

THE WORKERS' COMPENSATION HANDBOOK

What Should I Do **If I'm Hurt At Work** In New York?

WorkersLaw.com



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Legal Disclaimer: This publication is provided for general informational purposes only and should not be relied upon as legal advice. You should always speak directly with a qualified attorney before taking any legal action regarding your situation. The details discussed here are broad in nature and may not reflect the specific facts of your case. Each claim is unique, and past outcomes do not ensure similar results in the future. We welcome you to reach out to our firm, but please refrain from sharing confidential information until an attorney-client relationship has been formally established.

Important Notice: This booklet is designed to make a complex area of law easier to understand. Workers' compensation claims can be complicated and should be handled with care. If you've been injured at work, get medical attention right away and contact our office promptly so we can help protect your rights and pursue the full benefits you deserve.

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Introduction

A workplace injury or illness can change your life in an instant. Suddenly, you might not be able to work. You might be in a lot of pain. You might need extensive medical care. You might not be able to do many of the things you love for much longer.

Unfortunately, workplace injuries and illnesses are fairly common. In New York State alone, roughly 200,000 people each year sustain a work-related injury or illness that requires medical care and prevents them from being able to work, according to the Bureau of Labor Statistics (BLS). That's one injury or illness every two minutes and 37 seconds in New York.

Not being able to do things you probably took for granted before your injury or illness can be frightening. That's why you need to act fast – to protect your health and your rights. But what should you do? Where should you start? What are your options?

Taking the first step can be confusing and overwhelming. Fortunately, you're not alone. We're here to help. In this book, you can find useful information and answers to many of the questions you might have after your work-related injury or illness in New York, including:

- **What Should I Do If I Get Hurt At Work?**
- **What If I'm Not Sure If I Have A Workers' Comp Claim?**
- **Who Should I Contact If I'm Hurt At Work?**
- **How Does Workers' Compensation Work In New York?**

The answers to these important questions – and many more – can be found in this book, courtesy of our trusted team of New York workers' compensation lawyers. We know what to do and understand how the legal system works because we have been helping injured workers and their families in New York for decades.

Knowledge is power. The more you know, the smarter your decisions. With our skills and guidance on your side, you can tackle any legal challenge you might encounter after your workplace injury or illness.

You should not have to worry about applying for workers' compensation or all the red tape often associated with this system. That's our job. Your focus should be on getting better and recovering from your workplace injury or illness. We work hard for injured workers in New York. You can count on us to help you achieve success on your terms.

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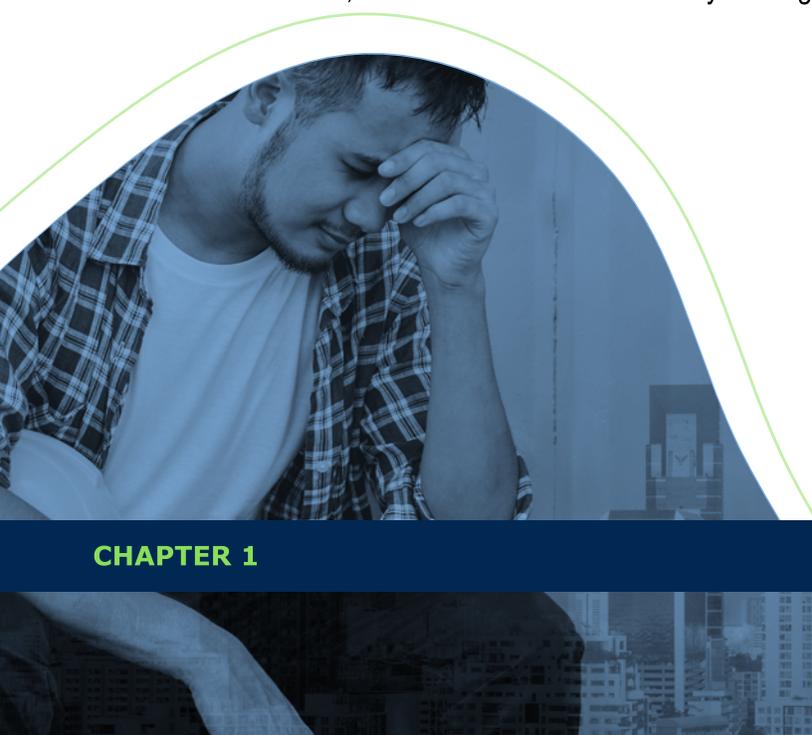
What Is Workers' Compensation?

Workers' compensation is a no-fault system that provides essential support to workers who are injured on the job or develop occupational diseases. A form of insurance, workers' compensation provides benefits to employees who are hurt at work, regardless of how they were injured.

The New York State Workers' Compensation Board, a state agency, oversees the system. However, workers' compensation is funded primarily by employers throughout the state. Such funding provides compensation for a wide range of expenses, including:

- **Medical care** – Payment for doctor visits, hospital treatment, physical therapy, surgery, and prescriptions related to your injury.
- **Lost wages** – Partial income if you can't work while you recover, usually based on two-thirds of your average weekly pay within the state's limit.
- **Permanent disability benefits** – Financial support if you can't return to your previous job due to lasting injuries.
- **Death benefits** – Financial assistance for families of workers who lose their lives because of a job-related injury or illness.

It's not just about the money. Workers' compensation can be a lifeline for injured workers and their families. New York's workers' compensation system was created to help people recover, support their families, and return to work with stability and dignity after an on-the-job injury.



2

What Should I Do If I Get Hurt At Work In New York?

If you get hurt on the job in New York, you need to take action fast. Otherwise, you might not get the support or help you need to recover. That's why the steps you take right after your workplace injury or illness can make such a dramatic difference in the outcome of your case.

Every workplace injury or illness is unique. Certain steps may differ depending on the specific circumstances of your case. But in general, you should take the following steps as soon as possible:

- **Seek immediate medical attention** – Your health should always come first if you get hurt at work. See a doctor as soon as possible. If necessary, go to the nearest emergency room if you have a life-threatening injury.
- **See an approved doctor** – The New York State Workers' Compensation system requires injured workers to see doctors authorized to treat people with work-related injuries. In addition, some employers require workers to choose a doctor from a list of physicians if your employer uses a Preferred Provider Organization (PPO) health insurance system. Check with your employer if you're not sure if your preferred doctor is authorized to treat you.
- **Take your doctor's advice** – Make sure you do exactly what your doctor tells you to do. If you don't, you might not fully recover. In addition, your employer's insurance company or the New York Workers' Compensation system might raise questions later about your work-related injury if you failed to follow your doctor's instructions.



