

MAY 1, 2023

# NYS WORKERS' ADVOCATE CONFERENCE



## Integrated Services: Supporting Injured Workers

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NEW  
YORK  
STATE

Workers'  
Compensation  
Board

# Agenda

- **Mission and Compliance**
- **Integrated Services**
- **Social Services**
- **Return to Work**
- **Vocational Rehabilitation**
- **Labor Market Attachment**
- **Supporting Injured Workers**



# Mission and Compliance

# Mission of the Board

- **Ensure that wage replacement and medical benefits are paid in a timely manner**
- **Comply with laws and regulations governing workers' compensation**
- **Modernize efforts to support high-quality, accessible health care and streamline systems to enable stakeholders to easily interact with one another**
- **Continue to expand outreach to help workers and employers understand their rights and responsibilities**

# Compliance with the law

- **Workers' compensation is a no-fault insurance system**
- **Employees do not contribute to the cost of workers' compensation insurance**
- **Employers with one or more employees must provide workers' compensation insurance coverage for all workers in the event of injury**

# Compliance with the law (cont'd)

- Employers cannot terminate an employee for filing a workers' compensation claim
- A new employer may not ask about a current workers' compensation claim
- Legal status is not considered in receiving benefits

**NEW YORK**  
STATE OF  
OPPORTUNITY

**Workers' Compensation Board**

**Employee Claim**

**State of New York - Workers' Compensation Board**

Fill out this form to apply for workers' compensation benefits because of a work injury or work-related illness. Type or print neatly. This form may also be filled out on-line at [www.wcb.ny.gov](http://www.wcb.ny.gov).

**WCB Case Number (if you know it):** \_\_\_\_\_

**A. YOUR INFORMATION (Employee)**

1. Name: \_\_\_\_\_ 2. Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_  
First MI Last

3. Mailing address: \_\_\_\_\_  
Number and Street/PO Box/Apartment No. City State Zip Code

4. Social Security Number: \_\_\_\_\_ 5. Phone Number: (\_\_\_\_) \_\_\_\_\_ 6. Gender:  M  F  X

7. Will you need a translator if you have to attend a Board hearing?  Yes  No If yes, for what language? \_\_\_\_\_

**B. YOUR EMPLOYER(S)**

1. Employer when injured: \_\_\_\_\_ 2. Phone Number: (\_\_\_\_) \_\_\_\_\_

3. Your work address: \_\_\_\_\_  
Number and Street City State Zip Code

4. Date you were hired: \_\_\_\_/\_\_\_\_/\_\_\_\_ 5. Your supervisor's name: \_\_\_\_\_

6. List names/addresses of any other employer(s) at the time of your injury/illness: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

7. Did you lose time from work at the other employment(s) as a result of your injury/illness?  Yes  No

**C. YOUR JOB on the date of the injury or illness**



# Integrated Services

# Integrated services for injured workers

- A workplace injury can be life altering and challenging for those injured on the job
- The Board offers health support services and employment resources that are designed to overcome medical limitations
- Licensed master social workers (LMSWs) and vocational rehabilitation counselors (VRCs) work individually and as partners to aid injured workers by identifying appropriate support services and reducing barriers.





# **Social Services**

# Licensed Master Social Workers

When a worker is injured or becomes disabled as the result of a work-related injury or occupational illness, the impact can be devastating in a variety of ways. As such, the Board offers resources by highly skilled professionals. Board social workers are:

- Available in all district offices
- Required to possess a Master's Degree in Social Work
- Licensed to practice in New York State
- Trained to provide free and confidential mental health and social services

# Social worker support

- Offer short-term counseling to aid emotional and mental well being
- Respond to concerns or questions regarding the claims process
- Assist with Medicare, Social Security, and New York State Disability
- Provide advocacy support by reaching out to creditors, landlords, carriers, etc.
- Connect with services such as DSS, SNAP/HEAP, shelters, food pantries, etc.

# Social services provided

In 2022, LMSWs responded to 9,589 injured workers and resolved over 25,000 inquiries, including:

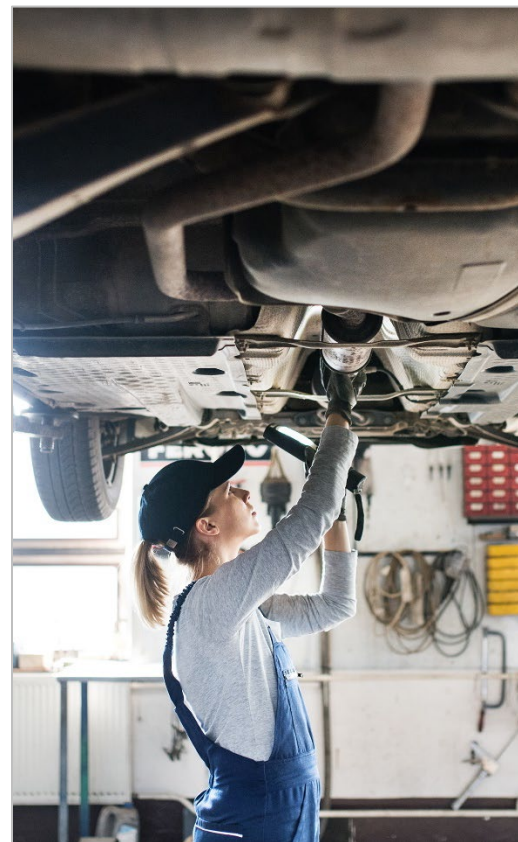
- Increased demand for mental health support and short-term counseling
- High levels of financial hardship
- A growing need to partner with vocational rehabilitation counselors to support return to work efforts



# **Return to Work**

# Return to work

- Get better—and get back
- A quick and safe return to a healthy life style helps one get better
- Research shows the longer employees are out, the less likely they are to come back to work. In fact, just 50% of injured employees will return to work after a six-month absence, and only 1% after a two-year absence.



