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1914 100 YEARS 2014

SAFETY CULTURE BEGINS AT THE TOP

NEW YORK STATE INSURANCE FUND

Workers' Comp.

ADVISOR

nysif.com

1st Quarter 2015

Remedy For The Ranch

*Western-Theme Resort
Circles Wagons, Ropes
Injuries With NYSIF's Help*



NYSIF
RESOURCES
for SMALL
BUSINESS

**A New Way to Use
nysif.com**

Comment On Chemical Hazards



The Occupational Safety and Health Administration is seeking comments on the management of hazardous chemical exposures in the workplace and strategies for updating Permissible Exposure Limits (PELs). PELs regulate the acceptable amount or concentration of a substance in the air to protect workers against exposure to hazardous substances. OSHA said current limits cover fewer than 500 chemicals, which is only a small fraction of the tens of thousands of chemicals now used in commerce, and most have not been updated since 1971. The comment period closes on April 8, 2015. See OSHA's [web page on preventing occupational illnesses](#) for more information.

Fall Prevention in Residential Construction

A new website helps select effective fall protection devices in residential construction. The site contains information about the purpose of each device and which stage of construction it could be used, photos of the device in use, installation instructions, and manufacturers, vendors and costs. Developed by Dr. Vicki Kaskutas, of Washington University School of Medicine, through the Center for Construction Research and Training, and the National Institute for Occupational Safety and Health, with help from residential construction workers, contractors and safety experts, the site allows users to quickly find a device for specific situations. See OSHA's [Guidance Document for Residential Construction](#) (PDF).

Safety Focus On Farm Operations

Tractor rollovers and vehicle hazards are a leading cause of farmworker deaths [WCA4Q2014], but farmworkers are at high risk for other fatal and non-fatal hazards including lung disease, heat exposure, caught-in/between, hearing loss, struck-by, falls, skin diseases and certain cancers. See OSHA's [Agricultural Operations](#) web page.

Wallet Card for New Reporting Rules

Effective January 1, 2015, employers in Federal OSHA states are required to report all work-related fatalities to OSHA within eight hours and all in-patient hospitalizations, amputations, and losses of an eye within 24 hours of finding out about the incident. New York operates a public sector OSHA program, but private sector workers in New York are covered by Federal OSHA. A new wallet-sized card, [OSHA Reporting Requirements for Employers](#), (PDF) reminds employers about the new reporting requirements and explains how employers can report by phone, online or in person.

Ebola Resources

NYSIF posted online resources about the Ebola virus to assist employers and workers, with links to the CDC, World Health Organization, American Medical Association, OSHA, NYS Department of Health, National Institutes of Health, American Hospital Association and the Joint Commission on Ebola Preparedness. See [nysif.com>SafetyRiskManagement>OnlineSafetyResources>EbolaResources](#).

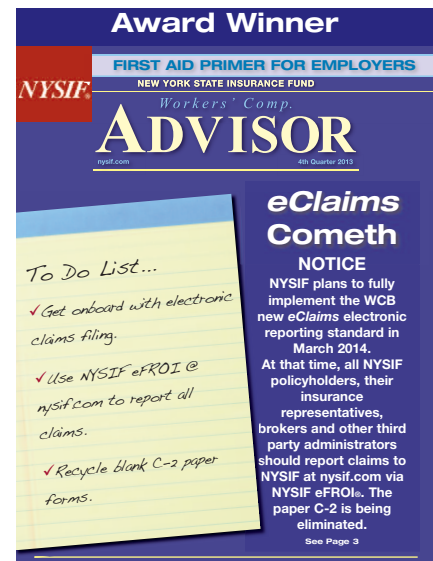
Brochure Aims at Care Worker Injuries

OSHA addresses the prevention of musculoskeletal disorders among nursing home and residential care workers, and explains the benefits of safe patient handling programs in a new brochure, [Preventing Musculoskeletal Disorders in Nursing Homes](#).

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Not onboard with *eClaims* yet? See *Advisor* [WCA4Q2013], chosen as a best newsletter in the American Association of State Compensation Insurance Funds' 2014 communications competition.



