



THE HANDBOOK OF WORKERS' COMP

What to do **if you're hurt** **at work** in New York

WorkersLaw.com



Pasternack Tilker Ziegler
Walsh Stanton & Romano **LLP**
Attorneys At Law



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Disclaimer: This booklet is intended to be easy reading on a complex subject. Workers' compensation is a serious matter and should not be taken lightly. 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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Walsh Stanton & Romano LLP
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I got hurt at work. Now what?

**Do you know where, when, how,
and why you got hurt?**

If **so**, then you were in a work accident – you know it when you see it.
(You can read more about that in Chapter 3.)

If **not**, then you may have a work-related illness.
(More about that in Chapter 4.)

**Either way, put this book down and see a doctor.
Tell them you were hurt at work.**

And remember, you don't have to pay them anything out of pocket. There are no co-pays with workers' comp. They should send the bill to your employer's workers' compensation insurance, not you.



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I saw a doctor. Now what?

What you do next depends on whether it was an accident or an illness.

Were you hurt at a specific time?

Do you know when, where, and how it happened?

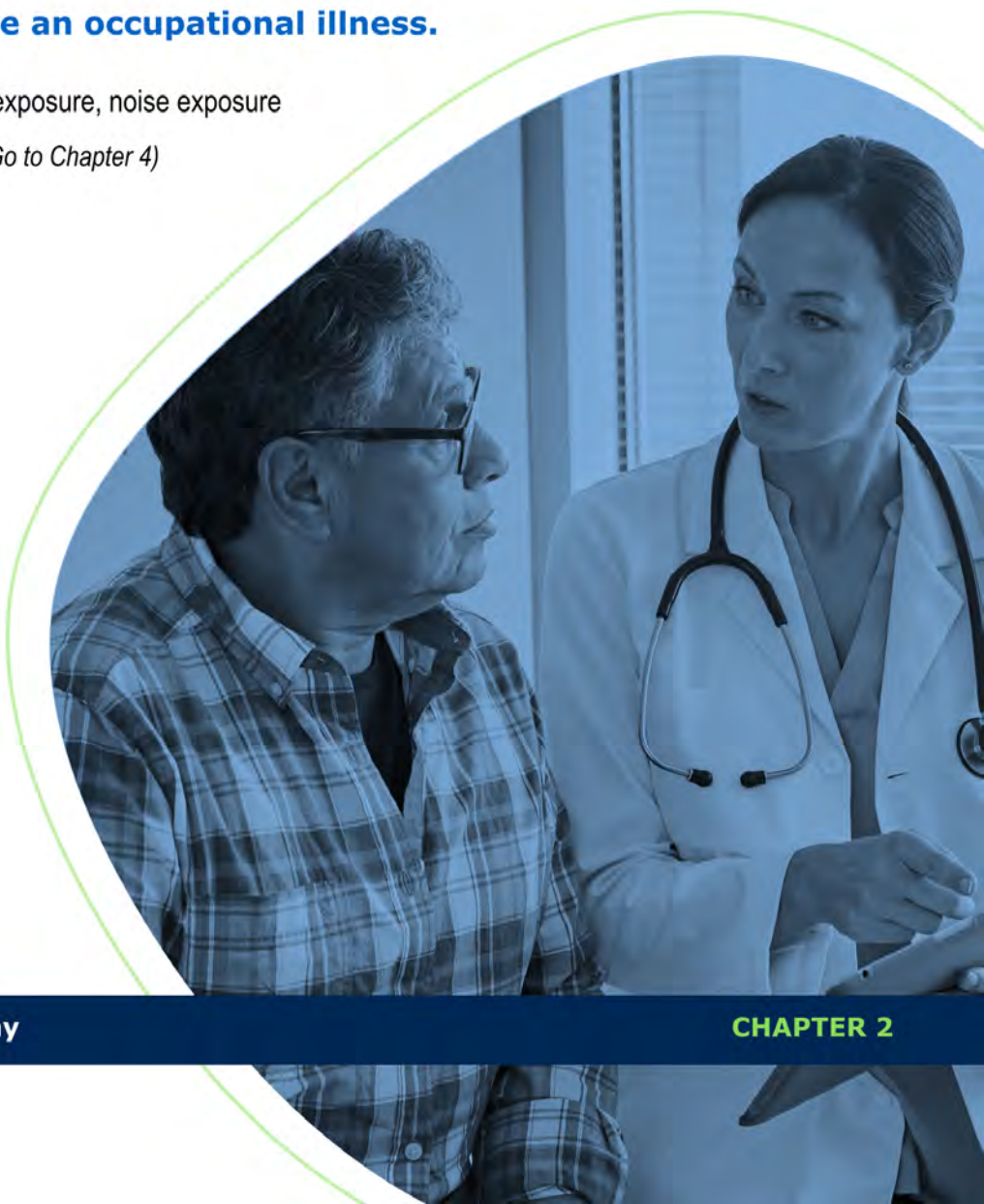
Then you were in a work accident.

