

TOWN OF PIERCEFIELD
POLICY AND PROCEDURE MANUAL

APPENDIX F

Workers' Compensation Policy

General

The New York State Workers' Compensation Alliance (NYSMWCA) provides workers' compensation protection to employees of the town. (Piercefield Firemen are covered under a separate arrangement.) This means it pays benefits to employees and pays medical service providers directly rather than purchase insurance to do it.

One of the most important parts of the workers' compensation program is the **communication aspect**. For the purpose of protecting employees' rights to benefits and for their safety, and in employers' or departments' best interests, the rapid and accurate transmission of information concerning potential claims is essential.

Eligibility

All employees of the Town of Piercefield, full time, part time, and elected officials, are covered by workers compensation as long as they are on the payroll. (Claim must be work related.)

Claims

1. Employees must notify their supervisor immediately of an accident on the job which requires medical attention or results in time off from the job (also even if there is no medical attention or time off). Failure to do so may jeopardize a claim for workers' compensation benefits.
2. Supervisors must notify the NYSMWCA within 48 hours after they become aware of an on-the-job (in-line-of-duty) injury or illness. The form of the communication to the NYSMWCA is a C-2 form. These forms should be mailed to New York State Municipal Workers' Compensation Alliance, 333 Earle Ovington Blvd., Suite 505, Uniondale, NY 11553-3624.
3. The NYSMWCA must then notify the Workers' Compensation Board within ten days of such an injury.
4. Employees will have their wages continued (or a portion of them continued) and their medical benefits paid for injuries or illnesses arising out of or during the course of the employment.

Waiting Period

No benefits will be paid if employee is out of work for seven days or less, including week-ends. If employee is off work for at least 14 days the 7 day waiting period will be picked up and benefits paid from day one. Medical service providers will be paid with no waiting period.

Prescriptions

The drug store filling the prescription should bill the NYSMWCA directly for reimbursement.

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However if the drug store does not accept compensation the employee must pay the drug store and send the bill to the NYSMWCA for reimbursement (keeping a copy for his or her records).

Hearing

Eventually, the Workers' Compensation Board schedules a hearing before an administrative law judge. That judge formally confirms awards or makes awards or disallows awards according to the Workers' Compensation status and relevant case law. The administrative law judge's determinations may be appealed by either the employee or employer.

Closing the Case

Ultimately, the administrative law judge will "close" a case when all apparent issues have been resolved. Such a closing of the case is for administrative purposes only. If the employee requires medical treatment or loses time at a later date because of the work related injury, the case will be reopened and benefits paid as appropriate.

Pre-Existing Disability

15.8 If any individual has a pre-existing disability when they are employed and later are hurt on the job, the employer may be responsible for benefits for only two years. After two years, the "Special Fund" of the Workers' Compensation Board will reimburse for the benefits. There is no loss of benefit to the individual. The only question is who will pay for them.

24A After seven years from the date of injury and three years from last payment of benefits, the "Special Fund" will pick up benefit costs, and pay the claimant and medical providers directly.

Documentation

In order for the NYSMWCA to utilize these sections of the law, cases must be carefully documented. Pre-employment physicals are part of this documentation. In addition, if a supervisor at any time becomes aware that an employee has any pre-existing permanent disability, the supervisor should send a note to the NYSMWCA to document this knowledge.

Procedures and Administration

Reporting

1. As mentioned before, immediate reporting of an incident or accident is very important. Of equal importance is the accuracy of the report. Supervisors should take care to explain the circumstances of an accident and injury fully on the **C-2**. Sometimes a discussion with witnesses may be appropriate.
2. Answer to questions **13, 17** and **18** on the **C-2** should include use of the term "**allegedly**" in **EVERY CASE**. This provides the Town with an opportunity to modify its position should new or additional information become known at a later date. If these terms are not used, then the answers to the questions are recorded as facts which may not later be disputed or changed.

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3. No blanks should be left on the form. The work “unknown” or “N.A.” for “not applicable” should be used when appropriate, rather than leaving a question blank.
4. **Two Very Important** pieces of information are the employee’s wage rate and whether or not the employee is losing time from work due to the work related accident or illness. In situations which do not include lost time or medical treatment, a report should be made to the NYSMWCA but they do not have to notify the Workers’ Compensation Board immediately.

Return to Work

It is the Supervisor’s responsibility to notify the NYSMWCA on form **C-11** when an employee returns to work after losing time.

Employees are required to provide the supervisor with a “return to work statement” from a physician before being permitted to return to work. This is for the protection of the employee and Town. Supervisors should note any restrictions on such a statement (e.g.: no lifting, stay off feet, light duty) and request clarification when appropriate.

Business Trips

A suggestion for business trips for employees is that a trip declaration be filed with the supervisor **before** going on a business trip. The declaration may be a handwritten signed note stating the date of the trip, methods of travel (car, Plane, etc.) and business reason for the trip.

Help

The NYSMWCA (866-697-6922) will be pleased to answer questions about Workers’ Compensation claims processing or reporting.