

Here's what to do when

INJURED

ON THE JOB!

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Here are some important tips one how to protect yourself . . .



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Report the Accident to Supervision Immediately.

- The Workers Compensation Law gives you 30 days to report an injury on duty, but if you do not report the injury within your tour of duty or soon thereafter, you may be denied differential payments.
- Do this as close to the time of injury as possible; if you leave the job site for medical care, it counts as notification. You can also fax a statement; in that case make sure to keep a copy of the fax confirmation sheet as proof that you made a notification.
- Call the Control Center/OSAC/Console: a call and description of your injury and that it happened on the job will record the time of injury immediately; it will also record that you are informing your supervisor. Do this also if you realize you are injured after your tour of duty (like the next morning).
- Notify your Location Union Rep and the Medical Issues Desk (MID) rep for your division. The names of the MID reps are on the TWU Website under the Medical Issues tab.
- Get G2's from all witnesses. Take photos and samples if possible.
- File an accident report "for the record only" even if you believe you do not need medical attention.
- You have the right to file an IOD if you think you have been injured – no matter what Supervision says. Contact an MID rep if anyone tries to stop you from filing an IOD Report.

When Completing the Injury on Duty (IOD) package:

- Ask for a union rep to help you, if only by telephone; if a union rep is not available, ask if you wait for an available rep as long as you have notified your supervisor of the injury.
- The accident report asks for the date you notified supervision about the injury. This is the date you first notified supervision (even orally or by recording a call), not the date you are filing out the accident report.
- Sign and date the differential box;
- Make sure to complete the waiver and election form. If you opt to use waiver and election, indicate whether you want to use vacation or sick time;
- If the Authority controverts your claim (i.e. denies your claim), you can continue to use your sick and vacation leave balances, including 60% supplemental sick, for more than 20 days.
- Notify your MID rep if your claim is controverted!

File a C3 Form (this is your claim for workers comp)

- By going to the New York State Workers Compensation Board (WCB) at 111 Livingston Street, 22nd floor, Brooklyn, NY 11201 or mailing it in. Fastest is to file online at <http://www.wcb.ny.gov/content/main/onthejob/howto.jsp>.
- The forms are part of the IOD package, but it is better that you submit the form yourself; that way you will know within 18 days of your submission whether the Authority is controverting the claim.
- The information on the C3 form should match the information on the forms in the IOD package.

Get Legal Representation

- If the TA controverts your comp claim, you need a workers' comp lawyer. Your MID rep and the TWU website can assist in finding a workers' comp lawyer.
- If there is a hearing, the TA will have an attorney there to represent them. You need one too.
- There are other situations when you will need a lawyer, contact your MID rep to discuss this.
- If you experience difficulties getting approval for an MRI, physical therapy, surgery or any other test recommend-

ed by your doctor, call your MID rep for assistance. Delaying to call may result in delayed surgery and keep you out of work longer than necessary and/or cause further damage to other body parts.

- If you have a workers' comp hearing after your return to work, notify your supervisor and your union rep and you will be released. At the hearing, get an attendance slip from the TA attorney.

See a Doctor who is Certified to Handle Workers' Comp Cases

- Your family doctor and/or hospital doctors who are not certified by the Workers Compensation Board will not file the C4 report you need to win your case.
- Your union rep can assist you in locating a workers' comp doctor.
- The entire workers compensation system runs on medical reports from your workers' compensation doctor and the Authority's Independent Medical Examiner (IME).
- You must submit the C4 forms to your work location and the IME. The IOD medical form needs to be submitted to your work location.
- Keep track of your appointments. A missed appointment may stop your comp and differential benefits.

Never Miss an IME Exam

- Your IME examinations are scheduled for you by the TA Workers Compensation Department
- Do not miss your appointment unless you are hospitalized
- Call your case worker at the TA Workers' Comp Department if you cannot keep an appointment and fax a statement that you called on the day you called to the Workers' Compensation Department at 718 694 3100. Keep the fax confirmation sheet.
- Do not arrive late. If you arrive late anyway and the IME refuses to see you, make a record of the time you arrived.

There is Nothing "Independent" about the IME

- The IME works for the TA. However, you still have to go to the exams.
- When filling out questionnaires at the IME appointments, be truthful and precise in your answers. If you answer a question incorrectly, you may be accused of fraud, and if the Board finds against you, you can lose all of your Workers Compensation benefits, be terminated and prosecuted criminally.
- Do not answer the question on the IME form that asks about prior illnesses, injuries or limitations. Just leave it blank and let the doctor ask you whatever specific question he/she wants. The question is too general and has caused problems for a number of TA workers.
- You have the right to videotape your IME exam and bring a witness.

If the IME Gives You a Full Work or Restricted Work status

- If the IME gives you a Restricted or Full Work status, you must report to work before the start of your next shift (even if you know there is no restricted work available). This is why it is a good idea to go to the IME in uniform.
- If your doctor disagrees with the IME and says you should not return to work, you should let your MID rep know immediately as well as the TA. Be prepared to submit medical documentation to support your claim that you cannot return to work (current IOD medical form or C4 will do). The TA will consider you AWOL if you do not make contact.
- If you do not return to work, your attorney needs to file a medical dispute with the Workers' Comp Board and your comp and differential benefits will be stopped pending the outcome of the hearing over the dispute.

Keep Accurate Records and Copies

- You are entitled to be reimbursed for travel to and from your doctor, IME, and physical therapy if you are not using your TA pass
- Document all mileages
- Keep all receipts pertaining to the injury (toll receipts, taxi, co-payments, comfortable shoes and clothing, braces, etc.)
- Keep track of expenses on the WCB form (hyperlink <http://www.wcb.ny.gov/content/main/forms/c257.pdf>) keep the receipts together and turn them in with your medical forms or give them to your attorney.
- Copy all checks before cashing and keep the envelope
- Keep all appointment papers/cards and IME letters.

Function Within Your Restrictions While on Leave

- Do not push, pull, or carry more weight than your doctor or the IME recommends
- Do not get caught doing anything outside of your restrictions. The TA will accuse you of fraud, and if the Board finds against you, you may lose all of your Workers Compensation benefits, be terminated and prosecuted criminally.
- Always assume that you are being watched and videotaped.

Keep Track of Workers' Compensation and Differential Pay

- Your Workers Compensation checks and differential checks are supposed to add up to your net pay (after taxes) for 40 hours per week. If you are assaulted, comp and differential should add up to your runpay.
- If your workers' compensation goes down, your differential should go up to make up the difference.
- Keep track of what you receive to make sure the TA is not cheating you.
- If transit decides to fight your case only the comp lawyer can help you at the Comp Board, and only the Union can help you with your differential payments.

Avoid Termination

- Remember: you have only one year to return to work after an injury on duty or you will be terminated (two years if you were assaulted). That is one year for all periods out on comp for the same injury added up together.
- Consider whether there is a reasonable accommodation that would allow you to return to work. Contact your MID rep to discuss options.
- Do not wait until you are a few days away from your termination date before you call.
- If the Authority does not let you return to work after your doctor has given you Full Work, call your MID rep. You may be able to file an IOD medical appeal.
- You may also be eligible for a disability retirement. Contact the TWU Pension Consultant for more information at 646 334 0385.
- If you retire, make sure to be evaluated for hearing loss. You may be eligible for a hearing loss benefit.

Department MID reps

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