

NYSIF

1914 100 YEARS 2014

M/WBE FORUM MATCHES BROKERS, ASSET MGRS.

NEW YORK STATE INSURANCE FUND

Workers' Comp.

ADVISOR

nysif.com

2nd Quarter 2015

**When Noisy
Jobs = Very
Big Problems**

NATURAL HAZARDS

NEW

- **Blanket Waiver of Subrogation**
- **Log-In Consolidation**
- **NYSIF YouTube Safety Presentations**

***Safety Training for
Land Improvement
Contractors Cuts
Across Many Fields***



WCA FYI

Blanket Waiver

NYSIF now makes it easier for contractors and other employers to obtain subrogation waiver endorsements by offering a new blanket waiver of subrogation on workers' comp. policies.

Waivers of subrogation are sought by employers so that insurance carriers will not sue a third party if an employee is injured at work and has a cause of action against the third party.

Previously, NYSIF required employers to submit work contracts for review in order to establish that those employers needed waivers of subrogation for their work. The new waiver process removes this unnecessary administrative burden on employers.

Policyholders can now simply request a blanket waiver endorsement by sending an email, fax or other written request to their underwriter or local NYSIF business office ([Contact Us/Contact an Underwriter](#) at nysif.com). After NYSIF applies the blanket waiver endorsement to a policy, policyholders or their representatives can contact their underwriter by email, phone or fax to ask for certificates of insurance containing the waiver clause.

Customers will soon be able to print certificates of insurance issued with the blanket waiver clause at nysif.com through NYSIF's electronic certificate system, eCERTS®. The blanket waiver will not require an end date.

Log-in Consolidation

Until now, employers who have both workers' comp. and disability benefits policies with NYSIF had to log in separately to access one or the other account online. The separate log-in required a different user name and password for each account.

Now NYSIF is pleased to announce a new log-in process that eliminates the need for a separate log-in and different user credentials. Policyholders with both workers' comp. and disability benefits insurance can create or merge accounts at nysif.com under one username and password, and use a single Sign-In to access both accounts.

NEED TO KNOW... How Much Do Injuries Cost?

A new tool applies a cost multiplier to calculate the sales you need to cover injury or illness costs. See [OSHA Safety Pays](#).

This Issue

- [Land Improvement Contractors Seek Field Help/3](#)
- [Forum Matches M/WBE Brokers, Asset Managers/4](#)
- [NYSIF Posts Safety Training Presentations to YouTube/4](#)
- [Hearing Loss: What To Do About All That Noise/6](#)
- [NYSIF Refresher: Audit Updates Answer Questions/8](#)

Customers creating or logging in to existing accounts after March 1, will see a one-time prompt offering the option to merge accounts. If you merge accounts, the username and password used to elicit the prompt will apply to both accounts.

If you prefer, you may merge accounts and update passwords or profiles at any time thereafter under Account Management.

Search [Subscribe] [Facebook] [Twitter] [YouTube] [Instagram]

<http://www3test.nysif.com/>

Sign Up For Emails

*Subscription List (select at least one):

☒ Advisor Newsletter

*Email Address:

First Name:

Last Name:

Company:

Title:

Email Type:

☒ HTML ☐ Text

Powered by ExactTarget.

Subscribe to NYSIF Pubs



Now you can subscribe to receive the *Workers' Comp. Advisor* via email by clicking the Subscribe button (top) found at nysif.com next to Search. Our new email service also allows you to conveniently update, manage or opt out of your subscription at any time. (All NYSIF publications are available under "About Us" found in the nysif.com footer.)



Try Our QR Code

Use our new Quick Reference code (I.) to log on to nysif.com from your electronic device.

NYSIF Brings Field Know-How To LICA

Showing workers how to avoid a range of hazards, from safe lifting techniques to fall prevention, is not unlike most days for NYSIF Field Services. However, a team of NYSIF safety specialists recently had the chance to bring their message to a group whose livelihood depends on field safety at the Annual Convention of the New York Chapter of Land Improvement Contractors of America (LICA).

LICA employers provide services that include grading, excavating, drainage, landscaping, paving, wetland development, terraces and waterways, and site preparation, to name a few. Members work in urban and rural areas, in communities and on farms. They build churches, schools, senior citizen homes and complexes, hospitals, parks, athletic fields and golf courses.

