



WORKERS' COMPENSATION

Benefits for WTC Rescue, Recovery, and Clean-up Workers

If you participated in the recovery efforts after the September 11th attacks, and you were injured or became ill because of those efforts, you may qualify for Workers' Compensation benefits. Workers' Compensation is an insurance system that provides lost wages and medical benefits to people who are hurt on the job. Workers' Compensation benefits are also available for volunteers in New York.

Each state has its own Workers' Compensation system. Information here will cover New York and New Jersey. There are, however, some workers who are not covered under the state Workers' Compensation systems.

Federal civilian employees are covered under the Federal Employees' Compensation Act. For information about compensation for federal employees, contact your union or the U.S. Department of Labor, 201 Varick Street, Room 750, New York NY 10014, Tel: 212-337-2075.

New York City police, fire, sanitation, and some other municipal workers are also covered under alternate plans. For information about these systems, contact your union. If you are not in a union, contact your employer's benefits office.

You must file your claim within two years of being diagnosed with a work-related injury or illness.

Should I File for Workers' Compensation in New York or New Jersey?

Workers' Compensation laws and benefits vary from state to state. The payment rates are different between New York and New Jersey, as are some rules concerning which doctor you can go to.

It is possible to be eligible for Workers' Compensation in both states. For example, if you were hired and worked in New Jersey but were injured in New York at the World Trade Center, you can file a claim in both states. If each claim were found to be valid, you could collect benefits from both states. However, you would not receive more than the highest rate allowed in either state.

Determining where to file a claim is based on the following factors:

- where you were working when the injury or exposure took place (New York, for World Trade Center workers)
- where you would normally work (in which state were you physically located for your normal job duties)

If both states are included in these factors, you should consider filing claims in each state. Because most Workers' Compensation attorneys practice in only one state, if you consult a lawyer it is important to ask specifically about the possibility of filing a claim in another state.

What benefits does Workers' Compensation Offer?

Workers' Compensation provides four kinds of benefits to people who are hurt on the job:

1. Medical Care

New York

If you receive Workers' Compensation, your medical care for that particular injury or illness may be provided for the rest of your life. These benefits include medications and travel expenses. You may select your own doctor, but he or she must be registered as a Workers' Compensation provider.

New Jersey

If you receive Workers' Compensation, your medical care for that particular injury or illness may be provided for the rest of your life. Your employer has the right to select the treating physician.

2. Lost Wages

If your injury or illness results in a loss of time from work, you may be entitled to receive partial wage replacement. The benefit for people who cannot work at all is 2/3 of their gross weekly pay, up to a maximum of \$400 per week. This benefit is non-taxable.

If your injury or illness results in a loss of time from work, you may be entitled to receive partial wage replacement. If you cannot work at all, your benefit is 70% of your average weekly wage, with a minimum payment of \$168 per week and a maximum payment of \$638 per week. This benefit is non-taxable.

3.
Other Cash Awards

There are a number of circumstances in which you may be entitled to receive payment for your injury.

a. *Permanent Partial Disability.* If your condition results in an ongoing disability, you may be entitled to receive Permanent Partial Disability (PPD) benefits as long as you remain disabled (possibly for the rest of your life). In practice, a PPD classification is usually not made earlier than two years from the date you become disabled.

b. *Scheduled Loss of Use Award.* If you lose a limb, or lose the use of a limb due to an injury, you may be entitled to cash awards from the Workers' Compensation system.

c. *Total Disability.* If you lack the capacity to ever return to work due to the accident or exposure, either singly or in combination with any pre-existing conditions, you may be entitled to a wage replacement for as long as you live.

d. *Reduced Earnings.* If, as a result of your work-related injury, you are unable to go back to your normal work, Workers' Compensation can pay you for $\frac{2}{3}$ of the amount of reduced

There are a number of circumstances in which you may be entitled to receive payment for your injury.

a. *Permanent Partial Disability.* If you are medically able to return to work, you may be entitled to partial disability on a graduated scale.

b. *Scheduled Loss of Use Award.* If you lose a limb, or lose the use of a limb due to an injury, there may be cash awards from the Workers' Compensation System.

c. *Total Disability.* If you lack the capacity to ever return to work due to the accident or exposure, either singly or in combination with any pre-existing conditions, you may be entitled to a wage replacement for as long as you live.

(New York)

earnings. For example, if you normally do hard physical labor, but it is now impossible because of a lung injury, you may find a less physically demanding job that pays less. This benefit would pay $\frac{2}{3}$ of the difference between your new wage rate and your old one.

(New Jersey)

**4.
Rehabilitation**

If you are unable to work because of your injury, you may be eligible for a rehabilitation program aimed at enabling you to return to work.

The Workers' Compensation Board sponsors a rehabilitation program conducted jointly with the New York State Office of Vocational Rehabilitation.

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The New Jersey Division of Vocational Rehabilitation Services provides rehabilitation services.

