

ADVISOR

nysif.com

4th Quarter 2013

To Do List...

✓ Get onboard with electronic claims filing.

✓ Use NYSIF eFROI @ nysif.com to report all claims.

✓ Recycle blank C-2 paper forms.

eClaims Cometh

NOTICE

NYSIF plans to fully implement the WCB new eClaims electronic reporting standard in March 2014.

At that time, all NYSIF policyholders, their insurance representatives, brokers and other third party administrators should report claims to NYSIF at nysif.com via NYSIF eFROI[®]. The paper C-2 is being eliminated.

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NYSIF 2012 Annual Report Online

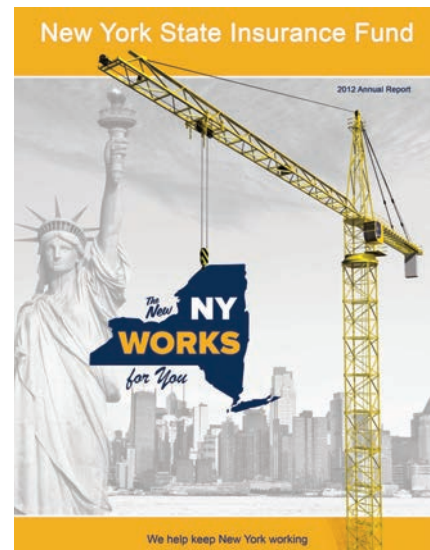
The New York State Insurance Fund 2012 Annual Report (r.) is now available online at nysif.com.

The report shows earned premium in 2012 of \$1.88 billion for NYSIF's workers' compensation fund, and \$13.7 million for NYSIF's disability benefit fund. The workers' compensation fund had total surplus of \$3.13 billion and total admitted assets of \$14.96 billion.

The report includes complete financial statements for the workers' compensation fund and disability benefits fund, as well as NYSIF's operational highlights for 2012.

The report is available at:

<http://ww3.nysif.com/AboutNYSIF/~media/pdf/AnnualReport/NYSIF2012AR130715rpdf.ashx>



NYSIF's 2012 annual report is digital only at nysif.com>About/Annual Report



The American Association of State Compensation Insurance Funds (AASCIF) chose Safety Cop Gary Dombroff's article "How's My Driving?" (WCA 1Q 2013, I.) for an Excellence in Writing award, the 2nd year in a row AASCIF picked the *Advisor* for the award.

A New Logo for NYSIF



NYSIF marks its 100th anniversary in 2014 with a commemorative logo (above), unveiling this year on Nov. 4. The date coincides with passage in 1913 of a state constitutional amendment creating the New York State Workers' Compensation Law and NYSIF.

Loss Cost Revision Effective 10/1/13

On July 15, the New York State Dept. of Financial Services (DFS) approved a revised loss cost filing by the New York Compensation Insurance Rating Board (NYCIRB), effective Oct. 1, 2013. DFS said policyholders are expected to see an overall increase in workers' comp. costs of 2.8%, which consists of a 9.5% increase in overall loss costs and a 6.7% decrease in New York State Assessment charges.

DFS said the 2013 Business Relief Act signed by Gov. Andrew M. Cuomo reduces costs by implementing a unified assessment charge beginning Jan. 1, 2014, and by closing the Reopened Case Fund, which will further reduce overall assessments for 2014 by roughly \$300 million.

There is no change in the loss costs for terrorism, natural disasters and catastrophic industrial accidents. Construction employment territory premium differentials for all territories also remain unchanged at 0.0%.

Effective Nov. 1, 2013, NYSIF's Loss Cost Multiplier is 1.53.

*NYSIF Workers' Comp. Advisor
October, November, December 2013*

This Issue

- [Loss Cost Revision Takes Effect/2](#)
- [NOTICE: eClaims On Tap for March 2014 at NYSIF/3](#)
- [NYSIF Appointments/4](#)
- [Safety Plan for Historic Upstate Resort/5](#)
- [A First Aid Primer for Employers/6](#)
- [Phase 1 HazCom Training Due By December/7](#)
- [NYSIF U: A Look at OSHA's First Aid List/8](#)

Tap Into the Power of NYSIF eFROI® - the fastest way to claims resolution

Benefits of using NYSIF eFROI:

- Report injuries to NYSIF 24/7, expedite claims handling
- Create immediate FROI loss record and case number
- Send loss record to the correct NYSIF district office
- Send FROI data file directly to Workers' Comp. Board

The law requires employers to retain all accident records for 18 years, even if the claim is non-reportable. Completing NYSIF eFROI® online facilitates your record-keeping requirements.



