

SLIPS, FALLS STILL LEAD INJURY TOTE

NYSIF[®]

NEW YORK STATE INSURANCE FUND

Workers' Comp.

ADVISOR

nysif.com

January, February, March 2010

EMERGENCY PREPAREDNESS

WILL
YOUR
WORKERS
KNOW WHAT
TO DO?

NYSIF Encourages Use of Online Provider Inquiry

A new, state-of-the-art online medical bill inquiry system for doctors treating workers' comp. injuries covered by NYSIF saves time and money, and can lead to a more efficient claims process.

NYSIF is encouraging medical providers to use the system for faster resolution of medical bills, and enlisting the help of employers by asking them to urge claimants to tell their doctors' offices about the service.

Medical offices that would like to use the medical bill inquiry system can click the [Medical Provider Billing](#) tab under "Medical Providers" at nysif.com, then simply enter their tax id number, claimant social security number, date of injury and date of service.

NYSIF also allows medical providers and their billing staffs to submit bills electronically and retrieve an online explanation of benefits (EOB).

The new provider inquiry system upgrades NYSIF's online EOB with better organized and more detailed payment information based on questions most often received from doctors' offices.

"We are pleased with the upgrades we've made to our electronic EOB system and we anticipate that medical providers will be, too," NYSIF Chief Deputy Director Francine James said. "By including more information on screen, the system is a real time saver for doctors, their billing staffs and our own personnel."

Medical providers can access the information 24/7/365 days a year, for any medical bill submitted to NYSIF. By saving time and money, the service provides value and convenience for all NYSIF stakeholders and can lead to increased cooperation among all parties in the claims process.

W C A F Y I

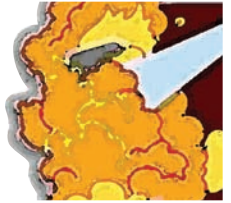
News You Can Use

NYSIF Workers' Comp. Advisor
January/February/March 2010

This Issue

Stay Alert, Calm

Being well-trained for emergency situations saves lives. Believe it, fortune smiles on those who follow emergency preparedness training by knowing what to do, when to do it, and what not to do. Staying alert and calm – avoiding panic – can prevent wrong decisions in an emergency. Practiced employees are more likely to react accordingly.



Pages 4-6

Did You Read It In The Advisor?

The award-winning *Workers' Comp. Advisor* helps you stay ahead of the curve to manage workers' comp. costs. Download current and past *Advisors* at nysif.com including these recent issues:

WCA July-Sept '09 touted communication as key to successful RTW programs, with sample forms, an RTW flowchart and tips to get started. New research in Canada suggests rehabilitation of musculoskeletal disorders hinges on a patient's ability to communicate relevant factors of the condition to the doctor, the doctor's understanding of the condition, and their mutual understanding of return-to-work goals. We could have told them that.

WCA Oct-Dec '09 pull-out presentation, "Put On Your PPE," covered personal protective equipment from head to toe, coming on the heels of a final OSHA rule updating standards for eye, face, head and foot protection in general industry, shipyards, longshoring and marine terminals. Find the final rule in the Sept. 9 *Federal Register*.

WCA Jan-Mar '09 devoted four pages to fall prevention on the job, just when fatal workplace falls had reached an all-time high. A follow-up (*WCA Apr-Jun '09*) focused on scaffold safety (No. 1 among OSHA violations, r.). It's busy season for slips, trips and falls. Take another look at preventative measures (opposite page).

Don't miss a single issue! E-mail marketing@nysif.com if you prefer to receive the Advisor electronically.



Claims Filing Faster Than Ever With NYSIF eFROI

NYSIF launched an updated "Electronic First Report of Injury" at nysif.com last fall. NYSIF eFROI® now accommodates new information fields required by the Workers' Comp. Board (WCB) for electronic claim filing (eC-2 *Employer's Report of Work-Related Injury/Illness*). Go to nysif.com > *Report an Injury/Illness*.

Employers can report claims at nysif.com 24/7 and receive a loss record number. NYSIF eFROI® sends the eC-2 to the WCB eCase system and routes the loss record to NYSIF Claims staff to start the claims process all in less than 30 seconds.

