



ALL ABOUT DISABILITY BENEFITS

NEW YORK STATE INSURANCE FUND

Workers' Comp.

ADVISOR

nysif.com

3rd Quarter 2014

100 YEARS OF SERVICE



Citation

Whereas, on March 25, 1911, a tragic fire at the Triangle Shirtwaist Factory in New York City killed 146 workers, and as a result came some of the most sweeping changes to working conditions ever enacted by a state government; and

Whereas, the New York's Factory Investigation Commission, which emerged as a result of the fire, prompted New York's lawmakers to act on behalf of our most vulnerable workers; and

Whereas, laws were passed that were considered revolutionary at the time, becoming the foundation for modern labor laws, and establishing the New York State Insurance Fund in 1914; and

Whereas, in 1950, the law was extended to coverage for off-the-job injury and illness with passage of the New York State Disability Benefits Law, creating NYSIF's second line of insurance; and

Whereas, NYSIF has supplied a market for entire industries unable to insure elsewhere, including dust diseases, occupational hearing loss, asbestos abatement, roofing, window washers, scrap iron and steel companies, volunteer firefighters and ambulance workers; and

Whereas, NYSIF has supplied uninterrupted insurance for more employers, claimants and beneficiaries than any other workers' compensation carrier in the Empire State; and

Whereas, for 100 years, NYSIF has served as a stabilizing influence, offering coverage to help employers and workers avoid the hardships of on-the-job injury and illness and providing assurance of security for millions of working people and families protected by NYSIF insurance policies; and

Whereas, today, NYSIF's core mission is the same as it was 100 years ago: the solemn responsibility of protecting workers and establishing standards that have helped New York businesses maintain safe, healthy workplaces in which employees and employers can thrive; and


Whereas, NYSIF continues its commitment to a healthy and accident-free work environment for each of its policyholders and their employees; we join to celebrate this century of service as NYSIF builds on its success of serving New York's employers while protecting the safety and health of its workers;

Now, Therefore, I, Andrew M. Cuomo, Governor of the State of New York, do hereby cite the

100TH ANNIVERSARY OF THE NEW YORK STATE INSURANCE FUND

being observed and celebrated throughout 2014 in the Empire State.




Governor
July 2014

Injury Prevention Series

The #1 Fatal Hazard



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**eClaims
Replaces
Paper
C-2**

Page 8

From Our Chairman

Best wishes to NYSIF on its 100th anniversary.

On behalf of the Board of Commissioners, I thank Governor Andrew M. Cuomo for his leadership and support. I also commend my fellow commissioners, NYSIF Executive staff, our loyal policyholders, and the many NYSIF employees, past and present, who have contributed to the success of this agency over 10 decades.

It has been my honor to serve NYSIF as a deputy executive director, as a commissioner, and as chairman under three administrations.

We have come a long way in 100 years. Our commitment to serving employers, claimants and the people of New York State has never wavered. The Fund strives daily to uphold that tradition. We note with great pride that the hallmarks of NYSIF service and quality that originated in 1914 are still well served today.

Kenneth R. Theobalds

From Our Executive Director

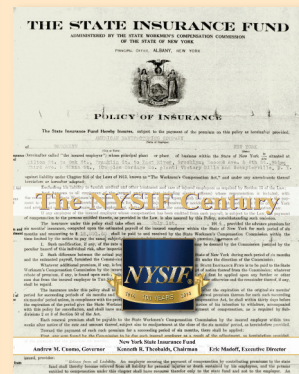
I am honored to serve as executive director of NYSIF as it celebrates its 100th anniversary. I thank everyone who has had a stake in the long success of this agency – our policyholders, claimants and employees. I also thank Governor Cuomo, the State Legislature and our Board of Commissioners.

Established July 1, 1914, with the enactment of the New York Workers' Compensation Law, NYSIF provides a guaranteed source of workers' compensation insurance for any employer doing business in New York, regardless of risk. Since 1950, we have provided disability benefits insurance as well.