Electronic claims filing

Start using NYSIF eFROI now to file an electronic First Report of Injury, a convenient way to comply with Workers' Compensation Board eClaims filing requirements.

Media & Publications



Safety Topic



News and Press Releases

- NYSIF Releases 2012 Annual Report
- U.S. Labor Dept. Offers Safety Training

New York State News



Recent Places: NYSIF eFROI® and the "Report an Injury" quick link are accessible from the nysif.com home page.

ADVANCED NOTICE:

eClaims Becomes Standard in March 2014

The New York State Workers' Comp. Board (WCB) is adopting a national standard for claim administrators to electronically submit workers compensation claims data to the WCB. This standard is called the International Association of Industrial Accident Boards and Commissions' (IAIABC) Claims Electronic Data Interchange (EDI) Release 3.0.

The WCB is in the process of making some of their reporting forms obsolete. They are replacing forms C-2, VF-2 and VAW-2, with FROI (First Report of Injury) data transactions, and C-669, C-7, C-8 and C-8.6 with SROI (Subsequent Report of Injury) transactions. The timely filing requirements for data will remain the same for the new FROI and SROI forms.

The WCB new eClaims' standard requires more information from the employer for a First Report of Injury/Occupational Disease that NYSIF submits to the WCB.

NYSIF eFROI® (electronic First Report of Injury sys-

tem) is changing from just capturing data required on an eC-2 "Employer's Report of Work-Related Injury/Illness" to capturing all data required by the NYS WCB adoption of the IAIABC standard.

The WCB has been holding periodic "WCB eClaims Project External Outreach" meetings with New York State stakeholders, including NYSIF. The WCB's implementation plan directs NYSIF to begin testing the new eClaims reporting standard in December 2013. (Some national workers' comp. carriers started their WCB eClaims reporting in July 2013.)

NYSIF plans to fully implement the new WCB eClaims electronic reporting standard in March 2014.

At that time, all NYSIF policyholders, their insurance representatives, brokers and other third party administrators should report claims to NYSIF at nysif.com via NYSIF eFROI®. The paper C-2 is being eliminated.

Some forms will be obsolete, including the C-2

Can't Say eClaims is Surprise

Workers' Comp. Advisor (below, clockwise from top l.) reported the pending eClaims electronic filing requirement since first announced by the Workers' Comp. Board in spring 2012. Visit [NYSIF eFROI.com](http://NYSIF.eFROI.com) web page (bottom) to learn how easy it is to file NYSIF claims electronically, featuring user friendly format, immediate loss record/case number creation, and automatic data transfer to NYSIF and WCB.

NYSIF People

Barry Swidler, Commissioner

Gov. Andrew M. Cuomo appointed Long Island businessman Barry Swidler to the NYSIF Board of Commissioners.

Mr. Swidler, chairman of NYSIF Launderers and Cleaners Safety Group 34, is president and CEO of Long Island Carpet Cleaners, Inc., a family business started in 1917. Group 34 is NYSIF's oldest safety group.



Mr. Swidler is part owner of American Fire Restoration, LLC, providing cleanup operations following fire, water and mold damage in the New York tri-state area. He also is a managing member of BJS Management, LLC, an investment firm in partnership with Steady Gale Partners, LP.

A graduate of Rochester University and Boston University School of Law, Mr. Swidler was admitted to the New York State Bar in 1981.

Joseph Canovas, Commissioner

Gov. Andrew M. Cuomo appointed New York AFL-CIO Special Projects Director Joseph Canovas to the NYSIF Board of Commissioners.

As director of special projects, Mr. Canovas works closely with AFL-CIO legislative, political and field departments on policy initiatives. He also is coordinator of the New York AFL-CIO Safety and Health Committee, and provides affiliate support for a wide variety of initiatives including contract campaigns and grassroots mobilization.

Mr. Canovas graduated from St. John's University of Law and St. John's College of Liberal Arts and Sciences. Mr. Canovas is admitted to practice law in New York and Connecticut. Prior to joining the AFL-CIO, he was associate general counsel to SEIU Local 32BJ.

William O'Brien, General Attorney

Chief Executive Dep. Director Dennis J. Hayes announced the appointment of General Attorney William O'Brien on July 19, 2013.

Before joining NYSIF, Mr. O'Brien was a partner and senior counsel at Cooley LLP, specializing in commercial litigation in diverse industries. He also volunteered with the Legal Aid Society of New York.

