



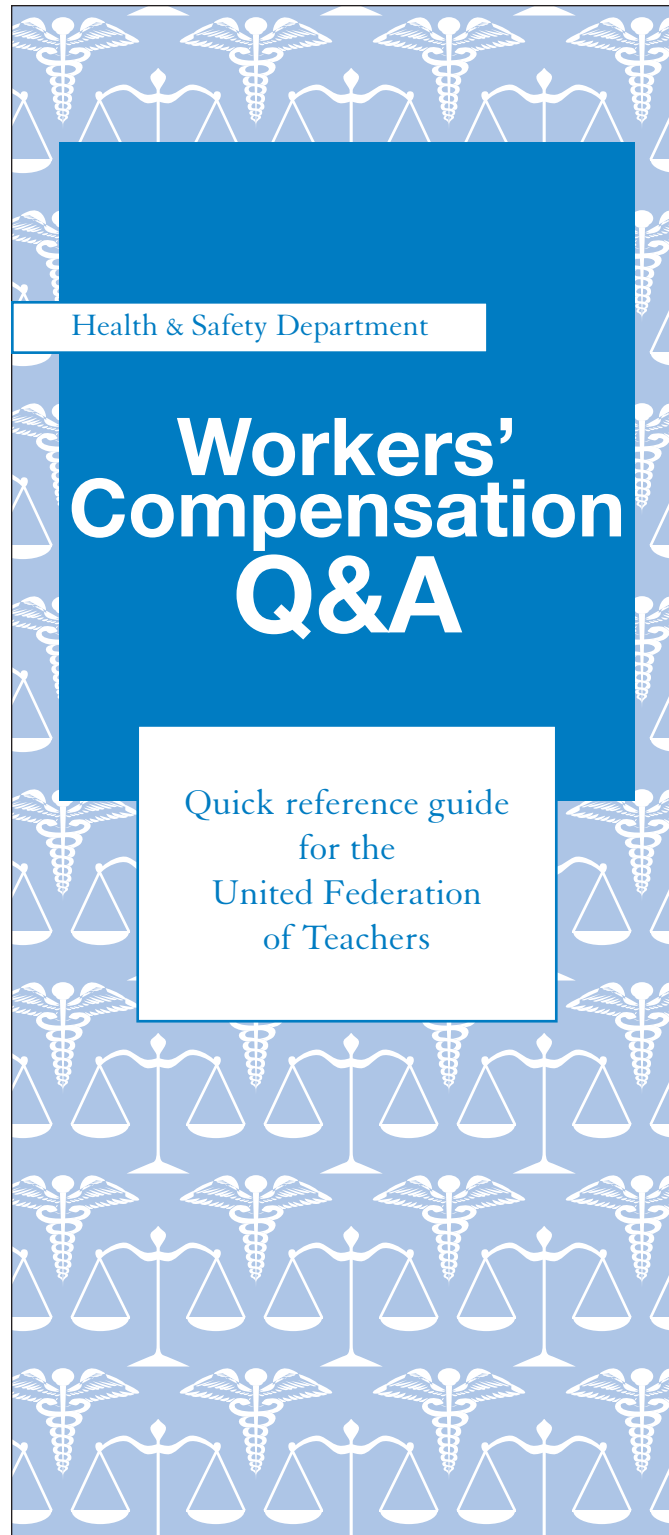
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## Workers' Compensation in New York State

Workers' Compensation is a form of insurance, paid for in advance by your employer, which entitles you to full medical coverage and part of your salary for job-related injuries and illnesses.

**Q: What does Workers' Compensation (WC) provide?**

**A:** WC benefits can provide urgently needed financial support to workers and their families. Payments are made when a worker is injured, made sick or killed on the job.

**Q: Why file for Workers' Compensation?**

**A:** There are nine good reasons to file:

1. It is the only way to ensure that your rights and long-term benefits will be protected in the likelihood of a work-related injury.
2. By law, WC is your employer's insurance company's responsibility — the premiums have already been paid.
3. You don't have to stop working to receive full medical benefits.
4. Unlike health insurance, your WC payments and medical care may continue even if you get a new job, retire, or leave the state. And, if you can never return to work, benefits can continue for life.
5. You are entitled to WC no matter whose fault the injury/illness is. (Exception: where injury is due solely to intoxication from alcohol or a controlled substance or by willful intention of the injured employee to harm oneself or another.)
6. If you use up sick leave because of your injury, you may get it reimbursed to you when you file for WC.
7. You generally cannot sue your employer for job-related injuries.
8. Your injury may occur again (especially back injuries) and if your case wasn't established the first time, you may have difficulty getting benefits.
9. You may be eligible for additional monies which are only available if you file for WC.

**Q: What are the basic benefits?**

**A:** Benefits can include:

- All medical expenses, even if you do not lose any time from work (tests, hospitals, medicines, physical therapy, equipment and even a home-care attendant, if essential, and transportation costs to see doctors).
- Temporary benefits if you lose wages. These are about two-thirds of your gross wages (capped at \$400/week).
- Additional money if you have permanent damage to a limb or facial scars or loss of hearing or eyesight.



**Q: Which UFT members are covered by WC today?**

**A:** The list includes most full-time and part-time paraprofessionals, lab specialists, nurses, vocational teachers, occupational and physical therapists. Teachers are not since they are covered by the Injury-in-the-Line-Of-Duty provision of the contract.

**Q: When and how am I covered?**

**A:** You are covered whenever you are on school property. If you are out of work seven days or less, no lost wages are paid for but your medical costs will be covered. The seven days do not have to be consecutive days of absence. They can accumulate over time. Your eligibility for lost wages begins the eighth day. If your doctor keeps you out of work for 15 days or more your wage payments will be retroactive to day one. However, since you are a Department of Education employee, when you fill out form OP-198 you will be compensated for the first five consecutive days that you are absent.