NYSIF is not merely the residual carrier for New York, but a competitive carrier offering quality products and services. Five of our original policyholders remain with the Fund and thousands have been customers for more than 50 years.

We know you have a choice for workers' compensation and disability benefits insurance. We thank you for choosing NYSIF and look forward to serving the needs of our policyholders and claimants for generations to come.

Eric Madoff



NYSIF Video & Book

The NYSIF Century video and digital booklet is available on nysif.com

NYSIF Announces New Commissioners
nysif.com>NYSIF News>2014



Policyholder Appreciation



Witherbee & Whalen, Canton, 100 Years

Sleepy Hollow Cemetery 100 Years



Maple Grove Cemetery, Horseheads, NY, 100 Years



LI State Vets' Home, 97 Years

Stony Brook Univ., 97 Years

Braun Brush Company LI, 95 Years



Prest-O Sales & Service, Queens 85 Years

NYS Growers & Processors, 67 Years

NYS Thruway Authority, 64 Years

More photos, Pages 4-5

Everything to Know About Disability Benefits

Enacted in 1949, the New York State Disability Benefits (DB) Law took effect on July 1, 1950. The law requires employers in New York to cover their employees when disabled by injuries or illnesses sustained off the job, including disabilities arising from pregnancies. DB provides partial wage replacement but, unlike workers' comp. insurance, claimants pay for medical care.

Employers with one or more employees who work at least 30 days in a calendar year must provide coverage for those employees beginning four weeks after the 30th day of employment.

WHO IS NOT COVERED?

Certain exemptions apply, including:

- Sole proprietors, partners and members of limited liability companies (however, their employees must be covered);
- A minor child of an employer;
- Government, railroad, maritime or farm workers;
- Ministers, priests, rabbis, members of religious orders, sextons, Christian Science readers;
- Corporate officers and others engaged in a professional or teaching capacity in a non-profit religious, charitable or educational institution, or receiving rehabilitation services in a sheltered workshop operated by such institutions as certified by the U.S. Department of Labor;



- People who perform work in return for aid from religious or charitable institutions;
- One or two corporate officers who individually or jointly own all stock and all offices of a corporation with no other employees;
- Golf caddies;
- Students in elementary or secondary school who work part-time during the school year or their regular vacation period;

WHO IS ELIGIBLE FOR VOLUNTARY COVERAGE?

- Corporations with one or two corporate officers and no other employees;
- Domestic employees who work less than 40 hours per week;
- Farm workers and farm laborers.

WHO PAYS FOR DB INSURANCE?

New York State allows employers the option of paying entirely for DB insurance, or deducting one-half of one percent of an employee's wage up to a maximum of \$0.60 per week to offset the cost of providing coverage.

FOR MORE INFORMATION:

NYS Workers' Compensation Board www.wcb.ny.gov.

Information for Employer Regarding Disability Benefits [DB-102](#)

Information for New York State Employers. [OC-923](#)

Choosing NYSIF DB

NYSIF disability benefits insurance satisfies statutory requirements at a standard rate of \$0.14 per \$100 of payroll, capped at \$0.48 per person per week, with premium capped at \$24.75 per person annually. At standard rates there is no cost to the employer unless the current three-year claims history is greater than the standard rate premium.

Current maximum weekly claim payments for statutory disability benefits insurance is \$170 per week for a maximum of 26 weeks within a 52-week period.

DOUBLE THE BENEFIT

Employers and employees can decide the benefit choice annually from among six levels of NYSIF Enriched Disability Benefits at the same low, gender-neutral rate.

New York allows employers an employee withholding for NYSIF enriched disability benefits, prorated to the benefit level of employee wages. Employees can agree to a withholding of \$0.95 per person for two times the statutory claim benefit – a maximum weekly benefit of \$340 – at no cost to qualified employers. Employers can also opt to pay full premium, or a majority of employees can agree to pay the difference for a higher level of benefits, in which case all employees must participate.

