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## **Workers' Compensation**

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Designed to be a "no-fault" system, Workers' Compensation is a state-mandated benefit. The purpose of Workers' Compensation is to provide benefits and assistance to all workers who are either injured or develop a job-related illness as a result of their employment. The New York City Law Department, Workers' Compensation Division, serves as the insurance carrier for CUNY.

Benefits may include:

- Temporary disability
- Permanent disability
- Supplemental job displacement voucher
- Death benefits
- Medical costs

The following guideline has been designed to assist you through the Workers' Compensation process after you have experienced a work-related injury.

### Eligibility

All employees and faculty members are eligible. Workers' Compensation coverage begins the first minute an employee is on the job and continues any time an employee is officially on the job. The only requirement is that the individual is officially working as an employee providing a service to the College at the time of the injury.

### Instructions

All accidents must be immediately reported to:

- Your Supervisor
  - The College Nurse
  - Public Safety
  - The Benefits Officer and/or Health and Safety Officer
1. You must first go to the Health Services Department (Room B115) for an examination of your injury. The College Nurse or Public Safety Officer will send an incident report of your injury to the Benefit Officer. Please complete the employee incident report form within 24 hours of injury/illness
  2. Upon receipt of the employee incident report, HR will mail to you a Workers' Compensation packet containing all of the necessary forms for completion. It is important that these forms be completed and returned to HR as soon as possible.
  3. If you do not wish to pursue a Workers' Compensation claim, you should notify the HR Office in writing of this decision within 7 days of your accident. If we do not receive anything in writing, the HR office will proceed with a Workers' Compensation claim on your behalf.
  4. Once all the forms have been complete, the Benefit Officer will file the appropriate

forms along with a Workers' Compensation Incident Document (C-2) with our insurance carrier, the New York City Law Dept./Workers' Compensation Division (WCD). You may request a copy of the completed forms.

5. Any Workers' Compensation communication requests made of you by the Workers' Compensation Board, such as medical records or facilitating medical appointments is your responsibility; HR cannot participate in these dialogues.
6. If time is lost from work due to an accident, it is very important that the time sheet is clearly marked as absences due to a Workers' Compensation injury. Your time sheet should be annotated with W/C next to or on the appropriate space for the day(s) missed. This is required of any time missed due to the injury, whether immediately following the accident, or any time after return to work.
7. If any time from work has been missed due to a Workers' Compensation injury, upon return to work, you must first report to the HR Office with a doctor's note medically clearing you to return to full duty.

Reporting an injury or submission of a claim form does not imply automatic approval of the claim.

Forms (all forms are available on the HR website)

Employees should be filled out with a dark pen and legible (please print).

- Employee Incident Report
- Employee's Notice of Injury
- Election of Options (DP-2002)

**Please note** on the DP2002 you must select either Option 1 or Option 2 to receive reimbursement. **The selection of Option 1** charges your sick/annual leave and allows you to remain in a pay status until you exhaust your leave balances, benefits are intact, 3 months extension of leave time, may change to Option II. Once all leave benefits are exhausted, you will automatically be changed to Option II. The Workers' Compensation Division will advise the College of the determination to credit the appropriate time and leave balances. **The selection of Option 2** provides Workers' Compensation reimbursement at their established rate (Receives maximum of 2/3 salary; not more than \$275/week) and you would not use your accrued leave time; automatically put you in an unpaid status. Health insurance cancelled after 4 months; compensation pays only for injury-related care. You also cannot change to Option I.

Supervisors must fill out and forward to HR the following forms within 48 hours of the injury/illness:

- Supervisor's Report of Injury
- Witness Statement
- C-2 Addendum (if needed)

**NOTE:** An injured employee who fails to inform his or her supervisor, the HR Office or the College Nurse, in writing, within 30 days after the date of the accident causing the injury, may lose the right to workers' compensation benefits.

