



County of Orleans
Department of Personnel and Self Insurance

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Memorandum

To: Village Mayors,
Town Supervisors
Fire Chiefs of Volunteer Firefighters
Orleans County Self Insurance Plan members

From: John C. Welch, Jr.
Director of Personnel and Self Insurance

Date: March 16, 2016

RE: Annual Reminders for the Orleans County Self Insurance Plan

WCB Assessments:

We understand that there has been some turnover municipality's payroll vender so as the first quarter comes to a close; it is a good time for a review of procedures.

To be compliant with the Workers' Compensation Board, we will need a copy of your Quarterly Combined Withholding, Wage Reporting and Unemployment Insurance Return (NYS-45) sent to the Department of Personnel and Self Insurance. We will need this report from your municipality as soon as possible at the close of each quarter.

Unfortunately, we have to complete the assessment and make payment virtuously the same day as your municipality's NYS-45 is due. Here is the schedule for the WCB assessments:

Period	Payroll	Form and Payment Due
Q1	Actual payroll for January 1 – March 31	Postmarked no later than April 30
Q2	Actual payroll for April 1 – June 30	Postmarked no later than July 31
Q3	Actual payroll for July 1 – September 30	Postmarked no later than October 31
Q4	Actual payroll for October 1 – December 31	Postmarked no later than January 31

Therefore, each member, including Volunteer Firefighter companies and Volunteer Firefighter districts need to provide their NYS-45 each quarter.

Excess Insurance Payroll Reporting:

Then at the conclusion of each year, the year end payroll register report that shows gross earnings by employee for all of your employees employed in the prior year needs to be sent to the Personnel Office as soon as possible in the New Year. The name of your report does not matter as long as we receive a report that gives total gross earnings for each employee for the year. So this report could be a copy of the W-2s for each employee, a year-end payroll register or other similar report that shows gross earnings for each employee.

As you all know, the Orleans County Self Insurance Plan does not cover paid employees of fire districts or fire companies, however, we are still required to report this information to the Workers' Compensation Board.

As you may know the Orleans County Self Insurance Plan acquired an excess policy that limits our liability on Workers Compensation claims beginning January 2009. The premium on this policy is directly related to the amounts earned by all of our employees.

For 2015, the Orleans County Self Insurance Plan, we covered 931 employees with a total payroll of \$27,666,159 in fourteen different class codes. Needless to say, that does not include Volunteer Firefighter companies and Volunteer Firefighter districts since those entities do not have employees.

Coventry NT24:

We are still utilizing a new program to assist injured workers. This program is called Coventry NT24. This is a nurse triage system that allows an injured worker to call 855-509-6944 at anytime to report a work related injury, twenty-four hours a day, 365 days a year.

This process is especially important for non-emergency injuries. A registered nurse will answer the telephone call. The registered nurse will direct the injured worker to the most appropriate level of care facility in our area and the registered nurse may educate the employee on self-care treatment if appropriate. The registered nurse is also available for follow-up phone calls for self-directed cases.

To assist us in making employees aware of this new process, we have some marketing materials. Those marketing materials include a poster for the building, visor cards for the employer's vehicles, and stickers to assist the employee to recall the number in his or her time of need.

To assist in the education of Nurse Triage process, enclosed is a short presentation on the Nurse Triage process. We also have a link to our web based training which is <https://youtu.be/t8Yv-J1snoQ>.

If you need additional marketing materials for Coventry NT-24, please contact the Personnel Office.

