

THE ^{Little} TXT BOOK OF WORKERS' COMP

— HURT @ WORK —

BY JORDAN ZIEGLER, ESQ.

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Disclaimer: This Little Txt Book of Workers' Comp is intended to be easy reading on a difficult subject. Workers' Compensation is a serious matter and should not be taken as lightly as the concept of this book. If you are injured on the job, please seek immediate medical attention and contact our offices right away so we can help you get all the benefits to which you are entitled.

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CHAPTER 1

I got hurt at work.

Do you know

WHO,

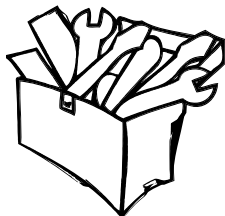
WHAT,

WHERE,

WHEN,

WHY and

HOW you got hurt?



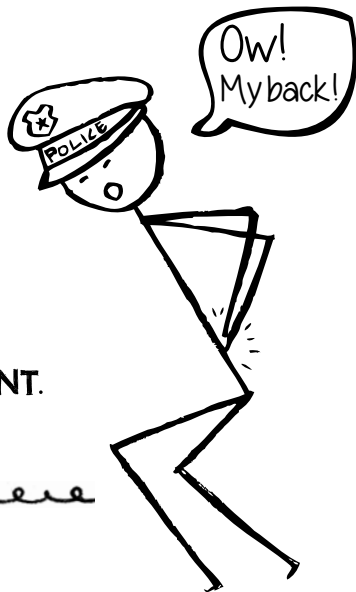
YES?!?!?

Then you had an **ACCIDENT**.
You know it when you see it.



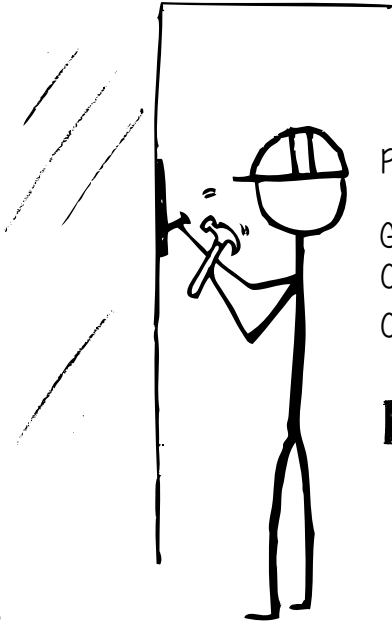
NO?

Then you might have a work-related
OCCUPATIONAL ILLNESS.



CHAPTER 2

I get hurt at work and I'm in **PAIN!!!**



Put down this book **NOW!!**

Get to a Doctor,
Or a hospital,
Or a health care provider.

FAST!!

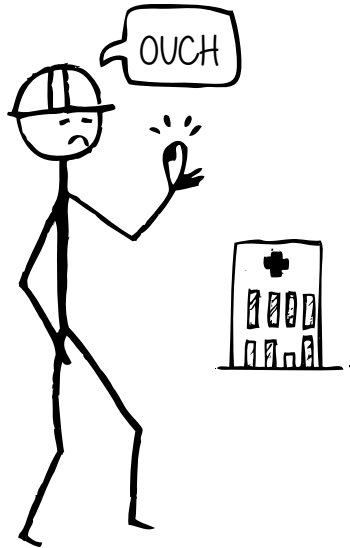
When you get there, tell them

"I GOT HURT @ WORK".

Don't pay them any
\$ out of pocket.

No co-pays allowed in
a Workers' Comp claim.

They should send the
bill to your **EMPLOYER'S**
Workers' Compensation
Insurance Company,
not to you!

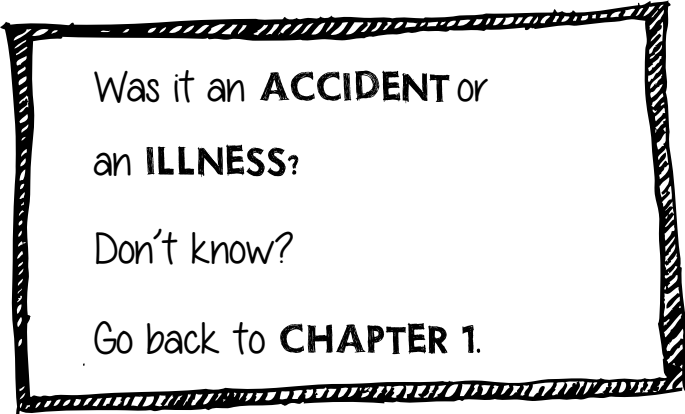


CHAPTER 3

I got hurt @ work
and saw a Doctor.

