



Delegates' Guide to Connecticut

Workers' Compensation

**NEW ENGLAND HEALTH CARE EMPLOYEES UNION
DISTRICT 1199, SEIU/AFL-CIO
77 Huyshope Avenue, Hartford, CT 06106**

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860-251-6035
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What is Workers' Compensation?

Workers' Compensation is a mandatory insurance program which employers must participate in to provide medical and disability benefits to employees who are injured in the course of their employment.



All 1199 members in Connecticut work for employers who are covered under the Workers' Compensation Act, either by purchasing workers' compensation insurance from private insurance companies (CHWCT, Travelers, Wausau, The Hartford, etc.) or through self-insurance (State of Connecticut, Diocese of Bridgeport, etc.).

As a delegate, it is important that you know who handles workers' compensation for your facility. This information should be posted on the facility bulletin board where the various government notices required by law are posted. If you cannot find the poster concerning coverage under the Workers' Compensation Act, bring this to management's attention and make sure such a notice is posted.

The notice will identify the employer and the name of their workers' compensation insurer, along with their address and phone number. For future reference, list your employer and their workers' compensation insurer here:

Employer:

Insurer for Workers Compensation:

Insurer Phone Number:

Why the Union is Involved with Workers' Compensation

FACT: Every year more than one out of every ten 1199 members in Connecticut has a disabling work-related injury.

FACT: Many of these injuries are serious, require significant medical attention (including surgery) and result in some degree of permanent partial disability.

FACT: Most workers are not fully aware of their rights *and* responsibilities under the Workers' Compensation Act, and therefore are at a disadvantage in dealing with insurance companies and the workers' compensation system.

FACT: Ignorance of the law may result in an injured workers not receiving all the appropriate benefits, or retaining an attorney who often gets 20% of the benefits received as the fee for legal services.

FACT: Most compensation cases are *not* disputed and do not involve complex legal issues; a well-informed worker can usually get all the benefits he or she is entitled to receive.

The Role of the Delegate in Workers' Compensation

No one expects you to be an expert in workers' compensation. However, as a delegate, you can play an important role in helping our injured members understand the basics of workers' compensation and the resources that are available to them, both from the Union and the Connecticut Workers' Compensation Commission.

You can help an injured member understand the provisions of the Workers' Compensation Act, including benefits, procedures, rights and responsibilities.

You can help guide the injured member through the “system,” in some cases communicating on behalf of the injured member with the insurance carrier or the Workers’ Compensation Commission. If there is an unresolved problem and an Informal Hearing is needed, you can refer the member to 1199’s Workers’ Compensation Organizer for assistance and representation. In most cases, there will be no need for an attorney.

Resources Available Within the Workers’ Compensation Commission

For general information about workers’ compensation, you can advise an injured member to call the Educational Services



Unit (ESU) of the Workers’ Compensation Commission, located at 21 Oak Street, Hartford, CT 06106. The local phone number is (860) 493-1534 and the state-wide toll-free Info Line

is (800) 223-WORK. The ESU staff is very helpful in answering questions about any aspect of workers’ compensation, and will provide workers with informative free literature including *The Employee’s Pocket Guide to Connecticut Workers’ Compensation* (in English, Spanish, Polish and Portuguese editions) and the *Workers’ Compensation Information Packet*.

As a delegate it is advisable that you request copies of these free publications for your own information and to provide to members who get injured on the job...it’s as easy as a phone call to the Educational Services Unit!

Resources Available Within District 1199

Since September 1994 the Union has had a full-time Organizer assigned specifically to handle members’ workers’ compensation cases. John Del Vecchio, a former activist in the United Steelworkers of America and a ten-year employee of the Workers’ Compensation Commission, has been involved in workers’ compensation issues for nearly 25 years.

He is available to advise members regarding their rights under the Workers’ Compensation Act and, if necessary, will represent members at workers’ compensation proceedings, including Informal and Pre-Formal Hearings.

He also authors several pamphlets published by the Union on workers’ compensation issues, including *1199 Guide to Workers’ Compensation Settlements*, *1199 Guide to Workers’ Compensation Stipulated Settlements*, *1199 Guide to Workers’ Compensation for State of Connecticut Employees*, and *1199 Guide to “Full Salary” Cases for State Employees*.

If you are a delegate in the private sector, you should have copies of the first two pamphlets for your own information and to provide to members injured on the job. If you are a delegate in the State sector, you should have copies of all four pamphlets. The pamphlets are available free of charge by calling (860) 251-6035.

