



Workers' Comp.

ADVISOR

nysif.com

4th Quarter 2014



Deadly Workplace Accidents

New Reporting Rule for OSHA
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OSHA's New Reporting Rule

Beginning Jan. 1, 2015, an updated severe injury and illness reporting rule takes effect requiring all employers under federal jurisdiction of the Occupational Safety and Health Administration to notify OSHA of all workplace fatalities within eight hours, and all work-related in-patient hospitalizations, amputations and losses of an eye within 24 hours.

"Hospitalizations and amputations are sentinel events, indicating that serious hazards are likely to be present at a workplace and that an intervention is warranted to protect other workers at the establishment," Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels said.

Previously, employers had to report only when there was a fatality, or when three or more workers were hospitalized in the same incident. The new rule requires reporting single hospitalizations, amputations or loss of an eye by telephone to the [nearest OSHA Area Office](#) during normal business



hours, or to OSHA's 24-hour hotline, 1-800-321-OSHA (6742), or electronically at www.osha.gov/report_online.

RECORD KEEPING EXEMPTIONS

The [final rule](#) posted in the Federal Register on Sept. 11, 2014, also updates the [list of industries](#) that are exempt from the OSHA requirement to routinely keep injury and illness records. For more information on the industries exempt from keeping OSHA records, and new industries now covered, visit www.osha.gov/recordkeeping2014.

All employers covered by the [Occupational Safety and Health Act](#), even those who are exempt from maintaining injury and illness records, are required to comply with OSHA's new severe injury and illness reporting requirements.

2013 FATALITIES

The new rule comes as the Bureau of Labor Statistics (BLS) reported that 4,405 workers were killed on the job in 2013. Although that number was lower than the revised count of 4,628 fatal work injuries in 2012, BLS found that fatal workplace injuries among Hispanic workers rose seven percent in 2013.

Injuries in construction accounted for the highest number of fatalities among any industry sector, 796, while workers classified as contractors at the time of their injury accounted for 17 percent of all fatal cases in 2013.

Preliminary figures show fatal falls, slips, or trips took the lives of 699 workers and 717 fatal work injuries occurred because of contact with objects and equipment in 2013. There were 503 workers fatally injured after being struck by objects or equipment, a total including 245 workers struck by falling objects and 105 workers caught in running equipment or machinery. [See **Focus Four Hazards**, pages 4-5]

Good News for Policyholders and Certificate Holders

As part of our ongoing commitment to make doing business with us easier, NYSIF is pleased to announce it has simplified its policy regarding the timing of "insured elsewhere" notices sent to certificate holders.

Currently, when an assured advises NYSIF of its reservation of rights or intent to cancel, NYSIF immediately notifies any certificate holder of that cancellation date.

However, effective Oct. 1, 2014, NYSIF will make this notification 15 days before the cancellation date. This adjustment still gives the certificate holder ample notice without affecting the policyholder's right to procure coverage.



Now available: NYSIF 2013 Annual Report.
nysif.com>About/Annual_Report

NYSIF Workers' Comp. Advisor
October/November/December 2014

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Six Questions That Improve NYSIF IVR Menu

■ **New script resolves questions as quickly as possible through the system, or by redirecting customers to self serve at nysif.com**

Six little questions added to NYSIF's Interactive Voice Response (IVR) menu will make a big difference for NYSIF workers' compensation and disability benefits customers.

NYSIF rolled out the improved IVR system on July 23, 2014, to help callers get needed information faster.

When customers call, new prompts ask the following:

- Are you a policyholder or would you like to become one?
- Are you a claimant or injured worker?
- Are you calling to report an injury?
- Are you a medical provider?
- Do you need to report fraud?
- Do you need website assistance or pharmacy benefit management?

According to Director of Customer Service Kerry Kirwan, the goal of the changes is to help customers transact business entirely through the IVR, or reduce hold times and route them to a NYSIF customer service representative ready to answer questions based on the prompt selected by the customer.

'This will really help our policyholders and claimants.'

"This will really help our policyholders and claimants," Ms. Kirwan said. "We'd like more people to self-serve in the IVR. If they're unable to do that and they need to speak to a representative, they're lined up in the right queue."

