

Important Information Regarding Workers' Compensation Claims

Filing a Workers' Compensation claim hopefully does not happen often for your organization. But when they do, there are important protocols that must be followed to avoid delays in payments to medical providers and claimants as well as to avoid any potential fines by the NY Workers' Compensation Board (WCB).

This bulletin provides a summary of important items to remember when presented with a workplace injury.

- If an employee notifies you of a work related injury/accident, an incident report as well as accident investigation should be completed immediately.
- If the injury does not result in any lost time beyond the one day of the scheduled shift, does not generate a medical bill or does not require two or more internal "first aid" treatments, the claim may not need to be filed with NYSIF and the WCB. A C-2F form (Employer's First Report of Work-Related Injury/Illness or equivalent incident report) would still need to be completed and kept on file with the employer for the statutory 18 year period.
- If an injury does not meet the above criteria, the claim **MUST** be filed with NYSIF via their eFROI system. The employer has 10 days from the date of injury to properly file the claim with the carrier or face potential fines from the WCB for late reporting.
- The eFROI as well as the C-2F are the employer's testament to the employee's claim of injury or illness. These forms should **NEVER** be completed by the injured employee. Because statements made on claim forms can be considered binding by the WCB, it is recommended when completing these forms that the employer uses non definitive language such as; "The employee claims they injured their left shoulder when emptying the garbage can." Especially in cases where there are no witnesses to the accident, the wording used on these forms is important if the case is controverted.
- In cases when the employer believes a claim to be questionable or possibly fraudulent, it is important to indicate that in the eFROI as this will alert the carrier or Group Manager that further investigation may be needed regarding the accident or injury.
- Once an employee notifies you of a work related injury or illness, a Claimant Information Packet must be provided to them. This packet includes a C-3 form for the employee to complete and return to the WCB, a list of claimant's rights and responsibilities as well as a temporary prescription card. (A Claimant Information Packet does not need to be provided to injured volunteer firefighters or volunteer ambulance workers. Also, a VF-3 or VAW-3 is used in replacement of a C-3 for volunteer firefighters and volunteer ambulance workers, respectively.)
- Medical Providers treating injured employees need to be supplied the employer's NYSIF policy number as well as NYSIF Claim Number as soon as possible. This helps to ensure the medical bills are correctly sent to the carrier versus to the injured employee. If an employee is receiving medical bills from a work related injury, please notify our office immediately.

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- The employer's role in a workers' compensation claim does not end when the claim is filed. In order to help limit the severity of a claim, the employer is encouraged to stay in contact with the injured employee and their medical provider to make sure they are receiving timely, adequate treatment. If the employer offers modified duty, they can discuss the physical requirements of these positions with the medical provider to see if the injured employee is a potential candidate to return to work.
- If an employee does return to work, or if there are any other significant details regarding the employee and their claim status, (ex. claimant working elsewhere, claimant seen performing activities outside of work contrary to the physical restrictions, etc.) the employer should notify either the NYSIF Case Manager or our office as soon as possible.

Below are a list of some helpful **DO's** and **DON'Ts** when it comes to workplace accidents and workers' compensation claims.

DO's

- Do investigate the accident as soon as you are made aware including witness and Supervisor statements as well as determining the factors that led to the accident.
- If an injury is considered reportable, do file the NYSIF eFROI within the required 10 day window. The NY WCB alone and not the employer determines if a claim is considered reportable, so if there are any questions regarding if a claim should be filed, please contact our office.
- Do have a written procedure in place within

your organization on how workers' compensation claims are recorded and filed as well as procedures when working with medical providers treating workplace injuries.

- Do interact with the NYSIF Case Manager and Safety Group Manager if there are any questions or concerns regarding the status or handling of a WC claim.

DON'Ts

- Don't ignore or fail to document a reported workplace accident or injury.
- Don't have the employee complete the incident reporting forms that are designed to come from the employer.
- Don't complete or handle the employee's WCB forms on their behalf. The C-3, VF-3, or VAW-3 form is to be completed and returned to the WCB by the employee.
- Don't be afraid to seek help when you are unsure how to handle a reported claim or completing a WCB form. Our office is here and available to assist our customers in navigating the NY workers' compensation system.

