

WORK INJURIES



Rights and Benefits for Workers Injured on the Job

VT Department of Labor Workers' Compensation and Safety Division

www.labor.vermont.gov
Tel: (802) 828-2288

Workers' Compensation provides workers injured on the job medical care, wage replacement and other important benefits. It also defines the rights of injured workers and the responsibilities of employers

WORKERS' COMPENSATION

Q: What should I do if I am injured?

A: Get the necessary medical care. Next, tell your employer about your injury as soon as possible. Your employer must report an injury that results in medical care or an absence of work within 72 hours. Your employer should give you a copy of the report they file. If your employer does not report your injury you may call us and request a Form 5 to report the injury yourself. You can download the Form 5 at <http://labor.vermont.gov/Default.aspx?tabid=170>

Q: What is a workers' compensation claim?

A: You have a claim if you are injured on the job. What your claim is will depend upon the seriousness of your injury and whether or not it affects your ability to work.

Q: When do I start to get benefits?

A: Your employer's insurance company has 21 days to investigate your claim and determine if your injury is covered. This investigation process will go faster and smoother if you provide your employer information about your injury. Your medical care should be covered at your first visit. It is helpful to tell the doctor or hospital that you are there due to a work injury. If you are unable to work you should begin to receive disability benefits within a few weeks of your injury.

Q: Can my claim be denied?

A: Yes, if your employer or their insurance company deny your claim they must notify you and provide evidence for their denial and file a Form 2 denial with you and our office. Here are some of the reasons why your claim may be denied:

- You were not an employee.
 - You were not injured at work.
 - You had a prior injury that could be confused with your work injury.
 - You did not report your injury right away.
 - You were hurt while intoxicated or while engaged in horseplay (fooling around)

- You did not cooperate with the investigation process (e.g. failure to sign a form 7 medical release)

If your claim is denied it is important to know why it is denied. If you receive a Form 2, you may complete the bottom of the form and you can give us more information to support your claim or to address the reasons for the denial. You can also ask us for an informal conference to discuss your claim.

Q: Does my employer have workers' compensation coverage?

A: Vermont law requires most employers to have coverage. These exceptions do not require coverage:

- Farmers with less than \$10,000 annual payroll
- Elected Officials
- Corporate Officers who have exclusion approval
- Casual work (e.g. youth mowing lawn; babysitting)
- Amateur sports (e.g. sponsor of local ball team)
- Family members of an unincorporated employer if you live within the employer's home.
- Work in or about a private dwelling
- Real estate broker or real estate sales person on commission.
- If you want to verify your employer's workers' compensation coverage you may do so at the following link: <http://labor.vermont.gov/InfoCenter/WorkersCompensationInsuranceCoverageVerification/tabid/1473/Default.aspx>

The Workers' Compensation Program oversees payment of all workers' compensation benefits due under the law. The office is staffed by specialists who are trained in workers' compensation laws and procedures. Our staff is available to help employees and employers. Our office also tries to resolve disputes and disagreements by following workers' compensation law and rules. Our office does NOT represent employees, employers or insurance carriers, serving instead as neutral decision makers

Q: What is the Workers' Compensation office and how can you help me?

A: We are the state agency that administers the Vermont workers' compensation program. We maintain a **state file number** for your claim. We review and approve forms and paperwork filed in your claim. We also try to work out disagreements that arise in claims. We can issue orders to pay benefits, if needed. We do not issue checks. All checks and benefits come from the insurance carrier for your employer. If you call us or write to us about your claim, please give us your state file number.

BENEFITS

Q: What are the workers' compensation benefits?

A: If you are injured on the job you may get one or more of these benefits:

- Medical benefits
- Wage replacement benefits
- Permanency benefits
- Vocational Rehabilitation
- Death benefits

Medical benefits: Payment of medical care, medicines and supplies that are reasonably necessary for your injury. This may include doctor visits, hospital care, physical therapy, chiropractic treatment, medication or counseling.

Wage replacement benefits: If you are disabled from work 4 days or more due to your injury, you receive temporary total disability (TTD) benefits of approximately 2/3rds of your usual wage. You receive an additional \$10 per week for each of your children. If your doctor releases you to part-time work you receive partial compensation, 2/3rds the difference between your full and part time pay.

Permanency benefits: Compensation for permanent loss of function. Not all injuries result in permanent impairment. Permanency benefits are awarded after your medical condition has stabilized. The amount of your permanency benefit is based upon the severity of medical impairment caused by your injury. Doctors determine permanency based upon set medical guidelines. Your permanency benefit takes into account your wage rate and the severity of your impairment.

