

## What Are Workers' Compensation Benefits?

Workers' Compensation benefits are intended to compensate workers hurt on the job. Injuries include occupational diseases and any aggravation or worsening of a non-work-related condition that reduces your ability to work or results in death. You may be entitled to:

1. Weekly wage loss benefits.
2. Hospital, surgical and medical expenses related to the injury.
3. Specific loss payments for loss of use of a body part or certain types of scarring and/or disfigurement.
4. Death benefits.

## Who is Covered by Workers' Compensation?

Workers' Compensation applies to all employees with certain limited exceptions. Generally speaking, independent contractors are not covered by Workers' Compensation, as they are not considered employees.

## What Injuries are Covered?

All injuries that occur in the course and scope of employment and are related to your work are covered injuries. You may be covered regardless of any prior injuries. Some occupational diseases are also covered as well as aggravations of pulmonary difficulties which result from an employee's continued exposure in the workplace.

## When Will I Receive Compensation?

Generally, compensation benefits are payable beginning with the eighth day of the disability. Compensation will not be paid for the first seven days unless your disability lasts longer than 14 days. The first payment of compensation must begin no later than the 21<sup>st</sup> day after your employer knew of your injury. If you have not received compensation within this time, you should consult Schemery Zicoello.

If you receive a Notice of Compensation Payable, a Temporary Notice of Compensation Payable, or are asked to enter into an Agreement for Compensation, you may want to contact Schemery Zicoello. The Notice of Compensation Payable describes the injury or disease and it is important that the Notice of Compensation Payable, the Temporary Notice of Compensation Payable, or the Agreement for Compensation accurately describes the injuries suffered, since these documents will control the employee's rights and the employer's obligations in the future.

## How Long will the Benefits Continue?

Full disability payments will continue as long as the employee is totally disabled. Partial disability may be paid if there is a loss of earnings, but it generally will not exceed 500 weeks.

For injuries that occur on or after June 24, 1996, total disabilities may not extend beyond two years. After 184 weeks, the Employer may have the employee examined by a doctor. If the claimant undergoes an exam, and is found to be less than 50% impaired under the AMA Guidelines, benefits will be limited to partial disability. Unless it is established that the claimant has

earning power, partial disability is paid at the total disability rate for 500 weeks.

Partial disability may also be paid if a Claimant returns to work but does not receive earnings equal to the pre-injury wage. The period of payment cannot exceed 500 weeks, which is a little more than 9½ years.

## How Much will my Benefits be?

All wage loss benefits under the Pennsylvania Act are based upon a worker's pre-injury average weekly wage. When a worker is entitled to wage loss benefits, they are payable at the rate of 66⅔% of the worker's highest calculated pre-injury average weekly wage. The method for calculating wages can be very confusing, and is often complicated. If you have any question as to the accuracy of your wage calculation, you should contact Schemery Zicoello.

## What Should I Expect After I Make a Claim?

Your employer is required to accept or deny your claim within 21 days. An employer may issue a Temporary Notice of Compensation Payable. This allows your employer to pay you compensation for up to six weeks, and will also allow your employer to unilaterally stop your compensation benefits if you are not recovered, or even if you have not returned to work. If you suffer an injury and if you are denied compensation, you should contact Schemery Zicoello.

## You Should Not:

- ◆ Sign any incomplete papers or any papers that you do not understand.

- ◆ Sign any written statements about your injury unless you have a witness, union representative, or unless your attorney has been present and you fully agree with the written statements. Always get a copy of any document you sign.
- ◆ Sign any Supplemental Agreements unless they accurately represent the status of your disability. You may want to have your attorney review the Supplemental Agreement to make sure that you have been paid the correct amount of wages and that you fully understand the document.
- ◆ Fail to act. If you receive a notification in the mail indicating that your benefits are going to be interrupted, suspended or modified, you should call **Schemery Zicoello**. Failure to respond to this document within 20 days may result in your benefits being stopped.
- ◆ Sign a Final Receipt of Compensation unless you are fully recovered from your injury.
- ◆ Allow your Employer to stop medical benefits if you have returned to work. Your employer still has the obligation to pay for medical expenses that are related to your injury. If your employer fails to pay your medical expenses, you should contact Schemery Zicoello.

## **If Injured, You Should:**

- ◆ Report the injury immediately to your employer, his or her representative, or the person in charge of your job. If you are unable to do so because of the injury, your union representative or another person may notify the employer for you.
- ◆ Report the injury to your union representative.
- ◆ Get medical treatment. If you need medical

attention, ask for it immediately. Make sure that you report to your physician the time that the injury occurred at work and take notes of related dates. Keep copies of all medical bills. If your employer has a panel of physicians, and if that panel is posted, you must seek treatment from one of those six health care providers during the first 90 days after your injury. If your employer does not have a list of physicians

posted, you may go to the physician of your choice. If you treat with a panel physician for the first 90 days after your injury, you may go to the provider of your choice at the end of 90 days.

- ◆ Act quickly. The law requires that you give notice to your employer of an injury within 21 days of the injury and no later than 120 days after the injury. If you do not notify your employer of an injury within 120 days of the date of the injury, your claim for compensation may be disallowed. In addition, you must bring your claim within three years of the date of injury. Failing to meet these time requirements may result in a denial of your claim.

**If you have any questions about your injury, the receipt of benefits, the payment of medical expenses, or about your return to work, call Schemery Zicoello.**

**A Guide to  
Workers'  
Compensation  
in Pennsylvania**

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