



Combined Funds, Inc.

CARPENTERS' COMBINED FUNDS, INC.

ANSWERS TO SOME COMMON WORKER'S COMPENSATION QUESTIONS

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Every case is different and legal counsel should be sought out at the time of injury to advise and protect your rights.

Q1. How long do I have to file an injury claim?

ANSWER : The general rule is that you must notify your employer (your foreman, your steward, someone in charge) within 120 days of the date you are injured. Assuming you have notified your employer within 120 days, you have three years within which to file your claim.

Q2. How long do I have to go to the "company doctor"?

ANSWER: You treat with a doctor designated by your employer for 90 days. After treating with a "company doctor" for 90 days, you may select a doctor of your own choosing for treatment.

Q3. How do I find out who the "company doctor" is?

ANSWER: Your employer is required to post or notify employees of a list of six panel physicians. If your employer does not post or notify you of the list of "company doctors", called panel physicians, then you may seek a doctor of your own choosing.

Q4. Am I covered if I get hurt "off the clock"?

ANSWER: This is not an easy question to answer. In general, you are not covered by workers' compensation benefits while traveling to and from work, although there are some exceptions. You are generally covered if you are "on-site", even if not actually clocked in. For example, if you arrive to work 15 minutes early to get your tools together for work, you are probably covered. If you leave on your coffee break to buy a lottery ticket down the street, you are probably not covered. A second example is that you are probably covered if you park in an employee designated parking area and are traveling from the parking lot to the job site.

Q5. How long do I have to be off before I can collect lost wage benefits?

ANSWER: You will collect for the first week off, the first seven calendar days. You are eligible to receive wage loss benefits starting the eighth calendar day you are unable to return to work. If you are unable to return to work after 14 calendar days then you will receive the initial seven days missed. For example: if your injury prevents you from returning to work for one to seven calendar days then you are not eligible for wage loss benefits for the first week. If your injury prevents you from returning to work for eight to 14 calendar days then you are eligible for wage loss benefits for the second week. If your injury prevents you from returning to work for more than 15 calendar days then you are eligible for wage loss benefits for the first, second and future weeks of missed work.

Q6. What if I had an injury, returned to work, then got reinjured?

ANSWER: Generally, an aggravation of an old injury means you have a new claim. A reoccurrence of the old injury means that you must re-open the old claim. This is a fine line that sometimes gets blurred, so it is often necessary to make both an old and new claim and let a workers' compensation judge decide.

Q7. Can I sue my employer for my injury?

ANSWER: No. Your employer is immune from a lawsuit, other than workers' compensation, except for extremely limited circumstances.

Q8. Can I make a claim for pain and suffering?

ANSWER: No. A workers' compensation claim is for lost wages and medical expenses only. However, if there is some party other than you, your employer or a co-worker, responsible for your injury, you may have the right to pursue a "third-party claim", which could include a claim for pain and suffering.

Q9. Can I be laid off or fired while I am on workers' compensation?

ANSWER: Yes. An employer is not required to hold open your job while you are off due to injury. But, most employers will not lay off or fire an injured worker to maintain the ability to offer alternative work.

Q10. Can my employer force me to return to work before I'm able to return to my regular duties?

ANSWER: Yes. The Pennsylvania Workers' Compensation Act allows employers a wide range of control regarding return to work. An employer must first determine if alternate work exists with their company. The employer can offer, and even create, alternative work to match the restrictions of a doctor's release. If the employer does not have a position then the insurance company may attempt to find you an alternative job. Your refusal to accept an alternate position or to cooperate with an insurance company's attempt to locate an alternate position may suspend your wage loss benefits.

If you are contacted about a return to work and you are not sure what you are able to do, you should accept the position first. Refusal or delay may jeopardize you benefits. If you are unable to do the duties requested then you must tell your employer you need assistance or simply that you are unable to perform the duty and request other duties. This is a very complicated issue and the initial acceptance is only to prevent loss of benefits. You may still be unable to perform your duties or even the alternate duties. If so, you are entitled to be put back on wage loss benefits.

Please feel free to contact my office at 412-833-5949 with any questions you may have.