Workers’ Compensation: What Highway Superintendents Need to Know (in under 25 minutes)

Overview
- Most officials view workers’ compensation insurance as an expense and an administrative burden.
- Losing employees to workplace injury can wreak havoc on work schedules and the highway budget.
- Focus on how to avoid workplace injuries and what to do when an employee is injured on the job.
- The foremost priority should be to make sure that your employees go home each night in the same condition that they started the day.

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- A 54-year-old highway employee with 19 years’ experience was riding on a compactor truck picking up yard debris.
- He tripped and fell while the truck was backing up.
- He was hit by the truck and taken to the hospital, where he was pronounced dead.

No Fault Insurance?
- Workers’ compensation is said to be “no fault” insurance; it doesn’t matter whether the employer or employee was at fault for the workplace accident.
- But fault does matter in preventing future injuries!
  - How many ways could this accident have been avoided?
- As a Highway Superintendent, what is your responsibility to prevent and report accidents?

Understanding Workers’ Compensation
- WC statutes are designed to cover medical bills, loss of wages and physical impairment due to a work related injury.
- How accidents are initially reported, and how they are managed early on goes a long way in helping injured employees return to work.
- Paperwork may seem tedious and redundant, but is necessary – fill it out timely and accurately!
Components of a Compensable Accident Claim

- **Accident** — traumatic injury sustained in the course and scope of employment.
- **Notice** — injured worker must notify the employer of the accident/injury in a timely fashion.
- **Causal Relationship** — injury must be directly caused by the accident described.

Claim Reporting

- All accidents must be reported utilizing form C2-F.
- Must be filed timely (within 18 days of the disability event, or within 10 days of employer knowledge).
- If not filed timely, potential penalty of $2,500 per accident report.
- Form must be completed in full.

Accurate and Timely Claim Reporting

- The first report of injury starts the claim and is your first chance to limit the fiscal impact of the claim.
- Errors in the report can compound costs as the claim proceeds.
- Lacking specificity when describing the accident may lead to a larger workers’ comp award.
- Untimely reports of injury can result in penalties to the employer.
- Be specific, accurate and timely!

Impact of Accurate Reporting?

- Make sure that all accident information is accurate and only indicates injuries that are related to the accident.
- **Example of a poor injury report:**
  - Employee suffered arm / hand injury taking out the garbage.
  - Reason this is poor:
    - No description of what part of arm or hand or what caused injury.
- **Example of a good injury report:**
  - Employee banged her hand on a dumpster and injured her hand by the thumb...

What Does This Mean to the Workers’ Compensation Case?

- **Poor Example:** Arm $56,160
- **Poor Example:** Hand $43,920
- **Good Example:** Thumb $13,500

Understanding Your Exposure

- Highway departments have a high exposure to both frequency and severity.
- The most frequent and severe types and causes of injuries are:
  - Slips/falls
  - Lifting/back injuries
  - Struck by or against
- Safety experts consider almost all of these type of injuries preventable.
Understanding Your Exposure

- Create a safe working environment and comply to all state and federal regulations issued under Occupational Safety & Health Act (OSHA).
- Provide safe equipment and tools and maintain or replace them properly.
- Provide safe work rules, procedures and communicate them so that employees know and follow them.
- Provide safety education and training to all employees in languages they can understand.

Accident Investigations

- Don’t just take the statements made to be fact.
- Do a walkthrough of the accident when possible. (Never keep injured employee from receiving treatment.)
- Accident statement: “I was working in the utility closet, the door was closed; it was dark, and I was working with a flashlight and my screwdriver. I got too close to a live line, it shocked me, and I fell backward flat on my back and hit my back and head.” What’s wrong with this story?

Accident Investigations

- Workers’ compensation is not an employee benefit – it is an insurance program awarded to people who are eligible.
- As an employer, you must take an active role to help reduce and control your costs.
- Accident investigation does not always mean employee error. Avoid finger pointing, and inspect equipment, structures and adequacy of training.

Role of Local Employment Policies

- Were rules not followed?
- Are there disciplinary issues that need to be followed up on?
- Enforcement is key to any successful policy.
- Follow-up training.

Don’t Be An Absentee Insured!

- Understand your exposure.
- Report your claims accurately.
- Investigate your claims.
- Help employees return to work.

Questions

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