR AN INCIDENT

Workplace threats must be addressed and formally incorporated into emergency plans. Even threats or rumors of a shooting are enough for some school districts, for example, to go on high alert, or close. Businesses should update their plans to include the risk of an active shooter.

Employee training is necessary so everyone knows what



they are expected to do. This covers communicating, listening for announcements, alerting authorities and taking appropriate action. Security experts recommend simulation drills and practice evacuations.

The National Safety Council recommends active shooter drills, similar to fire drills, to allow workers to practice what to do if someone with a gun enters the facility.

<http://www.safetyandhealthmagazine.com/articles/print/13369-workplace-violence-prevention>

Preparation is critical to counter the fear that comes with an active shooter situation. Most emergencies, even active shootings, stand a better chance of successful outcomes with forethought and practice. There are no absolutes to guarantee a safe outcome, but common-sense measures can help: stay alert, remain calm, rely on training.

### ALERT THOSE IN DANGER

Have a warning mechanism. Communication is vital and must be part of training. *Risk & Insurance* magazine advises: "Communication is the first line of defense. A clear warning can give everyone out of the line of fire a better chance of evacuating safely. The simplest method is using overhead audio such as a P.A. system... Don't use codes, just plain English." <http://www.riskandinsurance.com/plan-to-survive/>

According to one workplace violence consultant: "The procedures about when to call, whom to call, and related steps must be very clear." Ms. Morton concurs: "An effective emergency broadcast can make all the difference when lives are at stake... building occupants remain woefully unprepared when facing an armed intruder."

<http://www.buildings.com/article-details/articleid/17853/title/emergency-alerts-for-active-shooters.aspx>

Alert workers through phone apps or email, if feasible.

### THREE OPTIONS

In an active shooting, DHS offers three options for workers:

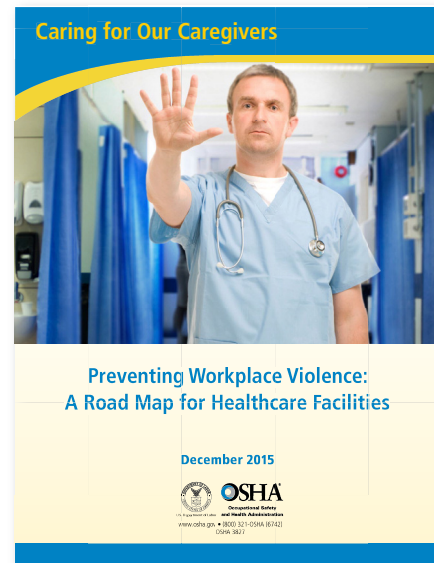
**Option 1, Run** - Escape if it is safe to do so. The best exit may not be the usual fire evacuation route. Workers should know all possible escape routes and determine the best route based on where the shooter is located or headed.

**Option 2, Hide** - The next-best option if escape is impeded. Get to a location that can be locked or barricaded, if possible. Use heavy tables or desks to block doors. Wedge-shaped door stops that hold doors open can be reversed to prevent doors from being forced inward. Stay away from windows.

**Option 3, Fight** - This is a last resort if there is no means of escape. Experts advise to use improvised weapons within reach, such as chairs, fire extinguishers, etc., to stop or delay a shooter. A bright flashlight can temporarily blind attackers, making it possible to escape, hide or disarm them.

### THE BOTTOM LINE

Workplace violence is a serious and potentially deadly



## Preventing Violence Against Healthcare Workers

[Preventing Workplace Violence in Healthcare](#) is a new webpage at the Occupational Safety and Healthcare Administration [Worker Safety in Hospitals](#) website. The page notes that core elements of workplace safety are applicable to violence prevention programs: management commitment, worker participation; worksite analysis, hazard identification; hazard prevention and control; safety and health training; recordkeeping and program evaluation. The page offers examples of successful violence prevention programs in healthcare facilities, and how violence prevention fits work safety goals and regulatory compliance.

problem. The threat of active shooters and potential terrorism exposure adds to the risk. All businesses should enforce a strict zero-tolerance policy for violent behavior or threats. They also should plan for a shooter situation. A security survey of the premises, evaluation of the potential for internal and external threats, and training and communication are extremely important prevention methods.