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What Should I Do If I Get Hurt At Work In New York?

- **Attend all follow-up appointments** – Most work-related injuries require more than just one doctor's visit. In many cases, you will need to see a doctor several times after your work injury. Don't skip any of these appointments. Doing so could jeopardize your recovery and your workers' compensation claim.
- **Write down witnesses' names** – If anyone saw your workplace accident, make sure you have their full name and contact information. This is especially important if you work in construction or other industries where multiple companies operate at the same location.
- **Tell your employer** – In New York, you have 30 days from the date of your workplace injury (or the date your workplace illness was diagnosed) to tell your employer that you got hurt at work. If you miss this deadline, you could miss out on your opportunity to obtain workers' compensation benefits in New York.
- **Keep your comments brief** – When you tell your employer that you got hurt on the job, it's always best to keep your comments brief. Our law firm also often advises people to tell their employer in writing about their work-related injury. That way, there's an official record of exactly what happened, in your own words. If you're not sure what to write – or you're concerned about how to word your letter – we can help.
- **Keep a journal** – After your workplace injury, write down as much information as you can remember about what happened. This includes details like when and where your injury occurred. Also, write down how you feel hours or days after your injury. The more information you include, the better your ability to obtain the compensation you deserve.



2

What Should I Do If I Get Hurt At Work In New York?

- **File a workers' compensation claim** – To obtain workers' compensation benefits in New York, you need to file a complete, accurate workers' compensation claim form (officially called Employee Claim Form C-3) with the New York State Workers' Compensation Board. You have two years to submit this form to obtain benefits. However, the sooner you take action, the better your chances of getting the support you need to recover and get your life back on track.
- **Talk to a lawyer** – Workers' compensation can be confusing. Having an experienced New York workers' compensation attorney on your side can help you navigate your way through the state's complex workers' compensation system. Your lawyer can also hopefully help you avoid any unnecessary delays or denials.

Our job is simple – to demand the compensation and support you deserve to get your life back on track.



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What Are Common Workplace Injuries?

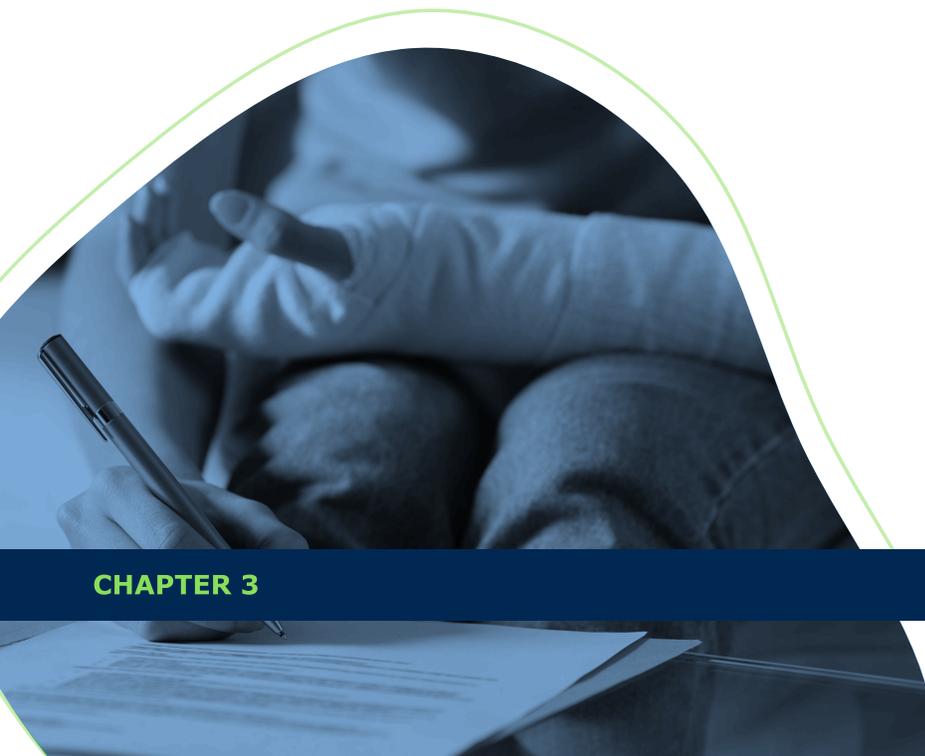
Workplace injuries that prevent you from being able to work and that require extensive medical care can cover a wide range. In New York, many common, serious workplace injuries entitle victims to certain workers' compensation benefits.

In particular, your workplace injury may qualify for "schedule loss of use" benefits. This is compensation for permanent injuries to certain parts of the body that qualify for additional tax-exempt benefits. New York's workers' comp system has a formula, in which each body part is assigned weeks of benefits:

Arm	312 Weeks
Leg	288 Weeks
Hand	244 Weeks
Foot	205 Weeks
Eye	160 Weeks
Thumb	75 Weeks

First Finger	46 Weeks
Big Toe	38 Weeks
Second Finger	30 Weeks
Third Finger	25 Weeks
Other Toe	16 Weeks
Fourth Finger	15 Weeks

Based on this formula (or "schedule"), you can receive benefits based on your percentage of loss of use. We look to see if you lost use of 100%, 87%, 50%, 23%, or down to 1% of a body part. If you did, you can – and should – receive schedule loss of use benefits.



