

Workers' Comp

ADVISOR

nysif.com

4th Quarter 2018

A woman with long brown hair, wearing an orange long-sleeved top, is sitting at a desk. She is smiling and looking down at a document she is holding in her left hand. Her right hand is on a black calculator. On the desk, there are also some papers and a blue folder. The background is a bright, out-of-focus indoor space with green plants.

Billing Simplified!

Your NYSIF Bill Has a New Look



- PFL in 2019: New Rates, Benefits/2
- A Simpler Bill Is on the Way/3

NEED TO KNOW... 11.7% Loss Cost Decrease in 2019

The Department of Financial Services approved an overall 11.7% decrease in workers' compensation loss costs, effective 10/1/2018.

- Setting a Good Example for Safer Job Sites/4
- Reduce Claim Costs by Reporting Early/6
- **NYSIF U:** Getting Workers Back to Work with RTW/8

WCA FYI

Paid Family Leave Update for 2019

The Department of Financial Services recently published Paid Family Leave (PFL) information for the 2019 calendar year.

Rates/Payroll Deduction

Effective Jan. 1, 2019, the PFL payroll deduction rate will be 0.153% of an employee's weekly wage, capped at \$107.97 yearly, based on an annual salary of \$70,569.72. Employees who earn less than \$70,569.72 will have an annual contribution amount that is consistent with their actual weekly wage.

PFL is funded through employee payroll deductions. Employers are responsible for collecting the appropriate PFL deductions to cover the cost of the program, and can start taking deductions at the new rate of 0.153% on Jan. 1, 2019.

PFL Benefits

The PFL wage replacement benefit is also increasing. In 2019, employees taking PFL will receive 55% of their average weekly wage, up to a cap of 55% of the New York State Average Weekly Wage of \$1,357.11. The maximum weekly PFL benefit in 2019 is \$746.41.

Beginning on Jan. 1, 2019, the number of weeks that eligible employees can use PFL benefits increases to 10 weeks.



Obtain more information from the following PFL resources:

NYSIF website

nysif.com/paidfamilyleave

New York State Paid Family Leave website

www.ny.gov/programs/new-york-state-paid-family-leave

New York State Paid Family Leave Help Line

(844) 337-6303

Need DB/PFL Insurance? Get a Quote from NYSIF in Minutes

New York State law requires most employers to provide short-term disability benefits (DB) and Paid Family Leave (PFL) insurance for their employees. NYSIF offers combined DB and PFL coverage to meet this requirement. DB insurance covers employees' off-the-job injuries and illnesses; PFL coverage provides employees with paid leave to care for their families.

Within minutes of completing your quote request, you will receive a reference number and an annual premium estimate for NYSIF DB/PFL insurance.

Please note that you must submit a completed application and provide a premium deposit to NYSIF in order to bind coverage. All policies require underwriter approval.

NYSIF Launches New Bill!



In late November, NYSIF launched its redesigned bill, which includes many of the features that our policyholders wanted most. By now, you have received our informational flyers highlighting the features of your new bill, which you will receive in your next billing cycle.

Based on a NYSIF customer survey, we redesigned workers' compensation and disability billing statements with our policyholders' needs in mind. You requested a different presentation of your billing details: a clearly defined minimum amount owed and due date, a concise explanation of charges and a chronological listing of transactions. The new bill offers this information, along with a more intuitive, streamlined design.

Read more about the redesigned bill below.

The Front of Your Bill

For easy access, the first page of your bill displays all of the highlights that you need to know at a glance, such as your previous balance, total balance, minimum payment due, due date, and payment options. Here, you will also find two new sections. Our *Policy Alerts* offer notifications that are unique to your policy, while the *Message Center* provides updates on NYSIF news and services.

The Back of Your Bill

The back of your bill contains additional information, such as transaction summaries, fee details, and installment options. Under *New Transactions and Payments*, you can find the chronological listing of your account activity and a description of your transactions, just as you requested. This page also contains your itemized balance, which you can find under *Total Policy Balance*. Finally, the back of your bill displays informational boxes that contain helpful tips on avoiding interest.

