

# ADVISOR

nysif.com

First Quarter 2013



## Service Uninterrupted

A New Look for NYSIF Website and A New Way of Looking at nysif.com for 'Round the Clock Service

Online services such as NYSIF eFROI® continued unabated when Sandy struck; storm knocked out power at NYSIF downstate offices, uprooting this tree at our Melville, LI, location

## eClaims Coming

Board Plan Mandates Electronic Filing; NYSIF Makes eFiling Easy with NYSIF eFROI®



## Hurricane Sandy Relief

**G**overnor Andrew M. Cuomo announced that NYSIF would extend payment deadlines for policyholders directly affected by Hurricane Sandy in Bronx, Kings, Nassau, New York, Orange, Richmond, Rockland, Suffolk, Queens and Westchester counties. The deadline for affected policies with premium due dates between Oct. 26 - Dec. 26, 2012, is extended to Jan. 26, 2013. NYSIF urged policyholders to contact their underwriters for premium adjustments and payment plans to allow them to recover more quickly. Contact your local business office or call **1-877-898-8308**.

The governor's website (above) offers a steady source of information for businesses, homeowners and families affected by Sandy. Here is a smattering of storm-related announcements made by Governor Cuomo. For more visit [www.governor.ny.gov/](http://www.governor.ny.gov/) and [www.reliefny.org](http://www.reliefny.org).

**Temporary Employment Opportunities** Gov. Cuomo announced that New York State received \$27,792,296 in federal disaster aid to hire workers for clean up efforts in the Bronx, Kings, New York, Richmond, Queens, Nassau, Suffolk, Rockland and Westchester counties. Workers who lost jobs as a direct result of Sandy or who were unemployed prior to the storm are eligible. Job seekers interested in this program should fill out and submit the registration form online at [www.labor.ny.gov](http://www.labor.ny.gov) or call **1-888-469-7365**.

**Disaster Unemployment Assistance** Federal disaster unemployment assistance (DUA) is available to workers who lost their jobs due to Sandy and live or worked in the Bronx, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster and Westchester counties. Unemployed workers may qualify for DUA even if they would not normally be able to get unemployment benefits. To begin the process, first file for regular unemployment insurance online at [www.labor.ny.gov](http://www.labor.ny.gov) or call **1-888-209-8124 (1-877-358-5306** if you live out of state). Applicants must apply by Feb. 4, 2013.

**Small Business Emergency Loans** The New York Bankers Association (NYBA) and New York Business Development Corporation (NYBDC) established a \$10 million small business emergency fund providing up to \$25,000 for businesses affected by Sandy. Visit [www.esd.ny.gov](http://www.esd.ny.gov) or call **1-855-NYS-SANDY**.

**Extension for Permits, Licenses** The State Liquor Authority (SLA) extended license renewals and permit applications for businesses in affected areas. SLA licensees in NYC and Westchester, Rockland, Nassau and Suffolk counties who were due for renewal in October and November received a 60-day grace period after the expiration date. Visit [sandyrelief@sla.ny.gov](mailto:sandyrelief@sla.ny.gov) or call **518-474-3114**.

**Federal Declaration of Fishery Resource Disaster** The U.S. Dept. of Commerce declared a fishery resource disaster for New York as a result of Sandy, authorizing the U.S. Small Business Administration to issue disaster loans to affected businesses. Commercial and charter fishing fleets, distributors and processors, the shell fishing community and fishing infrastructure are eligible for federal loans and compensation for damages not covered by existing insurance policies. Visit <http://www.sba.gov/community/blogs/official-sba-news-and-views/open-business/hurricane-sandy-update-2-sba-standing-read>.

NYSIF Workers' Comp. Advisor  
January/February/March 2013

## How NYSIF Handled the Storm

Hurricane Sandy forced the closure of NYSIF offices in NYC and Long Island from Oct. 29 - Nov. 6, 2012, but NYSIF continued critical services uninterrupted with the help of our website and dedicated NYSIF employees statewide.