NYSIF Enriched Disability Benefits Rates

Selection of Coverage	Maximum Weekly Claim Benefit	Annual Premium per Person	Weekly Premium per Person	Minimum Annual Policy Premium
Statutory	\$170	\$24.75	\$0.48	\$60
Enriched at 1.5 x \$170	\$255	\$37.13	\$0.71	\$90
Enriched at 2.0 x \$170	\$340	\$49.50	\$0.95	\$120
Enriched at 2.5 x \$170	\$425	\$61.88	\$1.19	\$150
Enriched at 3.0 x \$170	\$510	\$74.26	\$1.43	\$180
Enriched at 4.0 x \$170	\$680	\$99.01	\$1.90	\$240
Enriched at 5.0 x \$170	\$850	\$123.76	\$2.38	\$300

Coverage selection determines the weekly claim benefit at one-half the average weekly wage of the employee, up to the maximum weekly claim benefit.

The NYSIF Advantage

Talk to your insurance representative about the NYSIF DB advantage, including low rates, premium dividends, enriched benefit options and expertise as a disability benefits specialist.

Applying for NYSIF DB online requires a New York State driver's license from an officer of a corporation, a member of an LLC, or an owner applying as a sole proprietor or partnership, and an electronic premium deposit with a credit or debit card, or electronic funds transfer. You may also complete, sign and mail a DB insurance application ([UDB-36, available at nysif.com](#)) to: NYSIF Disability Benefits Underwriting, 1 Watervliet Avenue Ext., Albany, NY 12206. Include a \$60 premium deposit check made payable to NYSIF Disability Benefits.

Go to nysif.com>Products/Services>Disability Benefits for more information or to request a quote.



Serving New York Workers and Businesses since 1914

As NYSIF celebrates its 100th anniversary, we are proud to have a long association with many policyholders and thank all our customers for their business.



**League of Women Voters of NYS
Albany, 90 Years**



**Watkins Spring Co., Albany
85 Years**



**Bereza Iron Works, Rochester
80 Years**



**YMCA & WEIU, Auburn
85 Years**



**Town of North Collins
85 Years**



**Washington Jefferson Hotel
New York City, 80 Years**



**699-44 Corp., New York City
80 Years**



**D & D Carting, Lawrence
75 Years**



**Tru-Cut Technology, Auburn
75 Years**

Our Longest Policyholders

1914

FREDERICK EUGENE WRIGHT
WITHERBEE & WHALEN
AUER & CO
SLEEPY HOLLOW CEMETERY
MAPLE GROVE CEMETERY

1915

YOUNG & SWARTZ
ACME METAL CAP CO
ALLEVA DAIRY

1916

CATHERINE DODGE

1917

MT PLEASANT WESTCHESTER

1918

FORDHAM UNIVERSITY
PROVIDENT LOAN SOCIETY OF NY

1919

JOHNSTON & RHODES BLUE STONE CO
BRAUN INDUSTRIES

1921

SOBERT REALTY CORP

1922

LESSINGS INC

1923

LEAGUE OF WOMEN VOTERS OF NYS

1924

MAJESTIC RUG CLEANING CO
NEW YORK CITY CENTRAL LABOR COUNCIL AFL-CIO
SAMUEL COCKBURN & SONS
ROCHESTER REGIONAL JOINT BOARD

1925

ADVERTISING GIFTS INC
VILLAGE OF OLD WESTBURY
D W HABER & SON
VILLAGE OF SANDS POINT
PREMIUM POINT CO

1926

BLUEBERRY BOULEVARD LLC
TOWN OF DUANESBURG
TOWN OF VAN ETEN

1927

EGGLEFIELD BROS
TOWN OF NORTH COLLINS
SAFETY MAIN STOPPER CO
CORNING RUBBER CO

1928

SERVICE WAGON REPAIR CO
GLAMORISE FOUNDATIONS
WEST HEMPSTEAD GARDENS WATER DISTRICT
CHARLES WINDOW CLEANING
MINOZZI TRAVIS MONUMENTS
WATKINS SPRING CO
KRAMAN IRON WORKS
YMCA & WEIU
TOWN OF CHEMUNG