**How Can I Get
These Benefits?**

In order to file for Workers' Compensation benefits, you must have a medical diagnosis that a doctor has judged to be caused by your World Trade Center experience. This diagnosis will **not** be made at your WTC medical screening appointment. The doctor that you go to for your follow-up appointment is your "treating physician." Your treating physician is the doctor who handles your Workers' Compensation claim. Your treating physician must be registered as a Workers' Compensation practitioner. Make sure that he or she accepts Workers' Compensation as payment before

In order to file for Workers' Compensation benefits, you must have a medical diagnosis that a doctor has judged to be caused by your World Trade Center experience. You should notify your employer as soon as possible that you believe you are eligible for Workers' Compensation. Your employer should then notify their Workers' Compensation insurance carrier to begin the claim process. You can also file directly with the insurance carrier. You can get information on which insurance carrier your employer uses by contacting the New Jersey

(New York)

you pursue your treatment and file a claim. Your doctor must fill out a Workers' Compensation medical form (C-4) to begin your case.

Once you have the diagnosis, you should take the following steps:

1. Notify your employer and your union.
2. File a claim with the Workers' Compensation Board. You can get a copy of Form C-3 (workers' form) by calling the Workers' Compensation Board at **718-802-6933** or on the Internet at: **www.wcb.state.ny.us/content/main/forms/c3.pdf**.
3. Obtain a report from your treating physician stating:
 - a. What your condition is
 - b. How your condition developed, and
 - c. That your condition is related to your work at the World Trade Center site.

Make sure you indicate on the form that this case is connected to your World Trade Center activities. It will be assigned to a special section of the Workers' Compensation Board for faster processing.

Once your claim has been filed, you will receive a Case Number from the Workers' Compensation Board within about three weeks.

You must file your claim within two years of when you know, or should have known, that your injury or illness is related to your activity at the World Trade Center site.

(New Jersey)

Compensation Rating and Inspection Bureau at 973-622-6014 or on-line at **www.njcrib.com/pcov/policycoverage.asp**

Once you know who the carrier is, you can call them directly to file your claim. You will need the name of your employer, your social security number and date of birth.

Once your claim has been filed, you will receive a Case Number from the Workers' Compensation Board within about three weeks.

You must file your claim within two years of when you know, or should have known, that your injury or illness is related to your activity at the World Trade Center site.

**What if I Haven't
Lost Time From
Work?**

Even if you have not lost any days from work, if you have a condition related to your World Trade Center activities it may still be in your best interest to file a claim.

You may wish to file a claim so that both your current and future medical care is provided. While it may seem easier to simply use your health insurance, there may be drawbacks. Workers' Compensation will provide ongoing medical care for your condition, regardless of whether you change employment or change your health insurance carrier.

Once your claim is established, you can re-open your claim if your condition gets worse or forces you to lose work in the future. If your condition worsens and you reopen your claim, you will be entitled to all of the medical benefits and wage replacement and other cash benefits open to you under the Workers' Compensation claim.

**Do I Need a
Lawyer to File a
Claim?**

You do not need a lawyer to file a Workers' Compensation claim. However, if your claim is disputed or if your case is complicated (such as if you plan to file in both New York and New Jersey), a lawyer may help you get all of the benefits to which you are entitled.

Most Workers' Compensation claims for occupational illnesses are denied by the insurance companies. In these cases, hiring a Workers' Compensation lawyer may help you get the benefits to which you are entitled.

Resources**Government:**

New York State Workers' Compensation Board

General Information: Tel: 800-877-1373

Advocate for Injured Workers: Tel: 800-580-6665

www.wcb.state.ny.us

New Jersey Department of Labor, Division of Workers' Compensation

PO Box 381, Trenton NJ 08625-0381 Tel: (609) 292-2515

www.state.nj.us/labor/wc

Medical:

NY State Occupational Health Clinics Network:

New York City/Hudson Valley

*Mount Sinai—IJ Selikoff Center for Occupational and Environmental Medicine
of Mount Sinai School of Medicine (212) 987-6043 (914) 964-4737*

Queens

(718) 278-2736

New York City

*Bellevue/NYU Occupational and Environmental Medicine Clinic of Health
& Hospitals Corporation (212) 562-4572*

Long Island

*Long Island Occupational and Environmental Health Center of SUNY Stony
Brook (631) 642-9100*

Albany/Mid-Hudson Valley

*Eastern NY Occupational & Environmental Health Center of Group Health
Incorporated (GHI) (518) 690-4420 (800) 419-1230*

Syracuse/Utica/Binghamton

*Central New York Occupational Health Clinical Center of SUNY Upstate
Medical University (315) 432-8899*

Rochester

*Finger Lakes Occupational Health Services of University of Rochester
Medical Center (716) 256-0853 (800) 925-8615*

Buffalo

Union Occupational Health Center (716) 894-9366

Specialty Clinic

*NY Center for Agricultural Medicine & Health of Bassett Hospital
Cooperstown, NY (607) 547-6023 (800) 343-7527*

The World Trade Center Worker and Volunteer Medical Screening Program is directed by The Mount Sinai Center for Occupational and Environmental Medicine, in partnership with the National Institute for Occupational Safety and Health of the Centers for Disease Control and Prevention, with medical examinations and related services performed by a consortium of occupational medicine providers.

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