A Kent Scholar, Stone Scholar and recipient of the Jane Marks Murphy Prize, Mr. O'Brien graduated Columbia Law School in 1977. He was admitted to the New York State Bar in 1978, has practiced before the U.S. Supreme Court; the Courts of Appeals, 2nd Circuit and Federal Circuit; the U.S. District Courts, Southern and Eastern Districts of New York; the U.S. Court of Federal Claims, and the U.S. Tax Court.



The Employer's Role in the Claims Process

The Workers' Compensation Board (WCB) released updated information regarding the employer's role in the claims process. The new **Employer's Role in the Claims Process** manual, effective January 1, 2013, provides employers with the information they need to understand their responsibilities and the process for filing a claim.

WCB Plans Switch to eFiling in 2013

The Workers' Compensation Board (WCB) announced that it will be switching to eFiling in 2013. This means that employers will need to file their claims electronically through the NYSIF eFROI system.

Get Ready, eClaims On the Horizon

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A New Way of Looking at NYSIF Online

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WCA 2Q 2012

Focus Group Eyes eClaims

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WCB Phasing-In eClaims

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NYSIF Tops MWBE Goal

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WCA 1Q 2013

Language Access Docs Available on NYSIF Web

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Access Resources

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Action Plan Adds Safety to Scenery

Caring about people and caring about safety are one and the same. That made for a perfect match between NYSIF and policyholder, the Mohonk Mountain House (top). A match, you might say, made in paradise after one look at the historic New York resort.

Workers in the hotel and hospitality industry face a myriad of exposures to occupational risk. Exposures inherent in a resort as grand as the Mohonk Mountain House can be substantial. Earlier this year, Mohonk reached out to Albany Field Services Rep. Anthony Apuzzi to revisit its loss control efforts.

NYSIF safety specialists like Mr. Apuzzi come to the table with an abundance of risk management experience, and tend to become part of the scenery as they address safety issues.

“We feel that your involvement is so very important to our process...,” Mohonk Employee Relations Mgr. Paul Cunningham wrote to thank Mr. Apuzzi. “Your expertise in so many areas [is] germane to our operation, and our staff sees that you are involved in and are concerned about our success.”

Over several days last summer, Mr. Apuzzi and Field Services supervisor John McCarthy spent hours at Mohonk Mountain House, founded by Albert Smiley and family owned and operated since 1869. The House’s storied history has seen it host naturalists, theologians, business leaders, authors, U.S. Presidents (Arthur, Hayes, Taft, Teddy Roosevelt, Clinton) and world leaders, serving as the site of International Arbitration conferences through the early 20th Century.

Citations for environmental stewardship and earth-friendly activities and design are legacies that continue under current president, Albert K. Smiley, the fourth generation member of the Smiley family to oversee operation of the resort. The UN Environment Program recognized the Smiley family for “generations of leadership... and contribution to the cause of peace, justice, and sustainable human development.”

That’s a category that certainly would include sustainable accident-free work days, which is where NYSIF comes in.

“We’re working hard to create a culture of safety and with

your assistance we are making progress,” Mr. Cunningham wrote.

Mohonk Mountain House employs hundreds of workers during peak season in many indoor and outdoor operations: kitchen and dining services, laundry and housekeeping, water and wastewater treatment, landscaping, property maintenance, indoor pool and spa services, recreation services, gardening and administration. The grounds feature a nine-hole golf course, ice-skating rink, and stables for horse back riding and horse drawn carriage rides.

Mr. Apuzzi and Mr. McCarthy spent two day-long visits conducting safety inspections of the entire enterprise. They sent the policyholder detailed comprehensive assessments of the hazards after each visit. Armed with an action plan, Mr. Apuzzi returned to provide safety presentations and training sessions for staff, including the following topics:

- Hazards of working outdoors during the summer months (including heat stress and heat stroke awareness).
- Importance of personal protective equipment, use and maintenance.
- Back safety and safe lifting.
- Avoiding slips, trips and falls.
- Chain saw safety.
- Hazards of working in landscaping.
- General safety awareness (including awareness of behavior and distractions that contribute to accidents and injuries).

Mr. Cunningham said he found “all of the information to be of value. I know that many staff went away hearing that safety, whether on the job or at home, is important...”

When it was all finished, Mr. Apuzzi had conducted five full sessions covering indoor and outdoor operations for the entire staff and, not surprisingly, another full day.

Just another day in paradise for a NYSIF safety specialist.

‘We feel NYSIF’s involvement is very important to our process.’

First Aid is the Care, Not the Kit

The first aid kit is often the first stop after a workplace accident. Sometimes, though, the keeper of the kit is not able to provide more than adhesive bandages, iodine and antibiotic cream. First aid extends beyond disinfecting minor cuts and scrapes, to evaluating sudden illness and treating serious injuries while awaiting professional medical help. Many employers, however, focus on stocking the kit rather than training workers to render proper emergency assistance.