Some examples include **falls, machinery accidents and assaults at work.** *(Go to Chapter 3)*

Did your injury happen over a period of time, rather than a single incident?

Then you might have an occupational illness.

Some examples include toxic exposure, noise exposure and repetitive strain injuries. *(Go to Chapter 4)*





I was hurt in an accident.

First Things First:

Report the accident to your employer within 30 days.

Telling your boss counts, but we urge you to **put it in writing** so you have a record.

Then, you **must** file a claim with the Workers' Compensation Board (WCB).

Telling your boss is not filing a claim.

You have up to two years to file that claim with the WCB, but that doesn't mean you should drag your feet.

Have a workers' compensation lawyer help you with this part. Lawyers are easier to contact than the WCB, and they deal with this process every day.

Talk to a workers' compensation lawyer today!



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I have a **work-related illness.**

Some work injuries don't happen at a specific moment in time.

Maybe you were hurt by doing the same motions **over and over and over again**, causing a repetitive strain injury (RSI). Or perhaps you **breathed** something into your lungs or were **exposed** to chemicals. Or you heard **loud noises** at work for many years.

In these situations, you don't have to report the injury within 30 days like you would with an accident. You may not even know when the problem started.

But you may know the **last time you were exposed** to the conditions or when you had to **stop working** because of your illness. Those dates are important, so **write them down** if you know them.

See a doctor and explain your work history:

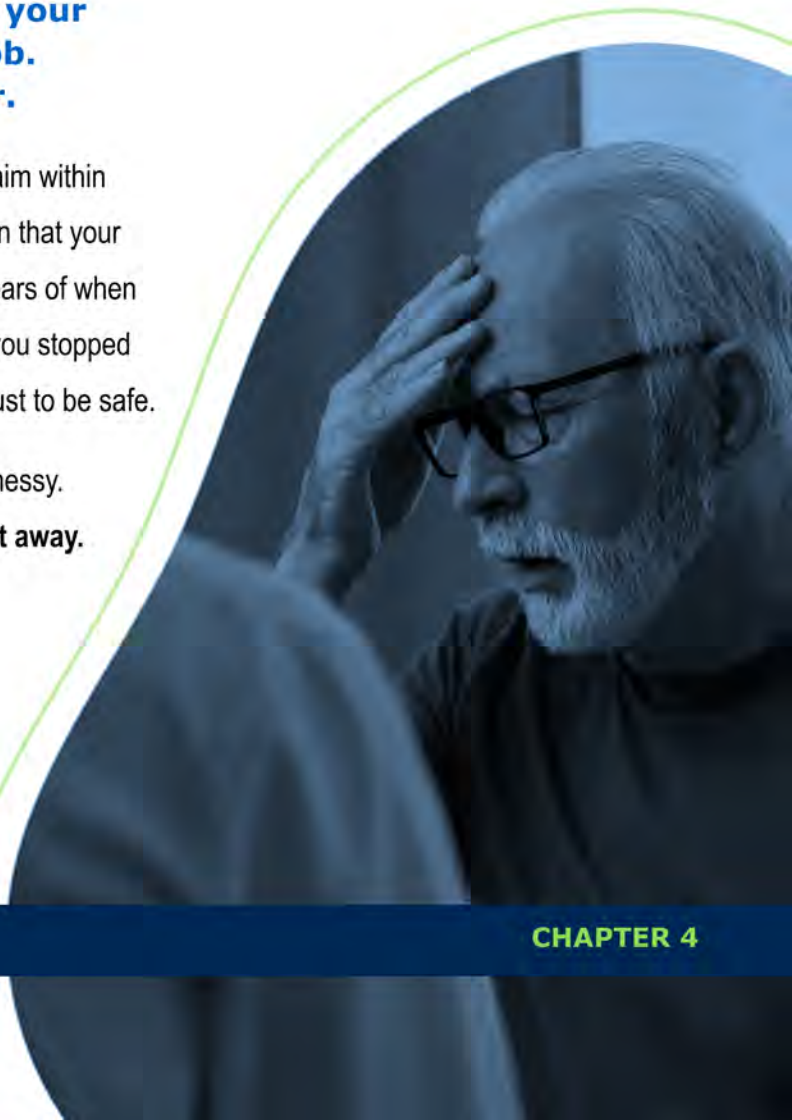
- All the things you do at work
- How often you do them
- For how long you have done them

