

WORKERS' COMPENSATION

Being injured on the job can be a painful physical experience. It can also be a time of great uncertainty and anxiety for the injured worker and his or her family. At Kozloff Stoudt we have helped many injured workers secure and maintain their workers' compensation benefits and we have provided the answers that bring peace of mind to a stressful time in life of any family. Here are some of the questions we frequently answer for our workers' compensation clients:

What is Workers' Compensation? Workers' Compensation is an insurance system that protects workers who are injured on the job. Workers' compensation provides payments for medical bills and lost wages that result from a work-related accident or disease. However, workers' compensation does have its limits. An injured employee may not sue his or her employer for pain and suffering or other damages, even if the employer's negligence caused the injury. Employers are also not required to hold the job of an injured worker or maintain employment benefits, such as health insurance, while the employee is disabled.

Who must provide workers' compensation insurance? With few exceptions, all employers are required by law to maintain workers' compensation insurance. Workers' compensation insurance is available through private insurance companies and through a state-sponsored insurance program. Failure to have workers' compensation insurance is a crime which may be punished by fines or imprisonment.

When must an injury be reported? An employee injured on the job, must promptly report the injury to the employer. Injuries should be reported no later than 21 days after the injury and an injury not reported within 120 days of the date of injury may be disallowed. Employers are required to immediately report all employee injuries to their insurer and to file an injury report form with the Bureau of Workers' Compensation not later than 15 days after the injury.

What medical expenses are covered? Employees are entitled to reasonable and necessary medical care for a work injury or illness. Employers are required to post in the work place a list of at least 6 health care providers an injured employee may see. For the first 90 days after the work injury, the employee must be treated by one of the listed health care providers in order to have the medical care paid for by workers' compensation. However, an employee may seek treatment, during the first 90 days, from another health care provider at the employee's expense. After 90 days, the employee may seek care from any health care provider and all reasonable and necessary care for the work injury must be paid by workers' compensation.

What wage loss benefits are covered? Employees unable to work because of a work injury or disease are entitled to receive wage loss benefits in an amount equal to 2/3 of their average weekly wage. Workers' compensation benefits are generally not subject to

federal or state income taxation. There is a 7 day waiting period before an injured worker receives wage loss benefits. However, if the disability lasts more than two weeks, the waiting period is waived and the worker receives benefits from the date of injury.

An injured employee who returns to work, but is able to earn less than before the injury, may be entitled to partial wage loss benefits. Partial wage loss benefits are generally equal to 2/3 of the difference between what the employee was earning before the injury and what the employee is able to earn after the injury.

If you have been injured on the job and have questions about workers' compensation, please give us a call. We would be happy to make an appointment to discuss your situation. There is no charge for your initial consultation.

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