

Manager/Supervisor Risk Management

#34– 3/6/12

A twice weekly e-mail training for YCPARMIA members

TOPIC: WORKERS' COMPENSATION –TEMPORARY DISABILITY

When the doctor determines that the injured worker is temporarily unable to work at their job during the period of medical recovery, the employee is entitled to temporary disability (TD) payments to help replace their lost income. The benefit continues until:

- The employee returns to work;
- The employee refuses modified work;
- The employee is determined to be permanent and stationary;
- The employee reaches the cap of a total of 104 weeks of TD paid within a 5 year period; or
- In some cases, when the employee retires.

TD can be total, where the doctor takes the worker completely off, or partial, where the doctor limits the employee's hours. There is no apportionment of TD payments; the full amount of TD is payable regardless of whether another injury contributed to the disability.

The temporary disability benefit is subject to a waiting period. No TD is paid for the first 3 days that the worker is off due to an industrial injury; the day of the injury is included in the waiting period unless the worker was paid full wages for that day. The waiting period does not apply (i.e. is paid) if the employee's TD continues for more than 14 days, or the injury requires inpatient hospitalization.

Unless a claim is denied or delayed, the initial TD check is due within 14 days of the employer learning of the injury and disability. After that, subsequent payments are made every two weeks. This makes it essential that the employer notify the claims administrator when the injured worker returns to work, or stops working due to the industrial injury.

Most YCPARMIA injured workers are immediately released to work with no restrictions following an injury. A smaller percent are returned with temporary work restrictions, and a very few are taken completely off work during a portion of their medical recovery period. Two classes of injured workers receive TD payments:

- Employees that are taken completely off work by the doctor; and
- Employees that are released to work with work restrictions listed by their doctor that their employer fails to accommodate with modified work.

A couple of miscellaneous issues:

- The doctor's release with restrictions trumps the employee's subjective opinion that they cannot work.
- The doctor gives "work" restrictions; when the employer agrees to accommodate it is the injured worker's responsibility to get to work regardless of those work restrictions.

Next topic: Workers' Compensation – Temporary Disability - Dollars