On Fire Preparedness

Our 100th anniversary year ends July 1, 1915, but NYSIF's origin dates to the 1911 Triangle Shirtwaist Factory fire, marking its 104th anniversary on March 25. The website Property Casualty 360 recently reported these five tips to prevent fatal factory fires, beginning with an emergency response program that includes information about unoccupied floors, hydrant and extinguisher availability, contact information and hours of operation for all tenants:

1. Gather Information
2. Document and Publish Information
3. Host Building Walk-Throughs
4. Practice, Practice, Practice
5. Assign Tasks

Governor: Comp. Costs To Drop By \$45M

Business Relief Act Leads to Second Year of Savings

Governor Andrew M. Cuomo announced that the rate employers pay to the New York State workers' compensation system will drop in 2015, resulting in savings to all employers totaling \$45 million. The savings are a direct result of the 2013 Business Relief Act, which Governor Cuomo signed into law and has cut the Workers' Comp. Board assessment rate for employers by a total of 30% over the last two years.

"Reducing the cost of doing business in New York has been a top priority for this administration and I'm proud to announce that our reforms to the workers' compensation system have lowered rates for the second straight year," Governor Cuomo said. "This is one more way we're improving the economic climate in New York and making this state a place where businesses can grow, thrive and create jobs."

ASSESSMENT CUT TO 13.2%

The new assessment methodology and other efficiencies implemented in 2014 resulted in \$170 million in administrative savings, of which \$18 million directly benefits New York's public employers, like municipalities and school districts, the governor said.

The savings has been applied to 2015, resulting in the assessment rate falling to 13.2 percent from 13.8 percent, the second consecutive annual decline.

Signed by the governor as part of the 2013-14 budget, the Business Relief Act standardized and corrected the previously disjointed and antiquated assessment process. Now, all employers are charged with the same methodology, leading to a lower assessment rate for all New York's employers.

Governor Cuomo said the Board's continuing enforcement of the legal requirement for employers to carry workers' compensation insurance expands the pool of insureds. Moreover, both the number of people working in New York State and the amount of total wages earned increased over the last year, contributing to the lower rate, the governor said.

The WCB is in the midst of a comprehensive business process re-engineering of the workers' compensation system. This has identified initial projects to create a system that more effectively serves the needs of injured workers and employers, resulting in future expected savings for public and private employers.



New Resource Center for NYSIF Services

Have you visited nysif.com looking for information you were unable to find? Then NYSIF's new Small Business Information Center is for you.

Our new resources for small business gather the most important information in one place to service your workers' compensation and disability benefits insurance needs. These are resources that NYSIF has found to be the most frequently requested by customers. Topics include:

- Auditing and payroll reports
- Contacting your underwriter
- Reporting injuries
- Obtaining certificates of insurance
- Understanding your bill

No business is small when it's your business.

Although the Small Business Information Center will help guide many small businesses through the maze of workers' compensation and disability benefits requirements, don't let the name fool you. These resources will make doing business

through our website easier no matter what your business size or industry.

Different size standards define "small business" by industry sector. Recently revised, the U.S. Small Business Administration standards have increased for many industries. At NYSIF, we understand that no business is small when it's your business.

Whether you have one employee or 1,000, the information and tools featured in our Small Business Center will help you get better control of workers' compensation and disability benefits insurance costs, while you focus on managing your business.

Click the [Small Business tab](#) on nysif.com or visit <http://ww3nysif.com/smallbusiness/> to access the tools and money saving tips NYSIF has to offer.

VISIT SMALL BUSINESS ADMINISTRATION

Learn more about Small Business Size Standards and if your business qualifies for programs reserved for small businesses at the [U.S. Small Business Administration website](#).

Rough Ride, Then Right Move For Dude Ranch

When Pinegrove Family Dude Ranch owner David O'Halloran called NYSIF for workers' compensation insurance, he was looking for more than an insurance carrier. He wanted a field representative to tell him how to fix his workplace safety issues, sure, but Mr. O'Halloran also wanted a "pardner," someone who would be by his side to help him steer his business in the right direction.

He found what he was looking for in Albany Field Services Rep Anthony Apuzzi. Working together, he and Mr. O'Halloran re-established a safety culture that had gotten away from the ranch in recent years.

Founded in 1971, the western-theme family resort in Kerhonkson, New York, consists of 600 acres, 126 rooms and between 90 and 150 employees, depending on the season. The ranch offers many outdoor and indoor activities such as rock climbing, swimming, softball, beach volleyball, ping-pong, shuffleboard and horseback riding.

