

Information for the New Claimant **WORKER'S COMPENSATION**



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Daim ntawv no muaj ntawv (spanish/hmong) thiab koj tus thawj tswj, tus tuav ntaub ntawv ntawm nyiaj raug mob ntawm haujlwm los qhov chaw ua haujlwm Employee Compensation & Benefits muab tau rau koj.

Esta información está disponible en (español/hmong) y la puede obtener de su supervisor, coordinador de compensación al empleado o de la oficina de beneficios y compensación (Employee Compensation & Benefits Office).

Worker's Compensation

Administration

The State of Wisconsin self-insures the Worker's Compensation program, meaning that the State does not hire a Worker's Compensation administrator, as is the case with private employers. The Department of Administration (DOA) has statewide responsibility for Worker's Compensation (WC) administration on behalf of all state workers. DOA delegates claims administration to the University of Wisconsin System Administration, Office of Risk Management and Safety which in turn delegates to UW Madison. The Department of Workforce Development oversees the Worker's Compensation program for all private and public employers in the state.

Background

Worker's Compensation is a disability program that pays benefits when you have sustained a work-related accident or injury as defined in the Wisconsin Statutes. At the time of the injury there must be an employee-employer relationship. An employee-employer relationship exists when you perform services for your employer. To be eligible for benefits, your injury or occupational illness must have occurred in the performance of these services.

Terminology and Definitions

Special terminology is used in the field of Workers Compensation. It is important that you know the definition of these terms.

Injury: An injury is a sudden or traumatic event, unexpected and unforeseen by you.

Occupational illness: This is broadly defined as mental or physical harm that results from occupational exposure but that is not sudden or traumatic.

Disability: Wage loss or limitation due to injury, which is defined in section 102.01(2)(c) of the Wisconsin Statutes as "mental or physical harm to you caused by accident or disease."

Temporary total disability: Temporary **total** disability benefits are paid when you are not able to work at all. The length of payment is determined by medical documentation.

Temporary partial disability: Temporary **partial** disability benefits are paid when you have returned to work, however, you are not working your full schedule. The length of payment is determined by medical documentation.

Healing period: The healing period is the time during which you are recovering from the injury and undergoing active medical treatment. During this time period your medical practitioner has determined that your work restrictions are temporary.

End of Healing: The end of healing is reached at the time your medical practitioner either removes any work restrictions, or indicates that your work restrictions are permanent.

Permanent disability: At the end of the healing period, you may have permanent effects from the injury. The amount of permanent disability must be assessed by your medical practitioner or by the Worker's Compensation Division of the Department of Workforce Development. If your medical practitioner determined that you have a permanent disability, you may be entitled to receive additional payment.

Waiting Period: There is a three day waiting period for which no benefits are payable. However, if your disability exists beyond the seventh day after leaving work, the waiting period is waived.

Earned Fringe Benefits: Vacation pay is an earned fringe benefit, and you may receive vacation payments while also receiving temporary disability benefits.

If you elect to receive sick leave benefits and also receive temporary disability benefits while awaiting adjudication of your claim, when temporary disability benefits begin, the employer must restore the sick leave. You cannot receive sick leave payments for the same hours for which you were paid workers compensation.

Parties Involved in Claim Process

There are three major parties involved in the Worker's Compensation claim process:

- You, the injured worker
- Your supervisor
- Your Worker's Compensation claims manager

Following are the responsibilities of each party.

Injured worker's responsibilities

- Report the accident or injury as soon as possible to your supervisor; if not reported within 2 years you will not qualify for Workers Compensation
- Provide medical releases to your supervisor
- Provide medical proof that injury or illness is work related
- Notify your supervisor of any changes such as scheduled surgery, return to work etc.
- Notify your Worker's Compensation claims manager of medical referrals, diagnostic tests scheduled, etc.
- Actively participate in your recovery process
- Respond to Worker's Compensation claims examiner's information requests to expedite claim
- Follow medical directions
- Participate in the return to work process and /or alternate duty assignment
- Notify your supervisor of any unsafe work conditions

Supervisor's responsibilities

- Instruct you on work safety
- Advise you what steps to take if an injury occurs

- Interview you to obtain information about an injury
- Notify the safety department if there's been a safety violation or if a hazardous situation exists
- Submit your time reports to the department's Worker's Compensation coordinator
- Arrange for alternate light duty work assignment for you
- Maintain contact with you

Worker's Compensation Claims Examiner Responsibilities

- Obtain and review the Employer's First Report of Accident or Injury, the Employee's Accident/Injury Report and the Supervisor's Report of Accident or Injury
- Obtain any missing information needed from you to expedite the claim
- Send receipt of claim acknowledgement to you and to your department
- Provide you with information on the WC program and on your responsibilities
- Call you to discuss the claim and/or take a recorded statement
- Obtain signed Medical Release from you in order to obtain medical information Request and review medical Information from attending medical practitioner
- Contact your medical practitioner(s) regarding the accident or injury
- Secure an investigator and/or surveillance service if necessary
- Regularly update you and your supervisor on the status of the claim
- Obtain the services of a Rehabilitation Nurse, as appropriate, and notify you
- Determine need for and obtain Independent Medical Examination Services
- Notify you of the date, time and provider for the Independent Medical Exam
- Secure an investigator and/or surveillance service if necessary

A Worker's Compensation claims examiner maintains confidentiality of all information related to your claim.

WORKER'S COMPENSATION BENEFITS

Medical Benefits: You are entitled to medical, surgical, chiropractic, psychological, podiatric, dental and hospital treatment, "as may be reasonably required to cure and relieve the effects of the injury."

Damage or destruction of hearing aids and eyeglasses is compensable if the damage resulted from an accident that also causes personal injury to you.