- With power lost at 199 Church St. in NYC and at 8 Corporate Center Dr. in Melville, NYSIF Information Technology staff in Albany rerouted phone calls from those offices to our Customer Call Center in Binghamton, beginning Oct. 29.

- Customer Service staff posted storm-related service messages on NYSIF's website and social media sites throughout the week.

- NYSIF held daily senior staff meetings, activating its Continuity of Operations Plan (COOP).

- While Westchester would be declared a disaster area NYSIF's White Plains office in that county was up and running, where staff showed great dedication in reporting for work, including 30 to 40 redeployed NYC and LI employees.

- Working with the U.S. Post Office and other delivery services, NYSIF transferred NYC and LI mail to its Albany business office for processing.

- Albany staff coordinated efforts to reassign incoming claims for NYC and LI, ensuring timely payment of claims and accounts payable. NYSIF suspended non-payment cancellations for WC and DB policies through Dec. 26, 2012, moving due dates for current and past balances to Jan. 26, 2013. Through Nov. 23, NYSIF had reinstated 8,903 WC policies and 1,069 DB policies.

- Emergency processing of workers' comp. benefits for NYC and LI claimants resulted in 1,699 payments, and a total of \$1,137,323.14 in benefits paid for those offices.

- NYSIF cancelled all field visits in NYC and LI from Oct. 30, for the remainder of the week. Through our website, NYSIF informed businesses that it was rescheduling field appointments for a later date, and would reschedule premium audit appointments on a case-by-case basis.

- The WCB cancelled hearings in Manhattan, Queens, Brooklyn, Hauppauge, Hempstead, Peekskill, Albany and Binghamton on Oct. 29. NYSIF Statewide Claims staff maintained contact with all NYSIF hearing reps. so they were ready to resume hearings as scheduled by the WCB on Nov. 5.

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[www.twitter.com/nysif\\_1914](http://www.twitter.com/nysif_1914)

[www.facebook.com/newyorkstateinsurancefund](http://www.facebook.com/newyorkstateinsurancefund)



# Take a New Look at nysif.com

**N**YSIF's new home page at nysif.com is now designed to accommodate mobile devices. That's good news if you're on the go and need to access your NYSIF account from a laptop, tablet or smart phone (but definitely not while driving; see **How's My Driving**, page 5).

## Now's The Time for NYSIF Account

If you haven't signed up for an online account with NYSIF yet, now is a good time. The new home page is adaptable to any screen size and platform, but also simplifies navigation to make self-service easier than ever. And if you ever needed more reason to open a NYSIF Online account look no further than Hurricane Sandy. Communicating and transacting business through our website was crucial to business continuity during and after the storm as NYSIF lost use of its New York City and Long Island offices for an entire week.

That's a vital lesson learned for NYSIF and all of our customers. Whether you are a claimant, policyholder, broker, group manager, medical provider, vendor or other stakeholder, nysif.com is a valuable resource that everyone can use.

It's a good idea to start using nysif.com for NYSIF information and services, and use it more if you already do.

## Critical Services

When the power went down at our downstate locations, nysif.com was up and running, offering customers critical service and hurricane updates. One such update announced the extension of premium payment deadlines with no penalties or cancellations for affected policyholders.

During and after the storm, NYSIF continued to offer essential services online that proved central to serving customers' needs, including:

- **eCERTS®** (electronic certificates of insurance);
- **eCHECK** (for premium payments);
- **EFT** (electronic funds transfer of claimant benefits);
- **Medical provider billing and EOB inquiry system;**
- Plus, **claimant benefits status** (Where's My Check?) and links to **contact case managers and underwriters** through our website.

