

## How to File a Workers' Compensation Claim

*A guide for Retail Council members*

You just received a phone call that one of your employees fell off a ladder while at work and broke his arm. Now what? As a business owner with employees, you are required to have workers' compensation insurance in New York State, but how do you file a claim when incidents like this occur?

The New York State Insurance Fund (NYSIF) underwrites the Retail Council's Safety Group 493 Workers' Compensation Insurance Program and is the point of contact when an employee has been injured on the job.

### When to report an injury

You must file a First Report of Injury to NYSIF for all injuries if:

- There is a loss of time from regular duties exceeding one day beyond the workday or shift in which the accident occurred.
- Medical treatment beyond ordinary first aid is required.
- More than two first aid treatments are required.

Any accident matching the above criteria must be reported immediately. Failure to do so within 10 days after the employer learns of the injury is a misdemeanor punishable by a fine and/or penalty.

Filing time is of the utmost importance not only because it affects the speed with which benefits may be paid or determined in each case, but because workers' compensation law requires that:

- The first payment of compensation is due no more than 18 days after the disability begins.
- In cases where the right to compensation is disputed, notice to that effect must be filed on or before the 18th day of disability or within 10 days after knowledge of the accident.

When an employee dies as a result of a workplace accident or illness, in addition to contacting NYSIF and the Workers' Compensation Board, you must report the death to the Occupational Safety and Health Administration (OSHA) within 24 hours. In the event of an emergency, call OSHA at (800) 321-OSHA and follow their instructions.

### Report injuries using eFROI

NYSIF requests all policyholders report injuries electronically at NYSIF.com using eFROI (electronic First Report of Injury). Policyholders can no longer submit the C-2 paper version directly to the Workers' Compensation Board (WCB).

NYSIF's eFROI captures the WCB's new data requirements, minimizing errors and reducing delays in reporting. Other benefits of filing your workers' comp claim via eFROI include:

- Simple, user-friendly format.
- Quick reporting and instantaneous claim number.
- Email confirmations are helpful in tracking claims.
- The program lets you know if information is missing from the form

- NYSIF eFROI will save partially created records
- You can log on to NYSIF.com and review your claim at a later date if you wish

Begin your electronic First Report of Injury by going to NYSIF.com, click on "Report Injury" in the top navigation, then click on "Report an injury to NYSIF." You will need your NYSIF policy number and information about the injured employee and the injury/illness.

If you encounter any issues while filing eFROI on NYSIF's website, call the help desk at (877) 435-7743, Monday through Friday, 7 a.m. to 7 p.m.

### **Employers can pay for medical treatment for accidents that are "not reportable"**

Generally, accidents that do not meet the three conditions described in the "When to report an injury" section are considered "not reportable." There is no need to file a First Report of Injury, and these accidents do not affect an employer's premium rates, provided you pay for treatment directly.

NYSIF can also pay for treatment of "not reportable" accidents, but employers must reimburse the agency for the expenses. If an accident that is "not reportable" later develops into one that requires medical treatment or causes loss of time, an eFROI must be filed immediately. Regardless of whether an accident is deemed "not reportable," you should always keep a detailed record of what happened and any supporting documents (doctor's bills, photos, etc.) in your files in case you should need them at a later date.

In cases that have been determined "not reportable," NYSIF may still ask for a First Report of Injury for a specific claim. Simply type or write

at the bottom of the request that the incident in question does not meet the criteria for submitting an eFROI. Date and sign the statement, keep a copy for your file and return the letter to the address given. The medical bills should be paid by NYSIF without further written request for an eFROI.

We advise employers to make sure an employee's injuries meet certain criteria before filing an eFROI. Claims filed for minor injuries can impact an employer's workers' compensation experience history and potentially increase the premium.

### **Employer statements can be binding**

Employers should always use caution in reporting doubtful or questionable claims. Contact NYSIF for guidance in the use of language; if there are suspicious circumstances; or if unsure whether the case comes under provisions of the workers' compensation law. In any event, immediately notify NYSIF of any new developments or information bearing on the case after an eFROI has been filed.

### **Hearings**

In some cases, a hearing may be held with regard to workers' compensation claims. The Workers' Compensation Board ordinarily sends notices of hearings to NYSIF, the employer and the claimant. The employer is not obligated to attend unless a hearing notice is sent directly to you specifically requesting attendance, or if a NYSIF representative requests that you attend.

Although the Retail Council cannot process workers' compensation claims, we are happy to answer questions about the claims process or any other concerns you have about your policy. Call the Council's Insurance Services Team at (800) 442-3589.

*The Workers' Compensation Insurance Program is administered by Retail Council Services Corp. (RCSC), a wholly owned subsidiary of the Retail Council of New York State.*