### RESOURCES

DHS Active Shooter Preparedness

<http://www.dhs.gov/active-shooter>

CVE-AS Public Portal: <http://www.dhs.gov/cveas-portal>

FBI Active Shooter Awareness: <https://www.fbi.gov/about-us/office-of-partner-engagement/active-shooter-incidents/>

Workplace Violence: Recognize Threats, Sources [WCA July-Sept 2011] <http://www3.nysif.com/AboutNYSIF/~media/pdf/advisor/NYSIFJuly2011WCAv2.ashx>

# Health & Safety Focus



## Time to Fall In Line for Stand-Down

**E**mployers who consider it a waste of time and money to stop work for safety awareness might consider that serious workplace injuries costs U.S. companies \$62 billion a year, according to a just-released assessment of the most recent labor and insurance data.

They also may want to consider that 82.5% of that total (more than \$51 billion) is attributed to the most disabling work-related injuries, 25% of which is the result of falls on the same level and falls to a lower level.

So, it can't hurt to raise awareness about the risk of workplace falls during the National Safety Stand-Down, May 2-6, 2016. Falls are the leading cause of death in the construction industry. Lack of proper fall protection remains the [most frequently cited violation](#) by the Occupational Safety & Health Administration.

The stand-down encourages employers to pause during their workday for topic talks, demonstrations and training on how to prevent falls.

Many employers find it worthwhile: "As a small company we sent all of our roofing crew to the OSHA half-day class against falls...", one said. "We conducted daily safety lectures on basic fall hazards and different ways to prevent them... We used ladders, harnesses, scaffolds in our demonstrations. Our men and women were very excited to get the more in depth training and I believe we showed them...how to prevent these situations from happening, and maybe save themselves as well as their co-workers." For more comments see [the National Campaign to Prevent Falls in Construction Report](#).

This year, the stand-down highlights ladder safety. Visit the [2016 National Safety Stand-Down webpage](#).

Injury costs are based on U.S. Bureau of Labor Statistics and National Academy of Social Insurance data for employees who missed six or more days of work in 2013, as reported by the 2016 Liberty Mutual Workplace Safety Index.

## NIOSH App Steps Up Ladder Safety

The National Institute for Occupational Safety and Health's award-winning Ladder Safety



App, providing interactive tools for extension ladder selection and safe use, now includes step ladder safety and other user-suggested enhancements. Download the free app for [iPhone/iPad](#) or [Android](#). Visit the [NIOSH Ladder Safety Mobile Application webpage](#).

## Streamlining Reporting Requirements

To help employers comply with expanded reporting requirements for severe injuries, OSHA created a streamlined on-line [reporting webpage](#). OSHA issued new requirements in January 2015. In addition to reporting any worker fatality within eight hours, employers now must report all severe injuries involving any amputation, hospitalization or loss of an eye within 24 hours. OSHA said it received 10,388 severe injury reports last year, but it believes a large number went unreported.



## Invest In Training for Tax Credit

Governor Andrew M. Cuomo announced the launch of the Employee Training Incentive Program (ETIP), which offers tax credits to New York State employers who provide skills training for their employees that upgrades, retrain or improves the productivity of their workforce.

"It is critically important that we align workforce training with tomorrow's industry needs," Governor Cuomo said. "By incentivizing employers to bolster their workforce training programs, we are laying the groundwork for future economic prosperity in New York today."

ETIP will make up to \$5 million in tax credits available to businesses annually to offset the costs of eligible training programs for current and new employees, or for internship programs for current students, recent graduates and recent members of the armed forces. Credits are issued after training is completed.

Training grants also are available through the NYS Department of Labor to encourage hiring workers, or for providing on-the-job, apprenticeship or customized training.

Eligible businesses must create at least 10 new jobs, or make a capital investment of at least \$1 million in an eligible training project, and demonstrate that they are operating predominantly in a strategic industry.

See <http://www.governor.ny.gov/news/governor-cuomo-announces-launch-employee-training-incentive-program> for more requirements.



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## FRAUD FILE

### Payroll Scam Indictment

The Manhattan District Attorney's Office announced the indictment of Michael Cholowsky, 52, and Sky Materials Corp. on March 1, 2016, for allegedly concealing payroll and submitting false information about the number of workers employed by the company. The eight-count felony indictment includes charges of insurance fraud in the first and second degrees, and offering a false instrument for filing.

The indictment was filed in connection with an investigation of a construction site fatality and criminal charges announced last year by the Manhattan DA, NYC Department of Investigation (DOI) and the NYPD, and is a result of work on the part of the citywide Construction Fraud Task Force with assistance from the New York City Business Integrity Commission, DOI and the Port Authority of New York and New Jersey.

