



IS YOUR SUB-CONTRACTOR COVERED?

NEW YORK STATE INSURANCE FUND

Workers' Comp.

ADVISOR

nysif.com

1st Quarter 2014



Dennis J. Hayes
1952-2013

NYSIF mourned the loss of Chief Executive Deputy Director Dennis J. Hayes, who died Fri., Dec. 6, 2013, following a long illness. He was 61.

"On behalf of the New York State Insurance Fund Board of Commissioners, I would like to express our profound sadness at the loss of our colleague and chief executive. Dennis Hayes was a dedicated insurance professional and a fine man," Acting Chairman Kenneth R. Theobalds said. "Our hearts go out to the Hayes' family, and they have our sincere condolences at this difficult time."

"We have lost a dedicated leader, a caring manager and a friend," NYSIF Deputy Executive Director and Chief of Staff Dorothy Carey said. "Chief Executive Hayes was a consummate professional who devoted two decades of executive leadership to the State of New York. In

Continued on 5

Oh, Those Slips, Trips & Falls

Beginning a Prevention Series
On the Most Common Injury Causes



**WHAT
ARE
YOUR
ACCIDENT
CONCERNS?**
Let Us Know

PLUS: Important eClaims Implementation Info

NYSIF ISSUES TEMPORARY ASSESSMENT CREDIT

Need to know... High Price of Falls

OSHA cites a heavy toll on workers (particularly temps), their employers and the economy in IPAF Elevating Safety ipaf.org



NYSIF Turns 100!



NYSIF marks its 100th year of service in 2014. On November 4, 1913, voters went to the polls to pass a constitutional amendment establishing a compulsory workers' compensation law in New York, one of the first such acts in the nation.

On that day, the memory of the Triangle Shirtwaist fire two years earlier and its 146 victims weighed heavily on the outcome of a public referendum that established the workers' compensation system in New York, and a means of protecting working men and women, and their survivors, against the dire consequences of industrial accidents.

The referendum gave the New York State Legislature authority to enact Article 1, Section 19, of the New York State Constitution – the Workmen's Compensation Act of 1914. Among other provisions, the act created the New York State Insurance Fund. NYSIF wrote its first workers' compensation insurance policy on July 1, 1914, the day the act took effect.

"NYSIF has served its purpose for millions of New Yorkers," Chief Executive Deputy Director Dennis J. Hayes said. "As it enters its 100th year of service, it remains a reliable source of workers' compensation insurance for any New York business and provides a vital safety net for injured workers and their families."

[More, nysif.com>About/News]

Disability Policies Earn Large Credit Again

NYSIF issued more than \$2.6 million in refunds and credits to more than 37,000 disability benefits insurance policyholders in October 2013, in the Return of Premium program for the policy period ending 12/31/12. Each year, NYSIF reviews disability benefits claims paid in relation to disability benefits premium received to determine the Return of Premium credit. For 13 straight years, NYSIF has issued a premium refund or credit to qualified policyholders who report their annual payroll on time and meet New York State guidelines for this refund.

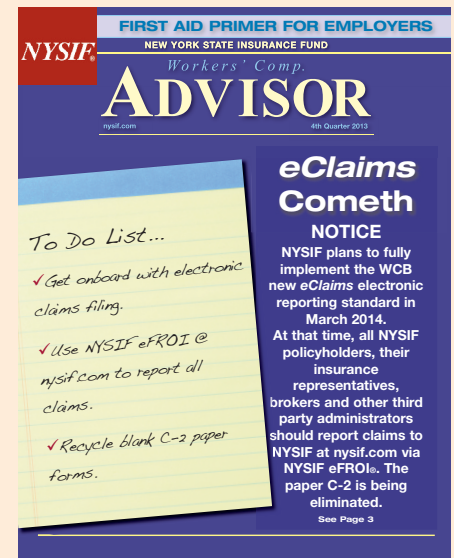
New DB Claims Address

NYSIF has a new mailing address for disability benefits claims (non-job-related injury or illness):

Document Control Center
NYSIF-Disability Claims
1 Watervliet Ave. Ext.
Albany, NY 12206

New DB-450 Form

NYSIF's updated DB-450 disability benefits claim form now requires a Federal Employee Identification Number (FEIN) in Part C - Employer's Statement. Download the form from the nysif.com/Forms/page under the Products & Services menu.



NYSIF TO IMPLEMENT eCLAIMS IN SPRING

NYSIF is implementing the Workers' Comp. Board (WCB) eClaims electronic reporting standard in spring 2014.