1929

PREST-O SALES & SERVICE
FAMILY & CHILDREN'S SERVICE OF CAPITOL REGION
CANANDAIGUA CEMETERY
J POCKER & SON
FAGANS
SAUSBIERS AWNING SHOP
ICD INTERNATIONAL CENTER FOR THE DISABLED
ALL WESTCHESTER EXTERMINATION
D MALDARI & SONS
TRUSTEES OF VILLAGE OF HORSEHEADS
BANNER EXPRESS & TRUCKING
ABSOLUTE COATINGS
CHAMBERLIN RUBBER CO
FLATIRON CLEANING CO
STATEN ISLAND INSTITUTE OF ARTS & SCIENCES
INTERNATIONAL IRON WORKERS LOCAL 6



**Manchester Newspapers
Granville, 80 Years**



**LaSalle School, Albany
75 Years**



**Fred Smith Plumbing/Heating
New York City, 75 Years**



**Century Maintenance & Supply
New York City, 75 Years**



**Highway Displays
Poughkeepsie, 75 Years**



**New Art Signs,
Brooklyn, 75 Years**



**Westchester Hudson
Coat, Apron, Towel &
Linen, 75 Years**



**Queensboro Farm Products
Queens, 75 Years**



**Sure Kol Refrigerator
Brooklyn, 65 Years**

Focus on #1 Fatal Hazard

No matter how large or small your business, no matter how basic or complex your operation, workers are at risk from a recurring group of injury causes. Businesses of all sizes are beset by the same accidents: workers routinely injured by falls, improper lifting, tools or machinery, motor vehicles and workplace violence. This year, to protect as many workers as possible, we address common injuries and their causes. If you have seen similar articles here and elsewhere it's because these safety hazards are so prevalent they are topics that bear repeating. This third installment discusses the number one hazard in construction.



In this issue, we identify the most-wanted construction site killers, a/k/a the “Focus Four,” as named by the

Occupational Safety and Health Administration (OSHA): fall hazards, struck-by object hazards; electrocution hazards, and caught-in or -between hazards. They are so dangerous that some call them “The Fatal Four.”

Focus Four is also the title of a mandatory segment of OSHA’s Construction Outreach Training for workers to identify and prevent these leading causes of injury, death and workers’ comp. claims.

This article covers specialized fall risks, expanding on “Preventing Slips, Trips and Falls” (WCA1Q2014) (<http://ww3.nysif.com/AboutNYSIF/~media/pdf/advisor/NYSIF1Q2014WCAw.ashx>). We will address the remaining Focus Four hazards in the series conclusion.

PUBLIC ENEMY NO. 1

Construction is one of the most dangerous industries. The Focus Four caused the majority of the 775 U.S. construction worker deaths in 2012. Falls accounted for 36 percent, struck-by object, 10 percent, electrocutions, nine percent, and caught-in/between, two percent. Construction is also New York’s deadliest industry: Thirty-eight construction workers were killed in the state in 2012, of which 20 died in New York City. Fortunately, there are effective ways to prevent these accidents and deaths. Now let’s meet construction’s Public Enemy No. 1, falls.

Construction workers are exposed to fall hazards every day – anything that could cause them to lose their balance or lose bodily support. Falls are so deadly that OSHA sponsored an educational “stand down” in June to promote fall awareness and prevention. OSHA Construction Outreach Training 10-hour classes must spend a minimum of 1.25 hours on fall protection.

New York State Labor Law §220-h, requires that laborers, workers and mechanics receiving prevailing wages on all public work projects of at least \$250,000 are certified as having successfully completed the OSHA 10-hour course. In New York City, all construction workers must attend the 10-hour course every five years. Clearly, an educated worker has the potential to be a safer worker.