You Asked, We Listened

At NYSIF, we are committed to making it easier for you to do business with us. We hope that the redesign makes your billing statement simpler and easier for you to understand. For more details about how to read your new bill, please visit nysif.com/mybill.

NYSIF's New Bill

Your new statement includes a simplified billing summary on the front page, as in this sample.

Front of Your Bill

Previous Policy Balance	\$6,913.97
Premium & Adjustments	\$6,457.98
Payments	- \$873.00
Miscellaneous Fees	\$10.00
Total Policy Balance:	\$12,508.95
Minimum Payment Due:	\$1,795.57
Payment Due Date:	September 02, 2018
<i>See reverse side for details</i>	
Policy Alerts	
Payments not received by the due date are subject to a late fee.	

The reverse side shows your itemized balance and a chronological list of transactions, as in this sample.

Back of Your Bill

ABC COMPANY			
Policy Number: N 1234 567-8			
Statement Period: 07/14/18 - 08/13/18			
TOTAL POLICY BALANCE			
DESCRIPTION	BALANCE DETAILS	REMAINING INSTALLMENTS	MINIMUM PAYMENT DUE
Deposit/Rebill			
Installments	\$6,040.97	6	\$863.00
Audit Balance	\$6,457.98	6	\$922.57
Adjustments			
Misc. Fees & Credits	\$10.00		\$10.00
Past Due			
TOTAL POLICY BALANCE	\$12,508.95		
MINIMUM PAYMENT DUE			\$1,795.57
NEW TRANSACTIONS AND PAYMENTS			
DATE	REF #	DESCRIPTION	AMOUNT
07/30/18	9000001	Payment Received - Thank you	- \$873.00
08/09/18	0000001	Audit Premium Adjustment (06/13/17 - 06/13/18)	\$6,457.98
09/25/18	0000012	Installment Fee	\$10.00

Save time, pay online: nysif.com/billpay

For Safer Job Sites, Lead By Example

Construction sites are fraught with safety issues, making them among the most dangerous places to work. NYSIF's Field Services has increased its presence on many construction sites in an effort to help keep workers safe and on the job.

"Many injuries and fatalities occur on construction sites in New York each year," NYSIF Supervising Policyholder Services (PHS) Representative John McCarthy said. "We believe our staff can have an impact in reducing those statistics." In New York City, PHS Rep Sheena James is one member of the Field Services team trying to make an impact.

SETTING AN EXAMPLE SPEAKS VOLUMES

Ms. James conducts safety visits to ensure that a strong safety message is being communicated throughout the workplace. Aware that the first step toward reducing construction injuries is protection, she comes prepared. She meets with site supervisors before conducting a walk-through, informing them that the most effective statement they can make about Personal Protective Equipment (PPE) is to wear it. "I don appropriate PPE at all times," she said.

Leading by example, she reinforces the message that approved hard hats, goggles, face shields, ear plugs, safety harnesses, gloves and proper footwear are among the protective equipment workers should wear wherever and whenever necessary – a fact supported by experience. The top safety hazards she has observed when visiting construction sites include not wearing proper PPE, exposure to slips, trips and falls, and improper use of electrical equipment.

Ms. James uses a safety checklist to identify potential safety hazards or deficiencies, observes employees to guard against unsafe acts or behaviors, and makes recommendations that can help improve safety and prevent accidents. She emphasizes that vigilance is key.

Focus on Prevention

"I ask questions about what procedures are in place, how often they have safety meetings and how they address accidents or near-misses," Ms. James said.

Changing the mindset of employers to focus on prevention, rather than to react to a series of incidents or a tragic loss, is her most difficult challenge. In an environment where the stakes are too high to leave room for error, her ability to shift an employer's approach to safety is "the most rewarding part" of her job.

"This is especially true when I conduct safety meetings for employees and I see them develop a new respect for safety initiatives launched by their employers," she said.

Mr. McCarthy added that convincing employers and employees to work safely enhances NYSIF's influence on job sites. "NYSIF field reps know they can have an impact on the lives of our policyholders and their workers," he said.

