



WORKERS' COMPENSATION BENEFITS

BASICS

If you live or work in New York State (NYS) and suffer a work-related injury, illness, or disability, you may be entitled to Workers' Compensation benefits under the NYS Workers' Compensation Law (WCL).

NYS Workers' Compensation pays for medical treatment of work related injuries and illnesses. It may also provide cash benefits if your injury or illness prevents you from working. If the injury or illness results in death, death benefits are provided for surviving spouses and dependent children.

WORKERS' COMPENSATION IS A "NO-FAULT" BENEFIT

This means that eligibility for Workers' Compensation benefits does not depend on whether your injury was your employer's fault or your fault.

WHO IS COVERED?

Workers' Compensation coverage begins on your first day of work. Most full-time and part-time employees are eligible for Workers' Compensation. Even if your employer paid you in cash, paid you off the books, or treated you as an independent contractor, you may still be eligible for Workers' Compensation benefits.

TYPES OF BENEFITS

- Medical care and treatment
- Cash benefits
- Supplemental benefits
- Death benefits

MEDICAL CARE AND TREATMENT

You are entitled to immediate medical care and treatment for a work related injury or illness. The coverage treating the injury can last as long as it takes to care for the injury or illness.

CASH BENEFITS

If your injury or illness prevents you from working, cash benefits are available if you are totally or partially disabled and unable to work for more than seven days. The seven days do not have to be consecutive days of absence. You must wait for seven days after an injury before you can receive benefits. If the disability persists for more than 14 days, then you can receive retroactive disability benefits.

DISABILITY CLASSIFICATIONS

Your health care provider will determine the extent of the disability. Cash benefit amount and duration are directly related to the following disability classifications:

- **Temporary Total Disability:** The injured worker's wage-earning capacity is lost totally, but only on a temporary basis.
- **Temporary Partial Disability:** The wage-earning capacity is lost only partially, and on a temporary basis.
- **Permanent Total Disability:** The employee's wage-earning capacity is permanently and totally lost.
- **Permanent Partial Disability:** Part of the employee's wage-earning capacity has been permanently lost. There are two types of permanent partial disability benefits, depending on the body part affected and the nature of the permanent disability: schedule loss of use (SLU) and non-schedule. The severity of the disability is measured when the employee has reached maximum medical improvement (MMI). MMI is presumed to occur no more than two years after the date of injury.
- **Disfigurement:** Serious and permanent disfigurement to the face, head or neck may entitle the worker to compensation up to a maximum of \$20,000, depending upon the date of the accident.

APPLYING FOR WORKERS' COMPENSATION

- It is wise to consult an attorney who specializes in workers' compensation law, because general practice attorneys don't usually provide representation in workers' compensation matters. These attorneys often also provide Social Security Disability

representation. You can find such attorneys by contacting the NYS Bar Association lawyer referral service or your County Bar Association lawyer referral service.

- *Application Process:* You must fill out the **Employee Claim (C-3)** form to receive Workers' Compensation benefits. Your employer will not apply for Workers' Compensation on your behalf!
- *The Application Forms:* The C-3 and C-4 are the two most important forms in your claim for Workers Compensation benefits. Both forms must be filled out and submitted for your claim to be processed.
- **C3:** This is your application form for Workers' Compensation benefits. You must fill it out and send it to the Workers' Compensation Board (WCB).
- Ways to file the C3 form:
 - Complete it online at: <https://www.wcb.ny.gov/onlineforms/accessEC3.jsp>
 - Call 1-866-396-8314, and someone from the Board will help you fill out the form.
 - File a paper C3 form.
 - You may obtain a paper C3 by visiting any Customer Service Center or District Office; by printing the C3 form from the website; or by calling 877-632-4996.
 - If you submit a paper form, mail the completed C3 to:
 - **New York State Workers' Compensation Board**
P.O. Box 5205
Binghamton, N.Y. 13902-5205
- **C4:** This form provides the Board with information about your medical condition. It is used to determine your level of benefits. Have your doctor fill out this form and submit it to the WCB.

THINGS TO KEEP IN MIND

- Inform your employer of an accident at work as soon as it occurs.
- Under NYS Workers' Compensation, you must notify your employer of your injuries in writing within 30 days. After this 30-day period expires, you may be barred from collecting benefits.
- If you wish to file a claim, the form is available from the NYS Workers' Compensation Board, and must be mailed to a Board district office *within two years* of the injury or within two years after you knew or should have known about the injury. After this two year period expires, you may be barred from proceeding.

- If you receive Social Security benefits, inform Social Security Administration (SSA) immediately that you are receiving Workers' Compensation benefits or you may be liable to SSA for an overpayment.

KNOW YOUR RIGHTS

- An employer **may not** fire or otherwise discriminate against an employee or applicant who has claimed or attempted to claim Workers' Compensation. An employee who has testified or is about to testify in a Workers' Compensation proceeding is also protected.
- In New York State, both documented and undocumented workers may be eligible for benefits.

ADDITIONAL INFORMATION

- If you have further questions about NYS Workers' Compensation law or the Workers' Compensation claims process, contact your district office of the NYS Workers' Compensation Board.
- If you have questions or concerns about safety in your workplace, you should contact your local New York Occupational Safety and Health Administration (OSHA) office. OSHA is the governmental body that oversees workplace safety and health guidelines.

HELPFUL WEB-LINKS

- To find more information on the Customer Service Center or your District Office, visit: <http://www.wcb.ny.gov/content/main/DistrictOffices/MainPage.jsp>
- To print the C3 Form, visit: <http://www.wcb.ny.gov/content/main/forms/c3.pdf>
- To find your area OSHA office, visit: <https://www.osha.gov/oskdir/ny.html>

DISABILITY RIGHTS NEW YORK CONTACT INFORMATION

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