Rochester field services reps David Lane, Tom McKinney and field services rep trainee Ben Brewster delivered an hour-long safety presentation to 30 attendees at the Ramada Inn Lakefront in Geneva, NY, on January 14, at the invitation of New York Land Improvement Contractors Association Safety Group 562 Manager Joseph Teresi, Jr.

The team presented NYSIF PowerPoints dealing with back safety and excavation safety, followed by discussion and a lifting demonstration. They also discussed winter driving, cold weather hazards, and slips, trips, and falls, providing safety training resources available online at nysif.com including “[Safe Lifting Techniques](#)” and “[Planning the Lift](#)” from NYSIF’s *Safety Basics* series, as well as “[Back Safety and Safe Lifting](#),” “[Cold Weather Hazards](#)” and “[Avoiding Slips, Trips & Falls](#)” from NYSIF’s *Safety Matters* series.

LAND CONTRACTORS INVITE FUND TO ANNUAL CONVENTION



L-r.: NYSIF reps Ben Brewster, David Lane, Tom McKinney

Using a laptop and a projector, they demonstrated NYSIF website navigation to obtain free safety resources through the site [Safety & Risk Management](#) section, or its new [Small Business Info Center](#).

Mr. Teresi appreciated the demonstrations and the resources provided to the group. He thanked NYSIF’s team for the presentation, as did NYLICA Executive Director Maura Dibble, who took the photo that accompanies this article. In its 75th year, LICA has 23 chapters nationwide.

Health Alliance Focuses On Fertilizer Safety

The Occupational Safety & Health Administration (OSHA) [alliance](#) with Fertilizer Safety and Health Partners and the Environmental Protection Agency provides safety and health training resources for the agricultural retail and supply industry. Resources focus on safe storage and handling of fertilizers, sharing [emergency response](#) information with [agricultural](#) businesses, first responders and surrounding communities, reducing the risks of [hazardous chemicals](#) to workers and communities, and educating workers and employers on [their rights](#) and responsibilities

under the Occupational Safety & Health Act.

Temp Worker, Tree Care Safety

Two on-the-job quick references in English and Spanish are new for employees and employers. A pocket-size pamphlet, [Temporary Workers](#),



SeePage4

Forum Hosts Finance Firms

NYSIF hosted its Fifth Annual Minority- and Women-Owned Business Enterprise (M/WBE) Investment Symposium at its New York City office, February 24. The event brought together nearly 100 M/WBE asset managers and brokers in a forum designed to further spark statewide job growth and expand investment opportunities to a diverse group of financial firms.

The forum is one of several events that NYSIF organizes throughout the year to attract M/WBE vendors in all categories. It advances NYSIF's Emerging Managers program, which hires M/WBE asset managers to invest a portion of NYSIF's investment portfolio. Beginning with an initial allocation of \$150 million in 2010, NYSIF assets under management by emerging manager firms were approximately \$354 million as of December 31, 2014.

Last October, Governor Andrew Cuomo increased the goal for M/WBE state contracting utilization to 30 percent, the highest in the nation for any state government. Through the first three quarters of state fiscal year 2014-15, NYSIF's overall M/WBE utilization was 49.17 percent.

"NYSIF is firmly committed to Governor Cuomo's goal of increasing opportunities for New York State M/WBE businesses," Executive Director Eric Madoff said. "I am proud to say NYSIF has consistently exceeded the Governor's goals and leads the way in financial services participation."

"NYSIF's commitment to opportunities for diverse M/WBE firms is consistent with our strong support of New York businesses, and this event is a great way for M/WBE firms in the financial sector to pursue new opportunities for growth and job creation in New York," NYSIF Chairman Kenneth Theobalds said.

NYSIF Safety Presentations Now Available on YouTube

NYSIF introduced a workplace safety series for do-it-yourself safety presentations on YouTube. The five part series, narrated by NYSIF safety specialist John McCarthy, addresses *Housekeeping and Maintenance Safety for Healthcare Facilities*, but offers information about attitude, back safety, and slips, trips and falls, applicable to prevent injuries in any business. If you haven't visited our YouTube channel yet – <https://www.youtube.com/user/NYStateFund> – now is a good time. And while you're there check out our 100th anniversary video, *The NYSIF Century*.