NYSIF introduced the IVR system in 2007, and updated it in 2010. The latest redesign followed a two-year, in-house evaluative and re-engineering process.

Ms. Kirwan said the team analyzed script prompts and call logs in redesigning a system based on the top reasons customers call for information. The new script is designed to resolve the most frequent customer calls through the



IVR or by redirecting callers to NYSIF's website. See the "Small Menu of Service Tips for Any Size Business" [page 7] for answers to many of your questions and policy needs.

NYSIF Call Hours:

888-875-5790 IVR 24/7; Call Center M-F 8 am - 5 pm
877-435-7743 Web Help Desk M-F 7 am - 7 pm

Reporting payroll or applying for NYSIFDB at nysif.com

NYSIF authenticates customers through a valid New York State driver's license when they report workers' compensation payroll or apply for disability benefits coverage at nysif.com. New licenses issued by the Department of Motor Vehicles now contain id numbers on the back side of the cards, as shown.



Three More Fatal Hazards

No matter how large or small your business, employees are at risk from a recurring group of injury causes: workers injured by falls, improper lifting, tools or machinery, motor vehicles and workplace violence. In the previous issue, we covered the first of the Occupational Safety and Health Administration (OSHA) Focus Four Hazards, falls. This final installment of the most common injury causes, covers the three other Focus Four hazards: struck-by, caught-in/caught-between and electrocution.



OSHA classifies struck-by injuries as those produced by forcible contact or impact between the injured person and an object or piece of equipment. In 2012, 10 percent of construction fatalities were the result of workers struck by a vehicle, a falling or flying object, a swinging or rolling object, or a collapsing wall.

Vehicles are commonly involved in struck-by injuries. Workers exposed to traffic should use traffic signs, barricades and, if necessary, flaggers. Stay out of blind spots and wear warning clothing, such as high-visibility vests. These must have reflective material for night work, when proper lighting also is essential.

Some dos and don'ts of vehicular safety: When driving in reverse with a blocked rear view have an audible reverse alarm and a flagger present. Ensure no one is in the way when using lifting and dumping devices; lower or block all blades; get out to spot people and hazards. Do not drive vehicles in areas that are not safely constructed or maintained.

See the NIOSH/CDC *Workplace Solutions*, "Preventing Worker Injuries and Death from Backing Construction Vehicles and Equipment at Roadway Construction Worksites" <http://www.cdc.gov/niosh/docs/wp-solutions/2014-125/pdfs/2014-125.pdf>.

Inspect all vehicles before each shift, including the brakes. Use the parking brake when the vehicle is not in use and chock the wheels when parked on an incline. Never lift or load more than the vehicle can hold and don't travel with elevated loads. Drive slowly. Forklift operators must be trained and certified.

FALLING, FLYING OBJECTS

These struck-by hazards occur when something falls off an elevation, or is thrown, hurled or propelled. Insist on the use of Personal Protective Equipment (PPE) to protect workers against falling or flying objects. A hard hat, safety glasses, goggles, face shield and, when needed, hearing protection are essential.

On scaffolds, use toeboards, screens, debris nets and guardrails to prevent tools and other items from falling from overhead work areas. Working underneath suspended loads is very dangerous – barricade these hazard zones and post warning signs.

Inspect the condition of cranes, hoists and slings, especially for worn cables. Do not exceed the equipment's rated capacity.

Gary Dombroff, CSC
Safety Cop NYSIF



Watch out for power lines, unstable soil and high winds, and don't assume the operator can see every nearby worker.

Stored material must be at least six feet away from hoistways or floor openings, and at least 10 feet from an exterior wall that doesn't extend above the material. Stack and secure materials to prevent sliding, falling or collapse, especially from high winds.

Don't use hand tools with loose, cracked or splintered handles, or use impact tools with mushroomed heads, which could fly off or chip and strike workers. Allow only trained and licensed operators to use powder-actuated tools. Improper use of these tools has killed workers and bystanders. Train all workers in tool safety and inspect all tools before use. Discard unsafe tools.

