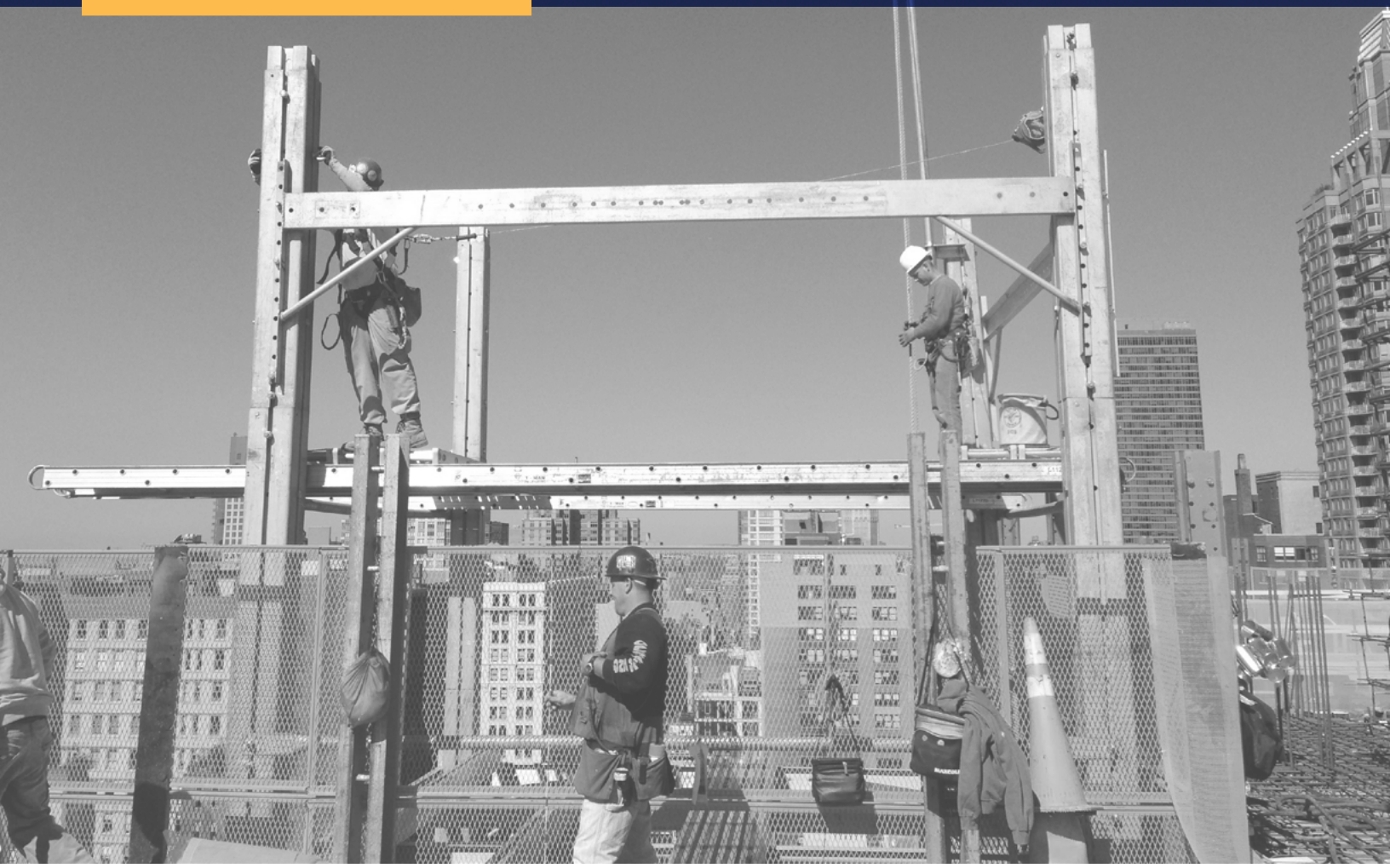
SML | CAPITAL ADVISORS

CODE RULE 59 CONSULTATIONS

ABOUT SML



Risk management services supporting the insurance underwriting and claims community worldwide.

These services have one goal: promoting safety while preventing risks.