"We began to experience a greater percentage of injuries throughout the facilities, but primarily with our horseback riding operations," Mr. O'Halloran said. "We had many incidents, we had many injuries and we were in the position where we couldn't find coverage from anyone else but The New York State Insurance Fund."



Pinegrove's General Manager Paul Craft (l.), Business Office Manager Dawn Fahey and NYSIF Field Rep Anthony Apuzzi.



Pinegrove Ranch & Family Resort, in business since 1971 in Kerhonkson, NY, has 600 acres and 126 guests rooms.

'MORE VALUABLE'

When Mr. O'Halloran contacted NYSIF in 2012, Mr. Apuzzi advised him that Pinegrove would need to make operational changes in order to help the business become insurable again. A few days before, Mr. O'Halloran was able to receive one offer from an insurance carrier for a policy that would have saved him money up front.

After speaking with Mr. Apuzzi and NYSIF Albany Policyholder Services Manager Julie Turgeon, however, Mr. O'Halloran decided NYSIF's skill, professionalism and compassion were far more valuable to his company than the initial savings. Mr. Apuzzi and Ms. Turgeon believed that with a new business model, Pinegrove could improve its loss history and, depending on other underwriting criteria, NYSIF could reduce or eliminate a surcharge on Mr. O'Halloran's policy, which it eventually did.

"I wasn't happy with the surcharge, but I really felt NYSIF was willing to provide us with the expertise and service that was worth the difference," he said. "I felt, at the end of the day, I'd be more insurable and pay less over the long-term than just saving money that one year."

Mr. O'Halloran and his staff worked for over a month to develop an action plan that would reduce Pinegrove's risks, particularly with respect to horseback riding operations. They decided to offer guests a discount if they didn't ride. Fewer riders meant fewer injuries for Pinegrove's wranglers who were being injured in slips, trips and falls unrelated to riding.

RIGHT ON, PARDNER

"What it did is for the first time it gave guests a choice between paying for a rider rate and paying for a non-rider rate," Mr. O'Halloran said. "Guests who were not sure if they wanted to ride chose the non-rider rate. We found that 60% of our guests chose the non-rider rate, which is about what we anticipated."

Besides horseback operations, the dude ranch had other



employee safety issues involving the food service, environmental and maintenance operations. Mr. O'Halloran and Mr. Apuzzi worked with Pinegrove's general manager and Human Resources staff to target safety training that would be specific to employees in each department.

'... I really felt NYSIF was willing to provide us with the expertise and service that was worth the difference.'

"The focus of the training has been on the maintenance and environmental issues," Mr. Apuzzi said. "The topics include back safety and safe lifting, avoiding slips, trips and falls, ladder safety, and general safety awareness in the kitchen environment."

CARING ABOUT WORKERS

Mr. O'Halloran was impressed by Mr. Apuzzi's communications skills and surprised at how well his employees responded to the training.

"They were actively engaged in discussion and their points became part of procedure and policy the next day," Mr. O'Halloran said. "They saw that they contributed, and I think that is why they bought in to everything. I think they look at our business as a place that does care about them and does want to make sure they aren't injured while working."

"I think every employee wants to know that their employer cares about them."

All of the training classes and safety inspection visits made by Mr. Apuzzi helped to create a better safety culture at the ranch.

EASY GOING

"What's nice about Mr. Apuzzi is that he puts everyone at ease," Mr. O'Halloran said. "You don't feel like someone's on the property judging you. You feel like you have someone on the property willing to help you."

'I think every employee wants to know that their employer cares about them.'

Pinegrove is so committed to workplace safety it has a committee that meets each month and brings back workplace safety information to all employees.

"They're progressive in loss management and proactive with employee safety training," Mr. Apuzzi said. "In conjunction with NYSIF, they've identified potential hazards to employees and either eliminated the hazard or trained employees in specific hazard prevention. It has been a pleasure working with Mr. O'Halloran and his staff."

Customer Appreciation



**Kingsbrook Jewish Medical Center,
Brooklyn, 68 Years**



**Allwood Stillwell Stairs & Railing,
Goldens Bridge, 62 Years**



Roman Catholic Diocese of Brooklyn



The Doe Fund, NYC

Safe Work Begins At The Top

Establishing a Safety Program Doesn't Have to Be Daunting

Don't blame the worker." That's the message the Occupational Safety & Health Administration delivered last fall, just after the US Department of Labor's Bureau of Labor Statistics released preliminary data showing more than 4,400 workers were killed on the job in 2013, and OSHA announced new rules for reporting severe injuries and illnesses.