CAUGHT-IN/CAUGHT-BETWEEN

In construction, struck-by hazards can resemble another killer: caught-in or caught-between hazards. When the injury results more due to crushing between two objects it is recorded as "caught." Common causes for caught-in/caught-between accidents include machinery with unguarded moving parts, and workers caught, engulfed and pinned by objects or buried by soil.



Such accidents typically involve trench cave-ins, dangling or loose clothing pulled into machinery or equipment, or compression between rolling, sliding or shifting objects. These accidents affect general industry as well, as in workers being caught between a semi-trailer and dock wall, or a truck frame and a lowering hydraulic bed. In June 2014, for example, a Brooklyn supermarket worker died when a broken forklift rolled down a ramp and pinned him against a wall.

Reduce the risk of certain caught-in/caught-between hazards by using properly guarded machinery sufficiently supported or otherwise secured. Worker training is important, especially on excavation sites.

OSHA requires worker protections during trenching and excavation work when depths reach five feet or more. Designing a protective system can be complex because of soil type, depth of cut, water content, changes caused by weather or climate, materials in use, and other operations in the vicinity. Protective systems such as

These accidents affect general industry as well.



benching, sloping, shoring or shielding prevent trench collapse. Designate the right, competent person to inspect trenches daily, and as conditions change each time before workers enter the work site.

Employers must keep heavy equipment away from trench edges to prevent tipovers that crush workers. Keep excavated soil and other materials at least two feet from the edge. Overhead, provide adequate means to avoid the collapse of scaffolds and other structures, such as walls during demolition and other construction activities.

OSHA standards require safe access and egress (ladders, steps, ramps or other safe means of exit) within 25 horizontal feet of all workers in excavations of four feet or more.

ELECTRICAL HAZARDS: BE SAFE!

OSHA uses the acronym BESAFE to identify six potentially deadly electrical hazards – Burns, Electrocution, Shock, Arc Flash/Blast, Fire, Explosions.

See “Deadly Serious About Electrical Exposure” <http://ww3.nysif.com/AboutNYSIF/~media/pdf/advisor/wca%200704%20pdf.ashx> (WCA2Q2007) and “OSHA Ramping Up Electrical Standards” (WCA3Q2007) <http://ww3.nysif.com/AboutNYSIF/~media/pdf/advisor/wca0707%20pdf.ashx>.

Most electrical fires result from fixed wiring such as faulty electrical outlets and old wires, often during build-

ing rehabilitation and remodeling. Problems with extension and appliance cords, plugs, receptacles and switches also cause electrical fires. Explosions can occur when electricity ignites an explosive mixture of material in the air.

REDUCE ELECTROCUTION RISK

While electricity causes many kinds of injuries, Focus Four is concerned with electrocution such as that in which workers are killed by contact with overhead power lines, energized sources (live parts, damaged or bare wires, defective equipment or tools), or improper use of extension and flexible cords.

Reduce the risk of fatal injury by instructing workers to maintain a safe distance of at least 10 feet from overhead power lines. Protect them by using mandatory ground-fault circuit interrupters (GFCI), properly rated circuit breakers and extension cords, inspecting all portable power tools, and following lockout/tagout procedures.

THE BOTTOM LINE

Whether building the next skyscraper or remodeling a private home, construction sites are dangerous. Workers face many hazards, especially the fatal Focus Four. Employers can protect their workers through proper training, enforcing safety rules, and anticipating and correcting unsafe conditions and behaviors. These time-tested strategies go a long way toward arresting the major killers of building trade employees and workers in every industry.



Usual Suspects

Struck-By

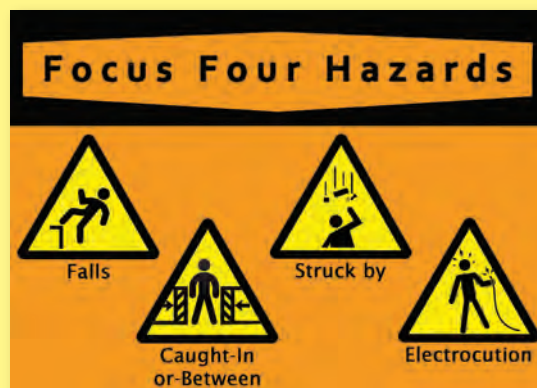
(Culprits: Vehicles, falling, flying, swinging or rolling objects, collapsing walls, blind spots)

- Have an audible reverse alarm and use flaggers.
- Wear Personal Protective Equipment including high-visibility clothing.
- Secure materials, barricade hazard zones, post warning signs, discard unsafe tools.