Making Safety Personal

The Occupational Safety and Health Administration offers a [Making Safety Personal](#) resource to encourage workers and managers to think about why safety matters not just in the workplace, but in their daily lives.

Picture Perfect

As does the New York skyline on a sunny day, workers wearing PPE make a perfect picture. NYSIF field reps Sheena James (below) and Paul Coles (opposite page, far r.) set a good example on job sites.



Learn More

Learn more about preventing hazards discussed in these articles. Visit [nysif.com](#), click the Employer tab and select Injury & Illness Prevention to view the following [Safety Resources](#):

Construction Industry

■ [PPE \(Personal Protective Equipment\)](#)

Manufacturing Industry

■ [Hand & Power Tools](#)

Services Industry

■ [Housekeeping](#)

■ [Slips, Trips & Falls](#)

Common Injuries

■ [Fall Prevention](#)

Raise Bar for Workers to Emulate: Take Action and Communicate

PHS Rep Paul Coles (r.) is always welcome at Baltz Concrete Construction, a NYSIF policyholder in Rochester that values his safety visits.

Like Ms. James, Mr. Coles projects an image for workers to emulate. When NYSIF field reps walk on a site, he says, they want to be the “picture of safety.”



Gerald Mancuso, Baltz Construction project and safety manager welcomes Mr. Coles’ safety support.

“He is a professional,” Mr. Mancuso said, adding that Mr. Coles puts site supervisors at ease, so they’re comfortable asking safety questions and following up on his advice.

Instilling Safety Culture

Mr. Coles contacts the company on the same day of the visit to follow up on safety issues requiring correction. He notes that Baltz Construction immediately takes corrective action to address the specified safety hazards – a responsive approach that can promote a positive safety culture on any worksite.

Mr. Coles affirms that action and communication go hand-in-hand with instilling a safety culture in the workplace, and help to raise the safety bar. He is proud to be a part of the collective effort to keep workers safe and on the job.

Making Safety Communication Better

Making safety meetings more engaging is the topic of [How to Design and Hold Great Safety Meetings](#), a free on-demand webinar from [The American Society of Safety Professionals](#).



Be Well-Equipped

Hardhats, ear protection, goggles, respirators and gloves are among the Personal Protective Equipment workers should wear when necessary to help reduce injuries and illnesses.

Establish Zero Tolerance: Loose Standards Lead to Big Missteps

Slips, trips and falls are among the most pervasive causes of injuries and deaths in the American workplace each year, accounting for more than one quarter of injuries and hundreds of fatalities in the construction industry alone, according to the Bureau of Labor Statistics.

Lack of proper fall protection is the most frequently cited Occupational Safety and Health Administration (OSHA) violation. OSHA holds the National Safety Stand-Down — an annual awareness event — to prevent falls in construction.

While fall protection deserves as much attention as it gets in the construction industry, these falls are common in other workplaces as well, NYSIF PHS Rep Indrit Berberi said.

Practice Good Housekeeping

When he visits policyholders, Mr. Berberi always advises workers to communicate and cooperate regarding

good housekeeping to prevent slips, trips and falls.

Inspect and Use Equipment

One way for workers to protect themselves when working at elevations, he says, is to conduct a step-by-step review of PPE and all safety devices — making sure harnesses (r.), toe boards, nets and railings are secure.

Mr. Berberi points out that “safety starts at the top.” Employers and supervisors must insist that workers follow safety procedures, wear the right equipment at all times when necessary, and ensure that it is worn properly.

“If you don’t set a zero-tolerance policy, you’re creating a culture where safety won’t be taken seriously,” he said. “Looser standards lead to bigger missteps. That’s especially true in fall protection.”



Thank You for Taking Our Reader Survey

We want to thank readers who completed our *Workers' Comp Advisor* survey. We will use your responses to increase content on topics that you suggested.

Several readers asked for more information on how to lower workers' compensation costs. The prompt reporting of a workplace injury or illness is one way to reduce the cost of claims. Here's why.

Speed Counts in Accident and Injury Reporting

Did you know that notifying NYSIF of a workers' compensation injury early could help lower your premium?