OSHA requires that fall protection be provided at heights of six feet in construction and when working over dangerous equipment and machinery. Special rules apply to ironworkers,

Gary Dombroff, CSC
Safety Cop NYSIF



connectors and installers on controlled decking zones. After a required amount of specialized training, they may work without guardrails or safety nets at heights of 15-30 feet while wearing untethered personal fall arrest systems. All workers on scaffolds are governed by a separate set of fall protection standards.

TRAINING AND ‘COMPETENCE’

OSHA’s General Duty Clause requires the employer to provide a workplace free of recognizable hazards. Employee awareness is extremely important, too. OSHA’s Focus Four training goal states construction workers should be able to identify and describe these hazards, protect themselves and recognize employer requirements to protect them. Training increases overall employee competence but should not be confused as a substitute for the so-called “competent person” that OSHA defines in many of its standards.

Designated by the employer, the competent person must be “capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective measures to eliminate them.” They are key people in any construction safety program.

Each construction specialty may have its own competent person – one for cranes, one for excavation, one for scaffolding, etc. Their role cannot be overstated. Preventing construction deaths requires designating the right employee as the “competent person” and ensuring that *all* workers are properly trained.

PREVENTION AND PROTECTION

In New York City, two construction workers fell and died within weeks of each other in March and April 2014. In one case, a construction worker fell 12 stories, landing on scaffolding. Separately, a worker climbing down a 400-foot telecommunications tower lost his footing. The ladder safety device failed to stop his fall and he plunged 90 feet to his death.

There are two basic ways to stop construction falls: prevention and protection. The employer needs to provide guardrails, barriers and netting, and fall protection equipment, as well as ensure proper scaffold construction, safe ladder use and condition, worksite maintenance inspections and worker training.

In general, it is better to use fall prevention systems, such as guardrails, than fall protection systems, such as safety nets or



fall arrest devices, because prevention systems are safer. When protection systems kick in, a fall is already in progress.

Guardrails are required in numerous places around construction sites. These are often associated with the six-foot height rule and may be used to protect employees at the edge of an excavation six feet deep – a well, pit, shaft or similar excavations – and on ramps, runways and other walkways. Each employee in a hoist area must be protected from falling six feet.

There are numerous regulations when guardrails are used on scaffolds. Scaffold work requires guardrails or a personal fall arrest system on any platform 10 feet or higher. The employer must provide safe access. Workers should never climb cross bracing.

The top rail of a guardrail system must be 39 to 45 inches high and able to withstand 200 pounds of outward or downward force; midrails must withstand 150 pounds. When toeboards are required to prevent tools and materials from falling to lower levels, they must be 3.5 inches high. It is critical that a competent person(s) be aware of all rules concerning guardrails wherever they are used.

PFAS REQUIREMENTS

Use a Personal Fall Arrest System (PFAS) with full-body harness if other fall protection is not available. PFAS harnesses must be correctly anchored. OSHA investigators determined that construction worker Kyle Brown was unprotected when he was blown off a 24-foot high roof (WCA1Q2014). The OSHA death inquiry showed that his safety harness was not connected to an anchor point. Therefore, the PFAS was useless.

OSHA standards for Personal Fall Arrest Systems limit maximum arresting force to 1,800 lbs., prevent free fall more than six feet, and prevent contact with any lower level. They must bring an employee to a complete stop and limit maximum deceleration distance to 3.5 feet. The PFAS must be able to withstand twice the impact of a worker free-falling a distance of six feet or the distance permitted by the system, whichever is less.

Vertical lifelines or lanyards must have a minimum breaking strength of 5,000 lbs. and be protected against being cut or abraded. An anchorage for PFAS equipment must be independent of any anchorage used to support or suspend platforms and it must be able to support at least 5,000 lbs. per worker attached to it. PFAS are not without risk: Fallen workers suspended in a harness must be rescued promptly, or risk potentially serious injury or death due to restricted blood circulation.