Caught-In/Caught-Between

(Culprits: Cave-ins, tight spots, loose clothing)

- Use properly supported, guarded machinery.
- Never position yourself between moving and fixed objects.
- Never enter unprotected excavations of five feet or more; shallower trenches may also require protection.



- Use benching, sloping or shoring systems to protect excavations.

Electrocution

(Culprits: Live parts, damaged wires, defective equipment, improper use of cords)

- Identify utilities before starting work.
- Maintain a safe distance from power lines.

- Only use grounded or double insulated electric tools.
- Use ground-fault circuit interrupters for protection.
- Be alert to electrical hazards when working on ladders, scaffolds or other platforms.

Just the Facts

NYSIF Safety Matters Construction Series:

<http://ww3.nysif.com/SafetyRiskManagement/OnlineSafetyResources/SafetyMattersConstructionSeries.aspx>

OSHA Focus Four web page:

<https://www.osha.gov/dte/outreach/construction/focusfour/index.html>

Focus Four is a mandatory part of OSHA's Construction Outreach Training about the four leading causes of death. See WCA3Q2014 for more about Focus Four and preventing construction worksite falls: <http://ww3.nysif.com/AboutNYSIF/~media/pdf/advisor/NYSIF2014WCA3Q1.ashx>.

Safety Keeps Paying Dividend\$

With \$126,842,407 paid to safety groups in 2013, NYSIF's safety group program totals more than \$3.7 billion in uninterrupted dividends since it began in 1923. The program rewards employers in the same industry who pool insurance premiums and focus on workplace safety and claims management. Many also receive upfront discounts. In 2014, NYSIF had 114 safety groups. Over the past four years, the average group dividend is 24.4%. Here is a partial list of NYSIF dividends by industry from 2010-13:*

Apparel	\$5,379,043
Automotive	\$41,979,651
Building Maintenance	\$68,385,204
Construction/Contractors	\$176,461,726
Farming	\$22,673,486
Food Products	\$8,006,010
Healthcare	\$1,096,707
Launderers/Cleaners	\$4,298,117
Manufacturing	\$40,485,793
Restaurants	\$49,803,743
Retail	\$29,306,302
Sanitation/Recycling	\$3,985,838
Trucking	\$11,959,039
Wholesale	\$12,587,282

*unaudited

Four Commissioners Join Board

Governor Andrew M. Cuomo nominated four commissioners to NYSIF's Board of Commissioners who were confirmed by the NYS Senate on June 20, 2014. The new commissioners are:

Joseph A. Guistino

Commissioner Guistino has 20 years in the New York Metro office of PricewaterhouseCoopers, LLP, including the last 10 as a partner. With almost 30 years' experience as a CPA specializing in forensic accounting, Mr. Guistino leads efforts to respond to clients suffering from catastrophic events such as Superstorm Sandy, Hurricane Katrina and the Japanese tsunami. He has a bachelor's degree in public accounting from Pace University and a master's degree in business management from Dowling College, Oakdale, NY. He is a member of the American Institute and the NYS Society of Certified Public Accountants, and an associate member of the American Bar Association - Litigation Section.



Charles B. MacLeod

Commissioner MacLeod is the principal and owner of SMM Advertising, a full-service advertising and marketing firm serving a variety of manufacturing, institutional and non-profit clients. In addition to his 30 years' marketing and management experience, Mr. MacLeod also has completed long-term consulting assignments in Belgium and France and university teaching assignments in Taiwan and China. He is a senior instructor in the Global Technology Management Program at Stony Brook University, and a board member of WSHU/NPR Radio. He has a BS from Purdue University and a MA from Stony Brook.