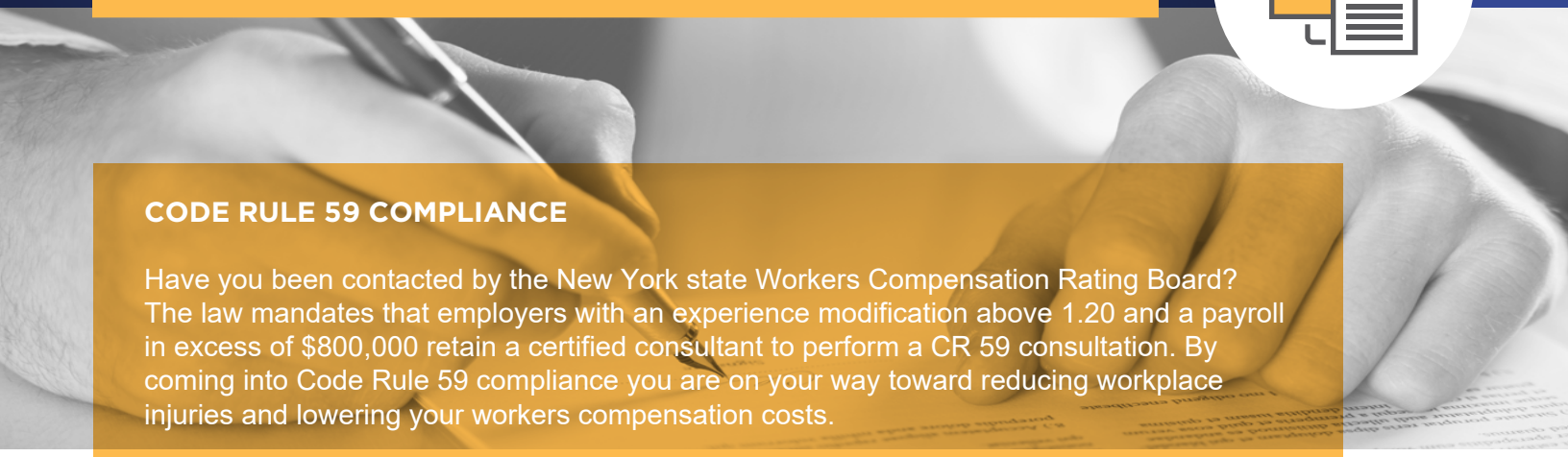
Established in April 2007, SML has constructed a team of knowledgeable individuals whose mission is to provide value added services to the insurance marketplace. SML does not sell insurance and operates with complete impartiality and independence.

SML is composed of insurance and safety professionals with decades of combined experience in the areas of underwriting, loss control, premium audits, claims management, program management, and risk analysis.

We have the talent and resources to get the job done right and in a timely manner. Our products provide meaningful information to the underwriting and claims community.

At SML, we pride ourselves on our commitment to our clients. If you are not completely confident with our services, we want to know. Our only measure of success is your satisfaction.

INDUSTRIAL CODE RULE 59 CONSULTATIONS



CODE RULE 59 COMPLIANCE

Have you been contacted by the New York state Workers Compensation Rating Board? The law mandates that employers with an experience modification above 1.20 and a payroll in excess of $800,000 retain a certified consultant to perform a CR 59 consultation. By coming into Code Rule 59 compliance you are on your way toward reducing workplace injuries and lowering your workers compensation costs.

If you have not complied, all workers' compensation carriers are required by Code Rule 59 statue to impose a 5% penalty on your workers' compensation renewal premium. The penalty increases by an additional 5% each year you fail to comply.

Review the entire law online at the New York State Department of Labor:
www.labor.state.ny.us

CONSULTATION PROCESS

Ensure that you are in full compliance with the Workplace Safety and Loss Prevention Program by hiring a fully licensed and experienced loss control consultant certified by New York State to perform Code Rule 59 Consultation.

The consultation process involves an opening conference, a closing conference and a Consultation report. A remediation period follows during which you have to enact the recommendations made by your consultant. The Code Rule 59 statute includes a detailed timeline that says when each step of the process should be completed.

REQUIREMENTS

Code Rule 59 requires that your consultant meet the responsible representative(s) of your company, such as the Safety Director and/or an Executive Officer, and review certain documents and records, if available. Your consultant will also need to interview a person who is familiar with the individual workers' compensation losses your company has sustained over the past four years and conduct a physical safety survey of your workplace.

Some of the items your consultant may want to examine for the opening conference include:

- Written company safety plans
- C2- files for last four years of accidents (Claims Forms/Reports)
- Internal accident records other than C2-'s
- Minutes from recent safety committee meetings
- Employee safety training records for the past three years
- Material Safety Data Sheets

INDUSTRIAL CODE RULE 59 CONSULTATIONS

OPENING CONFERENCE

At the opening conference, your Certified Safety Consultant meets with the representative(s) of your company to explain the Code Rule 59 process. We will review any written safety program and safety records, review your losses, conduct a safety survey of your premises, and make a preliminary assessment of how your safety activities compare to those mandated by Code Rule 59.

After the opening conference, your consultant will complete a thorough review of any safety records and documents you have provided, and formally determine if your current workplace safety activities meet the standards established by the Code Rule 59 law. Your consultant will prepare a written report and arrange a closing conference to review it with you.

CLOSING CONFERENCE

Your consultant presents the written report, tells you what the recommendations are and how you can fulfill them. We will remind you that you are required by law to provide copies of the report to the Department of Labor and to your workers' compensation carrier. A letter must accompany the report detailing how you plan to comply with our recommendations for NYSIF policyholders. Copies of your consultant's report,
letter and safety program should be sent to:

New York State Insurance Fund Field
Services Statewide Services 199, Church
Street – 7th Floor New York, New York, 10007
Attn: Eugene McCarthy

LEARN MORE

Learn about our services, Code Rule 59 compliance and the importance of selecting a Code Rule 59 certified safety consultant.

We will schedule a visit to your site and begin working with you to implement proper safety standards and procedures to ensure that you are in full compliance with the Workplace Safety and Loss Prevention Program.

Order your Code Rule 59 Consultation here.

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