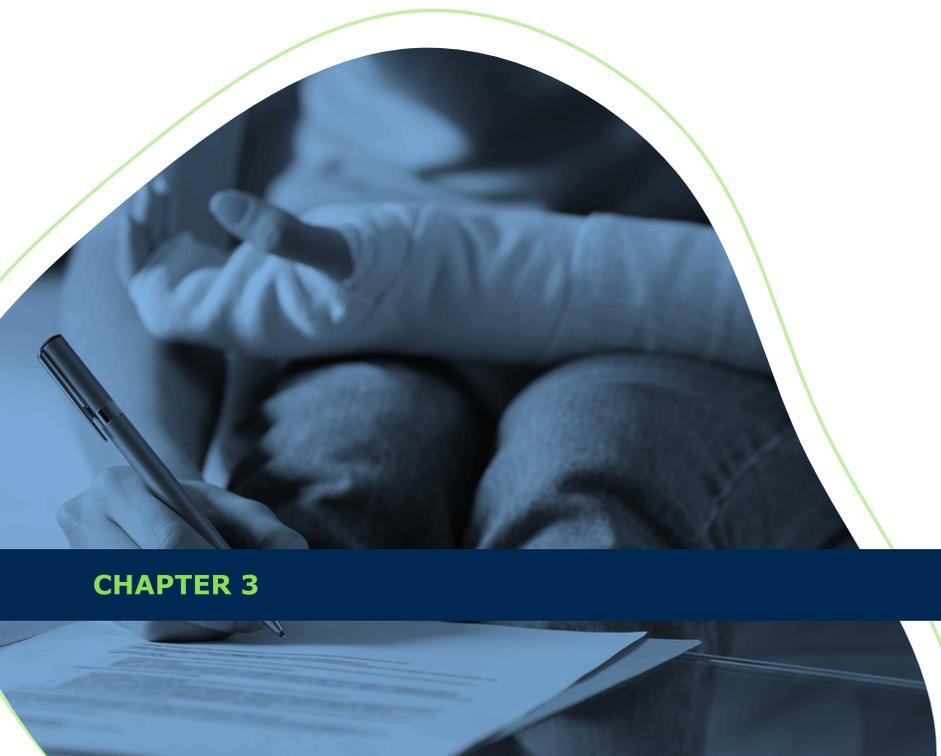
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What Are Common Workplace Injuries?

New York's workers' compensation system can be complicated. That's why you should make sure you fully understand your rights and your legal options if you sustained a serious injury at work. Make sure you claim all the benefits you're entitled to by law. Talk to an experienced New York workers' compensation lawyer.

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

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What If I Have A Work-Related Illness?

Workplace illnesses are often very different from workplace injuries. Illnesses caused by your job often develop slowly. Maybe you developed an illness or disease from inhaling something into your lungs or from exposure to toxic chemicals. Or you were exposed to loud noises at work for many years, resulting in a partial or permanent hearing loss.

In these situations, you don't have to report the injury within 30 days like you would with a workplace 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 work-related illness. Those dates are important, so write them down if you know them.

See a doctor and explain your work history:

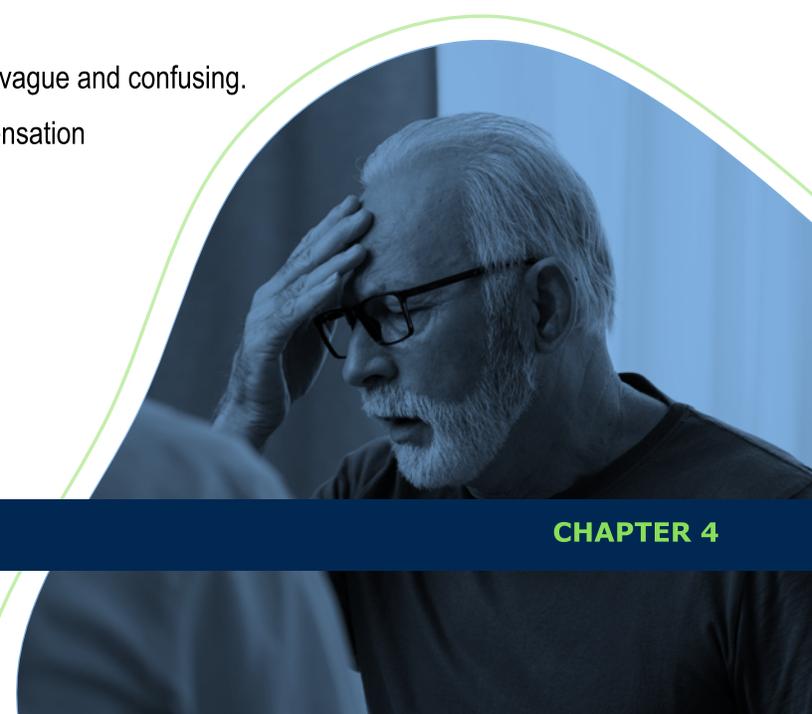
- **All the things you do at work.**
- **How often you do these tasks.**
- **How long you have done them.**

Your doctor can assess whether your job caused your symptoms. If so, talk to a lawyer. For a work-related illness, you need to file your claim within a certain time limit:

- **Two years from when you knew or should have known that your job caused your condition.**
- **Two years from when your doctor diagnosed your work-related illness.**
- **Two years from when you stopped working – or within two years of all of the above, to be safe.**

The deadlines for work-related illnesses can be vague and confusing.

That's why you need to talk to a workers' compensation attorney right away.



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What Are Common Workplace Illnesses?

Many workplace illnesses qualify for workers' compensation benefits in New York, especially long-term illnesses that prevent people from working or affect their quality of life even after they stop working.

Some of the most common occupational illnesses that qualify for workers' compensation benefits include:

- **Respiratory diseases** – Breathing in harmful substances often causes long-term respiratory illnesses, including asthma, asbestosis, chronic bronchitis, and Chronic Obstructive Pulmonary Disease (COPD).
- **Occupational cancers** – Long-term exposure to dangerous substances is linked to many different types of cancer, including lung cancer, mesothelioma, leukemia, bladder cancer, and skin cancer.
- **Skin conditions** – Work-related skin diseases often occur due to long-term chemical exposure, including dermatitis and eczema.
- **Musculoskeletal disorders** – Medical conditions due to long-term harm to the muscles, tendons, and ligaments often cause musculoskeletal disorders, including carpal tunnel syndrome and chronic long-term back pain.

Many other types of work-related illnesses are common in New York. In each case, you should be fairly compensated for your financial losses due to your work-related illness. However, actually getting the financial support you deserve can often be much more difficult than you might expect. That's why it's important to talk with a New York workers' compensation lawyer who understands how the state's system works.

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How Does Workers' Compensation Work In New York?