A 2004 study by The Hartford Financial Group found that claims filed a month or more after injury cost on average 48% more than claims filed in the first week.

OSHA Top 10 for 2009

Workplace safety violations:

1. Scaffolding
2. Fall protection
3. Hazard communication
4. Respiratory protection
5. Lockout-Tagout
6. Electrical (wiring)
7. Ladders
8. Powered industrial trucks
9. Electrical
10. Machine guarding

Another Look at Falls

The U.S. Dept. of Labor Bureau of Labor Statistics reported a 20% decrease in fatal workplace falls in 2008, after a category high 847 fatal falls in 2007. Fatal falls to a lower level, accounting for 85% of all falls, were down 23% in 2008. Fatal falls from roofs declined 26% and falls from ladders decreased 14%. Fatal falls on the same level (to the ground or against an object) increased slightly.

Slips, trips, and falls represent the majority of general industry accidents, causing about 15% of all accidental deaths, second only to motor vehicles as a cause of fatalities. Winter is an especially important time to recognize and correct fall hazards.

Many hazards cause these injuries including ice, wet spots, grease, polished floors, loose flooring or carpeting, uneven walking surfaces, clutter, electrical cords, open desk or file drawers, and damaged ladder steps.

Slip, trip and fall prevention is obvious, but too often ignored:

- Keep walkways and stairs clear of scrap and debris.
- Coil up extension cords, lines and hoses when not in use.
- Keep electrical and other wires out of the way.
- Wear lug soles in icy weather.
- Keep parking lots, stairs, walkways, vestibules and halls clear and dry during snowy weather; use salt or sand as needed.



For walking/working surface hazards:

Keep floors clean and dry, keep aisles and passageways clear and in good repair, provide warning signs for wet floor areas, keep exits free from obstruction, provide adequate lighting, repair uneven floor surfaces or bunching carpets, use no-skid waxes, promote a shoe policy that requires appropriate footwear for employees.

Construction Sites

Falls are a leading cause of death in construction and other labor-intensive occupations. Fall hazards in these jobs can be countered with personal protective equipment and procedures. The Occupational Safety and Health Administration recommends:

- Cover or guard all fall holes as soon as they are created (**see Know What Not to Do, pg. 6**)
- Erect fall hole covers to support two times the weight of workers, equipment and materials the cover may be expected to hold at once.
- Use guardrails and personal fall arrest systems for scaffolds more than 10 feet above a lower level.