## A Decisive Reason to Use NYSIF eFROI®

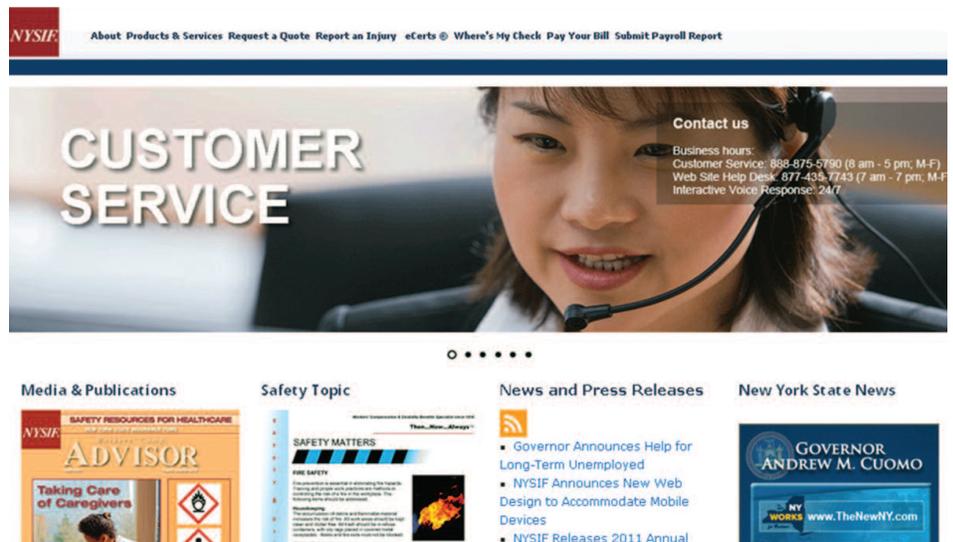
Still need more reason to use NYSIF Online Services? Electronic claims filing with NYSIF eFROI® (electronic First Report of Injury) should be the decisive factor. Electronic claims filing mandated by the New York State Workers' Compensation Board is on its way [see **page 4**]. NYSIF

eFROI® not only facilitates this process, but as recent events demonstrate, it does so without interruption. NYSIF eFROI® is convenient, reliable and reduces errors and delays in claims handling.

Use NYSIF eFROI® for all NYSIF claims. There's really no reason to wait any longer.



A fallen tree at our Melville, LI, location; NYSIF downstate offices lost power following the storm, but nysif.com (below) was up and running



*It's a good idea to use nysif.com as a resource for information and business transactions; our website was crucial to business continuation during and after the hurricane.*

# Get Ready, eClaims On the Horizon

The NYS Workers' Comp. Board (WCB) released implementation requirements and a timetable for electronic reporting of workers' injuries, the first step in a transition from a paper claim process to an electronic filing system, eClaims.

The WCB said eClaims is on schedule for a phased implementation beginning in spring 2013, with full implementation mandated by March 2014. The WCB said it expects faster, more accurate processing of workers' comp. claims, at less expense to employers, by mandating the IAIABC (International Association of Industrial Accident Boards and Commissions) electronic reporting standard employed by nearly 40 states.

"Delays and inaccurate paper filings lead to unnecessary controversy, disorganization and, ultimately, higher costs,"

WCB Executive Director Jeffrey Fenster said. Mr. Fenster said eClaims is "the most concerted effort the state has made to deal with these fundamental issues within the system."

By mandating eClaims, the WCB, anticipates benefits including:

- Cutting costs, waste, abuse and delays;
- Reducing duplicate claim filings;
- Increasing quality and timeliness of information;
- Improving data collection for analysis.

NYSIF policyholders can start preparing now for eClaims by using NYSIF eFROI® (First Report of Injury system) to create an electronic Employer's Report of Work-Related Injury/Illness, eC-2, for filing claims. Go to [nysif.com](http://nysif.com) > [When to File a Claim](#).