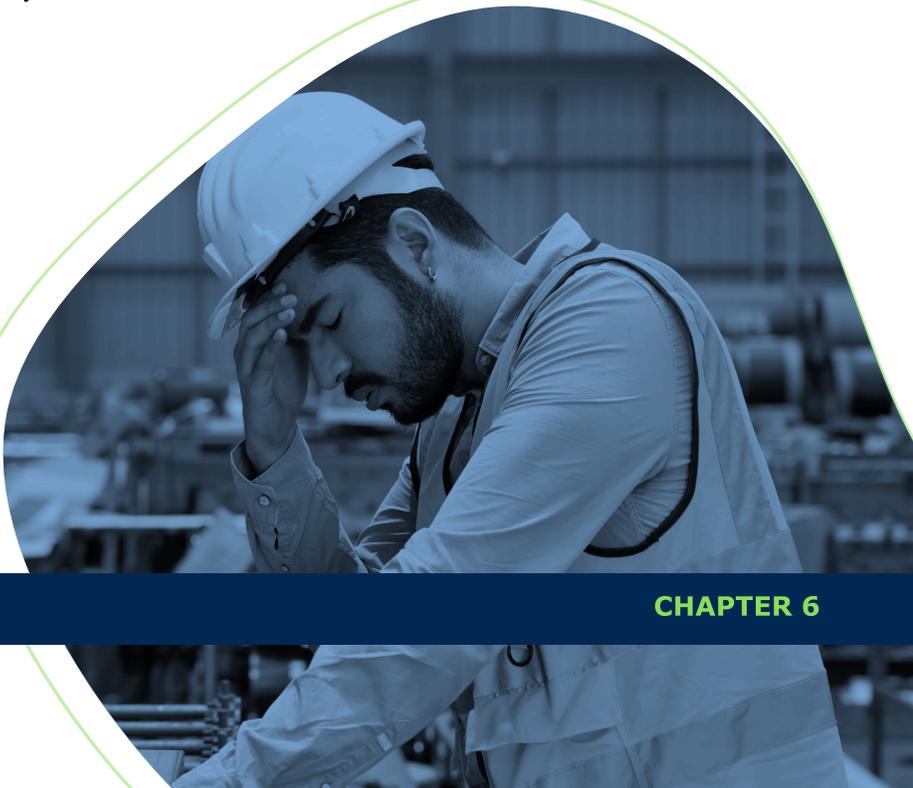
As briefly explained in Chapter 1, workers' compensation can be a lifeline for people who are injured on the job or develop an occupational illness.

You can receive workers' compensation benefits for your work-related injury or illness, regardless of fault, in most cases. This is because workers' compensation is a no-fault insurance program.

Here's how the system works in New York and some of the most important deadlines and timelines:

- **30 days** – The amount of time you have to notify your employer that you have a work-related injury or illness.
- **7 days** – Amount of time you must be out of work to start receiving workers' compensation on the 8th day.
- **18 days** – The amount of time after you apply for workers' compensation in New York that you must start receiving workers' compensation benefits if your workers' comp claim is approved.
- **Two years** – The amount of time you have to apply for workers' compensation in New York.
- **225 to 525 weeks** – How long you can receive workers' compensation in most cases in New York.

Keep in mind that you may be able to receive workers' compensation benefits – or other forms of financial support, job training, and more – for even longer than 225 or 525 weeks in some cases. That's why you should meet with an experienced New York workers' compensation attorney as soon as you become aware of your work-related illness or injury.



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What If I'm Not Sure If I Have A Workers' Comp Claim?

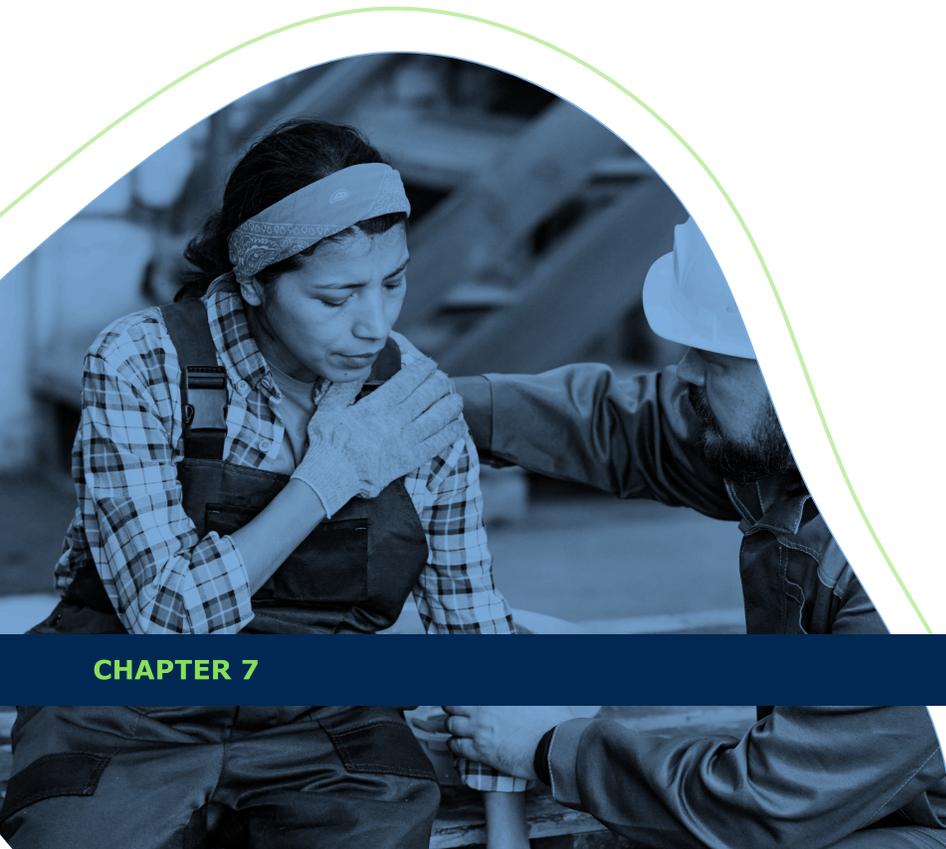
This is an easy question to answer.

Don't worry about whether your workplace injury or illness qualifies for workers' compensation. That's not your job.

First, see a doctor. They can examine you and diagnose whether you have a work-related injury or illness.

Next, apply for workers' compensation benefits. Submit a workers' compensation application (officially known as an Employee Claim Form C-3) with the New York State Workers' Compensation Board. Remember, you have two years to submit this form to be eligible to receive workers' compensation benefits.