What Members Should Do When They Are Injured On the Job

When a member is injured on the job, the most important thing to do initially is to **report the injury promptly** to the appropriate supervisor. **Failure to report an injury promptly is the most common reason for a comp claim to be disputed.** Even

if an injury seems minor, report it even if you do not need medical attention. There are numerous cases of 1199 members who ended up having a serious injury when the initial injury seemed minor. In the cases where they did not report that initial injury, there was usually a disputed claim that was difficult to resolve.

Once an injury is reported, the employer should provide the employee with medical attention, if needed. The employer can select the provider for the initial treatment. In most cases, this will be a walk-in clinic or hospital emergency room.

Once the initial treatment has been given, the employee can select the attending physician if further care is needed.

Important: if the employer has an approved Managed Medical Care Program for work-related injuries, the employee must select a physician within that network. If the employer does not have an approved Managed Medical Care Program for work-related injuries, the employee can select any physician licensed by the State of Connecticut.

As a delegate, you should be aware if your employer has an approved Managed Medical care Program for work-related injuries. If you are not sure, check with management.

If an employee does not select an attending physician, then the employer-designated doctor or facility is the attending physician. The member cannot change doctors unless (1) the attending physician provides a referral to another doctor; (2) the insurer authorizes a change of physicians; or (3) the Commissioner authorizes a change of physicians.

If an employee changes doctors without following these procedures, compensation may be denied and the medical bills may not be paid.

If the employee is totally disabled and

cannot work, he or she should contact the workers' compensation insurance carrier within a week to make sure the claim is being processed.

The insurance carrier will need four things to initiate benefits promptly:

1. **First Report of Injury:** the "accident report" furnished by the employer.
2. **Wage Statement:** the record of 52 weeks of gross earnings prior to the injury, also furnished by the employer.
3. **Initial Medical Report:** furnished by the attending physician indicating a work-related injury and the worker's disability status.
4. **Tax Filing Status/Exemption Form:** Form 1A completed by the injured worker indicating federal tax filing status and the number of exemptions.

Most delays in the payment of benefits are due to the insurance carrier lacking one or more of these items. In many cases, a simple phone call to the insurer will establish what item is missing. The appropriate party (employer or doctor) can then be contacted to send the necessary information.

The injured member should receive copies of all medical reports from the attending physician and any other examining physician. Although this is required by law, many doctors do not give the injured worker medical reports unless they are requested.

If a member has an undisputed injury and is receiving disability benefits, the insurer should issue a document called a *Voluntary Agreement* within a few weeks of the injury. The *Voluntary Agreement*, printed on blue paper, is an important document that indicates the date and nature of the work injury, the attending physician, the compensation rate, and the fact that the injury is accepted as compensable.

Although these agreements are required by law in accepted cases, many carriers are

lax in issuing them and it may take a request from the injured member to get a *Voluntary Agreement* issued.

Workers' Compensation Benefits

There are several types of workers' compensation benefits:

1. **Medical Treatment:** an injured worker should be covered for all necessary medical treatment, with the bills going directly to the workers' compensation insurance carrier. For out-of-pocket medical expenses such as prescriptions, the employee should be fully reimbursed by the insurance carrier. If the employee continues to work after the injury but needs medical treatment, that treatment should be provided during work hours (if available) with no loss in pay. If the employee gets the treatment on their own time, they should be reimbursed by the insurance carrier at their usual rate of pay. For the mileage involved in getting medical treatment, the employee should be reimbursed at the rate of 36¢ per mile. The employee needs to keep a record of all visits to the doctor or physical therapy with the appropriate mileage and forward this to the insurer for reimbursement. If because of physical limitations caused by the injury, the employee needs to be transported by taxi or ambulance, the insurer should provide this transportation or pay for its cost.
2. **Full Pay Day of Injury:** the employer should pay the injured employee their regular wages for the first day of injury.
3. **Temporary Total Disability:** the employee is eligible to receive 75% of their after-tax earnings during the period in which they are totally disabled. There is a three-day waiting period before disability benefits begin; however, if the employee is disabled for seven or more days, the waiting period is eliminated.
4. **Temporary Partial Disability:** the employee is eligible to receive 75% of their net loss in earnings if they are not totally disabled but not able to perform their regular work. If their usual employer does not provide "light duty" work, the employee must try to find suitable work with other employers in order to receive temporary partial benefits.
5. **Permanent Partial Disability:** if the employee has an injury that results in permanent impairment to a body part or function, they are entitled to receive additional workers' compensation benefits once they have reached "maximum medical improvement" and the doctor has given a disability rating to the affected body part or function.
6. **Additional Wage Differential Benefits:** after an employee has received all the permanent partial disability benefits due, they may be eligible for additional benefits if they are still earning less wages as a result of the injury. An Informal Hearing will be needed and the Workers' Compensation Organizer should be contacted.
7. **Scarring and Disfigurement:** an employee can receive additional benefits for permanent scarring or disfigurement of the head, face or neck (not resulting from cervical surgery) or any other area of the body which handicaps the employee in obtaining or continuing to work
8. **Continuation of Group Medical Insurance:** for employees who work in the public sector, group medical insurance must be continued by the employer during any period in which you are eligible for workers' compensation benefits. In the private sector, such eligibility depends on the provisions of your Un-