Your doctor can assess whether your symptoms are caused by your job. If they are, then talk to a lawyer.

For a work-related illness, you need to file your claim within two years of when you knew or should have known that your condition was caused by your job; or within two years of when your doctor told you; or within two years of when you stopped working – or within two years of all of the above, just to be safe.

Yes, the deadlines for work-related illnesses are messy.

That's why you need to talk to an attorney right away.



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My job gave me hearing loss.

You might have a hearing loss claim.

You can get compensated for hearing loss that you developed from work.

These are tricky claims, though.

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 and get away from the noise? Then get your hearing checked.

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

Call An Attorney.



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What happens if you **can't work**.

Workers' comp replaces a portion of your lost wages.

While you are injured and unable to work, you can get **up to 2/3** of your average weekly gross wages paid to you – tax free, per week – but only up to a maximum amount set by the WCB.

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

Sometimes this is not your doctor but a doctor from the worker's compensation insurance carrier. It's called an IME, which officially stands for "Independent" Medical Exam, but really, it's an "Insurance" Medical Exam.

These doctors may only see you once, but they have a lot of influence with the insurance company.

Also, even after you return to work, you can still get additional benefits for certain permanent injuries.

More on that in Chapter 8.





What happens if **you** still can work.

Even if you're still at work, you have rights.

If you can safely work without missing time, then keep it up!

