



**Workers'  
Compensation  
Board**

March 3, 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



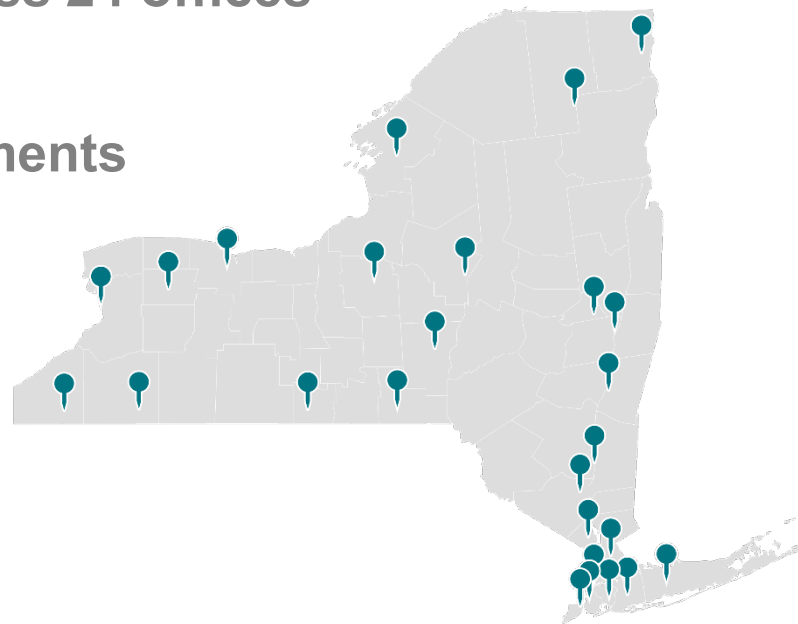
# Workers' compensation: your rights

- If you're injured or made sick at work, you are entitled to workers' compensation
- Immigration status is not a factor (Executive Order 170)
- 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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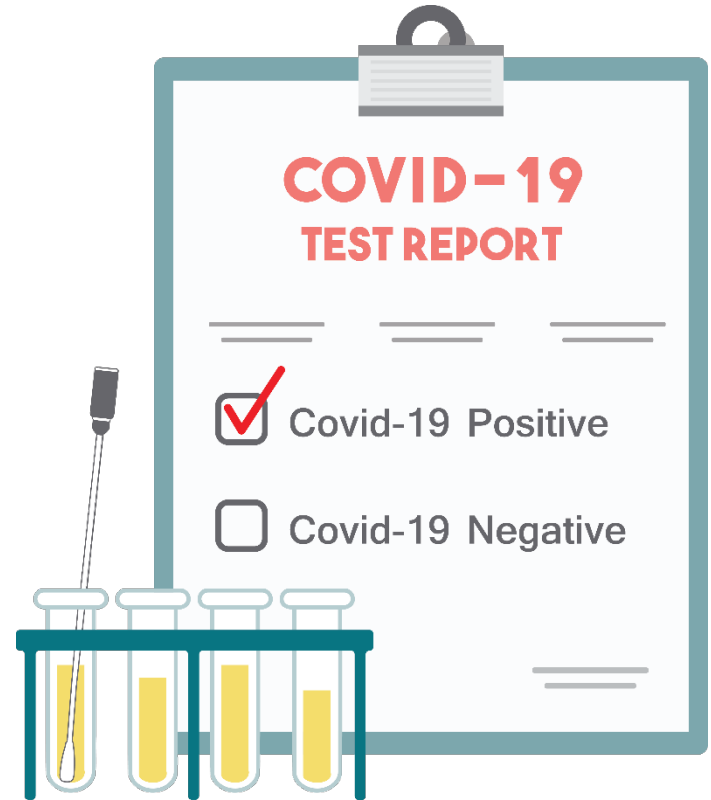
# File a claim

- 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



# 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 has not been established, your claim may still be established based on the following:
  - If a hearing was held, you received notice of the hearing, and your claim marked “no further action” rather than “closed” – request to reopen made within **7** years
  - If no hearing was held – request to reopen made within **18** years
- Requests to reopen claims may be made by using the *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

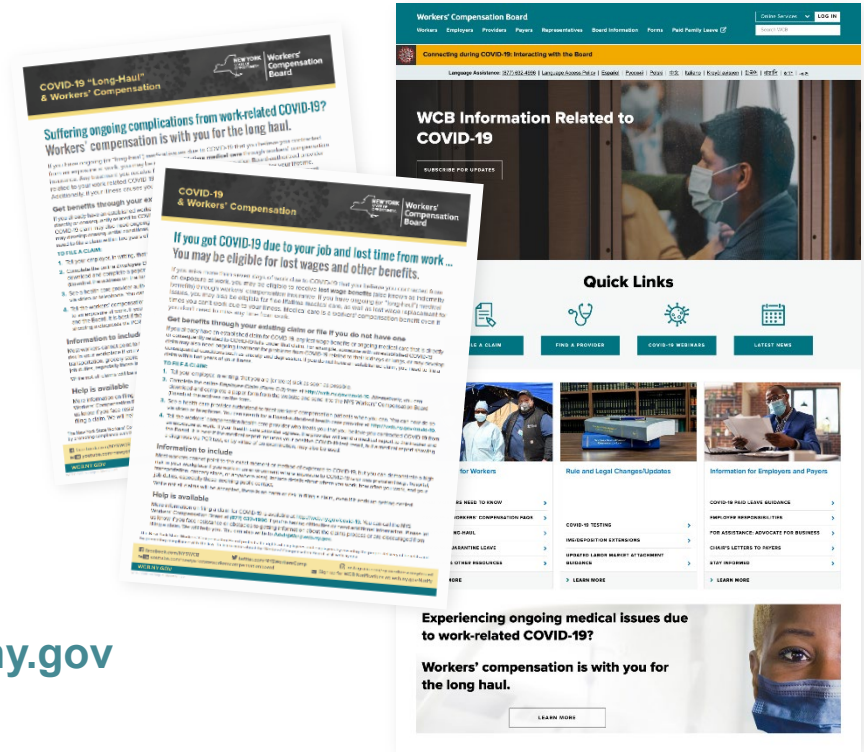
## ■ Visit [wcb.ny.gov/covid-19](https://wcb.ny.gov/covid-19)

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

## ■ Workers' page of [wcb.ny.gov](https://wcb.ny.gov)

## ■ Advocate for Injured Workers

- (877) 632-4996
- [AdvocateforInjuredWorkers@wcb.ny.gov](mailto:AdvocateforInjuredWorkers@wcb.ny.gov)



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Thank you!

**Questions?**