The indictment charges Mr. Cholowsky, an excavation subcontractor, with allegedly concealing more than \$3.65 million in payroll from NYSIF between April 2013 and April 2015. In two different applications, Mr. Cholowsky claimed that Sky Materials employed fewer than 20 workers, when allegedly it employed at least 50 people between 2012 and 2014, and more than 150 people between 2014 and 2015. NYSIF Division of Confidential Investigations (DCI) assisted the investigation.

### Agents Face Charges

The NYS Attorney General's Office announced the arrest of Gary and Bonnie Gubiotti on Jan. 5, 2016, in an 11-count indictment charging the pair and the Rochester Gubiotti Agency, Inc., with grand larceny, criminal possession of a forged instrument, insurance fraud and scheme to defraud for allegedly stealing from its clients by inflating insurance premiums, failing to remit refunds and forging finance agreements.

According to prosecutors, the Gubiottis allegedly forged finance applications in the name of one of their clients,



### NYSIF's 6th M/WBE Investments Forum

NYSIF Director of Investments Gregory Francis addressed Minority and Women-Owned Business Enterprises at NYSIF's 6th Annual M/WBE Investment Symposium, Feb. 24, 2016. M/WBE investment firms manage more than three-quarters of NYSIF externally managed assets.

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allegedly failed to make \$47,000 in payments on that client's insurance policies, allegedly inflated a second client's premiums by over \$108,000, and allegedly failed to remit an insurance refund of over \$12,000.

DCI assisted in the case. The Gubiottis face up to 15 years in prison if convicted of all charges.

In December 2015, Nassau County policy arrested Jaime Icochea, an insurance agent in West Hempstead, charging him with two felony counts of criminal possession of a forged instrument after an investigation by the Nassau County DA, NYSIF DCI and NYS Department of Financial Services.

Mr. Icochea allegedly provided a fraudulent certificate of insurance to a Suffolk County business that paid him \$2,331 for workers' compensation insurance and received a notice of fine for \$3,000 for failing to obtain insurance after it unknowingly presented the certificate as proof of coverage to the NYS Workers' Compensation Board and State Liquor Authority.

### New York Joins Nat'l Database to Stop Drug Abuse

Governor Andrew M. Cuomo announced that New York State has joined the National Association of Boards of Pharmacy Prescription Monitoring Program (PMP) InterConnect hub. The governor also announced that beginning March 27, 2016, electronic prescribing will be mandatory in New York State in all but limited situations.

States that participate in the hub are able to share data from their respective PMPs to prevent individuals from stockpiling dangerous controlled substances. Prescribers and pharmacists using New York's PMP have access to the databases of more than 30 other states.

"By joining this hub, prescribers and pharmacists across New York State will be better able to ensure that their patients are not abusing or trafficking prescription drugs," Governor Cuomo said.

In 2012, the governor initiated New York State's PMP, known as the Internet System for Tracking Over-Prescribing Act (I-STOP). I-STOP allows prescribers and pharmacists across the state to run prescription checks to ensure patients are not "doctor shopping" to obtain multiple prescriptions for dangerous controlled substances.

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Workers' Comp. Claims & Service 1-888-875-5790  
Disability Benefits Claims & Service 1-866-697-4332  
Business office contact information [nysif.com](http://nysif.com)  
Send WCA comments to [jmesa@nysif.com](mailto:jmesa@nysif.com)

## A NYSIF 'U' REFRESHER

NYSIF's education and information series for employers.



### No Need for Claim# When Using Short-Fill

As a customer service, NYSIF has a Workers' Compensation Temporary Prescription Services ID form that provides immediate acceptance for employees to receive prescription benefits for a work-related injury or illness through NYSIF's Pharmacy Benefits Manager (PBM) CVS Caremark.

The temporary prescription ID, also known as the "short-fill" form, is part of the Claimant Information Packet employers must give to all employees who file claims. The packet is available from the [nysif.com forms](http://nysif.com/forms) page.

If needed, the employer must fill out the form and fax it to CVS Caremark at **1-866-493-1644**, or phone the information to CVS Caremark at **1-866-493-1640**.

#### NO CLAIM NUMBER

**Note:** The short-fill form does not use a claim number, even if you have one at the time of filing the form.

Although not required by law, NYSIF implemented the short-fill service to help injured workers get through the first difficult days following an injury and before a claim is accepted. Hence, NYSIF's PBM does not use the claim number for identification.

[ If you have a question for NYSIF 'U' e-mail [jmesa@nysif.com](mailto:jmesa@nysif.com) ]