All compensation and medical payments are based on medical information from your treating practitioner. If your practitioner does not make prompt and regular reports to your employer, your payments may be delayed.

Wage Benefits: Benefits are equal to 2/3 of your average weekly wage and are not taxable. Benefits are payable until you reach a healing plateau. The maximum weekly benefit in 2005 is \$711.00. This amount increases periodically, and the most recent amount can be found at <http://www.dwd.state.wi.us/dwd/publications/wc/WKC-9572-P.pdf>

Vocational Retraining Benefits: If your medical practitioner determines that you have permanent restrictions and are unable to return to your job, you may be eligible for vocational

retraining. If enrolled and participating in a qualifying program of vocational retraining and/or on-the-job training you may be eligible for additional Temporary Total Disability benefits for at least the first 80 weeks and payment for certain expenses such as travel, lodging, and meals.

Independent Medical Evaluation (IME): You may be required to undergo an IME by a practitioner selected by your WC claims manager. You will be notified in writing as to date, time, place and name of the practitioner. You are not required to travel more than 100 miles to this examination unless the Department of Workforce Development determines that circumstances warrant you traveling a greater distance, or the place where you have been receiving medical treatment is more than 100 miles from where you live. You will be reimbursed for travel and lost wages during the time of the examination. A copy of the IME report will be provided to you.

Mileage: You are eligible to be reimbursed for mileage for travel to obtain medical treatment. The rate of reimbursement is set by the Department of Workforce Development.

Return to Work (RTW): You may be eligible for continued temporary disability or partial disability benefits if you are released to return to work with temporary restrictions.

If the University cannot or does not make work available, you will be entitled to temporary disability benefits until the end of the healing period or until work is offered within your limitations. If you refuse to return to work once temporary restrictions can be accommodated you will forfeit the right to continued disability benefits.

STATUTE OF LIMITATIONS

By law, the claim is usually held open for 12 years from the date of the injury or from the date of the last payment to you, whichever is later, should you continue to incur expenses. It is recommended that you save your record of the last WC payment for 12 years.

Claim Denial – Injured Worker’s Rights

If your claim is denied, you are provided with information on your appeal rights.

WORKER’S COMPENSATION’S IMPACT ON OTHER EMPLOYEE BENEFITS

Worker’s Compensation can affect other benefit plans in which you are enrolled. Please contact a Benefit Specialist at Employee Compensation and Benefit Services regarding your benefits.

Impact on Leave Benefits

Throughout the course of your claim, you may decide what leave credits you wish to use, or you may elect not to use any of your leave credits. If you elect not to use leave credits while your claim is being investigated, you will be without pay. In addition, none of your insurances can be deducted.

If you use sick leave while your claim is being investigated, and the claim is later approved, an overpayment may exist. When your claim closes, it may be necessary to reduce a future

payroll check and restore a portion of the sick leave that you used. This situation can also occur if you use sick leave while receiving temporary disability benefits.

Example of calculation for restoring sick leave:

1. Period of Time Workers Compensation was Received	October 12, 2005 through October 28	
2. Date Returned to Work	October 29, 2005	
3. Sick Leave for which Paid During this period (104 hrs @ \$10.50/hr)		\$ 1,092.00
4. Workers Compensation Award Paid		\$ 729.00
5. Total of Line 3+ Line 4		\$ 1,821.00
6. Minus earnings that would have received had employee worked full-time (104 hrs @ \$10.50/hr) Includes sick leave, leave without pay and compensatory time.		\$ 1,092.00
7. Overpayment of Workers Compensation (line 5 minus line 6)		\$ 729.00
8. Employee Hourly Rate		\$ 10.50
9. Sick Leave to be Restored (line 7 divided by 8)		69.4 hours

State Group Health Insurance—While your claim is being investigated:

1. If you choose to use sick leave or other leave credits and stay on the payroll, you continue to be eligible to receive full University contribution toward premiums.
2. If you take an unpaid medical leave of absence and therefore are off the payroll, you can personally pay for the employee portion of the premiums for the first three months while you are eligible for the full employer contribution. Following the first three months, you must pay the entire premium to maintain coverage.
3. You can let your health insurance coverage lapse after full employer contribution ends and submit an application to re-enroll within 30 days of your return to work

State Group Health Insurance—After your claim is approved

You are eligible for the full University contribution toward insurance premiums while you are receiving either temporary total or temporary partial disability benefits. You will, however, continue to be responsible for the employee required portion of the premiums.

State Group Life Insurance and Individual and Family Life Insurance: You may be eligible for a Waiver of Premium for these plans based on the extent and severity of your injury. Employee Compensation and Benefits Services will submit the necessary paperwork requesting a Waiver. You must continue to pay the premiums until eligibility for a waiver is determined.

Income Continuation Insurance: You can apply for Income Continuation Insurance (ICI) while receiving Worker's Compensation benefits. The benefits are integrated, therefore, payment received from Income Continuation is reduced by the amount received from Worker's Compensation.

Both payments when combined will equal 75% of your basic gross salary up to a monthly maximum of \$4,000. If you carry Supplemental ICI coverage the monthly benefit will be higher.

To qualify for ICI benefits, you must be totally disabled from your occupation. Call Atena (formerly Broadspire) at 1-800-960-0052 to apply.

Wisconsin Retirement System (WRS): While receiving Worker's Compensation temporary disability benefits, you continue to receive earnings and service credit toward your Wisconsin Retirement System account.

You may be eligible to also apply for WRS disability benefit payments if you are totally and permanently disabled. If retirement age, you can apply for a retirement annuity. Any payments received from WRS reduce the payments received from Income Continuation if receiving these benefits.