Now what?





Was it an **ACCIDENT** or
an **ILLNESS**?

Don't know?

Go back to **CHAPTER 1**.



CHAPTER

It was an **Accident.**

4

First things first.

You have 30 days to report what happened to your boss.

30 DAYS!!!!

Saying it out loud to your employer is nice and counts, but writing it down is

MUCH BETTER!!

PUT IT IN WRITING!

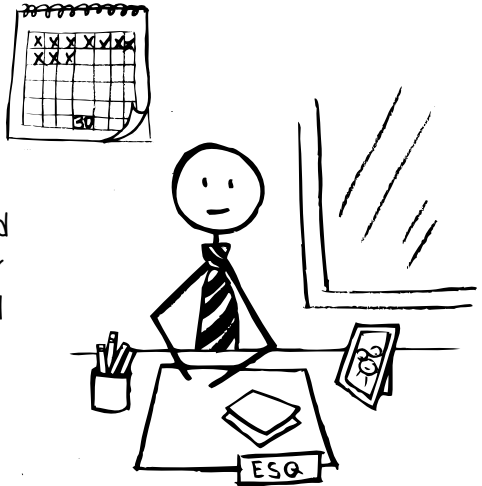


Next, you **MUST** file a claim with the Workers' Compensation Board (WCB). Just telling your boss is not filing a claim.

The WCB is much harder to contact than your boss. That must be why you have **2 YEARS** to file the claim.

Have a friend who is a Workers' Compensation lawyer help you with this part.

Lawyers are easier to find than the WCB. They wear a lot of suits and ties, and know how to help you.



CHAPTER 5

What if it's an **ILLNESS**, not an accident?

This means that you've developed a problem from overusing your body at work or from doing the same task over

and over,

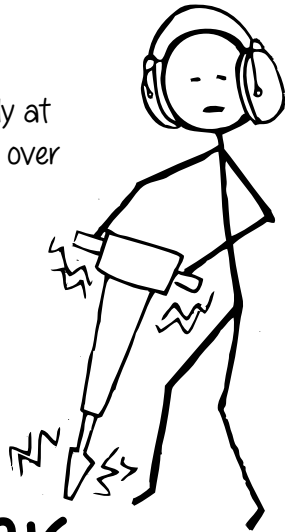
and over,

and over,

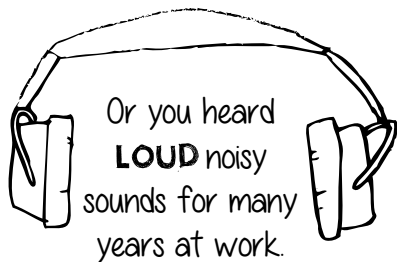
and over,

and over,

and **OVER.**



Or you breathed
BAD things into
your lungs...



For these and many other types of exposures, you don't have to bother telling someone within 30 days like with an **ACCIDENT**. That's because you may not know when the problem actually started.

But you **MAY KNOW** the last time you were exposed to the conditions or had to stop working because of your **ILLNESS**.

CHAPTER 6

I think I have an illness from work.

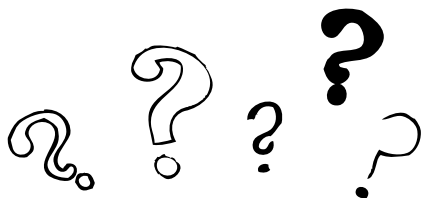
Go back to **CHAPTER 2** and see a doctor.

- Tell him all the things you do @ work
- How often you do them
- For how long you have done them

**THIS IS YOUR WORK HISTORY
AND IT'S VERY IMPORTANT!**

It will help your doctor decide if your symptoms are from the type of work you do. If they are, then go find that lawyer with all the suits and ties and have him file a claim within **2 YEARS** of when you knew or should have known that your **ILLNESS** was work related OR within **2 YEARS** of the last date you worked OR within **2 YEARS** of when the doctor told you your illness was from work, OR within **2 YEARS** of all of these just to be safe :-).

If you think you knew before your doctor told you, find that lawyer and file within **2 YEARS** of when you thought it was work related. This is a tricky chapter. That's why you should find the ESQ.



CHAPTER 7

HUH?



Chapter 6 is confusing.

I don't like it or even understand it.

What do I do?

Go find that lawyer.