Sheila A. Stamps

Commissioner Stamps has extensive experience in financial services, risk management and investments, most recently as executive vice president of Corporate Strategy and Investor Relations for Dreambuilder Investments, LLC, a private mortgage investment company. Ms. Stamps previously was director of Pension Investments and Cash Management at the NYS Common Retirement Fund, and a Fellow at the Weatherhead Center for International Affairs at Harvard University. She has served as managing director and head of Relationship Management, Financial Institutions at FleetBoston Financial, and held executive positions with Bank One Corp. and First Chicago Corp. She has an MBA from University of Chicago and a BS in management from Duke University.



Alexis E. Thomas

Commissioner Thomas is a principal and manager of the Municipal Underwriting and Syndicate Desk at The Williams Capital Group, LP, directing senior and co-managed deals for tax-exempt transactions. Ms. Thomas previously served as managing director of the Fixed Income and Equity Syndicate Department of Blaylock and Partners, LP. She also has held high-level positions at WR Lazard, Laidlaw & Luther, Inc., National Westminster Bank, USA, and Citicorp/Citibank, N.A. She has an MBA in finance from Columbia University, a master of city planning from the University of Pennsylvania and a BS from Morgan State University. She currently serves as a deaconess and chair of the Trustee Board of the Abyssinian Baptist Church.



Customer Appreciation



New York Hotel Trades Council & Hotel Association of New York, 55 Years



United Contractors, Utica, 53 Years

Small Menu of Service Tips for Any Size Business

NYSIF revised its Interactive Voice Response (IVR) script to more efficiently serve customers (page 3), but you can find answers to many questions at nysif.com and address most of your policy needs by using NYSIF Online services. Choose one or more selections from any of the following nysif.com menu items.

Starters

Create an Account: Register to access a full menu of online services, including account summaries, statements and claims tracking.

NYSIF eCHECK: Make automatic premium payments by electronic funds transfer, keep your policy in good standing, avoid cancellation.



Item: Compliance

Do I need coverage?

In general, if you have employees in New York State you need both workers' compensation insurance and disability benefits insurance. In certain businesses, executive officers may exclude themselves from a policy.

See: 'Who is Covered by Workers' Compensation'

http://ww3.nysif.com/Workers_Compensation/About_Workers_Compensation/Who_is_Covered.aspx

'Executives, Owners & Partners'

http://ww3.nysif.com/Workers_Compensation/About_Workers_Compensation/Executives_Owners_and_Partners.aspx

'Covered Employers' (disability benefits)

http://ww3.nysif.com/DisabilityBenefits/PolicyholderServices/DB_Coverage.aspx

Main Course

Item: Reporting Injuries or Illnesses

How do I report an injury? Can I report over the phone?

Click 'Report Injury' in the top menu bar on nysif.com to use NYSIF eFROI® for filing a First Report of Injury (FROI-00) for a work-related injury or illness. The Workers' Comp. Board now mandates electronic claims reporting. See the [eFROI \(FROI-00\) Worksheet](#) for the information needed to complete a First Report of Injury. Of course, if you need assistance you can call NYSIF (888-875-5970).

See: 'When to File a Report of Injury'

http://ww3.nysif.com/EyebrowPages/OnlineServices/WCOnline_ServiceOverview/eFROILandingPage.aspx

Item: Certificates of Insurance

How do I get or verify certificates of insurance?

Click 'Print Your Certificate' in the top menu bar to create, print or validate a NYSIF certificate of insurance 24/7 with eCERTS®. Government agencies, contractors and others use certificates of insurance for proof of coverage.

Note: Policyholders who sub-contract with out-of-state employers must verify proof of full, statutory New York State workers' comp. coverage by requesting the out-of-state employer's certificate of insurance showing New York listed in Item 3A of the employer's workers' comp. policy.

See: 'Important Info About Verifying Coverage of Out-of-State Employers'

http://ww3.nysif.com/Workers_Compensation/Policyholders/Information%20About%20Verifying%20Coverage%20of%20Out%20of%20State%20Employers.aspx

Item: Amending a Policy

How do I notify NYSIF about changes to my policy?

