

**IN THIS ISSUE:**

**What's New?**

*NYS Construction Industry  
 Fair Play Act Impacts  
 Many Contractors*

**Health & Safety**

*WCB Guidelines for  
 Medical Treatment*

**Inside NCAComp**

*Welcome New Member!  
 Company Promotions  
 Thanks for Your Feedback*

**Claims Corner**

*Access Updated Claims Form  
 Keep Your Claims Costs Low!*

**Have a Question?**

Call NCAComp today at  
 716-842-0045

**For claims questions:**

Contractor's Trust –  
 Michael Geck, ext. 131

**For questions about accident  
 prevention & safety:**

Jennifer McCaffrey, ext. 139

**For trust fund performance:**

Steven B. Gidwitz, ext. 132

**For loss runs, contact:**

Jennifer McCaffrey, ext. 139

**NYS CONSTRUCTION INDUSTRY FAIR PLAY  
 ACT IMPACTS MANY CONTRACTORS**

On October 26, 2010, a new law took effect called the "Construction Industry Fair Play Act." This statute amends the New York State Labor Law to hold that any person providing services for a contractor is **presumed to be an employee of that contractor**. A person is **NOT** covered by that contractor if he/she is an independent contractor, or if he/she is a "separate business entity" by meeting **ALL** of the following criteria. The separate business entity must:



1. Be performing the service free from the direction or control over the means and manner of providing the service, subject only to the right of the contractor to specify the desired result;
2. Not be subject to cancellation when its work with the contractor ends;
3. Have a substantial investment of capital in the entity beyond ordinary tools and equipment and a personal vehicle;
4. Own the capital goods, gain the profits, and bear the losses of the entity;
5. Make its services available to the general public or business community on a regular basis;
6. Include the services provided on a federal income tax schedule as an independent business;
7. Perform the services under the entity's name;
8. Obtain and pay for any required license or permit in the entity's name;
9. Furnish the tools and equipment necessary to provide the service;
10. Hire its own employees without contractor approval, pay the employees without reimbursement from the contractor, and report the employees' income to the IRS;
11. Have the right to perform similar services for others on whatever basis and whenever it chooses;
12. Not be represented by the contractor to its customers as its own employees.

Penalties for failing to properly classify employees range from \$2,500 to \$50,000 based on the degree of violation. **To avoid these penalties, contractors must properly classify employees or post a notice at the work site, to notify the independent contractors and separate business entities of their responsibility to pay taxes and fulfill the rights of their employees.**

# Health & Safety

---

## WCB Guidelines for Medical Treatment

Effective 12/1/10, the New York State Workers' Compensation Board enacted new guidelines for the medical treatment of claims involving the neck, back, shoulder, and knee. These injuries are 36% of claims, but 60% of costs in the NYS Workers' Compensation System.



The workers' comp reforms of 2007 called for an updated version of treatment guidelines for injured workers in order to deliver the cost savings that the new laws promised. In instituting the new guidelines, the WCB goals were to:

- Improve the quality of treatment and care provided to injured workers;
- Improve the speed of delivery and reduce the costs of dispute resolution between carriers and medical providers;
- Eliminate unnecessary medical treatments.

The guidelines focus on a six-month time frame, since return to work percentages drop drastically after a claimant has been temporarily totally disabled for more than six months. The guidelines also emphasize active intervention and patient responsibility over passive and palliative interventions.

The guidelines recommend limitations for certain treatment and medications. Psychological intervention may be used for a recommended six weeks to three months, with a maximum duration of six months. The maximum recommended duration of chiropractic manipulation is three months unless there is a re-injury, interruption in care, or exacerbation. Narcotic medications are generally recommended for a maximum of two weeks. All of these recommendations come with exceptions, however, and further treatment may be warranted on a case-by-case basis.

## Claims Corner



### **Reminder: Access Updated Claims Forms**

The Workers' Compensation Board has been hard at work updating their forms, including the C-2 (Employer's Report of Work-Related Injury/Illness). To make sure you are using the most current forms, please check our website regularly, [www.ncacomp.com](http://www.ncacomp.com), and click on the "Request Forms" tab.

### **Keep Your Claims Costs Low!**

Our examiners are always available to discuss your claims in order to achieve the best outcomes possible. In addition, NCAComp has both an Accident Prevention & Safety specialist, as well as Registered Nurses on staff.

If you would like assistance with your safety program, please call Jennifer McCaffrey at ext. 139. If you would like the services of a Nurse Case Manager used on your claims, please speak to your examiner about an assignment. Both of these assets are here for your use in keeping claims costs low!

# Inside NCAComp

---

## Welcome New Member!

Please welcome the following new member who joined our Contractors Trust in 2011:

Sharp General Contracting  
North Tonawanda, NY

### **Company Promotions**

Steve Gidwitz has been promoted to Chief Operating Officer. In this new role, he will be responsible for the day-to-day operations of NCAComp.



Steve Gidwitz

Devon Fik and Kristine Goodremote have also been promoted to Claims Manager and Accounting Manager, respectively. These promotions reflect the growing responsibilities that Devon and Kristine have assumed at NCAComp.

### **Thanks for Your Feedback**

Congratulations to Terri Janisewski of Chateaugay Central School for winning our drawing for \$200! And thank you to all who took the time to fill out the First Annual NCAComp Customer Satisfaction Survey. By getting feedback from our customers, we are able to constantly improve the quality of our workers' compensation administrative services.



As always, if you have any comments or suggestions on how we can improve, please call or email Business Development Manager Erin Gregory at 716-842-0045 or [egregory@ncacomp.com](mailto:egregory@ncacomp.com).