Hospital Study Finds 3 Major Causes

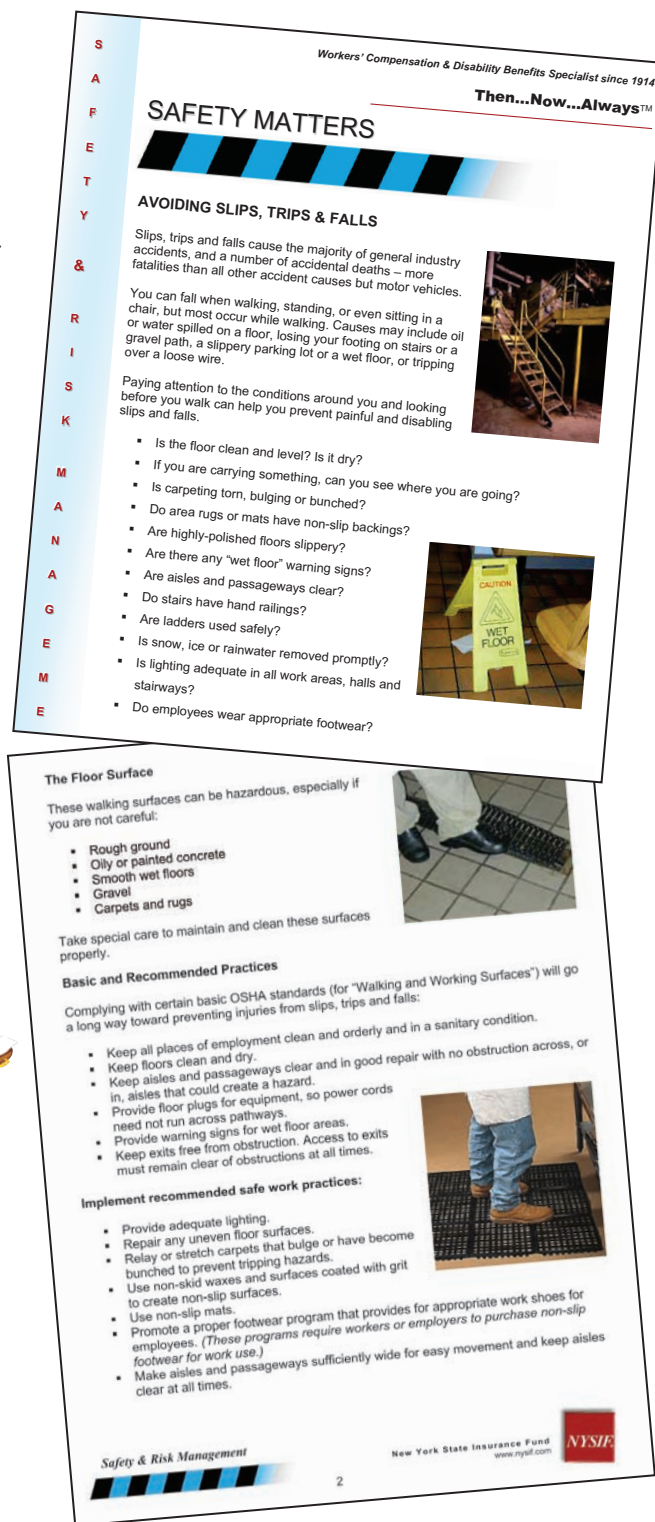
Researchers recently completed a 10-year project evaluating a slip, trip and fall prevention program for three acute care hospitals. After on-site hazard assessments and an analysis of injury records, project designers implemented preventative products and procedures, a general awareness campaign, flooring changes, external ice and snow removal programs, and slip-resistant footwear for certain employees.



The project identified three major prevention measures:

- Good housekeeping; promptly clean up all spills, leaks.
- Use gratings, mats and raised platforms, especially for wet processes.
- Encourage employees to wear slip-resistant footwear.

Researchers said the hospitals' combined claims for slip, trip and fall injuries declined by 59% after the interventions.



NYSIF **Safety Matters** series at nysif.com contains safety tips on avoiding slips, trips and falls.



Prepare, Don't Panic

Pilot Chesley “Sully” Sullenberger’s remarkable composure and self-control during his Hudson River landing of US Airways Flight 1549 continues to carry an important safety lesson: prepare, don’t panic. The captain told interviewers (and wrote in his book, *Highest Duty*), that a decades-long flying career trained him to focus on safely guiding his disabled aircraft. Preparation and concentration saved 155 passengers and crew.

This approach applies to less dramatic accidents and emergencies. Appropriate training is crucial. At the critical moment, stay alert and remain calm. Easier said than done, but accident investigations and news reports show that training and preparedness can make the difference between life and death.

Emergency preparedness is not glamorous, but it is necessary. Shortly after the Hudson River landing, safety experts Carl and Deb Potter wrote, “The next time you grumble about attending training of any kind, think again. It may be what saves your life or the lives of others.” Believe it.

Emergency preparedness is necessary. Fortune smiles on those who practice.

PRACTICE MAKES PERFECT

Said National Transportation Safety Board spokesperson Kitty Higgins about Captain Sullenberger and First Officer Jeffrey Skiles: “These people knew what they were supposed to do and they did it, and as a result, nobody lost their life.”



The so-called “Miracle on the Hudson” actually shows that years of preparation and flight simulation paid off. The old joke about how one gets to Carnegie Hall, “practice, practice, practice,” is true. As columnist Rick Newman wrote in *U.S. News & World Report*, on lessons that captains of industry – or employers and

supervisors – can learn from Sullenberger, “Fortune smiles on those who practice.”