Notify your underwriter in writing (postal or e-mail) whenever there is a material change in your business. **Note:** Changes to a workers' comp. policy do not automatically take effect for disability benefits (DB) policies. Send DB policy changes to 1 Watervliet Ave. Ext., Albany, NY, 12206.

See: 'Amending a Policy' (workers' compensation)

http://ww3.nysif.com/Workers_Compensation/Policyholders/Amending_a_Policy.aspx

'Policyholder FAQs' (disability benefits)

<http://ww3.nysif.com/DisabilityBenefits/PolicyholderServices/PolicyholderFAQs.aspx#thirteen>

Item: Preparing for an Audit

What if I don't have an audit or submit a payroll report?

A good reason to keep audit appointments or submit accurate, timely payroll reports is avoiding an estimated audit that could cost you more for insurance. For your convenience, small businesses and other qualified policyholders can submit payroll reports online. Click 'Report Payroll' in the top menu bar. NYSIF also offers several record keeping tips that may actually help save you money.

See: 'Auditing and Payroll Reports'

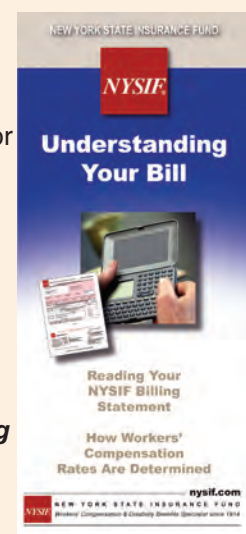
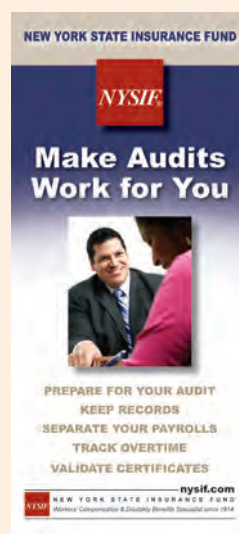
http://ww3.nysif.com/Workers_Compensation/Policyholders/About_Auditing.aspx

Sides

Click 'About'/'Publications' for these NYSIF brochures

Make Audits Work For You

Understanding Your Bill



See: 'Record Keeping Tips'

http://ww3.nysif.com/Workers_Compensation/Policyholders/About_Auditing/Recordkeeping_tips.aspx

'Components of Workers' Compensation Premium

http://ww3.nysif.com/Workers_Compensation/Policyholders/About_WC_Premium_and_Billing/Components_of_WC_Premium.aspx

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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.



Employers Have More Responsibilities Than eClaims

It is important to remember that employers have many responsibilities that affect the claims process, including completing and submitting timely documents such as forms C-240, C-11 and C-107 to NYSIF.

A brief look at each form:

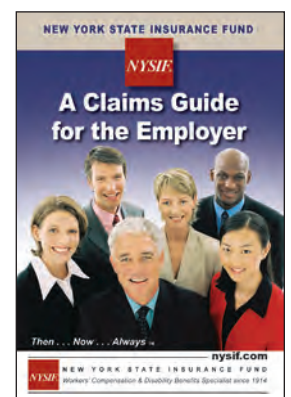
■ **Employer's Wage Statement (C-240):** A record of the claimant's earnings during the 52 weeks prior to the accident to determine the weekly compensation rate, taking into account seasonal or irregular work, concurrent employment and days worked each week.

■ **Employer's Report of Injured Employee's Change in Employment Status (C-11):** Report any change in a claimant's status as soon as it occurs. This includes return to work, discontinuance of work, decrease in regular working hours or reduction of wages.

■ **Employers Request for Reimbursement (C-107):** An employer's advance payments of compensation to an injured employee are reimbursed from unpaid compensation due the employee if the C-107 is filed before the Workers' Comp. Board (WCB) makes a compensation award.

Your cooperation in submitting these essential documents to NYSIF avoids delays in claims payments and reimbursements, prevents WCB penalties, and limits claim costs, especially if a claimant's stated wages are inconsistent with actual earnings.

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



See NYSIF's Claims Guide:
nysif.com>About>Publications