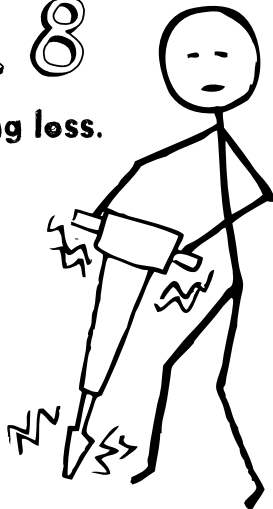


CHAPTER 8

My job gave me hearing loss.



Then you might have a hearing loss claim.



You can get compensated for hearing loss that you developed from work. These are tricky claims, but to even start the claim, you must be removed from the noise for more than three months in a row.

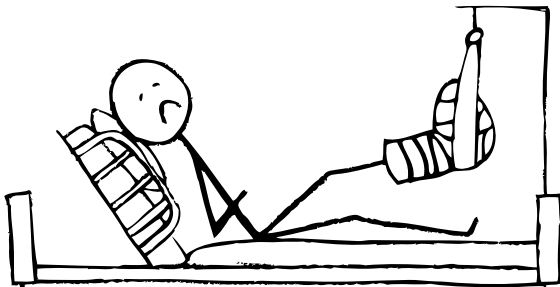
Did you retire or change job titles that removed you from the noise?
Then get your hearing checked.

There are strict filing requirements after you learn your hearing loss is
from work. Call the Esq.



CHAPTER 9

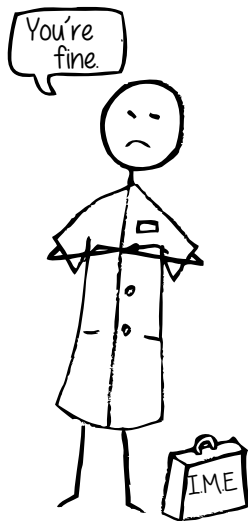
I got hurt @ work and now I can't work.



While you are losing time from work, you can get up to $\frac{2}{3}$ of your average weekly gross wages paid to you — tax free per week — but only up to a maximum amount of weekly \$ set by the WCB each year.

You keep getting this \$ while you are out of work or until a doctor says you are improving and not as disabled.

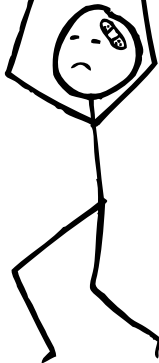
Sometimes this is not your own doctor, but a doctor from the Workers' Compensation insurance company of your employer. It's called an I.M.E. ("Independent," but really it's an "Insurance," Medical Exam). These doctors may see you only one time but they have a lot of influence with the insurance company.



CHAPTER 10

**I got hurt @ work
but I still can work.**

That's great. Keep working!
If you can safely work without
missing time, then keep it up.

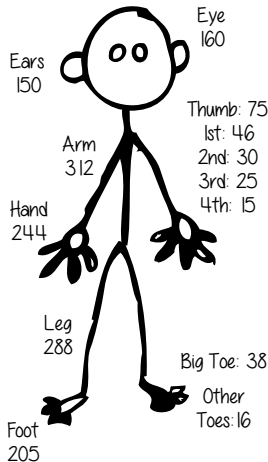


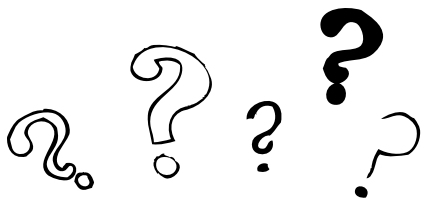
If you hurt your head, neck, back
or internal stuff, you will not get any Workers' Comp \$ while
you are working if you continue to earn the same salary. You still
can get treated by the docs, but with these types of injuries, "No
Lost Time" means no tax-free weekly \$ unless you have reduced
earnings. Then why bother filing? One day you might wake up and
can't get to work because of that injury. Now you can open your
claim and get paid while losing time from work.

BUT, if you hurt your eyes, ears, arms, hands, fingers, legs, feet or toes and there is some permanent loss of use of them, you can get \$ tax free, **EVEN IF YOU NEVER STOPPED WORKING!!!!!!** We look to see if you lost the use of 100%, 87%, 62%, 41.5%, 23%, 8%, or any percentage at all, all the way down to 1%, of a body part. If you did, you can get paid.