We also strongly suggest that you talk to a lawyer as soon as possible. Even if you're not sure if you have a workplace injury or illness, an attorney can help you understand all your potential legal options. Along with being eligible for workers' comp benefits, you may be able to receive additional types of compensation depending on the circumstances of your workplace injury or illness.



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Attorneys At Law



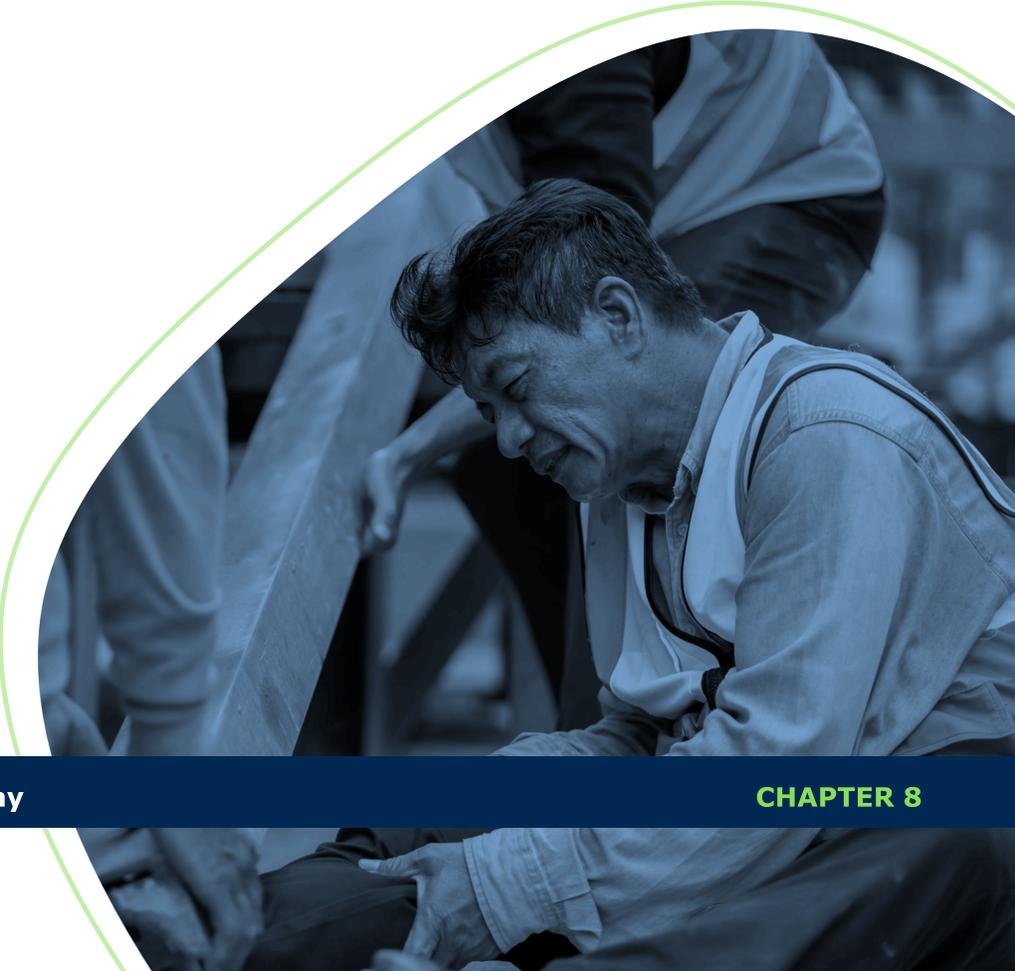
When Should I See A Doctor After My Work Injury?

This is another easy question to answer.

You should see a doctor as soon as possible if you get hurt at work or develop an occupational disease.

Keep in mind that the New York State Workers' Compensation system requires injured workers only to see doctors authorized to treat people with work-related injuries. In addition, some employer insurance providers require workers to choose a doctor from a list of physicians, especially if your employer has a Preferred Provider Organization (PPO) health insurance system.

The bottom line is you should get the medical care you need and deserve to recover from your workplace injury or illness as soon as possible.



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What If I Have Already Seen A Doctor?

You saw a doctor. Now what?

First and foremost, take your doctor's advice. If your doctor tells you to take time off from work to rest and recover, do exactly what your doctor tells you to do. If your doctor schedules a follow-up appointment, make sure you go to it.

If you ignore your doctor's advice, several things could happen:

- You might not fully recover.
- Your workers' compensation benefits claim could be denied or ended.
- You might be forced back to work too soon before you have fully recovered.

Insurance companies – especially those that provide coverage through New York's workers' compensation system – take doctors' diagnoses and advice very seriously. This is why you must do exactly what your doctor tells you to do after your visit. Your future and your recovery could depend on it.



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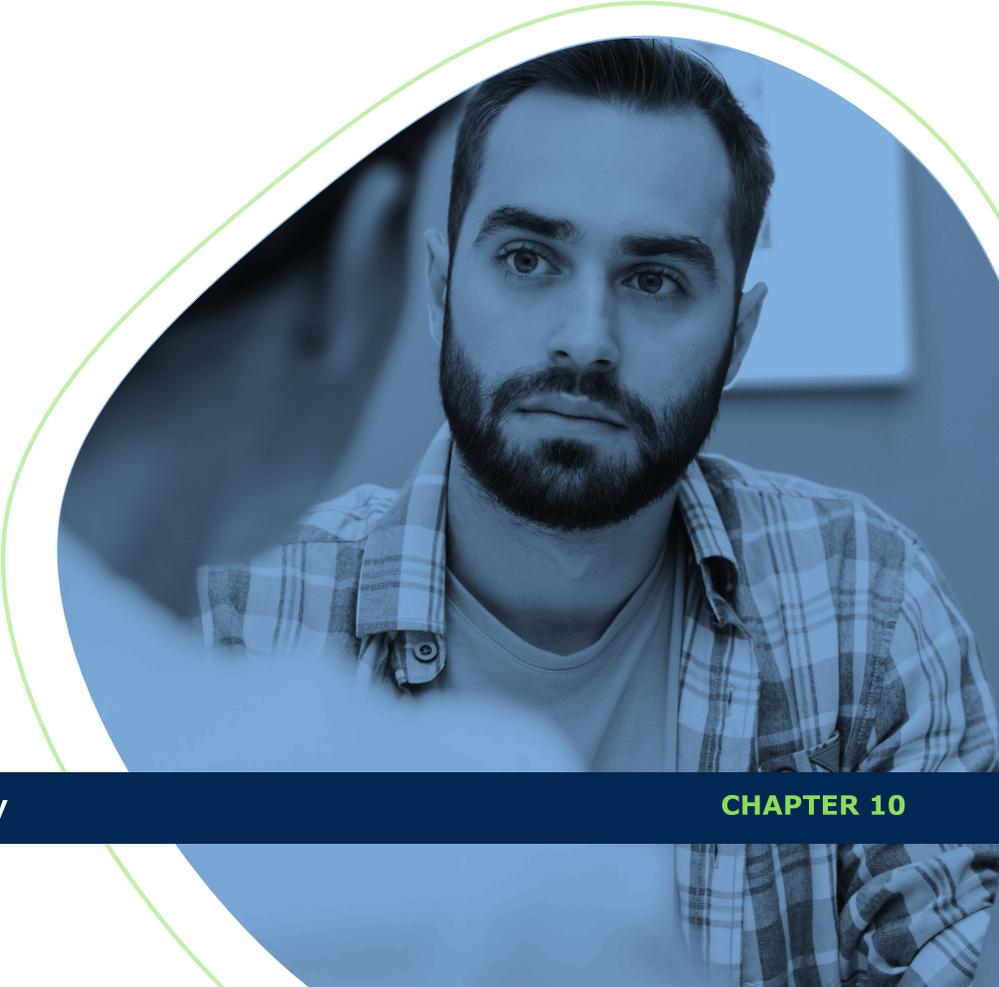
What If I Lost My Hearing On The Job?