## A New Way of Looking at NYSIF Online

Hurricane Sandy may have given NYSIF customers a new way of looking at [nysif.com](http://nysif.com) for 'round-the-clock information and services. Take a look at what our new-look website offers:

The screenshot shows the NYSIF website interface. At the top, there is a navigation bar with a 'Login' button circled in red. Below the navigation bar, there is a 'Products & Services' menu also circled in red. The main content area features a large banner for 'ACCOUNT ACCESS 24/7' with a photo of a worker in a yellow hard hat. To the right, there is a grid of service categories: WORKERS' COMPENSATION, DISABILITY BENEFITS, and SAFETY & RISK MANAGEMENT. Each category has a list of sub-services and links.

### ► Policyholders



Login at the top of the page to create or access your account, including billing statements and claims tracking. (Not all services require account creation.)

**NYSIF eFROI®** (First Report of Injury) - Don't wait for the WCB to mandate eClaims. Use NYSIF eFROI® now to avoid delays and control costs. TOP ROW: [Report an Injury](#)



Pay your premium by electronic funds transfer, credit card or debit card.

TOP ROW: [Pay Your Bill](#)

### ► Claimants, Policyholders

**Where's My Check?** Find info about processed benefits payments.

TOP ROW: [Where's My Check?](#)

Products & Services menu (above) lists key links for all NYSIF stakeholders

### ► Claimants

Workers' comp. claimants or beneficiaries don't have to wait for mail delivery when they sign up for benefit checks deposited directly to their bank accounts with **NYSIF EFT**. CLAIMANTS: [What to Do When Injured](#).



### ► Certificate Holders

**eCERTS®** - Create, print, validate NYSIF certificates of insurance anytime, anywhere. TOP ROW: [eCERTS®](#)

### ► Medical Providers Billing/Reports

Electronic submissions, inquiries, explanation of benefits, variance requests.

### ► Disability Benefits New! Online Application

Qualified employers can now complete an application and pay a deposit premium for disability benefits insurance online after receiving an online price quote.

## How's My Driving?

### A Must to Know When Employees Drive For You

**M**ore workers are killed every year in motor vehicle crashes than by any other cause. This sobering statistic makes the ultimate case for safe driving while on the job. The 2011 annual Census of Fatal Occupational Injuries listed vehicular accidents again as the leading cause of occupational deaths, killing nearly 1,900 American workers. Likewise, non-fatal incidence rates among transportation and material-moving workers was more than double that for all occupations.

If you have workers who drive for your business, add motor vehicle exposure to your workers' comp. risk profile. Whether you run a trucking business, have service vans or employ salespeople who drive their own cars, when your workers are on the road for your company, their safety is your business.

For years, workers' comp. expert Jonathan Coppelman has urged that driving skills must be an essential part of every employer's risk management program. He noted, "When accidents occur on the road, if an injury happens to an individual who is working, workers' compensation coverage pays the first dollar for that injury."

In a recent blog, he called driving "the single greatest exposure in the working world" (<http://www.workerscompinsider.com/2012/10/entrustment-ris.html>). But safety programs often fail to address driving. According to Mr. Coppelman, "The safety focus is on every skill needed for the job *except* driving."

OSHA, however, is very focused on the problem, especially drivers distracted by texting. OSHA instituted a nationwide outreach, education and enforcement effort along with the Dept. of Transportation and other agencies to investigate credible complaints and issue penalties where necessary if an employer requires texting while driving. The National Highway Traffic Safety Administration called distracted driving a "dangerous epidemic on America's roadways." Their "Blueprint for Ending Distracted Driving" is available at [www.distracted.gov](http://www.distracted.gov).

#### Driving Fatalities

Transportation incidents in general accounted for more than two out of every five fatal work injuries in 2011. Of these 1,898 fatalities, about 57% (1,075) involved motorized land vehicles.

Fatal work injuries in private-sector truck transportation rose 14% in 2011 – on the rise again for the second consecutive year after reaching a low in 2009. The transportation and warehousing industries accounted for 733 worker fatalities in 2011, an increase of 11% over 2010 and the highest count since 2008.