Vocational Rehabilitation: Services provided if your injury prevents you from returning to employment that you have previous training or experience for. VR may consist of training, job placement or on-the-job training to help you return to suitable employment.

Death benefits: Provided to a workers' spouse, reciprocal beneficiary or family if the worker dies from a work injury. A spouse or reciprocal beneficiary receives benefits until age 62, receipt of social security, or until remarriage.

STOPPING BENEFITS

Q: Can my wage replacement benefits be stopped?

A: Yes. The insurance carrier can stop payments if you return to work, are medically released to return to work, reach a medical end (a plateau in your recovery), or do not cooperate in your claim. The insurance carrier will file a Form 27 to stop wage replacement benefits. The insurance carrier must provide evidence that one of these situations applies to you. This evidence may be from your own medical doctor, from your medical records or from an Independent Medical Examination (IME).

Q: Can my medical benefits be stopped or denied?

A: Yes. If your claim is denied or disputed you may not receive medical benefits. If you get medical benefits for a time, they can be stopped if there is medical evidence that you no longer need treatment. In order to stop paying benefits the insurance company must file a Form 27 and have evidence to support their decision, and they must get approval from our office.

MEDICAL ISSUES

Q: Can I pick my own doctor?

A: Yes. Your employer can pick a company doctor for your first medical visit. After that visit you may pick your own doctor by filing a Form 8. You may print this form from our website (www.labor.vermont.gov/Default.aspx?tabid=170). You need to provide a reason for selecting a new doctor.

Q: What is an Independent Medical Examination? Do I have to go to this?

A: An Independent Medical Exam (I.M.E.) is a medical exam set up by your employer or its insurance carrier to address a medical issue or issues concerning

your work injury. Some reasons for such exams are:

- Is your medical injury due to work?
- Have you reached maximum medical improvement?
- Is a certain medical procedure or treatment necessary?
- What is your permanent impairment?

You must attend an I.M.E. if you are given 7 days notice and there is a reasonable medical question to be answered. If you are asked to go to more than one I.M.E. you should contact Workers' Compensation to discuss whether or not you are required to attend.

Q: What does it mean to have reached maximum medical improvement or medical end result?

A: These terms are used by doctors to mean that you have plateaued in your recovery and significant further improvement is not expected. If your doctor has recommended surgery or other significant treatment you are *not* at a medical end point. Once you reach medical end result your wage benefits may be stopped.

Q: Can I miss work to go to a medical appointment?

A: Yes. If you are not working full time you should schedule your medical appointments outside of work hours. However, if you need to go to a medical appointment during work, your employer is required to pay you for such time.

GOING BACK TO WORK

Q: Can I get my old job back when I am better?

A: The law requires that most employers give you the next "suitable" job they have. For this provision to apply your employer must have 10 or more employees and you must return to work within 2 years of your injury. You must also tell your employer how you are doing, and when you are available and willing to work.

Q: What if I cannot do the work at my old job due to my injury?

A: Your employer may offer you work in a different position with job duties that you can physically handle. If not, you must look elsewhere for work that you can safely perform. You should look for work for which you have the necessary physical capabilities

and skills. You may be entitled to vocational rehabilitation assistance to help you find suitable employment.

Q: What should I do if am released to return to work?

A: If your doctor releases you to return to full or part-time work you should contact your employer immediately to see if an appropriate suitable position is available. If it is, you are obligated to take it or risk losing your right to further compensation. If no suitable work is available, you may be entitled to continued compensation.

PROBLEMS WITH YOUR CLAIM

Q: Can I be punished if I do not tell the truth about my claim? Do I have to follow orders in my claim?

A: Yes, if you lie or make a false statement about your claim in order to obtain benefits you may be punished. Your benefits may be stopped and you may be cited with a monetary fine or imprisoned.

Q: Can my union help me with my claim?

A: Yes. If you belong to a union your union leader should be familiar with workers' compensation and common questions. If you have a problem with your claim they may provide helpful advice and assistance.

Q: Do I need an Attorney?

A: Not usually, but it will depend on how complex your claim is. You may call us and ask what we recommend in your claim.

Q: What if I have more questions?

A: Contact the Workers' Compensation Program at the Vermont Department of Labor at (802) 828-2286, or, visit our website at www.labor.vermont.gov. From the main page of the website click on the Workers' Compensation Home Page button.

Q: Who do I call if I have questions regarding vocational rehabilitation?

A: You should contact Trudy Smith, the Vocational Rehabilitation Specialist at (802) 828-2991 or trudy.smith@state.vt.us if you have any questions regarding the vocational rehabilitation process.