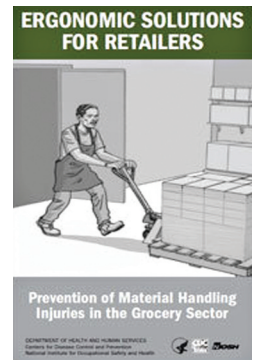


Health & Safety Focus | From 3

covers safety and health requirements for workers under the joint employment of a staffing agency and a host employer, part of OSHA's Temporary Worker Initiative. [Tree Care Work: Know the Hazards](#) covers common tree care work hazards and ways for employers to prevent them. Visit OSHA's [Publications web page](#) or call (202) 693-1888.

Lift Devices for Grocery, Warehouse, Storage Facilities

The National Institute for Occupational Safety & Health released a booklet to help reduce the risk of strains and sprains when moving materials from delivery trucks to sales floors. [Ergonomic Solutions for Retailers](#) uses illustrations to show workers in the grocery sector and warehouse and storage facilities how to use mechanical assist devices to lift, push or pull heavy materials. Manual material handling injuries account for 60% of lost work time in select retail businesses. See the [NIOSH release](#) for more.



Stand Down, Stop Falls

OSHA announced this year's Fall Safety Stand-Down, May 4-15, 2015, to prevent falls in construction. The stand-down encourages employers and workers to pause during the workday for talks, demonstrations and training to prevent fatalities from falls. Last year's stand-down was the largest occupational safety event ever hosted in the United States, according to OSHA.



"With the economy on the rebound and housing starts on the rise, now is the time to for all of us to renew our commitment to sending workers home safe every night," US Secretary of Labor Thomas E. Perez said. "Responsible employers understand that safety is not a luxury – it is a necessity."

See the 2015 [National Safety Stand-Down Web page and news release](#) for more information.

SAFETY COP

Gary Dombroff, CSC
NYSIF



Noise Problem: Hearing Loss

Everyone needs some quiet time. A hearing loss, however, makes that quiet permanent and irreversible, affecting every aspect of life. Noise exposure can also affect job performance, cause fatigue and irritability, and lead to accidents.

Industries with above-average noise exposure include agriculture, mining, manufacturing, construction, emergency services (firefighters, first responders), utilities, transportation and music. Construction has an exceptionally high exposure, with many carpenters and plumbers reporting a perceived hearing loss. Any worker, of course, can be at risk for job-related, noise-induced hearing loss.

NOISE EXPOSURE HINDERS PRODUCTIVITY AND CAN LEAD TO ACCIDENTS

Occupational hearing loss is not a front-page, headline grabbing issue. However, the workplace poses many dangers for workers with diminished hearing who are unable to hear bells, horns, alarms or coworkers. Often, frequencies used in speech are most affected, hindering communication and possibly decreasing productivity.

THE NOISE PROBLEM

According to the Centers for Disease Control and Prevention (CDC), hearing loss is the most common occupational illness. Since hearing loss often occurs slowly, workers may not notice a loss right away. Missed words or raising the volume on the TV and radio is often blamed on age. Proper prevention can stop hearing loss. Unfortunately, many noise-exposed employees fail to take basic precautions and lose more of their hearing.

Over time, any kind of loud noise damages the ears. The Occupational Health and Safety Administration (OSHA) determined that regular exposure to sound greater than

Safety Cop The Most Common Occupational Disease in America Gets No Respect

Hearing Loss

(The Silent Occupational Disease)

Industries with above-average noise exposure:
Agriculture
Mining
Construction
Manufacturing
Utilities

The World Health Organization calls hearing loss an epidemic.

START EARLY!
There may be time to stem hearing loss if proper precautions are taken early enough. The American College of Occupational and Environmental Medicine states: "Since the loss of hearing due to noise is not reversible, early detection and intervention is critical to improving prevention of this condition. The rate of hearing loss due to chronic noise exposure is greatest during the first 10-15 years of exposure."

What's more, hearing loss is a double-edged sword. Consider the hearing-impaired worker's safety. ACOEM states: "On the job, safe hearing loss can impact worker communication and safety. Other conditions associated with hearing loss may be depression, social isolation, and increased risk of accidents." Preserving hearing throughout a career is critical to a worker's overall safety, productivity, and the prevention of an occupational loss-of-hearing claim.