While training, preparation and practice do not guarantee success, they can help prevent panic and wrong decisions by having a plan of action. This helps us “minimize the things that can go wrong,” according to Pulitzer prize-winning author Joseph Hallinan in his book, *Why We Make Mistakes*, who advocates training and using checklists for many critical tasks.



Knowing what *not* to do is also vital in emergencies. No one – trained responder or well-meaning bystander – should take unnecessary risks. Hallinan cautions that over confidence in our abilities is a common problem. He advises that we know and obey our limitations. Real “heroes” learn and follow emergency plans (and, when appropriate, proper rescue methods).

FIRES

Fire extinguishers are deceptively simple for their “pull-aim-squeeze-sweep” instructions. The untrained, however, may place their life in peril by attempting to control a fire. Some extinguishers provide only a few seconds of extinguishing agent, for instance. Your fire safety plan should clearly define which employees can use fire extinguishers, and when to use them. Making a safe exit is more important.

The National Fire Prevention Association recommends never trying to fight a fire that is spreading rapidly or cutting off your escape route.

Failing to conduct periodic fire drills is another costly mistake. To avoid panic during an emergency, it is critical that each worker knows the proper exit to use, and has a clear, marked, unobstructed path to the escape route, and then outside to safety. Signage is important: workers must not mistake non-exit doors as the egress; these doors must clearly indicate that they are “not an exit.” Time your fire drills and review them for effectiveness.



Once, When Exits Were Blocked

Triangle Shirtwaist Fire, 1911

March 25 marks the 98th anniversary of the Triangle Shirtwaist Co. fire at the Asch Building in New York City, which led to enactment of the NY Workers’ Comp. Law in 1914 and NYSIF’s creation by the state legislature. The fire claimed the lives of 146 mostly young, women immigrant workers, one of the worst workplace disasters in history. Working conditions were typical of NYC sweatshops. Surviving victims told of locked exit doors and blocked escape routes. A plaque at 23-29 Washington Place commemorates the dead, where each year Fire and labor officials ceremoniously observe the struggle for workplace safety.

Ready for An Emergency

CAUTION CAUTION CAUTION

ELECTRICAL SHOCK

Contact with a live wire, circuit or faulty energized equipment can quickly kill or cause severe injury. If you encounter an electrical shock victim, be certain that he or she is no longer in contact with the current. Rescuers occasionally become victims unless they take precautions. This is especially true following storms, when downed power lines present a danger. If a machine malfunction caused the shock, power down the machine if the victim is still in contact with it before assisting.



Some Thoughts on What Affects Critical Thinking

The Case Against Multi-Tasking

In his book, *Why We Make Mistakes*, Joseph Hallinan strongly advises against multitasking. He contends that we can't perform at our best when our attention is divided, and that, in reality, multitasking "is an illusion." He described studies showing how, after switching between tasks, "we forget what we planned to do" – in other words, we lose focus on our primary task. The bottom line: to prevent emergencies and the panic that they cause, stay focused on your job's critical tasks.

When Mind Games Spell Trouble

Focusing on critical tasks can become a factor in stressed employees. Recently, researchers found that shifting behavioral tasks among stressed and unstressed laboratory rats led to rote decision making by the stressed group, a result scientists concluded to be "highly detrimental" in its broader impact in humans when inhibiting the ability to adapt to changing environments.

■ In other research, scientists found that rote behavioral strategies can affect brain patterns, activating a so-called default mode region that predicts human error. Researchers believe this might support development of a monitoring device to warn workers before committing errors. Such an "early warning system" is estimated to be at least a decade away from realization, however.

Sleep Deprivation

The ability to stay focused on the job can be compounded by sleep deprivation, especially in shift workers. After pilots on a commercial airplane overshot their destination airport by 150 miles last October, transportation officials renewed calls of screening for sleep apnea for pilots, commercial truck and bus drivers, and train and merchant ship operators.

■ Research suggests that over-long work hours and poor shift design are more common factors in accidents and near misses. A recent

survey led to some eye-opening findings about shift patterns and ways to reduce safety risks for sleep-deprived workers. Workers who worked 12-hour shifts vs. eight-hour shifts tended to get more sleep over a four-week period, regardless of whether they worked day, night or rotating shifts. The reason: 12-hour shifts provide twice as many days off, and employees slept longer on their days off. Employees who worked fixed shifts, whether day, evening or night, also slept better than those who adopted different routines.