Employers report approximately one-quarter of all workers' compensation injuries to NYSIF one month or more following an accident. Unfortunately, delayed reporting affects claim costs and could lead to a higher premium. NYSIF claim studies over an 18-month period show that reporting an injury more than one month after its occurrence can double the cost of the claim, when compared to reporting the injury one week after the accident. In some cases, depending on the type of injury, the cost discrepancy could be even higher. For example, a sprain reported between the first and second week of injury could cost \$13,503. However, when reported more than one month after, that same sprain could cost as much as \$29,530.

Higher claim costs will directly impact your premium by potentially increasing your experience rating, which compares your loss experience to the expected losses for other employers in your industry. **That's why it is in your best interest to report an accident as soon as possible.**

For claimants, timely reporting affects the determination of benefits, the speed with which claimants receive appropriate medical care, claim duration and cost.

A study by the National Council on Compensation Insurance (NCCI) echoes the correlation between reporting lags and rising claim costs. Read below to learn more about how early reporting can lead to better outcomes for both employers and claimants.

The Many Benefits of Early Reporting

For You

- **Accelerate claim resolution** – According to NCCI, nearly 70% of claims reported within the first two weeks of an injury are closed faster than those reported later.
- **Lower costs** – The earlier an injury is reported, the lower the average cost of the claim.
- **Eliminate penalties** – An injury that is reported early is less likely to lead to delayed payment of benefits. The Workers' Compensation Board can also issue fines for failing to file an accident report within 10 days of awareness.
- **Precipitate a return to work** – Claimants with injuries reported after three weeks generally have higher claim costs and return to work later.
- **Reduce the likelihood of attorney involvement** – Claims reported after two weeks are more likely to involve a lawyer.

For the Claimant

- **Enable faster payments** – The sooner an accident is reported, the sooner claim benefits can begin.
- **Expedite medical care** – NYSIF can ensure that claimants receive prompt and effective medical attention.
- **Provide peace of mind** – Claimants can rest assured that claims are handled in a timely manner.

What You Can Do

- **File a First Report of Injury (FROI) immediately after becoming aware of an accident.**
- Report a work-related injury or illness with **NYSIF eFROI®** at **nysif.com**, the fastest way to alert us.
- Provide details of the accident and verify the injured worker's statement.
- Cooperate with NYSIF's time-sensitive follow-up inquiries for more efficient claims processing.

One of the best ways to help avoid workplace injuries is to assess risk management. For more information, please read NYSIF's *Claims Guide for the Employer*, as well as our *Injury and Illness Prevention* resources, available at **nysif.com**.



NYSIF U: Five Steps to Return to Work / 8

PEOPLE

Dr. Dennis Kessler, NYSIF Commissioner



Dr. Dennis Kessler has been appointed to the NYSIF Board of Commissioners. Dr. Kessler was nominated by Governor Andrew M. Cuomo and confirmed by the New York State Senate on June 20, 2018.

Dr. Kessler has 30 years of experience in restaurant ownership, real estate and human resource development and co-owns Kessler Restaurants LLC. The company now specializes in commercial real estate development. At one time, it was the largest franchisee in Friendly's Restaurant chain, and, coupled with the company's numerous Burger King operations, employed approximately 3,000 people in central and western New York.

Dr. Kessler holds the Edward J. and Agnes V. Ackley endowed chair as Clinical Professor of Entrepreneurship at the University of Rochester Simon Business School. Dr. Kessler is a former member of the board of trustees of the University of Rochester Medical Center and past chair and commissioner of the City of Rochester Civil Service Commission. He is currently a member of the board of directors of Excellus Blue Cross/Shield of Western New York, president of the Rochester Police Foundation, an advisory board member to Junior Achievement, and an inductee in the Rochester Business Hall of Fame Class of 2006.

Dr. Kessler holds a BS from the City University of New York, MA in sociology from John Jay College, MSL from Yale Law School and LL.M. & SJD degrees from Northwestern University Pritzker School of Law.