THE BOTTOM LINE

Construction sites are filled with deadly fall hazards. OSHA is serious about preventing this leading killer, ramping up its educational and enforcement efforts. Take proper precautions to prevent fall-related workers' compensation claims, fines and an unwanted spot in the nightly news. Adhering to safety rules, receiving and applying training, and anticipating and correcting unsafe conditions go a long way toward thwarting this leading cause of construction deaths.

What Are Your Accident Concerns?
E-mail jmesa@nysif.com

Arresting Falls in Construction

The major causes of construction falls are as follows.

Leading Culprits

- Unprotected roof edges;
- Roof and floor openings;
- Structural steel and leading edges.

Faulty scaffold construction accounts for its share of injury and death. Joining the lineup of killers are unsafe ladders, both fixed and portable.

Corralling Hazards

Guardrails are required to protect employees at the edge of excavations six feet deep (six-foot height rule), including:

- Wells, pits, shafts or similar excavations;
- Ramps, runways and other walkways.

Numerous regulations apply to scaffolds:

- Guardrails or a personal fall arrest system on any platform must be 10 feet or higher.
- The top rail of a guardrail system must be 39 to 45 inches high and able to withstand 200 lbs. of outward or downward force, and midrails must withstand 150 lbs.
- Toeboards, required to prevent tools and materials from falling to lower levels, must be 3.5 inches high.
- Safe access must be provided by the employer.
- Workers should not climb cross bracing.

See WCA2Q2009 (above), "Getting Scaffolds Right"

<http://ww3.nysif.com/AboutNYSIF/~media/pdf/advisor/nysifwca090402r%20pdf.ashx>.

Stopping The Killer

- Wear and properly use personal fall arrest equipment.
- Install and maintain perimeter protection.
- Cover, secure and label floor openings.
- Use ladders and scaffolds safely.

Just The Facts

NYSIF Safety Matters Construction Series:

nysif.com/SafetyRiskManagement/OnlineSafetyResources/SafetyMattersConstructionSeries.aspx

OSHA:

Falling Off Ladders Can Kill: Use Them Safely

<https://www.osha.gov/Publications/OSHA3625.pdf>

Safety topic page: www.osha.gov/stopfalls

Website:

www.osha.gov/dte/outreach/construction/focus_four/index.html

Fall Prevention Training Guide - Lesson Plan for Employers

<https://www.osha.gov/Publications/OSHA3666.pdf>



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A NYSIF 'U' REFRESHER

NYSIF's education and information series for employers.



NYSIF eClaims Reporting to WCB Takes Effect

NYSIF began electronic reporting of all claims to the Workers' Compensation Board (WCB) on April 28, 2014. This follows a WCB requirement for mandatory electronic filing by all claims administrators in accordance with the national standard of the International Association of Industrial Accident Boards and Commissions (IAIABC).

That means — as NYSIF marks a century of service in 2014 — the paper C-2 claim form has gone the way of index cards, paper vouchers and paper case files: All claims filing is now paperless.

Forms C-2, C-669, C-7 and C-8/C-8.6 are no longer accepted by the WCB. The information on these forms must be submitted electronically as First Report of Injury (FROI) and Subsequent Report of Injury (SROI) transaction reports.

All NYSIF policyholders and policyholder representatives should file claims electronically at nysif.com using NYSIF eFROI® (electronic First Report of Injury).

Visit nysif.com > **Important Information About Implementation of WCB eClaims**. See the **eClaims Worksheet** for the information needed to submit claims using NYSIF eFROI®.

For more information, go to the WCB dedicated **eClaims web page**:
http://www.wcb.ny.gov/content/ebiz/eclaims/eclaims_overview.jsp



Go to nysif.com > **Report Injury** to use NYSIF eFROI®

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