



**Workers'
Compensation
Board**

October 23, 2023

Workers' compensation and COVID-19

New York State Workers' Compensation Board

AGENDA



What is workers' compensation?

COVID-19 and workers' compensation

How to file a COVID-19 workers' compensation claim

Additional resources and questions

What is workers' compensation?



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What is workers' compensation?



- **No-fault insurance system**
- **Provides medical care and lost wages to workers who are injured or become ill on the job**
- **Employers must provide this coverage at no-cost to their workers**
 - **Anyone** providing services to a for-profit business
 - Any **compensated** individual providing services to a nonprofit (with limited exceptions)

Workers' compensation benefits: medical

- **Free medically necessary treatment of your work-related injury or illness – lifetime benefit**
 - Includes tests, hospital visits, medications, physical therapy, equipment, and home care attendants
- **Transportation costs for travel to treatment are also reimbursable**



Workers' compensation: cash (indemnity)

■ Workers' compensation pays lost wages

- Two-thirds the average weekly wage; all compensation counts
- Maximum weekly benefit is now \$1,125.46
- Temporary benefits if you lose wages
- Permanent benefits if you can never work again
- Payments for loss of use of a limb



Workers' compensation: death benefits

Funeral/memorial expenses

Weekly payments to surviving family – spouse, children up to age maximums, disabled or blind dependents

If no survivors, \$50,000 is paid to parents

If no family, \$50,000 is paid to the estate

Who pays workers' compensation claims



- If your employer purchased an insurance policy, their insurance carrier pays claims
- If your employer is self-insured for workers' compensation, the employer is ultimately responsible
 - Self-insured employers usually (but not always) use a claim administrator to handle claims; that administrator makes payment
- The Board will advance payments when the employer does not have the required insurance

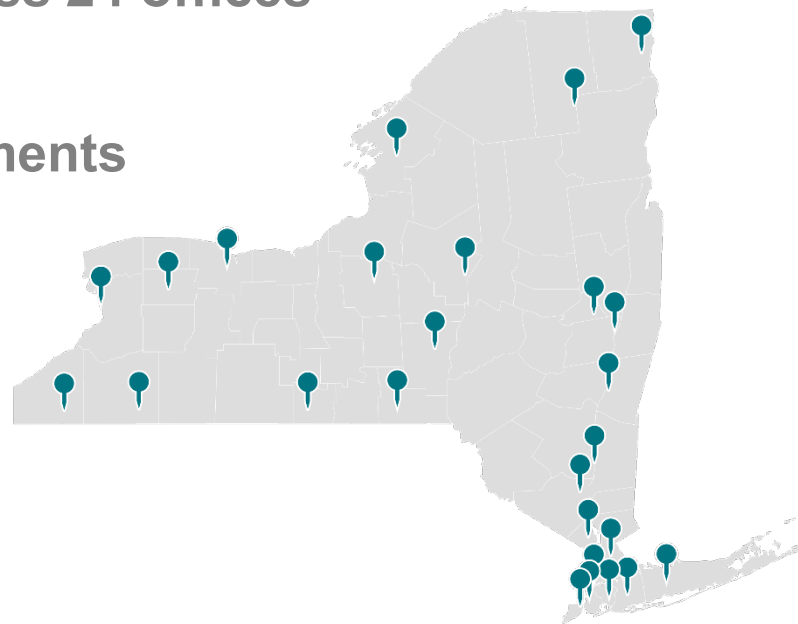
Workers' compensation: your rights

- If you're injured or made sick at work, you are entitled to workers' compensation
- Immigration status is not a factor
- Free language assistance services available



The Workers' Compensation Board

- Administers and oversees the workers' compensation system
- Approximately 1,000 employees across 24 offices and hearing points statewide
- Receives reports of injuries and payments
- Holds hearings when appropriate to adjudicate claims
- Pays benefits when the employer failed to provide coverage



COVID-19 and workers' compensation



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Seek necessary treatment and a medical report

- **Get necessary medical treatment promptly**
 - In an emergency, you can see any health care provider
 - Otherwise, use the provider search at [wcb.ny.gov](https://www.wcb.ny.gov) to find an authorized provider
 - NYS Occupational Health Clinic – <https://www.health.ny.gov/environmental/workplace/clinic.htm>
- **Tell your provider you contracted COVID-19 from an exposure at your job and share specifics**
- **If provider agrees, they'll submit a medical report to the insurer and the Board**
- **Continue receiving necessary treatment**

Notify your employer in writing

Tell your employer, in writing, that you believe you contracted COVID-19 at work

- Do this as soon as possible, but no later than 30 days of becoming ill

Your employer is then required to notify the insurance carrier

File a COVID-19 workers' compensation claim



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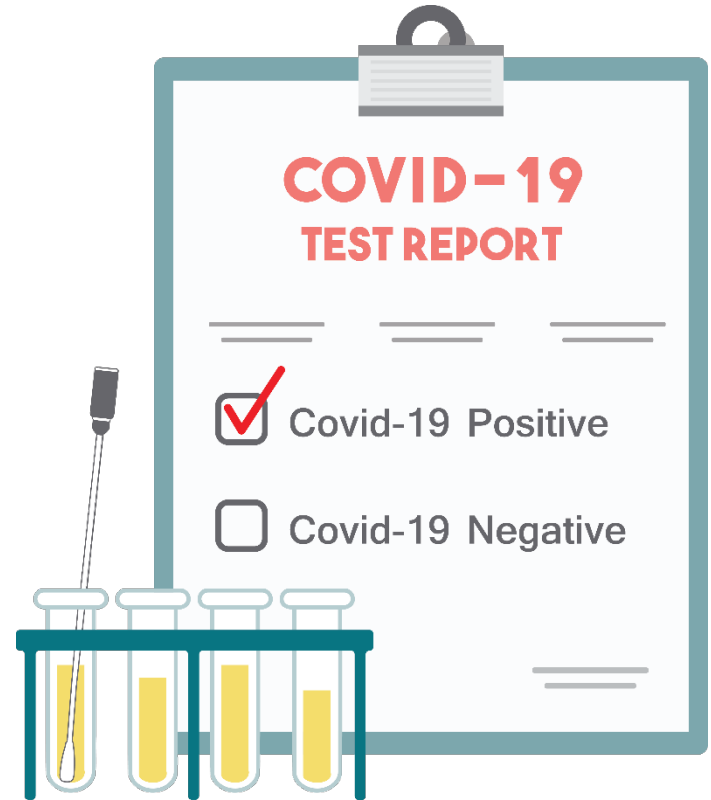
File a claim

