



GUIDELINES FOR EMPLOYEES INJURED ON THE JOB

The Pennsylvania Workers' Compensation Act provides wage loss and medical benefits to compensate employees suffering from work-related injuries or diseases.

1. When an employee suffers an injury as a result of an accident or repetitive injury, he or she should give notice to the supervisor/principal/administrator. The injury should be reported as soon as possible even if the employee does not expect to miss time from work. When you report the injury, be as specific as possible. Notice can be given either verbally or in writing. If there is a Building Rep at the location, he or she should also be notified.
2. **If faced with an immediate medical emergency, the injured employee may secure assistance from the closest hospital or physician or health care provider of his or her choice.** He or she will also be provided with or may request the list of designated healthcare providers **and injured employees may be required to treat with these physicians for up to 90 days after the date of the first visit to the doctor if the claim is approved.** Call the PFT Health and Welfare Fund for specifics on this requirement. He or she can choose to treat with any doctor, hospital or medical provider on the list. The District cannot direct you to a specific provider on the list, and after 90 days, the injured employee may treat with any doctor, not just those on the list.
3. If the injured employee chooses instead to treat with his or her own doctor, the School District and its healthcare provider, Independence Blue Cross, are not required to pay these medical bills.
4. The claim will be called in by the location supervisor/principal/administrator to PMA, the insurance company responsible for administration of claims for the SDP (888-476-2669). PMA will issue a claim number so the employee can obtain medical treatment from an authorized medical provider. The PMA staff is obligated by law to complete an investigation of a claim within 21 days of the date the injury is reported to the employer. If the supervisor/principal/administrator refuses to file the claim, the PFT should be notified. If you fill out any forms, be sure to keep a copy.
5. The SDP Serious Incident Desk should be notified at 215-400-6100.
6. If the claim is accepted, meaning the SDP agrees that injury was work related, the injured employee should review the Notice of Compensation Payable (NCP) that was sent to them by PMA, the third party administrator for the District. This will be sent within 21 days of the injury. The employee should review the NCP to determine whether the injury is described accurately and whether the wages reported are accurate.
7. If the claim is denied, the employee should seek medical care with his or her own physician and may obtain legal advice.

8. The District does not have a mental health specialist on the Workers' Compensation panel, so, under law, the employee may go to one of his or her choice. HOWEVER, the entire claim will be investigated by the District's third party administrator (PMA) and they will need to determine if any mental health issues are directly related to the incident. Therefore, the District policy is for the injured employee to place the treatment under his/her Health Insurance and if determined to be related under the Act, then Workers' Compensation will reimburse his or her health insurance and pay the ongoing medical bills.

9. What can you expect to be paid when out on an approved workers' compensation claim? Per the Collective Bargaining Agreement (CBA), the School District shall provide workers' compensation benefits to employees in accordance with the Pennsylvania Workers' Compensation Act (Act) except that **in no event will payments to the employee be less than sixty-six and two-thirds percent (66 2/3%) of base pay and 100% for holidays and 100% for an approved assault claim.** Remember this wording – base pay – because it will come into play after we explain how pay is calculated under the Act.

According to the Act, if your weekly wage is between \$746.26 and \$1,492.50, you will be paid workers compensation rate of 66 2/3%. This amount maxes out at \$995 per week. That's the most the Act will pay anyone out on an approved claim, regardless of how much more than \$1,492.50 per week you earn. But never fear, the CBA will come to the rescue.

If the employee's average weekly wage when working is between \$746.25 and \$552.78, the Act calls for a weekly workers' compensation rate of \$497.50.

If the employee's average weekly wage is \$552.77 or less, the Act calls for a weekly workers' compensation rate of 90% of the average weekly wage.

Example: let's say you are a teacher with a Master's + 30, hired before 2003, and your current annual salary is \$83,381. To determine your weekly wage, go to your pay statement and look at your Biweekly rate at the top right. Then divide that by 2, to get your weekly wage, which in this case is \$1,921.23.

The Act has a maximum weekly payment of \$995. BUT the Collective Bargaining Agreement (CBA) says the injured worker is to be paid 66 2/3% of **base** pay, which would be \$1,280.70 per week. *So how do we get from the Act mandated maximum rate of \$995 to the CBA mandated amount of \$1,280.70, per week?* The District makes up the difference by paying you what they refer to as 'Supplement'. So, for this injured worker who normally has a weekly pay of \$1,921.23, you would multiply that by 66 2/3% to get \$1,280.70 to get to the amount mandated by the CBA.

Then you subtract the maximum payment mandated by the Act, \$995 to get to the Supplement the District pays in addition to the workers' compensation = \$285.70. So for each day out on approved workers' compensation, this employee would be owed \$995 in workers compensation and \$285.70 in Supplement.

Recap:

Annual salary \$83,381 (just an example)

bi-weekly (divide by 21.7) = \$3,842.45

Weekly salary \$1,921.23

Amount due per CBA 66 2/3% = \$1,280.70, which is made up of:

Amount due per the 'Act' = \$995

Difference = \$285.70 which is Supplement

\$995 + \$285.70 = \$1,280.70.

Remember, the above numbers used are an **example** based on an annual salary of \$83,381.

Things to know:

- Workers' Compensation pay is not taxable. So the \$995 in this example is not taxable.
- Supplement is taxable, so the \$285.70 per pay is taxable.
- As mentioned above, per the CBA, the District pays Supplement to get the employee to 66 2/3% of base pay. **Remember the Supplement brings you up to 100% for holidays.**
- Employees out on approved workers' compensation do not earn retirement service credit. They may (and should) purchase that [service credit](#) when they return to work. You will download and complete the form with your information, and then forward to the District's Retirement Office to complete the Employer section.
- Employees who are on an **approved** workers' compensation absence resulting from a **physical assault**, as set forth in Article XIII, Section K.(3)(a) of the CBA, who separate from employment due to the assault will have **medical benefits, including payments to the Philadelphia Federation of Teachers Health and Welfare Fund, provided by the School District for no more than five (5) years after separation from employment at the same level provided prior to separation** so long as the employee continues to receive workers compensation payments. **Yes, your union negotiated FIVE years of both medical and health and welfare benefits for you, if you separate from employment due to the assault.**
- During the first year of an employee's absence because of injury sustained as the result of a **physical assault** by reason of his/her status as an employee and the past or present performance of his/her duties as an employee, such employee shall be paid an amount, including payments, if any, to which he/she is entitled under the WCA, **equal to the compensation he/she would have received during the period of his/her absence**; provided that the employee treats with the School District's panel of physicians for ninety (90) days. **What does this mean? It means if the District accepts your assault claim, you are entitled to be paid 100%, not 66 2/3%, of your base pay. Were you assaulted but the District hasn't accepted the claim as an assault? Contact a Health and Welfare Coordinator for assistance. We will reach out to the Risk Management office.**

Feel free to call the Health and Welfare Fund office to speak with a coordinator if you have questions or need assistance.