All employers with on-the-road exposure must understand the factors behind motor vehicle accidents and make every possible effort to implement and enforce a safe driving program. The first



*The "single greatest exposure in the working world" claims more workers every year than any other.*

step is to understand that driving safety differs from "industrial" safety.

#### Driving Safety

Driving is a complex task that requires constant attention to changing conditions. Many factors cause vehicular accidents: road conditions, weather, traffic patterns and failure to follow basic safe driving rules. Traffic experts also cite driver distractions, multi-tasking, drowsiness and fatigue, lack of proper training and road rage.

Distractions of all types can spoil a driver's concentration – phone conversations, texting, talking with passengers, eating, or reading while driving. To prevent distractions, New York State mandated that mobile cellular phones be hands-free since November 2001. The state also banned the dangerous behavior of texting while driving. OSHA recommends that businesses "send a clear message to workers and supervisors that your company neither requires nor condones texting while driving."

But another problem – driver fatigue – is as dangerous as distracted driving.

To fight truck driver fatigue, federal rules govern property carriers and commercial motor vehicle drivers. These "Hours of Service" rules provide an increased opportunity for drivers to obtain necessary rest and restorative sleep, while recognizing the business needs of drivers and motor carriers. Find the rules at <http://www.fmcsa.dot.gov/rulesregulations/truck/driver/hos/brochure2005.htm>.

Ensure that non-trucking employees know that they, too, need to pace themselves and get the proper rest. Studies show that shift

**See page 6**

## How's My Driving?



### 3 Keys to Address

- *Distracted Driving*
- *Fatigue*
- *Driver Screening*

#### From 5

workers and young males tend to drive unsafely when tired. Workers on rotating schedules and with long on-call shifts, such as healthcare workers, tend to be more accident-prone. Address these issues in your safe-driving program.

#### One Accident Away

Beyond worker safety, employers must consider that on-the-road accidents also incur vehicle and property damage, higher insurance premiums, liability for non-worker injuries and lawsuits. One accident has the potential to jeopardize an entire company's ability to do business. Employers with a clear understanding of these high-cost claims realize when it is time to evaluate and tune up their traffic-safety training programs.

At the least, employers with motor vehicle exposure must establish a safe-driving policy and monitor their drivers' records – whether driving is their principal task, or only incidental to their work. Mr. Coppelman suggests an annual review of these records. Emphasize safe driving techniques for *all* employees and frequently reinforce the safety message.

Technology can help. Some fleet management programs track drivers and vehicles. Passenger car driver-tracking programs monitor and report on driving habits; some auto insurers offer these in conjunction with safe-driving premium discounts. Some mobile devices can block calls while driving, and applications can read text messages aloud. These products may save lives and lower insurance premiums. However, no matter how many safety systems a vehicle may have, the driver must be awake, alert, attentive and not distracted.

Safety consultant Robert Miata believes that vehicle familiarity is a key to safety. Drivers must know where the blind spots are, the stopping distance, turning radius, and how the car or truck handles in poor weather. This knowledge saves both lives and repair costs.

#### Screen Drivers Carefully

Safe driving policy starts with the hiring process. Verify licenses with the NYS Dept. of Motor Vehicle License Event Notification Service <http://www.dmv.ny.gov/LENS/default.html>. Be sure to follow all laws governing required tests and certifications for professional drivers. The National Institute for Occupational Safety and Health recommends periodic health screenings for workers hired primarily as drivers. Managers of salespersons, delivery people and couriers must follow up on accidents, near misses and required recordkeeping for their staffs. Encourage or require drivers to keep improving their skills.