The WCB is replacing Form C-2, Employer's Report of Work-Related Injury/Illness, with First Report of Injury (FROI) data transactions for reporting claims.

NYSIF has requested all policyholders, their insurance representatives, and brokers to report claims electronically at nysif.com via NYSIF eFROI®.

NYSIF eFROI® captures the WCB's new data requirements, minimizing errors and reducing delays in reporting.

Get started using NYSIF eFROI® at nysif.com/Report an Injury. See opposite page and [WCA 4Q 2013](#) (above) for more information.

*NYSIF Workers' Comp. Advisor
January, February, March 2014*

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Important Information About **eClaims** Implementation

*The NYS Workers' Comp. Board (WCB) has adopted a national standard for electronically reporting workers' comp. claims. The WCB refers to this new way of reporting as **eClaims**.*

Forms C-2, VF-2, VAW-2, C-669, C-7 and C-8/C-8.6 will no longer be accepted by the WCB. Information on these forms must be submitted electronically as First Report of Injury (FROI) and Subsequent Report of Injury (SROI) transactions. Other employer filed forms including the C-240, C-11 and C-107 will remain the same.

NOTE: Only the reporting method is changing. Statutory requirements for [When to File a Claim](#) remain the same.

How to Report an Injury

Employers' First Report of Injury, FROI-00, should be made by using NYSIF's electronic loss reporting system, NYSIF eFROI®, available 24/7 at nysif.com.

The WCB requires new information from the employer for a first report of injury/illness. New fields added to NYSIF eFROI®, effective spring 2014, accept required data and facilitate NYSIF's reporting process. Changes include:

- Requiring the e-mail address of the person(s) initiating ("Initiator") and submitting ("Submitter") the FROI transaction;
- Allowing for optional entry of Safety Group manager/Broker e-mail address;
- Selecting policy entity(s) and policy location(s) information;
- Industry Type and Classification Codes (from a drop-down menu);
- Additional details regarding the accident location; Return To Work status and physical restrictions.

Also:

- NYSIF eFROI® will save partially created eFROI records.
- Death claims, and Volunteer Firefighter and Ambulance Worker claims can be reported with NYSIF eFROI®.
- Losses can be reported for cancelled policies if NYSIF covered the policyholder on the date of accident.

Submitting the FROI-00

- FROI-00 records accepted by the WCB will be returned with the WCB number (Jurisdiction Claim Number – JCN).
- After WCB accepts a FROI-00 transaction users can view a PDF version at "Employer's Workers' Compensation Report of Injury" page, "Review Prior NYSIF eFROI® Submission."

While NYSIF eFROI® will save a partially created loss record, best practices dictate that FROI-00 be completed and submitted to the WCB in one session.

See the [NYSIF eFROI® FROI-00 Worksheet](#) for a list of required information at nysif.com. The worksheet will help facilitate FROI-00 information gathering and data entry in NYSIF eFROI®.

NOTE: Electronic filing of a FROI-00 **will** satisfy the employer's filing requirement. Filing a paper C-2F, Employer's First Report of Work-Related Injury/Illness, **will not** satisfy the eClaims requirement to file a FROI-00. **However**, the employer still must retain a completed C-2F for injuries not meeting Workers' Comp. Law reporting requirements.

SROI - Subsequent Report(s) of Injury

NYSIF must file all SROI transactions. No SROI transaction will be accepted by the WCB without first receiving and accepting a FROI transaction. SROI transactions include:

- Accepting or denying a claim;
- Initiating payment to the claimant;
- Changing benefit amount or benefit type;
- Suspending payments.

If there is no completed FROI-00 when a SROI is triggered, NYSIF will contact the policyholder/group manager to advise the FROI-00 must be completed and submitted. If no completed FROI-00 is submitted within four days of the SROI trigger, NYSIF will submit FROI-00 with default values to the WCB.

Prompt, accurate reporting, open lines of communication and compliance with requests for information from NYSIF staff will ensure timely filing and avoid penalties.

New Navigation for NYSIF eFROI® This Spring

- Click on [Report an Injury](#).
- Click [When to File a Report of Injury](#) for more information or click [Report an Injury to NYSIF](#) to enter NYSIF eFROI®.
- Click "Start eFROI" for the Policyholder Information tab and receive a NYSIF eFROI® transaction number.

- Complete all required fields marked with a red * asterisk.
- **Enter all available data before clicking "Save Form."** It is not necessary to click "Save Form" on each page.
- Navigate NYSIF eFROI® by clicking "Next" or "Previous," or clicking NYSIF eFROI® tabs on the navigation bar (above) without completing all required fields until opting to "Submit."

