

WORKERS' COMPENSATION : WHAT YOU NEED TO KNOW

Employees who are injured at work – or who become ill because of their work – are eligible for Workers' Compensation ("WC") benefits. WC pays 100% of the cost for medical treatment for the injury or illness and pays lost income benefits if you cannot work (*or you can work but you earn less*) due to the injury or illness.

What types of injuries and illnesses are covered?

1. **Accidents:** A specific event when you get hurt. *E.g., if you trip and break your leg at work, you have suffered a WC accidental injury.*
2. **Occupational diseases:** An injury that is caused by the nature of your work and not by one specific event. *E.g., if you develop carpal tunnel syndrome because of years of typing at work, you have suffered a WC occupational disease.*
3. **Consequential injuries:** Arise from a WC accident or occupational disease. *E.g., if you break your right leg at work, you may favor your left leg while recovering. If you have problems with your left leg as a "consequence" of your right leg WC injury, you may have a consequential injury to your left leg.*

How much is the lost income benefit?

The lost income benefit can be as high as two-thirds (66-2/3%) of your average weekly wage ("AWW") but not more than a maximum amount set by law. The AWW is set by considering your wages during the 52 weeks before your injury or illness.

What if my WC injury or illness is permanent?

Once your condition is stable (*known as maximum medical improvement*), an effort will be made to determine whether you have permanent injury or illness. If not, you may not receive additional WC lost income benefits. WC remains responsible for the cost of medical treatment for the injury or illness for the rest of your life.

If there is a permanent injury or illness, you may be entitled to additional WC lost income benefits or awards. This will depend on whether you have a "permanent partial disability" or a "schedule loss of use award" and how long you have been out of work.

Depending on the nature of your condition and how long it is expected to last, you may be entitled to simultaneously receive long-term disability, Social Security disability, or unemployment insurance benefits.

What Should You do to Protect Your Rights?

1. **Report the Accident or Illness in Writing.** Don't rely on the County to protect your rights. Prepare a written report (*WC Form C-3*), give a copy to your supervisor, and file the original with the WC Board.

2. **Be Sure to Meet the Deadlines.** You should notify the County immediately if you think you have a WC injury or illness. Waiting MORE THAN 30 DAYS after you know about your WC injury or illness to notify the County can cause you to lose your WC case. You also must file a WC case WITHIN TWO YEARS from the injury or illness.

3. **Be Clear about What Happened and ALL Body Parts Affected.** Be very careful about what you put in the written report. Identify ALL body parts affected.

4. **Get Medical Care from Providers who Know the WC System.** The right doctor can make or break your WC case. Get care from a doctor who knows the system and prepares detailed reports containing your complaints and his or her opinion. You should also disclose to the provider any pre-existing injuries, treatment, or impairments to the body part involved in your case.

5. **Don't Speak to Anyone until you get Legal Advice.** Insurance carriers can show up within hours after a work-related accident. They will call you and record your conversation without telling you. Workers are not at their best in these situations. Anything you say (*or don't say*) can and will be used against you. Get legal advice BEFORE you speak to anyone.

6. **Be Careful About Social Media and Other Activity.** Since WC carriers often surveil claimants, you should be mindful of your social activities.

7. **Don't Sign Something you Don't Understand.** Insurance carriers ask workers to sign numerous documents, including releases that allow them to get all kinds of information about you. Don't sign something that you don't fully understand.

8. **Keep Track of your Mileage and Parking Expenses.** You have a right to be reimbursed for mileage, parking, and related expenses you incur to get treatment for a work-related injury or illness. For someone who needs a significant amount of physical therapy or chiropractic care, the mileage and other expenses can really add up. Keep good records and submit these expenses to the insurance carrier for reimbursement.

9. **Let Your Union Help You.** Your union leaders know the system and how to help you through this difficult time. They also know about other benefits that may be available to you. Let them help.

10. **For more helpful information and advice,** visit <http://www.wcb.ny.gov/> and <https://modicalawfirm.com/workers-compensation-advice>.