Updated Local Law for Orleans County Self Insurance Plan:

At the end of 2015, we updated our local law which governs our administration of the Orleans County Self Insurance Plan. Details may be found on the Orleans County website at: <http://orleansny.com/Portals/0/Departments/Personnel/Workers%20Comp/LL%20OCSIP%202015.pdf?ver=2015-12-23-161734-763>

Key points that were addressed in the Local Law number 4 of 2015 may also be found on the website at: <http://orleansny.com/Portals/0/Departments/Legislature/Local%20Laws/LL%204I%202015%20-%20Self%20Insurance%20Amend%20Law%202%20of%2056%20and%201%20of%2074%20for%20web.pdf?ver=2016-01-04-145651-057>

A key point in this local law is that any penalty generated by a member of the Orleans County Self Insurance Plan for non-timely filing of mandatory reports will be the financial responsibility of the member and not by the Plan. The WCB has begun to assess penalties for late filing of reports of an injury of a worker or a volunteer firefighter. That penalty currently would be \$300 if the required paperwork, C-2F is filed ten days after the injury to the volunteer firefighter or the employee.

All of the forms you need to stay compliant are on our website at: <http://orleansny.com/Departments/Operations/Personnel/SelfInsurancePlan.aspx>

Volunteer Firefighters:

Lastly, each year we will be requesting a report from each Volunteer Firefighter companies and Volunteer Firefighter districts giving the name of the active members.

Who is Covered by the Law?

All New York State **volunteer firefighters** are entitled to benefits under the law if they are active volunteer members of a fire company of a county, city, town, village or fire district and are injured in the line of duty.

A volunteer member loses his/her right to benefits if the injury results solely from his/her intoxication from alcohol or drugs, or from the intent to injure him/herself or someone else.

When a firefighter ceases to be an active member of a volunteer fire company, he/she is no longer a member of the fire company so far as the law is concerned, even though the fire company itself may carry him/her as an "inactive, honorary, life, social" member.

Members of auxiliary units are not covered by this law.

What Is and Is Not "In the Line of Duty"?

What is "In the Line of Duty" for Firefighters?

Any of the following activities, pursuant to orders/authorization:

- Participation at a fire, alarm of fire, hazardous material incident, or other emergency situation that triggers response by the fire company or its units;

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- Travel to, from and during fires or other calls to which the company responds; travel in connection with other authorized activities;
- Some duties in the firehouse, such as construction, repair, maintenance and inspection;
- Inspection of property for fire hazards or other dangerous conditions;
- Fire prevention activities;
- Attendance at fire instructions or fire school; instruction at training;
- Participation in authorized drills, parades, funerals, inspections/reviews, tournaments, contests or public exhibitions conducted for firefighters;
- Attendance at a convention or conference as an authorized delegate;
- Work on or testing of fire apparatus/equipment, fire alarm systems and fire cisterns;
- Meetings of the fire company;
- Pumping water or other substances from a basement or building;
- Inspection of fire apparatus prior to delivery;
- Response to a call for general ambulance service by a member of an authorized emergency rescue and first aid squad;
- Participation in a supervised physical fitness class; or
- Fundraising activities (non-competitive events).

What is **NOT** "In the Line of Duty?"

- Participation, including practice, in any recreational or social activity, other than noncompetitive fundraising activities;
- Work rendered in the service of a private employer; public corporation or special district;
- Work rendered while on leave of absence or suspended from duty, or work that the volunteer has been ordered not to perform; or
- Competitive events in which volunteer members are competitors, such as baseball, basketball, football, bowling, tugs of war, donkey baseball, donkey basketball, boxing, wrestling, contests between bands or drum corps, or other competitive events in which volunteer members are competitors and which involve physical exertion on the part of the competitors.

Frequently Asked Questions

- Q. If an activity is authorized by the proper authority, is it covered?
 - A. Not necessarily. The ambulance or fire officer may authorize an activity, but if it is not provided for in the law, it may not be compensable.
- Q. If a volunteer ambulance worker or firefighter receives remuneration or a gratuity in the performance of a duty or activity which is covered under the law, can he/she still sustain a compensable injury in the line of duty?
 - A. No. However, reimbursement of expenses for meals, lodging, necessary travel or receipt of a mileage allowance and the acceptance of transportation, food, drink, shelter, clothing and similar items while on duty are not deemed to be remuneration or a gratuity.

Please do not hesitate to call if you have any questions.

Thank you for your assistance.

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