OSHA Assistant Secretary Dr. David Michaels drove home the message at the National Safety Council Annual Congress and Expo in San Diego Sept. 16, and again at the 7th China International Safety Forum in Beijing on Sept. 23. Design out hazards and stop blaming workers, he said, making it clear that employers are responsible for safety.

"Just focusing on personal responsibility isn't useful, and it isn't the law," he stated.

Dr. Michaels then added that injury and illness prevention is not only good for the safety of workers, but also for the employer's bottom line. Costs associated with workplace injuries and illnesses cost the American economy \$198.2 billion in 2012, according to the National Safety Council.

START AT TOP

Safe employee behavior begins at the top. Safety and health management systems used successfully in businesses of every size and industry around the world have one thing in common: management commitment. Just as a business plan guides an enterprise in its operation, its safety program sets the tone and documents the work practices that will prevent accidents.

Unfortunately, some safety "programs" are just boilerplates. They dwell in file cabinets or on dusty bookshelves, stapled to outdated manuals and work procedures, and rarely consulted. On the other hand, the best programs assign responsibility and document safe work processes, are kept up to date and widely disseminated throughout the workplace. Workers protected by these programs access, understand and use them in their work.

Which one does your safety program resemble?

[OSHA's Injury and Illness](#)



performance. Effective programs emphasize top-level ownership, participation by employees, and a "find and fix" approach to workplace hazards.

The best IPPs are based on simple, proven principles. These help improve compliance with existing laws and regulations, decrease the incidence of workplace injuries and illnesses, reduce costs (including significant reductions in workers' compensation premiums) and enhance overall business operations.

These programs are for small businesses as well as large ones. Establishing a safety program doesn't have to be daunting. Simple, low-cost approaches can be effective in small businesses because they are highly flexible. Key elements can be implemented at a basic level for

the smallest business, and at a more advanced level for larger, more complex workplaces.

NYSIF's free publication, *Partners in Safety*, offers basic advice for establishing a safety program including management commitment, a written safety policy, accident reporting and investigation, and safe work practices. NYSIF's website has additional [safety and risk management resources](#). Trade groups, associations, OSHA's website and its partnerships and alliances can provide invaluable resources. Learn how others in your industry prevent accidents.

MODEL PROGRAMS

Some workplaces use OSHA's Voluntary Protection Program (VPP) or Safety and Health Achievement Recognition Program (SHARP) to their benefit for advice on complying with laws and standards, and removal from OSHA inspections. Some choose not to participate in VPP or SHARP due to program requirements. Among other things, participation requires correction of all hazards as noted on a joint inspection with OSHA, and compliance with all OSHA safety and health standards.

There is another model that businesses can use to create a comprehensive safety program. Thousands of New York employers have used it since 1996. It is the standard set

These programs are for small businesses as well as large ones.

OSHA's New Reporting Rules

Starting January 1, 2015:

All employers* must report:

- All work-related fatalities within 8 hours
- Within 24 hours, all work-related:**
 - Inpatient hospitalizations
 - Amputations
 - Losses of an eye

How to Report Incident:

- Call 1-800-321-OSHA (6742)
- Call your nearest OSHA area office during normal business hours (www.osha.gov/html/RAmap.html)
- Visit http://www.osha.gov/report_online

*Employers in Federal OSHA states. Private sector workers in New York are covered by Federal OSHA reporting rules.



Ask Yourself These Questions

Basic principles guide all successful safety programs. Honestly evaluate your safety program and make changes as needed.

- Is your program in writing and enforced?
- Who provides safety training? Is it documented? Are accident rates going up or down? (Look at severity as well as frequency.)
- Identify trends. What injuries have occurred in the past two to three years? Who is getting hurt and why?
- Does your safety culture (attitudes, beliefs, actions) encourage safe behavior? Do physical hazards exist? Do employees engage in unsafe work practices?
- Do employees report hazards or unsafe acts? How does your company react to reported safety problems?
- How can you improve safety? More employee participation or management involvement? Better supervisory accountability? Better machine guarding? Safety training?