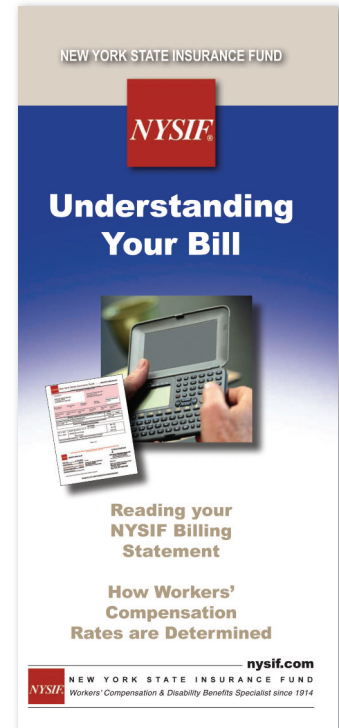
NYSIF Issues Temporary Assessment Credit

About the Assessment Charge and the Temporary Assessment Credit:

The Assessment Charge is assessed by the Workers' Compensation Board to cover the costs of the WCB in administering the workers' compensation system and in financing special funds that the WCB administers. As provided by the Workers' Compensation Law, for policies issued or renewed in 2014, these charges will be assessed directly to you as an employer but will continue to be billed by us along with your premium. NYSIF will remit the Assessment Charge to the WCB. The WCB has determined that the rate for assessments effective January 1, 2014, is 13.8 %, which is applied to your State Insurance Fund Premium plus Total Terrorism Premium listed on the Information Page of the policy. You will be billed one amount reflecting the total of your premium, WCB assessments and all other applicable charges. Your failure to pay an Assessment Charge to NYSIF will result in the cancellation of your policy.

The Temporary Assessment Credit, if any, listed on the Information Page of the policy is a premium discount that offsets any increase in the assessment you are charged in excess of the amount that you would have been required to pay to NYSIF for WCB assessments if calculated under the rate and formula we used in 2013 (9.2% of the State Insurance Fund Base Premium plus the Total Terrorism Premium less the Expense Constant). Any applicable Temporary Assessment Credit will apply to this policy for a period of two policy years beginning with this policy renewal. The amount you are billed includes any Temporary Assessment Credit that applies to your policy. This credit applies only to policies incepted prior to 2014. This credit does not apply to policies incepted January 1, 2014, or thereafter.

The Assessment Credit applies only to policies incepted prior to 2014.



See nysif.com for the brochure *Understanding Your Bill* at [About>Publications](#) and detailed billing info at [Products & Services>Policyholders>WC Premium & Billing](#)

Chief Executive Deputy Director Dennis J. Hayes

From 1

guiding NYSIF, he brought increased innovation and accountability, while his example set the bar high for dignity and perseverance. It was an honor and a pleasure to work with him, and we will miss him.”

Mr. Hayes led the New York State Insurance Fund as Chief Executive Deputy Director from July 1, 2011. He served in New York State government under four administrations and his guiding philosophy was always integrity, fairness and efficiency.

Mr. Hayes had more than 30 years' experience as an attorney and executive specializing in insurance, reinsurance and receivership matters. Prior to joining NYSIF, he was a senior executive at the New York Liquidation Bureau (NYLB) from 1996, where he became special deputy superintendent in September 2009.

He started his career in the insurance industry in 1982 as an attorney for the New York Insurance Exchange, graduating

from St. John's University School of Law in 1981 and magna cum laude from Saint Leo University in 1974.

While in private practice from 1987 to 1996, he specialized in insurance, reinsurance and regulatory matters. From 2001 to 2003, he was executive vice president and general counsel to Recovery National Corporation in Tarrytown, NY, a company specializing in identifying and recovering unrealized reinsurance.

As executive director for Receivership Operations for NYLB, Mr. Hayes had a key role in developing the final plan for the successful rehabilitation of Interboro Mutual Indemnity Insurance Company and its conversion to Interboro Insurance Company. He also managed the rehabilitation of Rochdale Insurance Company.

Mr. Hayes is survived by his wife Marianne Carey Hayes, son Owen Dennis Carey Hayes, and daughter Delia HelenAnn Carey Hayes.

Preventing Slips, Trips & Falls

No matter how small or large your business, no matter how basic or complex your operation, workers are at risk from a recurring group of injury causes. Businesses as diverse as medical labs and corner groceries 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 hazards are so prevalent the safety topics bear repeating. Kicking off our rogue's gallery of injury causes: falls and their prevention. In any season, there are strategies you can use to keep your workers on their feet and off the floor.