## CLAIMS PROCESSING REGULATIONS

Responsible	Description	Submit To	Deadline
Employee	Employees' notice of Injury Election of Option (Employee)	Supervisor	24 hour after injury
		Supervisor	24 hour after injury
Supervisor	Supervisor's Report of Injury Witness Report of Injury	Benefits Officer	48 hour after injury
		Benefits Officer	48 hour after injury
Public Safety	Incident Report	Benefits Officer	24 hour after injury

All forms should be submitted to the Human Resources Office no later than 5 days after the accident

Within 20 workdays after your claim forms have been submitted to the Workers' Compensation Division, they will inform you whether your case has been accepted or rejected. If your case is accepted, they will assign you a Carrier Case number. All parties who have treated you should enter your Carrier Case number and your Social Security number on all their bills.

You should submit all bills directly to:

New York City Law Dept./Workers' Compensation Division (WCD)  
350 Jay Street, 9th Floor  
Brooklyn, New York 11201-2908

**IMPORTANT:** Not all hospitals and/or doctors are willing to accept Workers' Compensation cases. Before treatment is given to you, it is necessary that you inform the hospital and/or doctor that this is a Workers' Compensation case. The hospital and/or doctor treating you will be paid for their services directly by the New York City Law Dept./Workers' Compensation Division. Under no circumstances are you to pay any medical bill presented to you.

As an employee, it is your responsibility to notify your immediate supervisor, the Human Resources Office (Ext. 6650) and Public Safety (Ext. 6888) of any objects or potentially dangerous conditions that could result in an accident.

### How Is a Workers' Compensation Claim Processed?

The HR Office obtains the information necessary to determine the category of your injury or illness:

1. *Incident* - No medical treatment received. The Employee Incident Report is retained at the HR Office.
2. *First Aid* - Minor medical treatment is received, no time is lost beyond the day of injury, and there are no modifications of job duties. The employee will be treated by the College Nurse. The Employee Incident Report is retained at the HR Office.
3. *Claim* - Your injury will be processed as a claim when any of the following occur:
  - o Medical treatment beyond first aid is received;
  - o Or time is lost beyond the day of injury *per medical disability slip*;
  - o Or the injury causes you to work modified duties.

If your injury or illness is categorized as a claim, the Employee Incident Report is forwarded to New York City Law Dept./Workers' Compensation Division (WCD) for approval. Reporting an injury or submission of a claim form does not imply automatic approval of the claim.

## Procedures for Pending Claims

A decision on a claim may be delayed by NYC Law Department/Workers' Compensation Division (WCD). If more time is needed to make a decision, WCD will mail a letter to the employee's home stating the date a decision will be made. The WCD will instruct the employee by letter to apply for other Disability Benefits through the Benefits Office if the employee is losing time from work while the case is on delay. The HR Office will receive a copy of this letter. Once a decision is made on a claim, WCD will inform the employee by mailing a letter to their home.

## Procedures for Denied Claims

If a claim is denied, WCD will mail a letter to the employee's home explaining why the claim has been denied. A copy of this letter will be mailed to the HR Office. The employee's supervisor may call HR Office at any time regarding the status on a Workers' Compensation claim.

## Timekeeping: Reporting Time Lost

It is important for the department to keep records of an injured employee's lost time from work. Make sure the employee's time cards or absence slips are marked with a "WC" to indicate time lost is due to a Workers' Compensation injury. Keep the department timekeeper informed of the employee's status and days lost from work. If the employee department receives any information regarding the employee WC case, they should forward the original to the Benefits Officer or Timekeeper in the HR Office.

Employees who are unable to work as a result of a work-related injury or illness will be placed on Family and Medical Leave (FMLA) if eligible for coverage.

Time lost after the day of injury should be covered by the employee's accrued sick leave. The employee may choose to use their annual and/or comp time balances when their sick leave is exhausted.

The issue of restoration of time stemming from a Workers' Compensation case varies from case to case. The determination of how much time is restored (giving back of employee's time used), is dependent upon the finding of the level of disability due to the accident, as outlined by the Workers' Compensation Board. The Workers' Compensation Board will not restore half days missed from work. Like any other doctor's appointments made due to illness, appointments for physical therapy or other injury related appointments should be made after work or weekend hours.

While the length of time an employee can remain on Workers' Compensation is at the discretion of the Workers' Compensation Board, after one year of time missed from work, the College has the right to replace that employee.