- Important and helpful for employees to file a claim
- You have two years to file
- Fastest way – online
Employee Claim (Form C-3) form at <http://www.wcb.ny.gov/covid-19>;
paper forms also available



File your test result

- File your PCR test result showing you had COVID-19 with the Board
- If you got your test results by phone, get it in writing and file



Other information to include in your claim



- Most workers can't point to exact moment/method of COVID-19 exposure
- You can demonstrate a high-risk of exposure to COVID-19 in your workplace if you work in an environment where COVID-19 is or was prevalent
- Include details about your work
 - Where and how often you work
 - Job duties, including interaction with the public

While not all claims will be accepted, there is no harm or risk to filing a claim

Why filing for COVID-19 is important

- If you are experiencing long-haul medical issues due to work-related COVID-19, you may be eligible for lifetime medical care
- Any treatment received from a NYS Board-authorized provider related to work-related COVID-19 is available at no cost
- If your illness causes you to miss work, you may be eligible for lost wage replacement
- You should file a claim, even if you had paid sick time and recovered; this will help should you experience a related issue down the line

Benefits through existing claim

- If you already have an established claim for COVID-19, lost wage benefits or ongoing medical care directly related falls under that claim
- See a Board-authorized provider and provide the following information:
 - WCB claim number
 - Carrier case number
 - Name of insurer



If you need help filing

- Toll-free customer support line:
(877) 632-4996
- Free language assistance is available



If you face resistance or obstacles from your employer, our Advocate for Injured Workers Office can help

EMAIL

AdvocateforInjuredWorkers@wcb.ny.gov

What happens once you file a claim?

- If insurer agrees your COVID-19 was work-related, the claim can be accepted and any benefits paid
- If insurer disputes, your case will go before a workers' compensation law judge
 - All hearings held virtually and you are encouraged to attend
 - Judge will make decision
 - It is possible to appeal a judge's decision



Establishing claims – important timelines

- If you file a claim within two years of contracting COVID-19 but your claim was incomplete, you will need the following:
 - A positive PCR test result and possibly a medical report
 - Any other documentation the Board has requested or directed at a hearing
 - Submit as soon as possible
- Once materials are submitted to your Board file, your attorney can request a hearing
- If you do not have an attorney, you may file a *Request for Assistance by Injured Worker (Form RFA-1W)*
- Visit the forms section at [wcb.ny.gov](https://www.wcb.ny.gov)

Additional resources



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COVID-19 and other worker resources

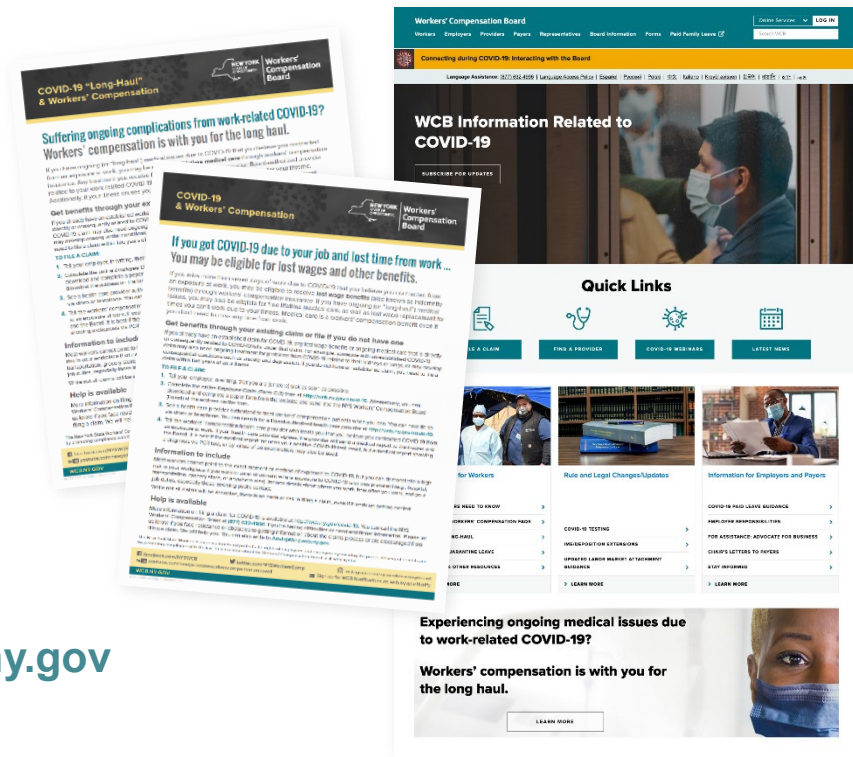
■ Visit wcb.ny.gov/covid-19

- File a claim
- Find a provider
- Factsheets
- FAQs

■ Workers' page of wcb.ny.gov

■ Advocate for Injured Workers

- (877) 632-4996
- AdvocateforInjuredWorkers@wcb.ny.gov



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Thank you!

Questions?