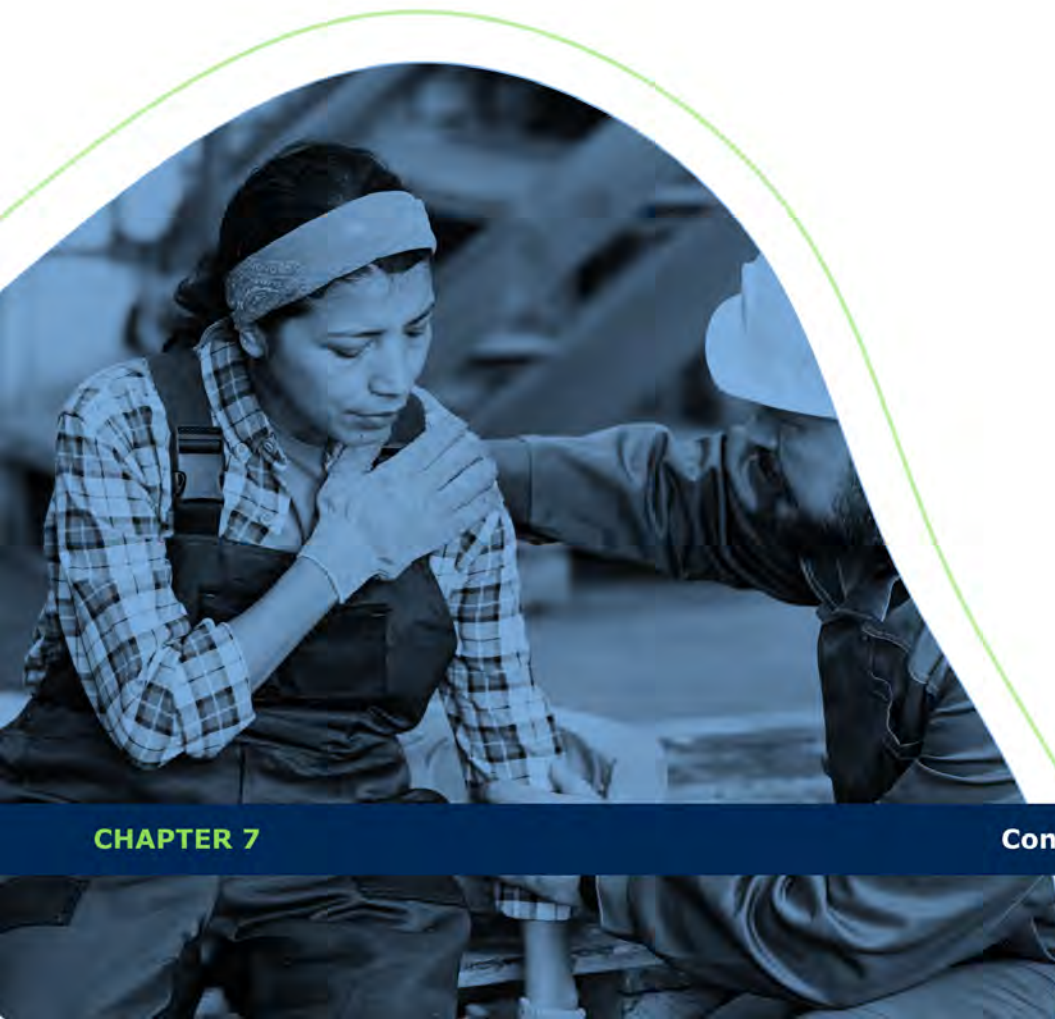
If you hurt your head, neck, back, or internal stuff, you will not get any workers' comp money while you are working if you continue to earn the same salary. You can still get your medical treatment covered, but no lost time means no tax-free weekly dollars unless you have reduced earnings.

That said, it's still in your interest to file because one day, you might wake up and be unable to 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, then you can get some tax-free benefits **even if you never stopped working!**

More on that in a moment...



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More about **injuries to the extremities.**

You may qualify for “schedule loss of use” benefits.

As we mentioned in the previous chapters, permanent injuries to certain parts of the body qualify for **additional tax-exempt benefits.**

The workers’ comp system has a **formula**, with each body part assigned a **number of weeks of benefits.**