Check the National Safety Council website defensive driving



**W**inter driving demands attention to road conditions. These tips can help drivers safely navigate snowy, icy roads:

- Perform proper cold-weather vehicle maintenance: Check battery, tire condition and treads, windshield wipers. Add no-freeze fluid to washers, check cooling system antifreeze, and check for proper tire inflation.
- Stay below posted speed limits. Keep a safe distance from the next vehicle. Reduce speed when necessary, and anticipate sudden stops.
- Avoid braking heavily on wet or icy roads.
- Watch for icy patches on bridges and in shade – “black ice” is treacherous.
- Drive in the tracks of the vehicle in front of you to avoid hydroplaning. Avoid puddles.
- In a skid, ease off the accelerator. If your vehicle has antilock brakes (ABS), brake firmly and steer. Without ABS, pump the brakes to avoid wheel-lock (avoid using the brakes to stop the skid). Either way, gently steer into the skid to regain control of the vehicle.
- Have sunglasses handy to reduce snow glare.

courses designed to improve skills, attitude and awareness at [http://www.nsc.org/safety\\_road/Pages/safety\\_on\\_the\\_road.aspx](http://www.nsc.org/safety_road/Pages/safety_on_the_road.aspx) and its Employer Traffic Safety Program on crash prevention, [http://www.nsc.org/safety\\_road/Employer%20Traffic%20Safety/Pages/NationalHome.aspx](http://www.nsc.org/safety_road/Employer%20Traffic%20Safety/Pages/NationalHome.aspx).

The bottom line: Even the best, most attentive and safest drivers can become involved in an accident. All drivers should practice defensive driving and be continually aware of all road conditions. Above all, make sure to consider the human factor, and be aware that this applies not only to your side of the steering wheel. The Advertising Council's public service message from the 1960's still rings true: “Watch out for the other guy!”

## NYSIF People

### H. Sidney Holmes, III, Acting Chairman

Chief Executive Dep. Director Dennis J. Hayes announced the resignation of Donald T. DeCarlo as chairman and member of NYSIF's Board of Commissioners due to personal reasons, effective Oct. 1, 2012.

Vice Chairman H. Sidney Holmes, III, was named to serve as acting NYSIF Chairman. Acting Chairman Holmes was appointed to the NYSIF Board of Commissioners in June 2008.

Mr. Holmes is a Corporate Partner of Winston & Strawn LLP and works in the area of public finance. He has served as bond counsel, underwriter's counsel and bank counsel in most every type of municipal bond financing throughout the U.S. and its territories. He has extensive experience in industrial and economic development revenue bond financing.

Mr. Holmes received his BA from Columbia University and JD from Hofstra University School of Law. He is a Vietnam-era U.S. Army veteran and served in the Finance Corps. Prior to attending law school, he co-founded a chain of health and beauty aid discount stores.

Mr. Holmes is a commissioner of the Port Authority of New York and New Jersey and a member of the Brooklyn Navy Yard Development Corporation Program.

### Marilyn Carretta, Claims Director

Chief Executive Dep. Director Dennis J. Hayes announced the appointment of Marilyn Carretta as NYSIF director of Claims.

"Marilyn has a wealth of claims experience," Mr. Hayes said. "She has been a proven leader in Claims Administration, and is well respected by not only the Claims staff, but by the entire organization."

Ms. Carretta served as assistant director of Claims and Medical Administration from 2007, before succeeding Edward Hiller, who retired as claims director on Aug. 29, 2012.

Ms. Carretta began her career with NYSIF in 1983 as a sr. claims clerk, and served in various claims examiner titles. In 1999, she became a claims manager, overseeing the Quality Control, Training and Computer Support division until 2002. In 2002, she was promoted to business manager of the New York City division.

### Michael Rachek, Bx/Qns Business Mgr.

NYSIF appointed Michael Rachek acting business manager of the Bronx/Queens office. Mr. Rachek succeeds John DeFazio, who was named director of Premium Audit & Safety Group Operations.

Mr. Rachek joined NYSIF in 1988 as premium auditor trainee, primarily serving accounts in Queens and Kings counties.

"I am honored and excited to have the opportunity to lead the talented staff in the Bronx/Queens office," he said.