Slips, trips and falls slips can cause damaging, life-changing and sometimes fatal injuries. Each year, statistics confirm falls are one of the leading causes of workplace injury and death, and incur several billion dollars in workers' compensation costs.

Fall-related expenses go beyond medical and indemnity costs; claimants often suffer severe injuries. Consider the uncompensated misery of pain, broken bones, soft-tissue damage and other injuries that even "minor" falls can cause. A minor injury or fracture can result in a lifelong case of back pain, or orthopedic problems including loss of full range of motion. Sometimes this means being unable to resume work, perform the same job, or perform it as well.

Nationally, over 660 fatal falls were reported in 2012. Forty-seven workers died of falls in New York, the third-highest state after Texas and California. These deaths can occur without warning. In November 2013, a gust of wind pushed a 23-year-old construction worker off a roof near Syracuse. Adding insult to the ultimate injury, deadly falls are high-profile news stories that put both victim and employer in the spotlight. The Occupational Safety and Health Administration imposes large fines for serious and willful violations in fall cases. Their investigation of this fatality is not yet concluded.

ANYONE, ANYTIME

In any season, slips, trips and falls are one of the top causes of workplace injuries reported to NYSIF, matching national trends. Even the safest businesses are not immune, and a growing group of employees requires extra concern: older workers.

The likelihood of falls increases with age. For people 65-plus, falls are the leading cause of accidental death. Given the aging workforce, fall prevention is a key safety consideration. In addition, co-morbidity is a factor in recovery from fall injuries: the older the person, and the more negative health factors a workers has, the greater chance that he or she will not recover as well from a fall. It is therefore prudent to enlist your staff in identifying and preventing conditions that can lead to falls.



The outcome of any fall is unpredictable.

Diet doctor Robert Atkins died after slipping on an icy sidewalk – a fall of one person's height. Window washer Alcides Moreno survived a plunge of almost 500 feet in 2007. His brother, Edgar, who worked next to him, died of his injuries. The Syracuse construction worker, Kyle Brown, fell 24 feet.

New York-Presbyterian/Weill Cornell trauma surgeon Dr. Philip S. Barie, interviewed after the Morenos' accident, stated that the death rate from a three-story fall is about 50%. Falls from 10 stories or more rarely have survivors.

SURVIVORS' GUIDE

Window washers, fire fighters, outdoor advertising workers and others who work at heights aren't the only fall victims who sustain serious or deadly injuries. OSHA is working with trade associations, labor unions, employers, universities, and community and faith-based organizations to reach construction employers and workers (especially vulnerable, low-literacy workers) with educational materials and training on common-sense fall prevention equipment and strategies that save lives. For more, visit www.osha.gov/stopfalls.

Falls have many causes, 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. Common-sense steps eliminate these hazards and prevent a great number of falls; so can educating staff on the severity of fall-related injuries.

Falls are grouped into two main categories: falls from a higher to a lower level, and falls on the same level. According to the Bureau of Labor Statistics, the majority of workplace deaths occurred in the first category, often at heights of 10 feet or less.

However, a great many fatal, debilitating and expensive falls occur on the same level. Whether the hazards



indicate same-level falls, or falls from a higher level, all workplaces should make fall prevention a key part of their safety program.

An OSHA analysis of injuries for roofers and carpenters reported by *WCA* in 2012 found that falls by roofers cost an average of approximately \$106,000 each; falls from elevations by carpenters cost an average of \$97,000 each. OSHA's PowerPoint presentation, *Workers' Compensation Costs of Falls in Construction*, is on its [Residential Fall Protection](http://www.osha-slc.gov/stopfalls) web page.

HOUSEKEEPING, GUARDRAILS

Several OSHA standards concern fall prevention. The General Duty Clause, which applies to all employers, requires "a workplace which is free from recognized hazards." The Walking & Working Surfaces Standard specifically addresses fall hazards. In addition, OSHA has a Fall Prevention Standard for construction workers. Other standards address fall prevention for electric utilities, shipyard and longshore operations, and telecommunications.