ion Contract.

9. **Vocational rehabilitation:** if an injured worker cannot return to their usual job because of a work injury, they may be eligible for free assistance with job placement and training from the Rehabilitation Services Unit of the Workers' Compensation Commission. Their number is (860) 493-1500.

The general information provided in this pamphlet is very basic. For details about the various benefits available to injured workers, review the educational pamphlets provided by the Union and the Workers' Compensation Commission.

Resolving Disputes

If an injured member has a problem with their workers' compensation case that is not resolved by calling the insurance carrier, refer that member to the 1199 Workers' Compensation Organizer. He can be contacted at (860) 251-6035 or, toll-free in Connecticut, (800) 922-1768.

Before calling, the member should try to obtain as much documentation as possible concerning the work injury, especially medical reports. The Workers' Compensation Organizer will probably need this information in order to effectively represent the member. A hearing before the Commissioner may be requested to resolve a problem.

The Union advises its members injured on the job not to go to Informal or Pre-Formal Hearings on their own, without Union representation. There is usually no need to hire a lawyer, as the Union is a very effective advocate for its injured members.

Workers' Compensation Proceedings

The Workers' Compensation Organizer will usually attempt to resolve an injured

member's claim by speaking with the Claims Adjuster handling the case. However, if the issue is not resolved, an Informal Hearing will be scheduled.



At an Informal Hearing, the Workers' Compensation Organizer will represent the injured member and provide the Commissioner with evidence and information to help resolve the dispute.

The insurer will be represented by a Hearing Representative, a Claims Adjuster, or an attorney. The member will be present throughout the proceedings, and may bring a friend, relative or co-worker if they desire.

At an Informal Hearing the Commissioner serves primarily as a fact finder and mediator. He or she will review the facts of the case and usually make a recommendation for resolution of the problem. Although this recommendation is not binding, in most cases the parties will comply with the Commissioner's recommendation. About 95% of compensation issues are settled at the Informal Hearing level.

1199 has a very high success rate of resolving claim problems at Informal Hearings. However, in some cases, it may be necessary to have further proceedings, such as a Pre-Formal hearing or a Formal Hearing, which in workers' compensation terminology is the equivalent of a trial. If the Workers' Compensation Organizer determines the case involves complex legal issues, a referral to a competent attorney specializing in workers' compensation may be made – but in practice, this is seldom the case.

**State of Connecticut
Workers' Compensation
Commission**

**Office of the Chairman
Rehabilitation Services
Education Services
Safety & Health Services**
21 Oak St.
Hartford, CT 06106
860-493-1500

District Offices

First District
999 Asylum Ave.
Hartford, CT 06105
860-566-4154

Second District
90 Sachem St.
Norwich, CT 06360
860-823-3900

Third District
700 State St.
New Haven, CT 06511
203-789-7512

Fourth District
350 Fairfield Ave.
Bridgeport, CT 06604
203-382-5600

Fifth District
55 West Main St.
Waterbury, CT 06702
203-596-4207

Sixth District
233 Main St.
New Britain, CT 06051
860-827-7180

Seventh District
111 High Ridge Rd.
Stamford, CT 06905
203-325-3881

Eighth District
90 Court St.
Middletown, CT 06457
860-344-7453

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Copies of the Connecticut Workers' Compensation Act, Workers' Compensation Commission forms, and educational materials are available free of charge at any Workers' Compensation Commission office.