The claim, of course, comes after the damage is done. Even the best hearing rehabilitation or return to work program can't restore a hearing-impaired worker to his or her former capability. NYSIF helps these claimants by supplying hearing aids and other devices like amplified phones, and lip-reading training. While the worker's career may continue, none of these devices and techniques can restore the quality of life enjoyed before the hearing loss.

HOME, QUIET HOME!
It's a noisy world off the job, too. It is especially important for workers already at risk due to occupational noise exposure to protect their hearing from sources like portable music players, loud concerts, subway trains, power tools and lawnmowers.

Next time: OSHA's Hearing Conservation Standard and requirements.

Monthly Safety Topics
Find safety tips or read more: [Safety & Risk Management](#) / [Small Business](#)
April: Ergonomics Office Safety Tips
May: Back Safety
June: Health and Wellness

Occupational Hearing Loss Part 1, as covered
in WCA2Q2008

85 decibels leads to permanent hearing loss. The good news for at-risk workers is that on-the-job hearing loss is fully preventable. Prevention, however, requires action, and at certain noise levels, OSHA requires this action.

To protect hearing, employers must reduce noise levels and workers must follow procedures designed to guard their hearing. Hearing conservation is important for all workers, but especially so for those who have already lost some hearing (called a threshold shift) – usually workers in mid-career or later.

EARLY PREVENTION

Hearing loss due to noise is not reversible, so employers should act promptly to protect workers' hearing: hearing loss due to chronic noise exposure is greatest during the first 10 years of exposure, according to the CDC.

Preserving hearing throughout a career, then, is critical to a worker's overall safety, productivity – and the prevention of an occupational loss-of-hearing claim.

While prevention is the goal, workers who have lost some hearing can benefit by limiting the damage already done. NYSIF helps by supplying hearing aids, amplified phones and lip-reading training. None of these devices and techniques, though, can restore the quality of life enjoyed before the hearing loss. Even the best hearing rehabilitation or return to work program can't restore lost hearing.

See the second quarter 2008 WCA article, "Hearing Loss: The Silent Occupational Disease" here:
<http://ww3.nysif.com/AboutNYSIF/~media/pdf/advisor/wc%20080401rd%20pdf.ashx>.

See Page 6

SAFETY COP | Hearing Loss

From 5

WHAT TO DO ABOUT NOISE

The first step in preventing noise-induced hearing loss is determining the noise level. Is your workplace too loud? The National Institute for Occupational Safety and Health offers these rules of thumb: “First, if you have to raise your voice to talk to someone who is an arm’s length away, then the noise is likely to be hazardous. Second, if your ears are ringing or sounds seem dull or flat after leaving a noisy place, then you probably were exposed to hazardous noise.”

If your workplace is this noisy, or if workers report hearing problems, you *may* need to test your workers’ hearing to determine if the noise level requires an OSHA-mandated hearing conservation program. OSHA regulations regarding hearing protection and conservation include a five-phase hearing conservation program:

- 1. Noise Monitoring:** Sound levels must be measured to determine needed safeguards.
- 2. Audiometric (Hearing) Testing:** All employees in a hearing conservation program must be tested annually.
- 3. Employee Training and Education:** Employees in a hearing conservation program must be trained every year on hearing protection.
- 4. Hearing Protectors:** Make hearing protection available to all employees according to the noise risks identified.
- 5. Record Keeping:** Employers must keep sound level results, equipment calibration results and employee hearing test results, as well educational activity records.

See “OSHA’s Hearing Conservation Amendment” [WCA2Q2008] <http://ww3.nysif.com/AboutNYSIF/~media/pdf/advisor/wca20080701%20pdf.ashx>.

Part 2:
*Occupational
Hearing Loss,*
[WCA3Q2008, r.]
covered the
Hearing
Conservation
Amendment



THE BOTTOM LINE

Preventing hearing loss is a 24/7 effort. Workplace noise is problematic, as are high sound levels everywhere. Everyone must be aware of harmful sources, such as music players, concerts, power tools and lawnmowers.

When noise is necessary – as is the case with warning signals – the hearing-impaired are at a disadvantage at work and home. Smoke alarms, for example, may not wake them, especially those not aware of their compromised hearing. Alarms with different sound frequencies and signal lights may help.