First aid is the care, not the kit.

The Occupational Safety and Health Administration (OSHA) states: “The outcome of occupational injuries depends not only on the severity of the injury, but also the rendering of first aid care. Prompt, properly administered first aid care can mean the difference between life and death, rapid vs. prolonged recovery, temporary vs. permanent disability.”

Find OSHA’s *Best Practices Guide* for first aid here:
<https://www.osha.gov/Publications/OSHA3317first-aid.pdf>

WHAT IS FIRST AID?

OSHA defines first aid as medical attention usually administered immediately after the injury occurs and at the location where it occurred, often consisting of a one-time, short-term treatment requiring little technology or training to administer.

OSHA’s regulation for recording and reporting occupational injuries and illnesses (29 CFR 1904) defines a specific list of first aid treatments; everything else is medical care. The NY Workers’ Comp. Law defines medical treatment as “care (other than first aid) administered by a physician, chiropractor or podiatrist ...”

Of course, first aid is not sufficient for every workplace accident or illness. When an injury or illness is beyond the scope of the first aid caregiver, it is imperative to get prompt, professional help.

MANDATORY FIRST AID

OSHA’s First Aid Standard (29 CFR 1910.151) says all employers must have a formal first aid program if nearby medical help is unavailable. It reads: “In the absence of an infirmary, clinic or hospital in near proximity to the workplace...a person or persons shall be adequately trained to render first aid. Adequate first aid supplies shall be readily available.”

Based on this requirement, must your business provide trained first aid responders? OSHA has long interpreted “near proximity” to mean that emergency care must be available “within no more than 3-4 minutes from the workplace.”



Providing quality first aid can speed recovery, aid in survival and, possibly, lower premiums by avoiding claims.

Industry is another key: First aid providers trained in CPR must be available for permit-required confined space work, logging, dive teams, and electric power generation, transmission, construction and distribution.

PLANNING

First aid programs should reflect the known and anticipated risks of the specific work environment. Management commitment and worker involvement is vital to implementing a program in compliance with all applicable OSHA standards and regulations. See the *Best Practices Guide* for help with your first aid plan.

Put first aid program policies and procedures in writing, and communicate them to all employees, including those who may not read or speak English. Language barriers should be removed when instructing employees on first aid policies and procedures, and designating individuals for first aid training to become on-site first aid providers.

OSHA recommends contacting local fire, rescue, or emergency medical professionals for response time information and other program issues. A first aid plan should address sudden cardiac arrest in the workplace, for example.

BASIC TRAINING

Carefully select employees to provide first aid and receive training: supervisors and dependable, experienced employees. Some employees may have prior training from military or volunteer services. Some procedures are physically demanding. First aid providers should know their capabilities.

Training courses should include instruction in general and workplace hazard-specific knowledge and skills. CPR training should incorporate automatic external defibrillator (AED) training if an AED is available at the worksite. First aid training must be repeated periodically to be effective.

Online training alone does not meet OSHA’s standard, which includes skills such as bandaging and CPR: “The only way these physical skills can be learned is by actually practicing them,” according to OSHA.

TAKE PRECAUTIONS

OSHA’s Bloodborne Pathogens standard (29 CFR 1910.1030) requires that first aid providers be trained in the universal precautions against exposure to blood and other bodily fluids to prevent disease transmission. See <https://www.osha.gov/SLTC/bloodbornepathogens/index.html>.

According to the Red Cross, “As a responder, you must always check to make sure the scene is safe for you and any



bystanders.” Tempting as it may be to help, caregivers should never imperil themselves or others when giving assistance.

RESOURCES

Reliable sources of first aid training include the American Red Cross and the National Safety Council. See their websites for information on class schedules (www.redcross.org and www.nsc.org). The Red Cross has useful training material for all employees, not just trained providers; in particular, the *Participant's Guide* and the *Ready Reference* (available as PDFs). Reading these manuals is not a substitute for actual training.

WHAT EVERYONE NEEDS TO KNOW

Train ALL staff to know where nearby medical providers' names and phone numbers are posted, as well as the names and phone numbers of your trained first aid providers. Anyone may need to call for emergency services, especially if the first aid provider is busy caring for a co-worker.

OSHA requires first aid supplies to be stocked in sufficient quantities for treating injuries that occur in your workplace. See <https://www.osha.gov/SLTC/medicalfirstaid/index.html#evaluation> for more information.