TRAFFIC ACCIDENTS

Vehicular accidents cause the largest number of work-related deaths. Here's what the National Safety Council advises if your vehicle becomes disabled, or if you witness (or are involved in) an accident: "After reporting an emergency, mobile phone users should never risk their own safety. Calling for trained, professional help is the best approach, although in an immediate life-threatening situation it may be appropriate to take rescue action provided the rescuer is not endangered."

Skidding, brake failure and other sudden mechanical problems can cause vehicle operators to panic. That is why they should learn what to do ahead of time. Standard advice: keep good control, do not make sudden moves or speed changes. Above all, never place operators in a position where they fret about falling behind schedule. "Remember that being safe must take precedence over your schedule or whatever concerns you may have," the safety council advises. This is especially true if you transport others. Capt. Sullenberger wrote of airline pilots, "A captain's highest duty and obligation is always to safety." He undoubtedly would agree this applies to all drivers.

Never place operators in a position where they fret about falling behind schedule.



CONFINED SPACES

Painters, mechanics, utility workers, maintenance and agricultural personnel and other employees assigned to work in confined spaces like pits, vaults, tanks and service areas can easily become asphyxiated by toxic fumes or oxygen deficiency and lose consciousness. All too often the same conditions can overcome untrained or under equipped rescuers who rush in to help.

Job sites with confined spaces must follow all OSHA regulations. No one should enter a confined space without first letting someone in authority know, testing the atmosphere if required to ensure it is safe to enter, and reporting back when finished. Some situations require a "spotter." Spotters who are untrained and unequipped should stand clear and call for qualified rescue personnel in an emergency.

Ready for An Emergency

CAUTION CAUTION CAUTION CAUTION

ARE YOU READY?

Providing life-saving first aid is gratifying, but a Red Cross web site quiz cautions: “As a responder, you must always check to make sure the scene is safe for you and any bystanders.” Employees should never imperil their own life giving assistance. Having a responder become a casualty helps no one.

OSHA’s booklet, *Principal Emergency Response and Preparedness Requirements and Guidance*, summarizes essential program, procedural, equipment and training requirements in many standards and industries. Many emergencies – chemical exposure, heart attacks, finding someone trapped in an elevator – stand a much better chance of successful outcomes with the proper training, preparation and forethought.

Employees should never imperil their own life giving assistance

Know What Not to Do

An accident last summer that led to three fatalities at a Queens, NY, garbage transfer station shows what can happen when well-meaning workers forego proper rescue methods in an emergency.

According to news reports, the first victim fell 18 feet down a hole filled with three feet of water. A second worker went down a ladder after him and was overcome by fumes. The third victim then tried to rescue the others.

Fire officials later found levels of hydrogen sulfide in the hole of 200 parts per million, about twice the lethal level. A firefighter with a gas mask retrieved the three bodies.

Urge Caution for Grain Handlers

A recent rise in fatal grain handling accidents led the Occupational Safety and Health Administration to remind employers of mandatory safety measures in grain handling and other agricultural operations. OSHA Industry Health and Safety Topics found on its web pages include combustible dust, confined spaces, safe grain and silage handling, and youth in agriculture.



More Resources Find [Safety Resources](#) at [nysif.com](#) > *Safety & Risk Management*

Safety Cop: Driving Is Serious Business
Have Evacuation Plan Ready
Make Sure You’re Never Left In The Dark

Safety Checklists: Fourteen comprehensive checklists for selected industries

Safety Matters: Fire Safety

Additional resources: [osha.gov](#), [nsc.org](#) (National Safety Council), and [redcross.org](#) (American Red Cross).



Troy Belting & Supply celebrates “sharp” score: perfection.

How SHARP? A Safety ‘Model’

Troy Belting & Supply Co. received a perfect “zero incidents” score during an October 2009 inspection conducted by the U.S. Department of Labor’s Safety and Health Achievement Recognition Program (SHARP).