**Q: When should I file a claim?**

**A:** You should report any incident immediately. The DOE policy is to report in 24 to 48 hours. However, if there are certain circumstances, Workers' Compensation law permits reporting in 30 days and two years to file a claim with the New York State Workers' Compensation Board. So, if possible, file your injury report immediately and consult a WC attorney!

**Q: How do I file a claim?**

**A:** Immediately tell your supervisor that you hurt yourself and fill out an accident report. See a doctor as soon as possible or, if it is an emergency, go to a hospital emergency room. Make sure to tell the person seeing you that your problem is work related. Fill out the C-3 form [see Forms section at end] to start a WC claim. This form goes to the WC Board, which will then issue to you a WCB number.

**Q: What are the forms needed to file for compensation?**

**A:** There are internal DOE forms: Accident Report; WCD23; OP-198. The New York State WC forms are: C-2; C-3; C-4 [see Forms section at end].

**Q: Do I have to miss days from work to file?**

**A:** No, you do not have to lose any days from work to file for WC. Notify your supervisor immediately about your injury and fill out the accident report as well as the C-3 form.

**Q: Where can I get help in filing for Workers' Compensation?**

**A:** Call the Workers' Compensation project at the UFT at 1-212-510-6460. You will get guidance through the whole WC process. Referrals to doctors and lawyers will be made, as well.

**Q: Can I go to any doctor?**

**A:** You must go to a Workers' Compensation authorized physician, one who is experienced and will ask questions about your injury and how it relates to your job. Your doctor must be willing to testify at WC hearings. Contact the UFT, for assistance with doctor referrals. You may also call 1-800-781-2362 for a listing of WC doctors. (The physician must fill out and submit the WC C-4 form.)

**Q: Do I need a lawyer to file for Workers' Compensation?**

**A:** No, you can file a claim on your own, but legal representation is recommended. You do not need to pay a lawyer's fee unless you win your case. Then the fee will be paid to the lawyer out of your award. Again, your union can assist in making referrals. The union has a special arrangement with a large, reputable WC legal firm and our members receive special attention.

**Q: What is an occupational disease?**

**A:** A disease that is caused or partly caused by a specific type of job. For example, lead causes lead poisoning; asbestos dust causes mesothelioma; repetitive arm motion can cause tendonitis or carpal tunnel syndrome. An occupational disease may take years to develop.

**Q: Can I file for WC for an occupational disease?**

**A:** Yes. Medical documentation must show a correlation between your injury and job-related tasks. Your doctor should be familiar with occupational diseases.

**Q: What is a Workers' Compensation Hearing?**

**A:** Testimony before a judge at the Workers' Compensation Board. (Workers are not generally required to speak at these hearings if they are represented by an attorney.)

**Q: What is an Independent Medical Evaluation (IME)?**

**A:** An insurance company usually has the right to require you to go to its doctor for an evaluation — not treatment. This is called an IME, but it is not really “independent” because it is the insurance company's doctor. Tell your doctor and legal representative as soon as you get the appointment. (In rare cases you do not have to

go; consult your attorney.) Women have the right to be examined by a female doctor or to bring a female to the examination. It is critical to see your doctor after the IME appointment and before your next hearing.

**Q: How do Workers' Compensation and Disability differ?**

**A:** New York State Disability is generally for off-the-job injury or illness. Many benefits you need are not covered by Disability. There is an exception: If you have received a written rejection of your WC claim from the insurance carrier and you have been disabled and unable to work for more than five days, you may apply for New York State Disability Benefits and you may continue to pursue your WC claim at the same time.

**Q: How do I move my case along faster?**

**A:** Prompt filing — you must file a C-3, the school files a C-2, and your doctor a C-4.

**Q: When do I receive a check?**

**A:** After prompt filing, it usually takes several weeks before you receive any check. It is issued by the New York City Law Department.

**Q: What if my case is “controverted” (initially denied)?**

**A:** When you receive the C-7 rejection notice you can then apply for disability benefits (if you are, or will be, out of work). The UFT can assist you in filling out the DB-450 (disability) form as soon as you get the C-7.

**Q: If I have to stop working for a while, what can I live on?**

**A:** Call the UFT; we will make referrals to the Supplemental Security Income (SSI) program, the Social Security Disability (SSDB) program, and unemployment insurance, as well as assist in financial hardship cases.

**Q: Who pays for medical costs and my lost wages?**

**A:** The insurance of the DOE is handled by the New York City Law Department and it will issue you a Carrier Case number. You will be paid for medical expenses and will be compensated for the time lost from work. The school must file a C-2 in order to generate this number.

**Q: How do I protect my job?**

**A:** It is against the law to be discriminated against for filing a WC claim or testifying at a hearing. Also, your union contract may have provisions which provide additional job security such as the leave of absence form, in cases of work-related injuries.

## Workers' Compensation Forms

**C-2 Form** — The employer is required to complete for accidental injury cases within 10 days to notify the WC Board of injury. You should NOT participate in filling out this form. File a C-3.

**C-3 Form** — The worker fills out to start a WC claim. Copies go to the WC Board, your legal representative and to you.

**C-4 Form** — Filled out by your doctor about your condition, usually every 4-6 weeks. It is used to determine your level of benefits so it's important that the doctor completes it carefully.

**C-257 Expense Reimbursement Form** — Filled out by the worker for out-of-pocket expenses relating to the injury.

**DB-450 Disability Claim Form** — Filled out by the worker if the WC claim has been rejected (controverted).