Work-related hearing loss is one of the most common work-related injuries. An estimated 22 million workers nationwide experience dangerous noise levels at work every year, according to the Centers for Disease Control and Prevention (CDC). And 1 out of 8 working adults has difficulty hearing, often due to a work-related hearing injury.

If you have difficulty hearing due to a work-related injury or illness, you can – and should – get compensated for your hearing loss. These are complicated claims, though. First and foremost, you need to prove that your hearing loss was work-related.

In addition, before you can file a workers' compensation claim for loss of hearing, you must be removed from the noise for more than three months in a row. In addition, your workers' comp claim application might be affected if you retire or change jobs.

There are strict workers' compensation filing requirements in New York if you believe your hearing loss is work-related. Call a New York workers' compensation attorney to learn more about your legal options.



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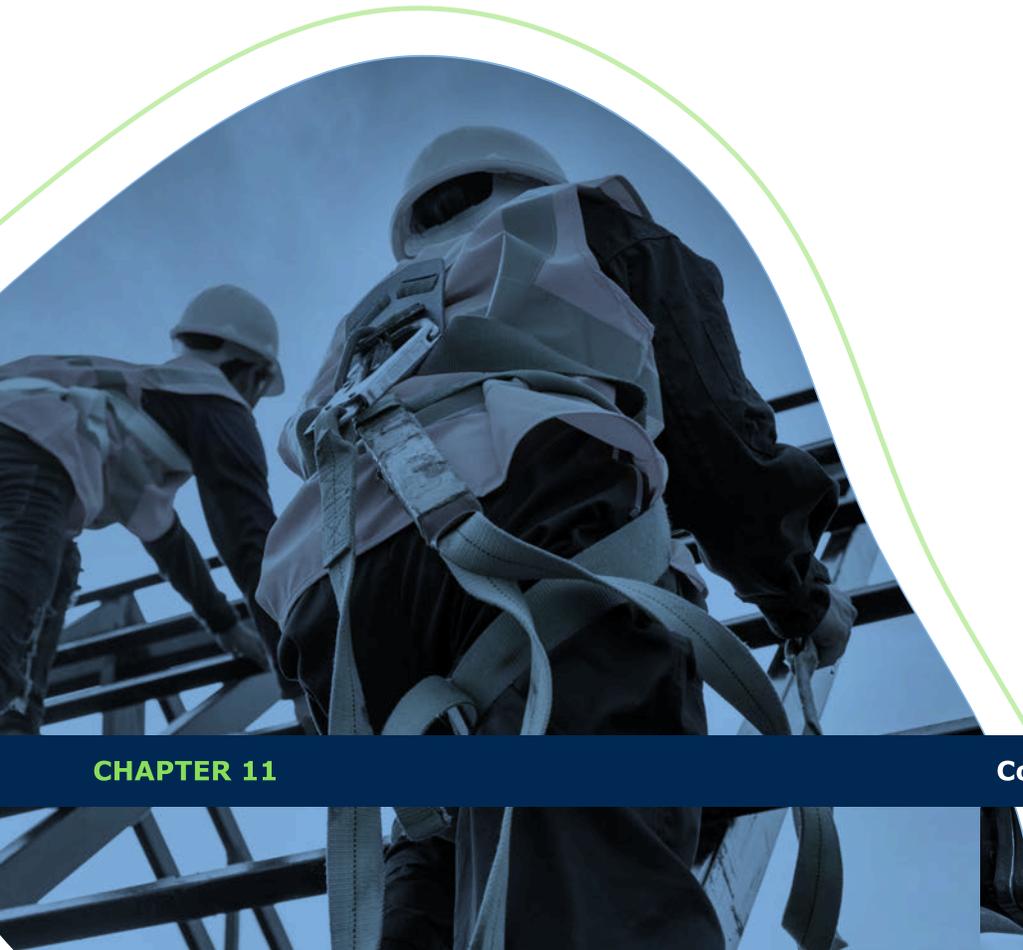
What If I Can't See Due To My Work Injury?

Thousands of people sustain job-related eye injuries each year that result in days away from work, according to the U.S. Bureau of Labor Statistics (BLS). Although many injuries are temporary, serious cases can result in lasting vision impairment or even blindness.

When eye injuries occur at work, the first and most important step is making sure injured workers receive the medical care they need right away. This serves two important purposes:

1. Workers with eye injuries receive the medical care they need.
2. The eye injury is diagnosed, making it easier to obtain workers' compensation benefits and other forms of support.

Without an official diagnosis of your eye injury, you cannot receive workers' compensation in most cases. That's why you should always see a doctor as soon as possible if you cannot see or have any sort of eye injury due to your work.



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What If I Can't Work?

If you cannot work due to a work-related injury or illness, workers' compensation replaces a portion of your lost wages.