Mr. Rachek earned a promotion in 1993 and became an audit supervisor in the White Plains office. He also served as an audit supervisor in the former Hempstead and NYC offices.

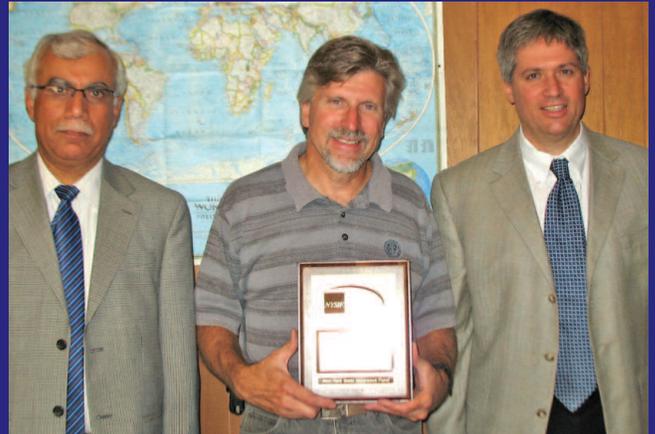
In 2000, Mr. Rachek became Policyholder Services (PHS) manager of the Metro Group 90 office, handling the Brooklyn/Staten Island section. In 2009, he became PHS manager of the newly-formed Brooklyn/Staten Island office.

Mr. Rachek graduated from St. John's University with a degree in accounting.



NYSIF

## Customer Appreciation



Boehm Surgical Instrument Corp - 80 Years



Board of Hudson River  
Black River Regulating District - 80 Years

## Service Excellence



Asst. Credit/Collections Mgr. Chris Rampe received the Excellence in Service Award from Heather Dougherty of the Flanders' Group. Flanders manages six NYSIF safety groups and is selective with its award; Mr. Rampe was one of two people honored in 2012.

**Workers' Comp. Advisor**  
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**Chief Executive Deputy Director**

Dennis J. Hayes

**Deputy Executive Directors**

Dorothy Carey, Shirley Stark, Colleen Gardner

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Francine James

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Business office contact information [www.nysif.com](http://www.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.



**Research Supports Patient Lifting Aids in Healthcare**

A recent study by researchers at the University of Wisconsin suggests that an ergonomics program using patient handling devices could stem the rise of injuries to workers in the healthcare industry [WCA 4Q 2012, right].

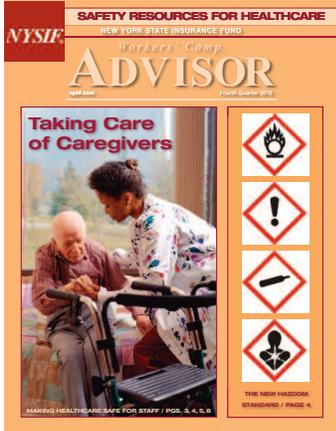
Researchers worked with seven patient care facilities to establish a participatory ergonomics program focusing on assisted lifting devices and no manual lifting, according to Dr. Peter Budnick, CPE, writing for the *Ergonomics Report*. Each research team included management and volunteers from nursing, housekeeping, dietary and maintenance.

■ Key program components included: management commitment; empowerment of nursing personnel in equipment selection, program implementation and patients' transferring needs; laminated cards specifying devices to be used in each patient room; easily accessed adequate equipment for each nursing unit, and hands-on training.

■ Key study findings: patient handling injuries decreased 59.8%; lost work days decreased 86.7%; workers' compensation cost decreased 90.6%.

Researchers noted that "with few exceptions" historical approaches to the problem, such as education, and training in body mechanics and lifting/transferring techniques, have been ineffective in reducing MSDs in nursing personnel.

The original article was first published online by the *Journal of Human Factors* at: <http://hfs.sagepub.com/content/early/2012/03/15/0018720812438614.abstract>



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