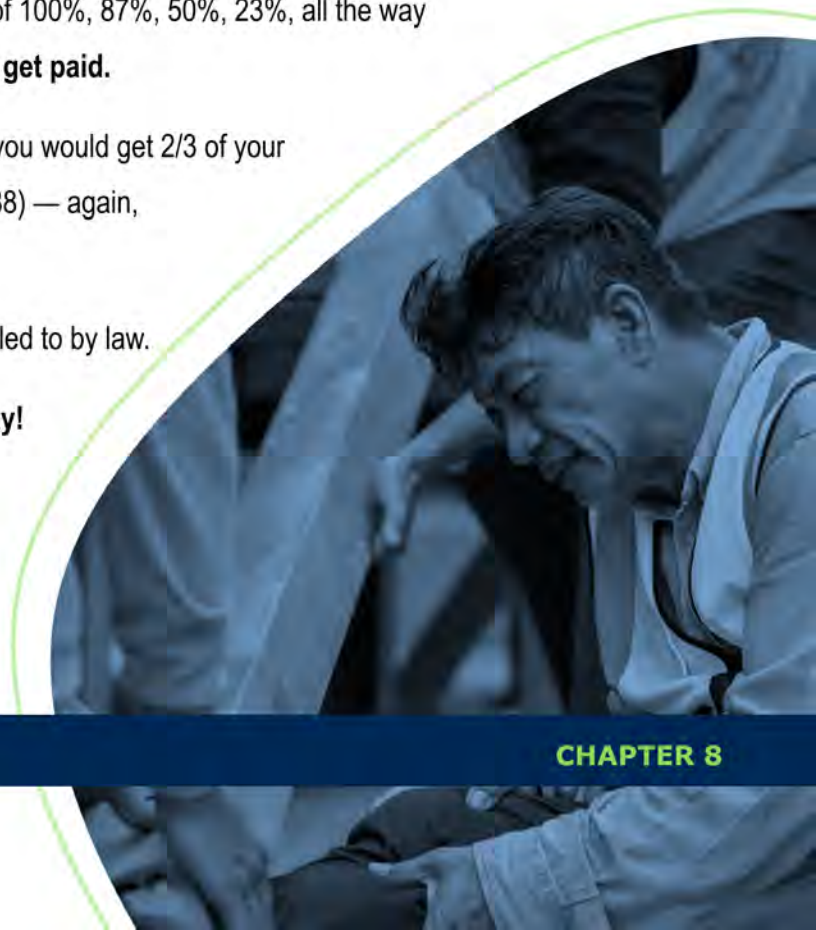
Arm	312 Weeks	First Finger	46 Weeks
Leg	288 Weeks	Second Finger	30 Weeks
Hand	244 Weeks	Third Finger	25 Weeks
Foot	205 Weeks	Fourth Finger	15 Weeks
Eye	160 Weeks	Big Toe	38 Weeks
Thumb	75 Weeks	Other Toe	16 Weeks

Based on this formula (or “schedule”) you can get benefits based on your percentage of **loss of use.** We look to see if you lost the use of 100%, 87%, 50%, 23%, all the way down to 1% of a body part. **If you did, you can get paid.**

For instance, if you lost 50% of use of one leg, you would get 2/3 of your average weekly wage for 144 weeks (50% of 288) — again, **even if you never missed a day of work.**

Make sure you claim all the benefits you’re entitled to by law.

Talk to a workers’ compensation lawyer today!





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

This is the easiest chapter.

If you saw a doctor, healthcare provider, or went to the hospital, even once, file the claim – **even if you didn't lose time from work.**

Why? Because someone has to pay the medical bills – and it's not you, your union, or your private health insurance. It's the workers' comp insurance company's responsibility. Don't shift the cost from them to you.

Plus, filing properly and on time will protect you and your family if your health changes and you are entitled to those long-term benefits another day.

So, if you're not sure, **file the claim!**



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Let's Review

Here are the key terms we covered in this book:

- **Accident:** You know it when you see it. Report it to your boss within 30 days, and get it in writing.
- **Illness:** A work-related injury caused by continual overuse, exposure to toxic substances, or other conditions, not one particular incident.
- **Doctors:** See one right away. Tell them you were hurt on the job and explain your work history. Don't pay them out of pocket.
- **WCB:** The New York State Workers' Compensation Board. They oversee the workers' comp system and handle disputes and appeals.
- **IME:** Officially, it stands for "Independent" Medical Exam, but it's really an "Insurance" Medical Exam. The insurance company may require this. ***Be prepared. Talk to a lawyer.***
- **Lawyers:** They know a lot about workers' comp – much more than we could fit in this little book. Get one on your side if you're hurt on the job.



Working For The People Who Make New York Work

If you've been injured on the job in New York, contact:



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Walsh Stanton & Romano **LLP**
Attorneys At Law

We've recovered billions for injured New York workers and their families.

We also offer a **free consultation** – and we work on contingency,
which means we only get paid if you get paid.



Call 800-692-3717

or visit us at WorkersLaw.com