## Contacts

Bridget Sheridan, COA/Timekeeper 718-518-6819, [bsheridan@hostos.cuny.edu](mailto:bsheridan@hostos.cuny.edu)

Keisha Pottinger, HR Manager/Benefits Officer 718-518-6652, [kpottinger@hostos.cuny.edu](mailto:kpottinger@hostos.cuny.edu)

## Attachments

WC Questions and Answers

## **Workers' Compensation Questions and Answers**

### **Q. Are all disabilities covered under Workers' Compensation Law?**

A. No. Only those disabilities that are causally related to an accidental injury "arising out of and in the course of the employment" or to occupational disease, are compensable.

### **Q. If I'm injured on the job, do I have to file a claim for workers' compensation?**

A. Yes. As soon as you can after your injury, tell your supervisor that you have been hurt. The Public and Safety department will provide you with a incident report form, HR will provide you with a WC claim form on which you must describe your injury and how, when, and where it occurred. Return the completed WC form to the HR Office.

If you do not file a claim, a claim will be filed for you. As your employer, Hostos is obligated to file a claim if you are injured on the job.

### **Q. Is it necessary for the employee to retain an attorney?**

A. No. W.C. Law Judges may assist a worker not represented by an attorney. An attorney's assistance may be desirable if the issues are complicated. Attorney's fees are deducted from the claimant's award, as determined by a Workers' Compensation Law Judge. A claimant must not pay an attorney directly.

### **Q. Is medical care provided in the case of an accidental injury even when no claim is made for weekly cash benefits?**

A. Yes. If medical care is necessary, it will be provided even though there has been no lost time from work (or less than eight days lost time) and no cash benefits paid.

### **Q. Are prescription drugs and medications covered under the law?**

A. Yes. The claimant should send a receipted bill and letter from the attending physician to the WCD, stating that the purchase was necessary and in accordance with the physician's direction. As of July 11, 2007, the Workers' Compensation law specifically authorizes pharmacies to direct bill the insurance carrier and requires the insurance carrier to pay for the prescription or reimburse the employee within 45 days of receipt of the claim for payment or reimbursement. It also allows the insurance carrier to contract with a pharmacy or pharmacies and require claimants to use the pharmacy or pharmacies to obtain their prescriptions. The only exceptions are when a medical emergency occurs and it is not reasonably possible to obtain immediately required prescribed medicines from such pharmacy or pharmacies or the pharmacy or pharmacies do not offer mail order service and do not have a physical location within a reasonable distance from the claimant.

### **Q. May a doctor proceed with care if the WCD withholds authorization without reason?**

A. Yes. When the authorization has been requested and withheld without reason for more than 30 days, the doctor may proceed to render the services required for the claimant's welfare. If the authorization is for a diagnostic test and the carrier has contracted with a network and requires claimants to use the network, the diagnostic test must be obtained from a provider or facility within the network.

### **Q. What happens when a claim is contested by the WCD?**

A. If WCD contests a claim, they must file a notice of controversy with the Board within eighteen days after the disability begins or within ten days of learning of the accident, whichever is greater. WCD must give the reasons why the claim is not being paid. The issue is resolved by a W.C. Law Judge at a prehearing conference or a hearing.

**Q. What is the penalty for making a false claim?**

A. A person who willfully misrepresents the circumstances surrounding his or her case in order to obtain benefits is guilty of a felony.

**Q. Can my medical record in my WC case be disclosed to anyone?**

A. Workers' Compensation Law §110-a prohibits the release of any of the information in your case file except to those who are party to your claim (including your employer, their workers' compensation insurance carrier, their attorney and your attorney), anyone to whom you have given written permission to access your claim information, or anyone who has obtained a court-order authorizing them to access your claim information. Your information may be shared with other government entities in order for them to process claims for benefits or investigate fraud. Finally, your health care providers may have access to portions of your claim file, in order that they may ascertain payment for services. The law also prohibits anyone from re-disclosing your information to anyone who is not authorized to have access to it.

**Q. How does this affect my own health insurance?**

A. Workers' Compensation is separate from personal health care insurance. Workers' Compensation insurance covers work-related injuries and illnesses. There is no deductible-all approved medical bills will be paid. It is important to let the treating doctor know if your injury is work related. You are still responsible for reimbursing Hostos Community College for the premiums that are paid to maintain your benefits coverage.