

UPDATE ON...

WORKERS' COMPENSATION

ANNUAL RATE INCREASES JULY 1

Most often when an employee files a claim about an on the job injury, it's legitimate. After all, workplace injuries unfortunately happen more than anyone would like to believe — especially the employers and their insurance companies whose main goal is to make sure an injured worker receives as little compensation as possible.

Most new years bring new changes to Workers' Compensation substantiating the proof that Workers' Comp is a complicated matter and one that workers should not play guessing games with.

Jordan Ziegler, Esq. of the law firm Pasternack Tilker Ziegler Walsh Stanton & Romano LLP, said the NYS Workers' Compensation system is a no-fault system that was created to aid injured workers with wage replacement and medical benefits. However, navigating through the Workers' Comp maze requires much more than chasing a dangling carrot. You need to know and understand the rules in order to follow the rules. And that's no easy task.

As an attorney handling Workers' Compensation cases for decades, Ziegler said he has seen way too many workplace injuries and deaths, often as a result of employer negligence or carelessness. While the construction industry is the deadliest industry in New York City with deaths resulting from falls from heights or falling debris, no industry is exempt from workplace injuries.

The effects of even a small injury can last a lifetime, so make the most of each step toward healing and the compensation to which you are entitled. Effective July 1, 2019, the **new maximum weekly benefit for Workers' Compensation claims increased to \$934.11** from the previous year's \$904.74.

Even if you don't lose time from work, Ziegler you should still file a claim as someone has to pay the medical bills and it's typically the WCB's insurance company's responsibility.

"The path to benefits is highly detailed. You may not even realize that beside medical benefits, you might also qualify for indemnity benefits — money you receive each week that you're unable to work. With a permanent injury, you might be eligible for such benefits even if you return to your job," he said.

Just as employers have attorneys to represent the interests of their companies, YOU must gather the right team to navigate the detailed — and often confusing — laws of Workers' Compensation.

"Workers' Comp goes a long way toward helping ease the financial burden that comes with not being able to fully return to work," Ziegler said. "There are so many complicated ins and outs of filing, however, that all too often injured workers will give up rather than fight for what they are entitled do. That's where we are able to step in and help but we can't do that if we don't know about the injury."

If you are injured on the job, or think you might have a work-related injury, here are some **important steps to follow**:

- Seek medical attention as soon as possible. If you require emergency medical care, call 911. Be sure to ask for detailed records of your injury and prescribed treatment.
- Inform your supervisor at the scene of what has occurred. You only have 30 days to report the incident. The law requires you to give **written notice** of your injury to your employer. Make sure you note the supervisors and staff you communicate with and the date your notification took place.
- Document all phone records and emails. Written communication is the best way to later prove your side of the story.

- Make copies of everything! And save all emails.
 - Inform the Workers' Compensation Board (WCB) so everyone is on the same page. You have two years to let them know of your injury.
 - Take pictures of the scene and your injuries. Keep detailed notes of your recollection of the event.
 - Get the contact information of any witnesses present.
 - Don't speak with anyone else 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.
 - You can make a claim for hearing loss only when you stop working around noise, retire, or otherwise are removed from the noisy environment for at least three months. You can also file a claim if you still work around noise, but only if you protect yourself from further noise exposure for at least three months.
 - Call an attorney to assist you in filing a no-fault application, notice of claim, Workers' Compensation forms or other documents needed to protect your rights and bring a personal injury claim.
- If you have an accident involving New York City or other municipality, you must file a Notice of Claim within 90 days of your accident.

There are four different types of benefits injured workers are entitled under a Workers' Comp claim.

LOST TIME: If you are unable to work because of a work-related injury or illness, you may receive Workers' Compensation benefits as a partial replacement for your lost wages. The maximum that workers can receive is two-thirds of their Average Weekly Wage subject to the maximum benefit rate for the date of accident/disablement.

SALARY REIMBURSEMENT: If you use any of your accrued sick or vacation time while you are out of work for a work-related illness or injury, your employer may request reimbursement and your time will be restored accordingly.

NECESSARY MEDICAL TREATMENT: As of December 1, 2010, all medical treatment for injuries to the middle and lower back, neck, shoulders, knees and bilateral carpal tunnel syndrome are subject to the Board's Medical Treatment Guidelines. Medical providers must comply with these guidelines in their requests for treatment of injured workers.

INCIDENTAL EXPENSES: If injured workers incur any expenses (ie: transportation, prescriptions) as a direct result of the accident, a claim for reimbursement may be made.

Any member with Workers' Compensation questions should contact Jordan Ziegler directly at 800.692.3717. Remember, it's better to ask than miss out.

On March 25, 2019, Local 246 Vice President Anthony Reyes and Business Agent Thomas Graziano attended a Workers' Compensation seminar at the New York City Parks Department, Randall's Island facility, given by the Union's Workers' Comp attorney Jordan Ziegler. He spoke about the steps employees should take when they have an on-the-job injury and discussed what happens when an employee is hurt and cannot perform regular duties. He also touched on filing for a Disability retirement, Social Security Disability, and filing a hearing loss claim.



See related story on pages 6-7 about Social Media when you are out on a Workers' Comp or Disability claim.