Schedule Loss of Use

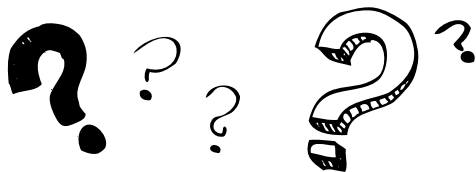
(Weeks of Workers'
Compensation)





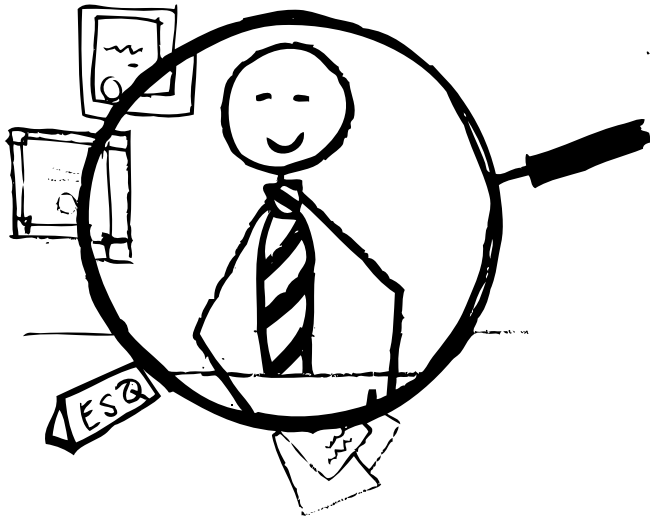
CHAPTER 11

WHAT?



Chapter 10 is confusing.

Go find that lawyer.



CHAPTER 12

**How do I know if I'm hurt
enough to file a claim?**

This is the easiest Chapter.

Start back with Chapter 2. If you followed those directions, and saw a doctor, health care provider or even went to a hospital just one time, **FILE THE CLAIM EVEN IF YOU DID NOT LOSE TIME FROM WORK!!!!**

Why? Because someone has to pay the medical bills — and it's not you, your union's health and welfare fund, or your private health insurance company. It's the Workers' Comp insurance company's responsibility.

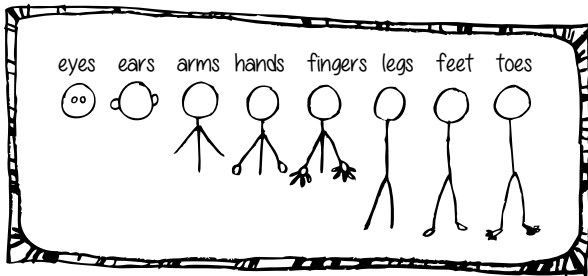
DON'T SHIFT THE COST FROM THEM TO YOU.

And remember, filing properly and on time also will protect you and your family if you are entitled to that tax-free \$ and long-term benefits another day.

FILE THE CLAIM!!!!!!!!!!!!

CHAPTER 13

Something way back in Chapter 10 about those arms and legs etc., seemed important.
Can you say it again?



Yes, if you hurt your eyes, ears, arms, hands, fingers, legs, feet or toes, you can get tax free \$, **even if you did not lose a day from work.**

Go see the Tie Guy or Gal.

CHAPTER 14

Virtual Hearings

You no longer have to attend all WCB hearings in person. You can appear “Virtually” through electronic means from the comfort of wherever you might be at the time of the hearing. Virtual hearings allow injured workers and other participants to attend a hearing online. Some hearings are just over the phone, while others use video, so make sure you are wearing what you want everyone to see.



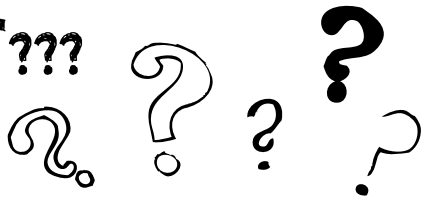
To attend a hearing virtually go to:

www.wcb.ny.gov/virtual-hearings/

CHAPTER 15

I'm hurt and out of work,
but I still need to look for work??????

WHAT???

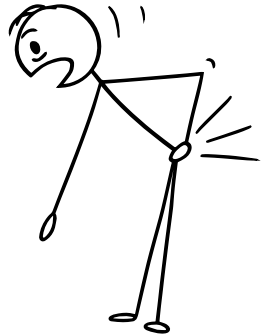


Believe it or not, even if you are disabled from your job, the **WCB** might require you to look for other work.