12 Points of Safety

Even if you're not subject to Industrial Code Rule 59, you can apply these 12 areas of safety to your safety program.

1. Set forth policies, procedures and practices that recognize and protect employees from occupational safety hazards.
2. Establish and communicate a clear goal for the workplace safety and loss prevention program and the mechanisms that will be utilized in meeting this goal.
3. Provide visible top management leadership in implementing the program and ensure that all workers are provided equally high quality safety protection.
4. Provide for and encourage employee involvement in the structure and operation of the program so they commit their insight and energy to goals and objectives of the program.
5. Assign and communicate responsibilities for all aspects of the program to managers, supervisors and employees so they know and understand what is expected of them in the implementation of the program. Provide a system to hold managers and supervisors accountable for their responsibilities.
6. Ensure supervisors, managers and employees understand their responsibilities under the safety program and their importance to the safety of the workplace. Appropriate training for managers, supervisors and employees shall enable them to recognize potential hazards, maintain safety protection in the work area, and reinforce employee training on the nature of potential hazards and required protective measures.
7. Provide a reliable system for employees to notify management of conditions that appear hazardous or non-compliant with terms of the safety program without fear of reprisal. Provide a mechanism to ensure timely and appropriate responses.
8. Provide a mechanism to investigate accidents to identify the root cause(s) and means for preventing a recurrence.
9. Provide a means to review injury and illness trends over time so that patterns with common causes can be identified and eliminated.
10. Establish a mechanism for the employer to conduct ongoing, periodic in-house safety inspections to identify new or previously missed hazards or failures in controls.
11. Address the impact of emergency situations and develop written plans and procedures to insure employee safety during such emergencies.
12. Establish procedures for transmitting and enforcing safe work practices in the workplace through training, positive reinforcement and correcting unsafe performance.

in Section 59-1.9 of the compulsory Workplace Safety and Loss Prevention Program (Workers' Compensation Law Section 134).

Better known as Industrial Code Rule 59, this law mandates that employers with more than \$800,000 in payroll, and an experience rating greater than 1.20, undergo a mandatory safety consultation. A consultant must evaluate the employer's safety program in 12 areas. Even if you are not required to participate, you can use the program as a model.

These 12 areas, or points, are the basics of a credible safety program. Just as important is the day-to-day application of the program: the parts workers see. Everything they need to know should be adequately explained in all of the languages the workers speak. This includes work processes, chemical safety, machinery, required training and emergency plans.

THE BOTTOM LINE

Management creates a good safety culture by establishing a safety policy and reinforcing it by maintaining a safe place to work. Successful safety programs guide front line workers, supervisors and management alike. The program facilitates communication among all parties. It's not enough to tell workers what to do, there must be follow-up and feedback to ensure that workers understand and utilize safe work practices, and your safety program is helping your business achieve its goals.



Smart Read: *Partners In Safety* is a useful guide to basic workplace safety at [nysif.com>About>Publications](http://nysif.com>About/Publications)

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A NYSIF 'U' REFRESHER

NYSIF's education and information series for employers.



How Much Can You Save With NYSIFDB?

NYSIF low cost disability benefits was the topic of a recent e-mail (below) distributed to workers' comp. policyholders:

While many other insurance carriers charge more for women employees than they charge for men, NYSIF offers one, low rate for all employees – a gender-neutral \$24.75 a year, per employee.

■ That low rate covers your employees for off-the-job injuries with the New York statutory minimum disability benefit of \$170 per week. If you want a more substantial benefit for your employees while out of work NYSIF makes it very affordable.

■ With six levels of **NYSIF Enriched Disability Benefits**, you can opt for a higher weekly benefit for your employees at the same low rate.* Choose any level that meets your needs – up to a maximum of five times the statutory weekly benefit for less than \$125 a year, per employee.

■ Visit nysif.com for a [free disability benefits insurance quote](#), or e-mail box398@nysif.com for more information. In addition, learn about NYSIF [premium credit programs](#) and [lowering your disability benefits insurance cost even further](#).

*The minimum annual premium for a NYSIF disability benefits insurance policy is \$60. NYSIF 2014 disability benefits insurance standard premium rates apply to policyholders with favorable claims history.

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



Enriched disability benefits provide up to five times the statutory benefit at the same low rate.