Hearing preservation is increasingly important to an aging population. However, it cannot be ignored by younger workers. Preventing hearing loss is best started early, since everyone normally loses some degree of hearing – even with the volume turned down.

Safety Training In Action

Employees representing four NYSIF policyholders attended an OSHA Construction 10-Hour Course conducted by NYSIF Field Services in our Albany business office. Over two days, NYSIF Field Rep John McCarthy, an OSHA-authorized outreach trainer, covered fall protection, power tool safety and other construction industry health and safety hazards, supported by NYSIF Field Services safety specialists John McCann, Anthony Apuzzi, Stephanie Denyse and Karine Montanye.

Making a Point About PPE

In the East Bronx, Field Rep trainee Dean Harvey (r.) demonstrated the use of latex gloves to combat bloodborne

pathogens for 70 employees of Tremont Crotona Daycare Center.



CUSTOMER APPRECIATION



IDC, Lower Manhattan, 85 Years



Town of Horseheads, 85 Years



Loomis Offers & Loomis, Buffalo (l.)
Babcock Oil, Fulton (r.), 80 years



Moffat Library, Washingtonville, 80 Years



Prestige Care, Inc.,
Lower Manhattan



NY Foundling Hospital, Lower Manhattan, 80 Years

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

PSRSTD
U.S. POSTAGE
PAID
Per mit #125
Far mingham, NY

Andrew M. Cuomo
Governor
Kenneth R. Theobalds
Chairman

Commissioners

Chair **Kenneth R. Theobalds**, VP, Gov't. & Regulatory Affairs, Entergy • Vice Chair **Barry Swidler**, CEO, Long Island Carpet Cleaners Inc. • **Joseph Canovas**, New York AFL-CIO • **Eileen A. Frank**, President, J.P. West Inc. • **Charles B. MacLeod**, Principal/Owner, SMM Advertising • **David E. Ourlicht**, Managing Director, GAMCO Asset Management • **Sheila A. Stamps**, Former Executive VP, Dreambuilder Investments LLC • **Alexis E. Thomas**, Principal, The Williams Capital Group LP • **Mario Musolino** (ex-officio), Acting Commissioner, State Dept. of Labor

Eric Madoff Executive Director & CEO

Shirley Stark Deputy Executive Director

William O'Brien General Attorney

Francine James Secretary to the Board of Commissioners

Business Managers **Michael Rachek** Bronx/Queens **Lorna Morris** Brooklyn/Staten Island **Les Javorsky** Lower Manhattan **John Zenkewich** Upper Manhattan **Augusto Bortoloni** Albany **Thomas Racko** Binghamton **Ronald Reed** Buffalo **Cliff Meister** Nassau **Lisa Ellsworth** Rochester **Catherin Carillo** Suffolk **Patricia Albert** Syracuse **Carl Heitner** White Plains

Workers' Comp. Claims & Service 1-888-875-5790
Disability Benefits Claims & Service 1-866-697-4332
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.



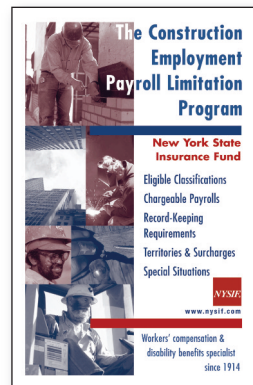
Updates @ nysif.com Answer Audit Questions

NYSIF has updated several pages within the [Auditing and Payroll Reports](#) section at nysif.com. Visit our [Audit Preparation](#) and [Required Records for An Audit](#) pages for a detailed explanation of why NYSIF requires this information, including a list of records to have handy during an audit appointment. You can also find money-saving [record-keeping tips](#).

■ Among other records, NYSIF examines payroll records to determine total payroll and division of payroll by type of work performed, and to help set up accurate records so you pay the lowest premium possible.

■ NYSIF also has added a sample worksheet page to aid commercial construction policyholders in calculating chargeable payroll under the [NY Construction Employment Payroll Limitation Program](#).

■ NYSIF also examines original certificates of insurance for covered subcontractors. Please visit [Tips for Construction Policyholders](#) for important information about verifying coverage of subcontractors and out-of-state employers. Our goal is to make doing business with NYSIF easier for you.



See [About NYSIF> Publications](#) for our Payroll Limitation booklet.

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