The company has supplied belting products to factories and mills in the Northeastern United States since 1862. They pioneered advancements of specialized equipment servicing to industrial, mining and commercial markets.

SHARP recognizes small employers who operate an exemplary safety and health management system. Troy, which currently employs 68 people, has been SHARP certified for the past 12 years. The Watervliet, NY, company joined NYSIF in 2007.

Troy General Manager David Barcomb gives credit for the program’s success to Troy Safety & Training Coordinator Bruce Flagler. Troy repairs and services all types of industrial equipment, in the shop and in the field.

“We have had a safety program for many years and over the years it keeps improving,” he said. “When we created a full-time safety and training coordinator things really improved...Our safety committee meets quarterly and we cover various topics including, but not limited to, training, incident reports, areas of inspection, job hazard analysis, employee concerns, management concerns, and communication, just to name a few.

“We work with medium and low voltage electrical as well as hydraulic equipment, cutting tools, machine shop equipment and various types of power tools. Proper lockout/tagout procedures, lifting protocol, confined spaces and respirator training are some of the things we work on.”

Mr. Barcomb said SHARP inspectors look for any type of potential hazard, such as frayed electrical cords, trip hazards and missing Material Safety Data Sheets (MSDS), and will talk to employees, review safety committee meeting notes, training records, incident reports and more.

SHARP certification gives Troy “peace of mind...and gives our employees confidence we are concerned about their safety...as well as letting our customers know we will work safely in their plants,” Mr. Barcomb said.

NYSIF Field Services Rep. Ed Wroblewski said: “If NYSIF were to set up a model organization for other companies to emulate it would be Troy Belting.”

Year Ends On Surge in Arrests

From Long Island to Park Avenue, and Albany, NY, to Celebration, Florida, law enforcement authorities made more than two dozen arrests in NYSIF fraud cases during the closing months of 2009. NYSIF Div. of Confidential Investigations (DCI) teamed with counterparts at the NYS Insurance Dept. Frauds Bureau, Workers' Comp. Board Fraud Inspector General's Office and district attorneys' offices in multiple jurisdictions to bring charges of workers' comp. fraud resulting in millions of dollars in restitution and potential future savings.

"We continue to crack down on workers' comp. fraud," NYSIF Chief Dep. Executive Director Francine James said. "To do otherwise would be to fail in our commitment to the businesses and people of New York."

Some recent cases:

>> The Albany area owner of a tattoo parlor who inked a statement claiming his hands hurt too much to work was charged with allegedly defrauding NYSIF. Albany Police arrested Scott Sawyer, 36, of Poestenkill, NY, on Nov. 18, on felony charges of insurance fraud and falsifying business records brought by Albany County DA David Soares. Surveillance showed Mr. Sawyer allegedly worked as a tattoo artist at the shop he owns and operated, Addicted to Ink Tattoo, while collecting workers' comp. benefits from NYSIF.

>> Pilar Marino, 54, of Astoria, NY, was charged with insurance fraud and violating Workers' Comp. Law following his arrest by Queens County DA Richard Brown's Office on Nov. 18. Mr. Marino, owner of Advent Restoration in Astoria, allegedly understated his payroll to defraud NYSIF of \$38,410 in premium, including failing to report some \$330,000 of income allegedly received as a sub-contractor in 2007.

>> A Florida man, Ben Keskin, 52, who allegedly sold real estate in Celebration, FL, was arrested by Suffolk County DA Thomas Spota's Office during a hearing at the Workers' Comp. Board in Riverhead, NY, Oct. 19. Mr. Keskin suffered a 1995 accident at a Deer Park, NY, aircraft parts factory and received \$400 in weekly workers' comp. benefits, allegedly defrauding NYSIF of \$63,760. Estimated potential savings on his claim are \$200,000.



Workers' comp. fraud carries an annual \$5 billion price tag, according to the National Insurance Crime Bureau. You can help fight fraud by confidentially reporting fraud against NYSIF at nysif.com or 1-877WCNYSIF.