RECORDING AND RECORDKEEPING

An important aspect of first aid is whether a treated injury requires official follow-up. The major criteria: Did the injured worker lose time beyond the day of injury, did the injury require only first aid, or was professional medical treatment required?

For employers who are required to keep logs, OSHA mandates recording injuries with time away from work beyond the shift, or when medical treatment beyond first aid is provided. Deaths and injuries to more than three workers in one occurrence require immediate reporting to OSHA, regardless of whether logs are required. Call 1-800-321-OSHA (6742) to make these reports.

Some businesses are not required to keep records. Employers with 10 or fewer employees during all of the last calendar year, or businesses classified in specific low-hazard industries usually do not have to keep OSHA injury and illness records. For more information refer to OSHA's recordkeeping web page at <https://www.osha.gov/recordkeeping/pub3169text.html>.

WORKERS' COMP LAW

The NY Workers' Comp. Law requires reporting injuries to the insurer and the Workers' Comp. Board (WCB) when an accident resulting in personal injury causes loss of time beyond the work day or shift on which the accident occurred, or when the injury requires medical treatment beyond ordinary first aid, or more than two treatments by a person rendering first aid. An employer must then submit a claim to both its insurance carrier and the WCB.

If the injury does not meet this criteria, it may be considered a "first aid" claim. In such cases, NYSIF policyholders may choose to pay for first aid treatments directly. These non-reportable injuries or illnesses cannot be used as a basis for determining experience modification rates, provided the employer pays for any treatment directly, or promptly reimburses NYSIF for treatment paid. Employers must still maintain the record of injury in their files for 18 years.

OSHA's list of first aid treatments; NYSIF 'U', pg. 8



Finish Phase 1 HazCom Training by Dec. 1, 2013

The Occupational Safety and Health Administration's revised Hazard Communication Standard (HCS) aligns with the United Nations' Globally Harmonized System of Classification and Labeling of Chemicals. To improve worker understanding of chemical hazards in the workplace, two changes require use of new labeling elements and a standardized format for Safety Data Sheets (SDSs), formerly known as Material Safety Data Sheets.

The first compliance date requires employers to have trained workers on the new label elements and SDSs by Dec. 1, 2013.

■ Minimum required training on new label elements:

What information to expect on new labels, including:

- Product identifier;
- Signal word;
- Pictogram;
- Hazard statement(s);
- Precautionary statement(s);
- Name, address, phone number of chemical manufacturer, distributor or importer.

How employees use labels in the workplace, for example:

- Explain that label information can be used to ensure proper storage of chemicals, or to quickly locate first aid information.

How label elements work together, including:

- Different pictograms used to identify when a chemical has multiple hazards;
- Regarding similar precautionary statements, the one providing the most protective information will be on the label.

■ Minimum required training on the SDSs:

Standardized 16-section format including information found in each section, for example:

- Explain that the new format, Section 8 (Exposure Controls/Personal Protection) always contains information about exposure limits, engineering controls and personal protection.

How label information relates to the SDS:

- Explain that precautionary statements would be the same on the label and the SDS.

■ **Note:** This article offers only a partial summary of OSHA's phase one training requirements for the new HazCom standard. You should consult the following for details:

- [December 1, 2013 Training Requirements Fact Sheet](#)
- [Safety Data Sheet OSHA Brief](#)
- [Label QuickCard \(English/Spanish\)](#)
- [Pictogram QuickCard \(English/Spanish\)](#)
- [Safety Data Sheet QuickCard \(English/Spanish\)](#)
- [OSHA's Hazard Communication website](#)
(<http://www.osha.gov/dsg/hazcom/index.html>)

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A NYSIF 'U' REFRESHER

NYSIF's education and information series for employers.



The OSHA First Aid List

This list defines specific first aid treatments employers are not required to record on OSHA logs. See <https://www.osha.gov/recordkeeping/index.html#firstaid>

- Using a non-prescription medication at non-prescription strength
- Administering tetanus immunizations
- Cleaning, flushing or soaking wounds on the surface of the skin
- Using wound coverings such as bandages, Band-Aids, gauze pads; or using butterfly bandages or Steri-Strips (other wound closing devices are medical treatment)
- Using hot or cold therapy
- Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc.
- Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.)
- Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister
- Using eye patches
- Removing foreign bodies from the eye using only irrigation or a cotton swab
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means
- Using finger guards
- Using massages (physical therapy or chiropractic treatment are medical treatment)
- Drinking fluids for relief of heat stress

Injuries or illnesses treated by any of these methods, by anyone, do not have to be recorded in your OSHA log. OSHA considers everything else medical care that must be recorded. See *Safety Cop: First Aid is the Care, Not the Kit*, page 6.

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