FRAUD FILE

Charge Claimant as Deli Owner

The Queens DA arrested Tajwinder Singh for collecting more than \$70,000 in workers' compensation benefits that he was not entitled to receive. Charges include grand larceny, insurance fraud and falsifying business records.

Mr. Singh is believed to have continuously collected benefits from NYSIF following an injury he sustained in 2012, while owning and operating a Queens delicatessen shortly thereafter.

Construction Company Under Indictment

A construction company and six of its employees are under indictment for allegedly misclassifying and underpaying workers, and falsifying payroll records to defraud NYSIF of more than \$400,000 in workers' compensation premiums.

The Manhattan DA's office and NYC Department of Investigation announced the indictment of CRV Precast Construction LLC on charges including insurance fraud, grand larceny and scheme to defraud. The other defendants were charged with various felonies, including offering false instruments for filing.

Health & Safety Focus

Proposed Rule Change Affects OSHA 300 and 301 Reporting

The Occupational Safety and Health Administration (OSHA) announced the decision to suspend submission deadlines and acceptance of data from two injury and illness forms during a proposed rule change on electronic reporting requirements.

The proposed change eliminates the requirement to electronically submit information from OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and OSHA Form 301 (Injury and Illness Incident Report) for establishments with 250 or more employees. These establishments must still electronically submit data from OSHA's 300A summary form.

According to OSHA, the proposed change will maintain safety and health safeguards for workers, while better protecting privacy and reducing compliance challenges.

9/11 Claim Filing Deadline Extended

Governor Andrew M. Cuomo signed an extension of the World Trade Center Registry filing deadline to Sept. 11, 2022, for claims involving rescue, recovery and clean-up operations performed by paid workers and volunteers. Learn more at [World Trade Center Assistance](#) or call 877-632-4996.



Resources for Silica Dust Compliance

New resources help employers comply with silica standards to limit employee exposures and take steps to protect workers. The OSHA resources include a [slide presentation](#) to help train

construction workers, a [five-minute video](#) on how to protect workers from exposure to silica dust, a [series of short videos](#) demonstrating the proper use of dust control methods for six common construction tasks, and [FAQs](#) about the Respirable Crystalline Silica Standard for Construction.

Prevent Workplace Violence in Healthcare

The Joint Commission is offering a free webinar on workplace violence prevention in healthcare settings, presenting a multi-hospital intervention study that reduced violent events, and an overview of OSHA's [Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers](#).

Target Trench Cave-Ins and Collapses

OSHA's new trenching and excavation resources are geared toward preventing collapses and cave-ins that have led to a recent increase in worker fatalities. The resources focus on effectively supporting trench walls and ensuring that there is a safe way for workers to enter and exit a trench. According to OSHA, trench-related fatalities in 2016 were nearly double the average of the past five years. See www.osha.gov/SLTC/trenchingexcavation/

Workers' Comp Advisor

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A NYSIF 'U' REFRESHER

NYSIF's education and information series for employers.



Five Steps to Return-to-Work Implementation

The U.S. Department of Labor recently made grants available to states for research and demonstration projects aimed at retaining employees after an injury or illness. These projects underscore the importance of successful return-to-work (RTW) programs for employers.

Most employers, however, can start an RTW program at little or no expense. RTW offers transitional or modified duty to injured workers in medically-approved roles, helping you save on hiring, retraining and workers' compensation costs.

NYSIF has simple guidelines at nysif.com outlining five steps to implementation:

- 1. Develop Clear Goals and Policies** – Start with a written policy that specifies participation is mandatory when suitable, medically-approved work exists.
- 2. Designate a Program Coordinator** – Have one person manage the program and all correspondence between injured workers, medical providers and NYSIF.
- 3. Identify Transitional Duty** – Offer modified assignments, alternative tasks, part-time work and other transitional jobs.
- 4. Develop Standard Forms** – Download sample templates at nysif.com.
- 5. Maintain Communications** – Communicate early and often (see number 2).

Click [Workers' Comp Policyholder](#) > [About Your Claims](#) > [Return to Work](#) under the Employer tab at nysif.com to learn more and to download sample forms.

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