'Red Flag' Review

The Northeast Dairy Association Safety Group invited DCI Director Larry LaPointe to speak about NYSIF's anti-fraud efforts and review common fraud fact patterns at the group's yearend meeting on Dec. 3, 2009.

The group of 60 NY dairy manufacturers, processors and distributors has been managed since its inception in 1949 by Keevily Spero Whitelaw, Inc.

Mr. LaPointe talked about "red flags" of potential fraud, including:

- **sketchy claims details;**
- **accident/injury report discrepancies;**
- **claimant behavior;**
- **employment history;**
- **timing of claim.**

"Generally, if you find clusters of 'red flags' the claim should be examined to determine if the claimant has lied about any material fact."

– DCI's Larry LaPointe

>> Matthew Robbins was classified as permanently totally disabled when he filed a workers' comp. claim, but surveillance later showed him allegedly well enough to handle powering washing equipment, repair vehicles, and fish waist deep in a running stream. Mr. Robbins, 48, of Kerhonkson, NY, Ulster County, was charged with insurance fraud and violating the Workers' Comp. Law following his arrest by New York State Police on Nov. 13. Mr. Robbins received workers' comp. benefits while allegedly working for Mesivtha Tifereth Jerusalem as a care taker. Estimated potential savings on Mr. Robbins' claim are more than \$225,000.



>> Sun H. Park, an accountant who worked out of her Park Avenue home in NYC, pleaded guilty in U.S. District Court in Binghamton, NY, Oct. 29, and faces imprisonment of up to 20 years for mail fraud and three years for aiding in the preparation and presentation of a fraudulent tax return. She is scheduled for sentencing this February. As part of her plea, Ms. Park admitted to aiding two asbestos abatement companies, Charlie Brown Service, Inc., and Top Ace Enterprises, LLC, in a premium fraud scheme and agreed to a court order to pay full restitution of \$1,186,585 to NYSIF.

>> NYSIF helped crack an alleged scheme by a Queens-based contractor involving unpaid wages and benefits of more than \$1 million to employees, resulting in criminal indictments by Manhattan DA Robert Morganthau against the owners of EMB Contracting Corp. on charges

they underpaid workers on construction jobs to rebuild public schools in New York City.

NYSIF's investigation revealed that EMB allegedly switched job locations of an injured EMB worker filing for workers' comp. benefits in an apparent effort not to attract attention to its payment practices. EMB's past president, Michael Batalias, 65, current president, Elisavet Batalias, 35, and office manager Vasiliki Stergiou, 44, faced charges including grand larceny, scheme to defraud and offering a false instrument for filing—the allegedly fraudulent claim filed with NYSIF by EMB in 2006.

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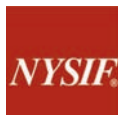
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Business office contact information nysif.com

Send WCA comments to jmesa@nysif.com



Start Saving Money with New, Low NYSIF Disability Benefits Rates

NYSIF is making disability benefits insurance available to all New York employers at historic low rates in 2010.

The standard NYSIFDB premium rate for New York State statutory coverage on renewal or new policies, effective January 1, 2010, is now gender neutral at \$0.14 per \$100 of payroll—our lowest DB rate in more than 20 years, or only \$24.76 per employee annually for employees earning \$340 per week or more. The minimum annual premium charge is \$60; a differential may apply for a three-year claims average that is greater than premium.

Also in 2010, NYSIF is approved to begin offering enriched disability benefits for the first time. Employers who want to offer increased disability benefits for their employees can opt for Enriched NYSIFDB based on the same low rate structure.

NYSIF continues to offer the attractive Premium Adjustment Plan, which awards policyholders with over \$1,000 in premium a credit based on annual claims activity.

Since 1950, employers have turned to NYSIF for low-cost disability benefits insurance. Disability benefits insurance provides partial, temporary wages to eligible employees for off-the-job injury or illness, and is mandatory in New York State. Medical care is not covered. Whether your business employs one employee or thousands, you can save money with NYSIFDB.

NYSIFDB also offers convenient web services including online quotes, premium calculator, payroll reporting and certificates. Get an immediate quote at nysif.com or 1-866-697-4332.