Key points of the Walking and Working Surfaces Standard address housekeeping, aisles and passageways. The standard also requires covers and guardrails "to protect personnel from the hazards of open pits, tanks, vats, ditches, etc." Workers must be protected any time they are at a height

Falling Off Ladders Can Kill: Use Them Safely

**Las caídas desde
escaleras pueden
ser mortales:
Úselas de forma
segura**



www.osha.gov/stopfalls
www.osha.gov/stopfalls/spanish

Falls from ladders, scaffolds and roofs can be prevented
Las caídas desde escaleras, andamios y techos pueden prevenirse



OSHA



OSHA 3625-03 2013

Falls are the leading cause of construction deaths. OSHA's bilingual booklet (above) addresses falls from ladders, which cause one-third of those deaths. Refer to OSHA's standard for ladders in construction, 29 CFR 1926.1053, and visit www.osha.gov/stopfalls.

of six feet or more (in construction) or four feet or more (general industry). This includes open edges, such as platforms, loading docks, stairways, etc. Separate rules in this standard govern portable ladders, stairs, handrails and stair railings. As defined by OSHA, a standard railing "consists of a top rail, mid rail, toe board and supporting posts." Height requirements: Upper surface of top rail to floor, 42 inches; mid rail height, 21 inches; toe board, four inches high with no more than 1/4-inch clearance above the floor.

A HIGHER STANDARD

OSHA's Fall Prevention Standard requires additional safety measures when there is constant risk of falling to a lower level. This standard, which covers other methods of protecting construction workers, includes requirements and specifications for personal fall arrest systems, restraints, warning lines, guardrails and safety nets. Personal fall arrest systems require customization for the "A-B-C" components: anchor point, body harness and connecting device. These systems require

a proper fit and attachment. An OSHA-defined "competent person" must oversee this fall protection program, choosing the proper protection method, selecting and deploying equipment properly, and training workers in its use.

Arresting Slips & Trips

Slips and trips frequently precede same-level falls.

The Prime Culprits

- Poor lighting
- Inadequate housekeeping
- Faulty flooring or carpeting
- Spilled liquids
- Inattention
- Cords and cables
- Improper footwear
- Other causes: coordination and balance problems, medication usage, age, distractions

Corralling The Hazards

- Improve housekeeping
- Encourage all employees to report hazardous conditions
- Correct hazardous conditions when reported.
- Keep all work areas clean, orderly and in a sanitary condition
- Keep floors clean, level and dry; provide warning signs on wet floors, broken flooring
- Keep aisles, passageways clear, in good repair, with no obstructions across or in aisles
- Use extension cords cautiously. Consider floor outlets for equipment so power cords don't cross pathways

The Interrogation

- If you are carrying something, can you see where you are going?
- Is carpeting torn, bulging or bunched?
- Do area rugs or mats have non-slip backings?
- Are highly-polished floors slippery?
- Do stairs have hand railings?
- Are ladders used safely?
- Are snow, ice, rainwater promptly removed?
- Lighting adequate in all work areas, halls and stairways?
- Do employees wear appropriate footwear?

Just The Facts

Fall protection essentials from NYSIF's Safety Matters Construction Series (nysif.com/SafetyResources):

- Identify potential tripping and fall hazards before work starts
- Look for hazards such as unprotected floor openings/edges, shafts, skylights, stairwells and roof openings/edges
- Select, wear and use fall protection equipment appropriate for the task
- Inspect fall protection equipment for defects before use
- Secure and stabilize all ladders before climbing them
- Never stand on the top rung of a ladder
- Use handrails when you go up or down stairs

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

Workers' Comp. Advisor
New York State Insurance Fund
Media and Publications Office
13th Floor
199 Church Street
New York, NY 10007

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Business office contact information nysif.com

Send WCA comments to jmesa@nysif.com

A NYSIF 'U' REFRESHER

NYSIF's education and information series for employers.



NYSIF Has a New PBM, Effective April 2014

Effective April 1, 2014, CVS/Caremark is replacing Express Scripts as NYSIF's Pharmacy Benefits Manager (PBM) for workers' compensation claims. Beginning April 1, 2014, and thereafter, NYSIF claimants should use the CareComp pharmacy network administered by CVS Caremark to fill prescriptions for a workers' compensation claim.

■ The CareComp network includes more than 67,000 pharmacies, and is not limited to CVS pharmacies.

■ NYSIF is maintaining its instant enrollment or "short-fill" service with CVS Caremark. This allows injured workers immediate acceptance by any pharmacy in the CareComp pharmacy network. Employees injured at work under your policy should bring the completed "Workers' Compensation Temporary Prescription Services ID" form along with their prescriptions to any pharmacy participating in the CareComp network.

■ Injured workers can find local participating pharmacies by calling CVS Caremark 24-hour patient care hotline at (866) 493-1640, or visiting www.wcrx-pharmacylocator.com. The injured employee should receive a permanent ID card from CVS Caremark within 10 days of accident confirmation by NYSIF. Existing claimants should receive a replacement Workers' Compensation Prescription ID card in the mail from CVS Caremark prior to April 1, 2014. If you have any questions, call NYSIF at (866) 303-7737.



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