

Employers' FAQs on Workers' Compensation

What titles are covered by workers' compensation?

Non-pedagogical and administrative titles are covered by workers' compensation. Injuries for other titles are classified as Line of Duty Injury (LODI) and are handled by the Medical Division at the DOE. If you are not sure that a title is covered, call the WC Unit.

What forms do I give to the employee to fill out?

Give the injured employee a "Claimant Information Packet" which consists of the following forms: **WCD23** (Employee Statement of Accident), **C2 Addendum** (if applicable), **DP2000** (Employee Selection of Option) and **C3** (Employee's Claim for Compensation). These forms may be printed from the DOE WC website at: <http://schools.nyc.gov/Offices/DFO/BusinessOperations/WorkersCompensation/Default.htm>.

What form does the payroll secretary fill out?

C2 form (Employer's Report of Work Related Accident/Occupational Disease). The C2 form must be submitted on line. All other forms (except the On Line Occurrence Report) may be printed from the DOE WC website at: <http://schools.nyc.gov/Offices/DFO/BusinessOperations/WorkersCompensation/Default.htm>. Nothing gets mailed to the DOE Workers' Compensation Unit. Once the payroll secretary prints the copy of the C2 done on line, mail a copy to the Law Dept along with all other relevant forms. If an on line occurrence report was completed, a copy may also be mailed to the Law Dept.

Does a claim have to be submitted even though there was no absence and no doctor's visit? Yes. By law, all work related accidents must be documented on a C2. If the employee fails to file a claim, they may lose their right to benefits and medical care.

When do I file a claim?

A C2 must be filed immediately after the accident occurs. Failure to file within 10 days after the occurrence of the accident is a misdemeanor and punishable by a fine. However, WC law permits reporting a claim up to two years from date of accident.

What if the employer does not want to file a C2 or feels the case should be contraverted?

When the employer submits the C2; it does not mean that they agree, approve or were a witness to the accident. By having the employer submit the C2 it means that they are aware that a claim is being made. If the employer wants to controvert the case, they should state their sentiments in a brief letter to the State WC Board. The letter will be taken into consideration when the case is being reviewed. Penalties of up to \$2,500.00 are imposed if the employer fails to file a C2 form.

How does the employee get a carrier case number?

Once the City of New York Law Department receives and deems that the injury is compensable, they will mail the employee their carrier case number and the name of their

Benefits Examiner. The carrier case number is what their attending physician will need in order to continue treating the employee. Any questions or concerns relating to a case are to be addressed to their Benefits Examiner at the Law Department.

Who pays for the medical expenses, surgery, x-rays and prescriptions relating to the accident? An employee does not use their personal insurance for any expenses relating to the accident. The City of New York Law Department is the insurance carrier for the injured employee. The physician must submit a C4 form to the Law Dept for reimbursement. Their address is: City of New York Law Department, Workers' Compensation Division, 350 Jay Street, 9th Fl, Brooklyn, NY 11201.

How are the absences relating to the accident coded?

The date of the accident is a regular paid day. The next five consecutive working days immediately following the date of accident are coded as non-chargeable days. For an employee to be eligible for these days a doctor's note must be submitted along with an OP198 or PD 19 form. For administrative employees, the Cybershift Unit will only apply the non charge days to their bubble sheet when the OP 198 is submitted to the DOE WC Unit. Any absences after that have to be either coded as sick doctor's note (Option 1) or leave without pay (Option 2). If the employee chooses to go without pay, the Law Department will compensate the employee up until they return to work at a weekly rate determined by the State Workers' Compensation Board.

What happens after one year of being on a leave of absence for workers' compensation?

Once a person has been absent from work due to a work related injury or illness for a cumulative period of one year, and are still not fit to return to work, they should be terminated. If they are terminated and are subsequently able to return to work they also have the right to apply to the Civil Service Department within one year of the end of their disability for reinstatement to the position if vacant, to a similar position, or to a preferred list, pursuant to section 71 of the Civil Service Law of the State of New York.

Who do I call to report workers compensation fraud?

Call the Fraud Inspector General at the following hotline: 1-888-363-6001.

Where can I go online for additional information on workers' compensation?

You can get additional information at the New York State Workers' Compensation website at the following link: <http://www.wcb.state.ny.us/>