While you are injured and unable to work, you can receive 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 New York Workers' Compensation Board. The maximum amount of workers' compensation benefits is often adjusted annually.

You can continue to receive workers' compensation while you are unable to work or until a doctor says you have improved to a certain level and are no longer eligible to receive workers' compensation.

Many times, it's not your doctor who conducts these exams to determine whether or not you are healthy enough to return to work. It's often a doctor from your employer's workers' compensation insurance provider. This examination is called an IME, which officially stands for "Independent" Medical Exam, but really, it's an "Insurance" Medical Exam.

IME doctors may only see you once. But what they say can have a big influence on whether you have more time to rest and recover or whether you have to return to work, often before you have fully recovered.

Also, even after you return to work, you can still receive additional benefits for certain permanent injuries. The best way to know for sure is to meet with an experienced New York workers' compensation lawyer.



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What If I Can Still Work?

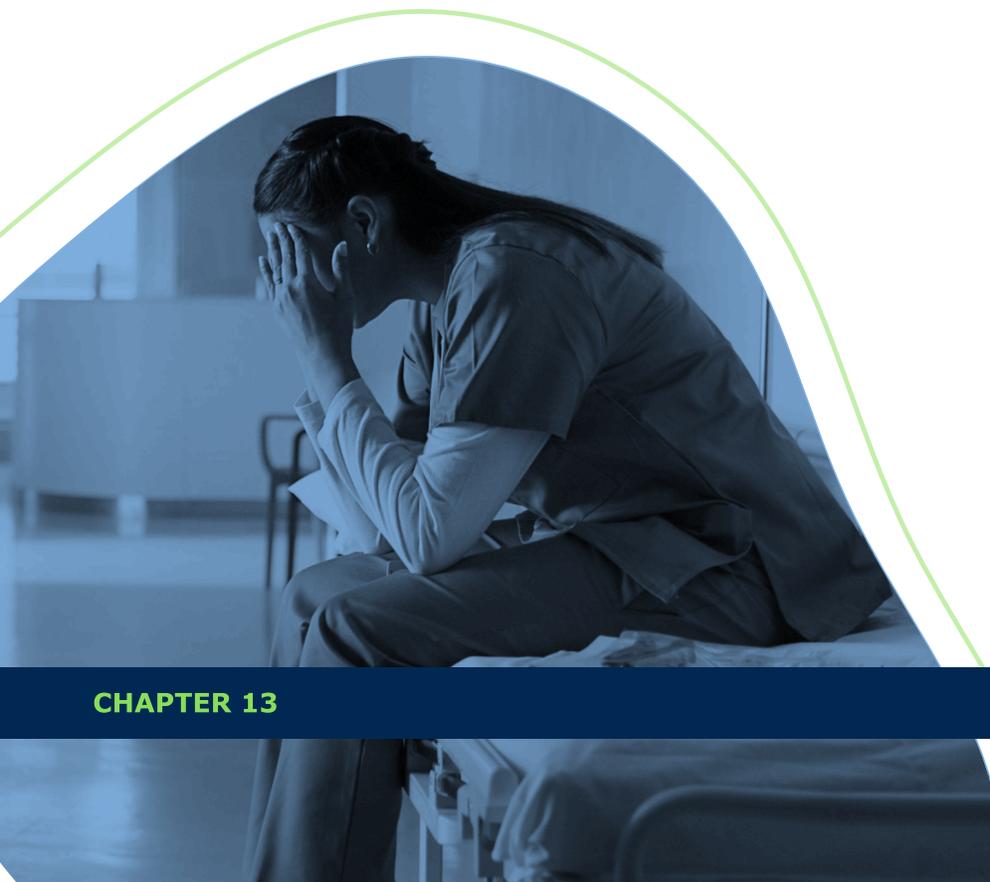
If you can work after your work-related injury or illness in New York, that doesn't mean you cannot receive workers' compensation or other support. Even if you're still at work, you have rights.

If you can safely work without missing time off from work, continue to do so – if you feel like it's not making your medical condition worse. Keep in mind that you cannot receive workers' compensation if you are working and continue to earn the same salary.

If you can work but cannot work your full schedule, then you should receive tax-free workers' compensation benefits for the time you cannot work.

In addition, all your medical care and treatments for your work-related injury or illness should be covered by workers' compensation. You should not have to suffer – physically, financially, or emotionally.

To receive these benefits for lost wages or medical care compensation, you will need to apply for workers' compensation and meet all the deadlines that apply in New York. This is why even if you can work after your workplace injury or illness, it's often in your best interest to apply for workers' compensation. You may be eligible for a wide range of benefits and compensation.



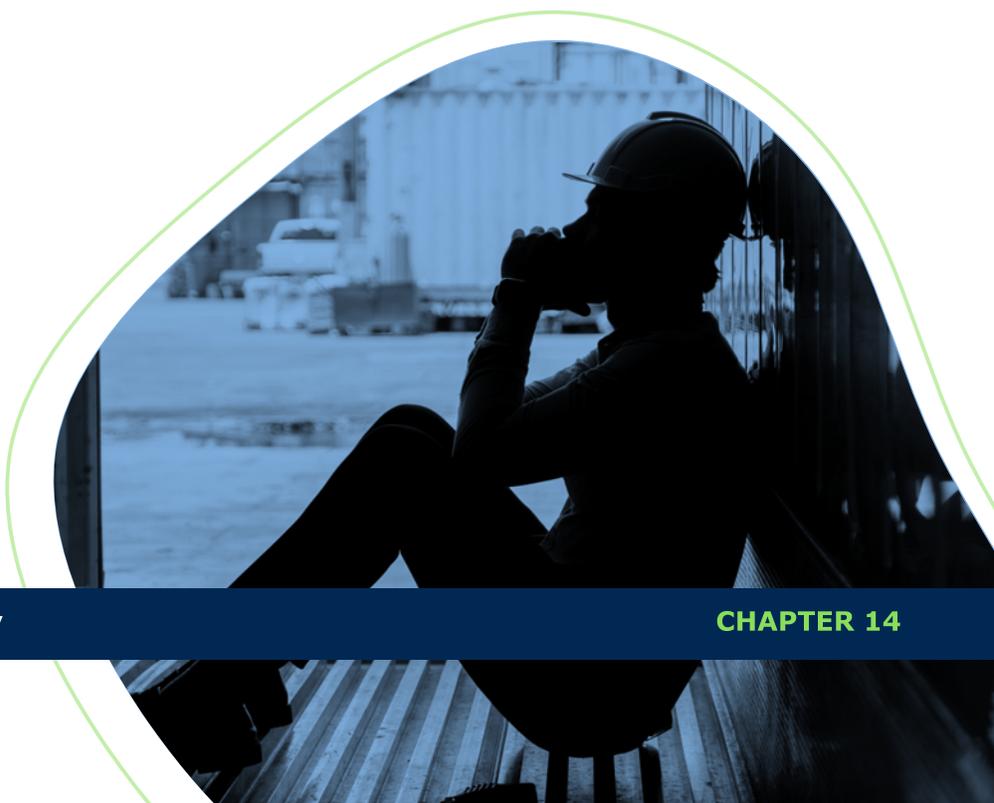
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Who Should I Contact If I'm Hurt At Work?

