

GUIDELINES TO ICR 60
WORKPLACE SAFETY AND LOSS PREVENTION INCENTIVE PROGRAM

OVERVIEW

The Workplace Safety and Loss Prevention Incentive Program (WSLPIP) was created to:

- Reduce workplace injuries,
- Return injured workers to work, and
- Lower workers' compensation costs for employers.

You can find specific details on the Program in Section 134 of the Workers' Compensation Law and the Department of Labor's (DOL) Industrial Code Rule (ICR) 60. You can access both the statute and the regulations from the DOL website at www.labor.ny.gov.

ELIGIBILITY

Employers with workers' compensation insurance are eligible to apply for a WSLPIP credit if they:

- Pay annual workers' compensation insurance premiums of at least \$5,000 and
- Maintain a workers' compensation experience rating of less than 1.30.

You are not eligible for an incentive credit if you:

- Are an individually self-insured employer, or
- Are a State Insurance Fund policy holder in a recognized safety group, or
- Are mandated to have a safety and loss prevention program under Section 134(1) of the Workers' Compensation Law. This is called the Compulsory Workplace Safety and Loss Prevention Program. If you are required to take part in this program, the New York Compensation Insurance Rating Board will send you a notice.

PROGRAM DEVELOPMENT AND IMPLEMENTATION

You must have implemented one or more programs before applying for a credit. You can get a credit for a:

- Safety Program,
- Drug and Alcohol Prevention Program, and/or
- Return to Work Program.

You may use your own resources to build a program. You may also adapt a model program to your needs. In addition, you may employ a Specialist to help in building and implementing a compliant program. If you already have one of the above programs, you may apply for the incentive credit. Regardless of how your program is created and put in place, it must meet the standards outlined in ICR 60.

Credits are granted per workers' compensation policy. Therefore, the program must serve all workers covered by the policy you want the credit for.

REQUESTING AN EVALUATION

You must put your WSLPIP into practice. Then, the program(s) must undergo an evaluation. This takes place before you can apply for the incentive. If you have more than one WSLPIP, all programs can be evaluated at one time. An evaluation must be done by a certified Specialist. A list of certified Specialists is available at www.labor.ny.gov/wslpip.html.

The Specialist will complete an Evaluation Report, which they submit to you. You must send a copy of the Evaluation Report to the DOL with your incentive application. Private Specialists set their own fees.

APPLYING FOR THE INCENTIVE

Complete the WSLPIP Application for Approval (SH 927). Incentive credits are granted per workers' compensation policy. If your business is covered by more than one policy, you must submit an application for each policy for which you want a credit. You will not get a credit for a policy if you have not submitted an application for that policy. This is true even if your program serves employees covered by that policy.

You must submit the application form with:

- The Specialist's Evaluation Report,
- A copy of the final and operative program plan and associated documents, and
- A description of how the program was put into practice.

The application is due no later than 120 days prior to your annual workers' compensation policy renewal date. You must send a copy of the application to your insurer when you apply.

THE CERTIFICATE OF APPROVAL

Once DOL approves your application, DOL will send you a Certificate of Approval. You will get a certificate for each program. The approval period is three years and begins on the first day of the next policy period. This is the next policy period after the issue date of the certificate

NOTIFICATION REQUIREMENTS

You must send a copy of the Certificate(s) of Approval to your insurer. Do this in a timely manner. If you fail to send the copies, you will not get your incentive credit. You must also post copies of the certificate(s) in each location covered by the workers' compensation policy.

ANNUAL REPORT

You must submit an Annual WSLPIP Report to get the incentive credit in the second and third year of the three-year approval period. This report is due by 90 days after the annual policy renewal date. This date will fall at the beginning of years two and three of the approval period. Submit the report each year.

DOL will review your Annual WSLPIP Report. Once it is approved, DOL will send you a notice of review and approval. You must send a copy of this notice to your insurer. Do this in a timely manner.

RENEWAL

You can renew your incentive credit for additional three-year approval periods. Do this by submitting a renewal application. This is due at the end of your current three-year approval period. Apply for renewal no later than 90 days before your annual policy renewal date.

The renewal application must include an Annual WSLPIP Report. Complete this report using data from the first six months of the third year of the current approval period. Send a copy of the renewal application to your insurer at the time you apply.

Once DOL approves your application, DOL will send you a Certificate of Approval. You will get a certificate for each program. You must send a copy of the Certificate(s) of Approval to your insurer. Do this in a timely manner. Your incentive credit will not be applied if you fail to send the copies.

Renewals are approved for a three-year period. You must follow the Annual WSLPIP Report process above to continue to get the credit for the second and third year of the renewal approval period.

MONITORING

DOL has the responsibility to monitor any approved program. Monitoring may include:

- Responding to complaints,
- Site visits,
- Discussions with employee representatives, and
- Review of records and documents.

If DOL finds that your program is not in compliance with ICR 60, we will send you a notice. The notice will tell you what needs to be changed. DOL may take adverse action if it finds that you have failed to implement and/or maintain a compliant program. Incentives may be denied, revoked, or suspended. You can avoid adverse action by showing that any deficiencies listed on your notice have been corrected. You can also provide a suitable plan for correcting the deficiencies. If you submit a correction plan to DOL, it must be sent within 30 days of the notice. If you disagree with DOL's finding of non-compliance, you may appeal under Article 78 of the civil practice law and rules.

EMPLOYER'S SAMPLE TIMELINE

January 1, 2017: Annual policy renewal date

September 3, 2016: File original WSLPIP Application for Approval
(120 days before the annual renewal date)

April 1, 2018: File Annual WSLPIP Report for Year One
(90 days after the annual renewal date)

April 1, 2019: File Annual WSLPIP Report for Year Two
(90 days after the annual renewal date)

October 12, 2019: File Renewal Application and Annual WSLPIP Report for Year Three
(90 days before the annual renewal date)

For more information, contact:

New York State Department of Labor
Workplace Safety and Loss Prevention Program
State Office Campus, Building 12, Room 167
Albany, NY 12240

TEL: (518) 485-9766

E-mail: WSLPIP@labor.ny.gov

Web: www.labor.ny.gov/WSLPIP.html