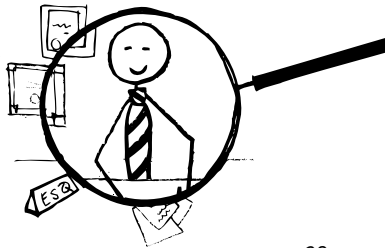
They call it "**A**ttachment to the **L**abor **M**arket."
To continue to receive ongoing lost-wage benefits, a partially disabled claimant has to demonstrate labor market attachment.

Partially disabled claimants need only seek employment within their medical restrictions.

A claimant who fails to make reasonable efforts to obtain gainful employment consistent within their partial disability may be found to have “voluntarily withdrawn” from the labor market and be denied future wage replacement benefits.



These payments can also stop if you retire from your job without first getting a note from your doctor recommending you do so as a result of your work-related disability. As this is a very fact-specific issue, always check with that tie guy of yours.

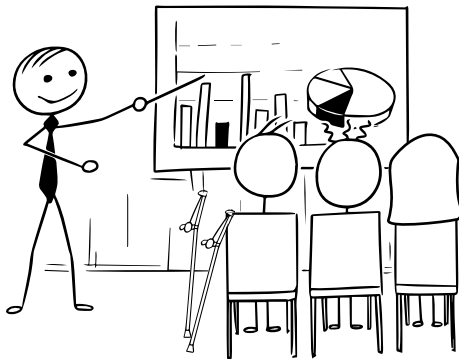


If you're wondering what "proves" attachment to the labor market, here are several examples:

1. An independent job search with the job title, name, address and contact information of a prospective employer. If this is done online, then the job application should be printed;
2. Active participation in a job-location service such as New York State's Department of Labor's re-employment services, One-Stop Career Centers, job service commonly utilized to secure work within a specific industry;



JOB TRAINING



3. Active participation in vocational rehabilitation through Adult Career and Continuing Education Services - Vocational Rehabilitation (ACCES-VR) or other Board-approved rehabilitation program;
4. Active participation in a job-retraining program; or
5. Full-time attendance at an accredited educational institution to further enhance employment opportunities.

CHAPTER 16

Can you wrap all this up already?

Yes, let's review.

ACCIDENT: You know it when you see it. Report it to your boss within 30 days.

ILLNESS: My body hurts from work, but it's from continual overuse, not from one particular accident.

DOCTORS: Don't pay them out of pocket, BUT DO tell them you got hurt at or from work.

LAWYERS: The Tie Guys or Gals. They know a lot about Workers' Comp. More than what's in this little book.

Don't pay them out of pocket either. They only get paid if they help you get paid and it comes out of your award from the insurance company.

When to file a claim:

FOR AN ILLNESS

Within 2 years of when you knew of last exposure, or stopped working, or should have known it was work related.

FOR AN ACCIDENT

Within 2 years of date.

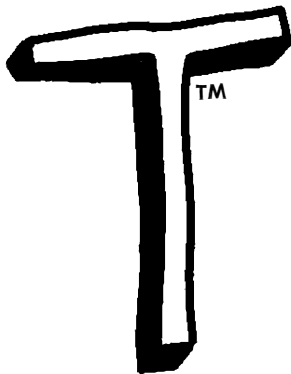
CHAPTER 17

Chapter 16 was still too long.
I only want to remember a few words.

REPORT

TREAT

FILE



STEPS TO TAKE IF YOU ARE INJURED ON THE JOB



- ◆ Seek medical attention as soon as possible. If you require emergency medical care, call 911.
- ◆ Inform your supervisor of what has occurred.
- ◆ Take pictures of the scene and your injuries. Keep detailed notes of your recollection of the event.
- ◆ Get the contact information of any witnesses.
- ◆ Don't speak with anyone about your claim, except your doctor or a legal representative.
- ◆ Keep all receipts or invoices for medical care, medical supplies and even over-the-counter medication or supplies you purchase for your injuries. This documentation may prove invaluable later.
- ◆ Call an attorney to assist you in filing a no-fault application, notice of claim, or other documents needed to protect your rights and bring a personal injury claim.
- ◆ If you have an accident involving the City of New York or other municipal entity, file a Notice of Claim within 90 days of your accident.

CHAPTER 18

Do you know any good Lawyers?

YES!

Call or email **JORDAN ZIEGLER, ESQ.** (Tie Guy)

or his partners at their law firm

PASTERNAK TILKER ZIEGLER

WALSH STANTON & ROMANO, LLP

Attorneys at Law

The law firm for Working People
with offices all over the place
(Locations on back cover.)

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THE END





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Mr. Ziegler lives in Great Neck, NY, with his wife and two sons.



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