If you get hurt at work, you need to notify several people to obtain workers' compensation benefits in New York. You must notify:

- **Your employer** – You have 30 days from the date of your workplace accident to notify your employer about your workplace injury. If you miss that deadline, you will likely forfeit your right to obtain workers' compensation benefits.
- **New York Workers' Compensation Board (WCB)** – Notifying your employer about your workplace injury is not the same as filing a workers' compensation claim. You have two years to notify the WCB in New York. But just because you have two years doesn't mean you should wait that long. The longer you wait, in most cases, the harder it often becomes to get the workers' compensation benefits you need and deserve.

Officially, you don't have to notify a lawyer after your workplace injury or illness. But in many cases, having a workers' compensation attorney on your side can improve your ability to obtain the financial support you need and deserve after your workplace accident or occupational disease.

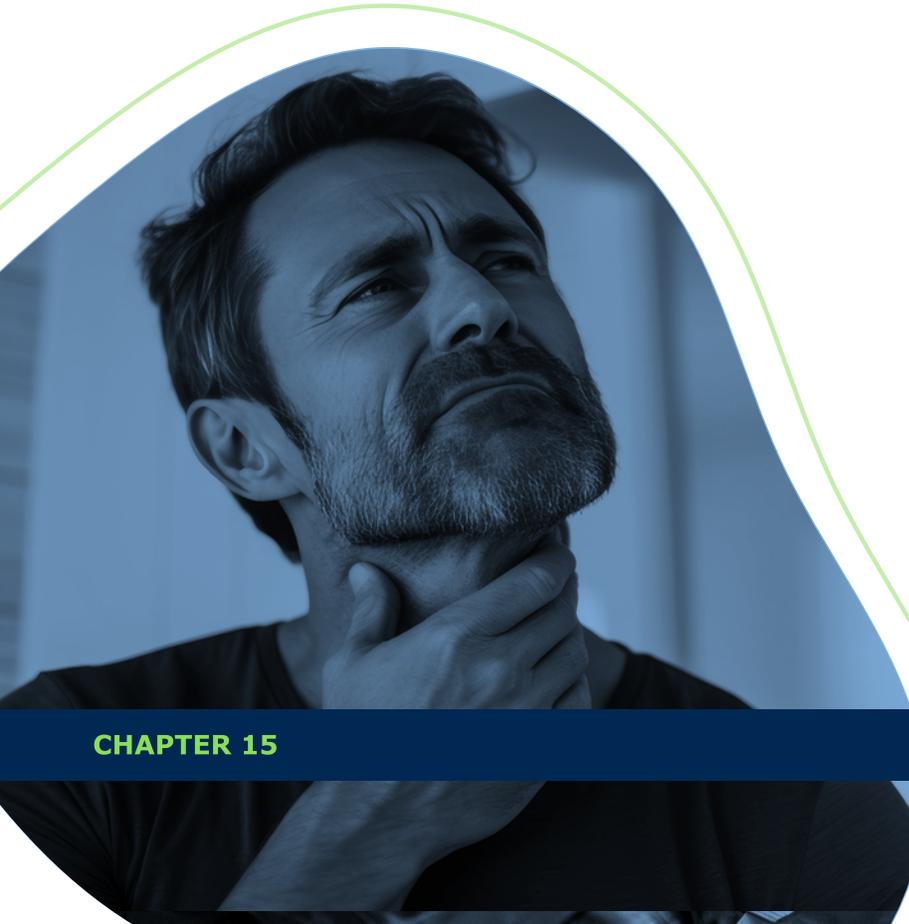


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Why Should I Hire A New York Workers' Compensation Lawyer?

Workers' compensation claims in New York can be complicated, confusing, and frustrating. Even if your injury or illness is clearly work-related, that doesn't mean you will automatically receive the compensation and support you need to recover fully. In many cases, you need to fight for every benefit you deserve.

If you developed an occupational disease or got hurt on the job in New York, get the law firm that works for the people who make New York work: Pasternack Tilker Ziegler Walsh Stanton & Romano LLP. We've recovered billions for hardworking New York workers and their families. We also offer a free consultation and work on a contingency basis. That means you pay nothing unless we win your case. Give us a call or contact us online today to learn more about your potential legal options.



Conclusion

So, what have you learned about workers' compensation?

Let's review

- ✓ Workers' compensation is a no-fault type of insurance that provides compensation to injured workers and workers who develop occupational diseases.
- ✓ Workplace injuries happen for many different reasons, often due to a one-time accident.
- ✓ Many occupational diseases develop slowly over time, often due to long-term exposure to dangerous substances.
- ✓ The sooner you see a doctor after your workplace injury or illness, the better.
- ✓ The same applies to consulting a workers' compensation lawyer. The sooner you talk to an attorney, the better your ability to obtain workers' compensation in most cases.
- ✓ Make sure you take your doctor's advice.
- ✓ You may be able to obtain workers' compensation benefits even if you can still work in some capacity.
- ✓ Don't miss important deadlines when notifying your employer (30 days) or when applying for workers' compensation (two years) in New York.
- ✓ Don't underestimate the complexity of your workers' compensation case. Just because you developed an occupational disease or got hurt at work does not automatically mean you will get the benefits and support you deserve.

The bottom line – talk to an attorney as soon as possible. Experienced New York workers' compensation lawyers know a lot about workers comp – a lot more than we can fit in this little book. Get an attorney on your side if you're hurt on the job. Their help could make a dramatic difference in your recovery and your future.