# Return to work

- **Return-to-work (RTW) programs or initiatives can help an employee continue working while recovering from a work-related illness or injury**
- **“Reduced Earnings” benefits can be provided to those who return to work at a lower pay rate because their disability prevents them from working at pre-injury level**
- **Medical care for a work injury or illness is a lifetime benefit, even after returning to work (unless there is a legal settlement that says otherwise)**



# **Vocational Rehabilitation**



# Vocational rehabilitation counselors

- The Board's VRCs provide free assistance to injured workers with physical and mental impairments
- VRC's are Master level Counselors with degrees in Rehabilitation Counseling
- Possess Certified Rehabilitation Counselor (CRC) National Credential
- Vocational support is offered to injured workers to ensure they get the help they need to become more independent and return to work
- Those with medical restrictions may require alternate or light duties at work as they continue to recover from their injury
- In 2022, the VRC unit assisted 9,281 injured workers as they returned to the workforce

# VRC services provided for injured workers

- Offer employers information regarding work restrictions, light duty, and other work limitations that support safe recovery efforts
- Help injured workers search and apply for jobs, and coordinate job/vocational training
- Refer injured workers to vocational support services such as ACCES-VR and NYS DOL One-stop Career Centers
- Aid with resume development and mock interview preparation

# VRC services provided for injured workers

- Provide guidance regarding labor market attachment, reasonable accommodations, and the Americans with Disabilities Act (ADA)
- Serve as a resource to Board staff regarding disability, employment, and workforce development





# **Labor Market Attachment**

# What is labor market attachment (LMA)?

- Workers who are temporarily disabled and less than 100% disabled are obligated to look for employment within their medical restrictions to continue receiving their benefits
- Carriers can and do raise this defense at hearings
- The injured worker is usually given an opportunity to demonstrate a timely, diligent, and persistent work search

# What is credible documentary evidence that is legally sufficient to demonstrate LMA?

- Active participation in a job-retraining program
- Contacting and engaging with Department of Labor One-stop Career Centers for job searching, follow up meetings, seminars, orientation, and/or job counseling
- Participating in full-time higher education or training
- Actively working with a VRC at ACCES-VR
- Conducting an independent job search

# Why is labor market attachment important?

- An injured worker who is partially disabled and wants to continue receiving lost-wage benefits is obligated to demonstrate “labor market attachment”
- The injured worker only needs to seek employment within their medical restrictions




# Documenting labor market attachment

Document everything with the:

- *Claimant's Record of Job Search Efforts/Contacts (Form C-258)*
- *Claimant's Record of Independent Job Search Efforts (Form C-258.1)*

\**Other documents are acceptable*



**CLAIMANT'S RECORD OF JOB SEARCH EFFORTS/CONTACTS**

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ MI: \_\_\_\_\_ WCB Case #: \_\_\_\_\_  
 For the Period: \_\_\_\_\_ to: \_\_\_\_\_

Use this form to show your efforts to attach to the labor market. Information regarding labor market attachment can be found on the Board's website at [www.wcb.ny.gov/labor-market-attachment](http://www.wcb.ny.gov/labor-market-attachment). Detailed instructions are on page two of this form.

You can demonstrate attachment in one or more ways:

1. active participation in a job-location service such as One-Stop Career Centers, Workforce One, etc.;
2. an independent job search;
3. active participation in vocational rehabilitation through ACCES-VR, another Board approved rehabilitation program, or a job re-training program;
4. attendance in an accredited educational institution full-time to pursue employment.

Check the box or boxes below to demonstrate your attachment to the labor market and provide all required information.

**NOTE: Benefits may be suspended if the Board issues a decision finding that your job search efforts were not sufficient.**

**This document will be considered evidence by the NYS Workers' Compensation Board, therefore you should consult with an attorney or licensed representative before completing this form and before submitting it to the Board.**

1. Participating in NY's Department of Labor's re-employment services such as One-Stop Career Centers, Workforce One, etc.:

Name of Program or Service: \_\_\_\_\_ Location: \_\_\_\_\_  
 Date (mm/dd/yyyy): \_\_\_\_\_ Activity/Result: \_\_\_\_\_  
 Date (mm/dd/yyyy): \_\_\_\_\_ Activity/Result: \_\_\_\_\_  
 Date (mm/dd/yyyy): \_\_\_\_\_ Activity/Result: \_\_\_\_\_

**Attach supporting documentation. If necessary, attach separate sheet listing additional dates and activity/result.**

2. Independent Job Search. If you conducted an independent job search complete Form C-258.1 to record your job search efforts. Be sure to complete all fields in order to show that your job search is timely, diligent and persistent. If you are only submitting a record of an independent job search, you may use Form C-258.1 without also filling out Form C-258.

3. Participating in Adult Career and Continuing Education (ACCES-VR) or other rehabilitation or job-retraining programs including SUNY Educational Opportunity Centers (EOC):


Date(s) of Contact (mm/dd/yyyy): \_\_\_\_\_  
 Name of Career Center or Program: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Line 2: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Name of Person Contacted: \_\_\_\_\_ Daytime Phone #: \_\_\_\_\_  
 Result: \_\_\_\_\_

**Attach supporting documentation.**

4. Attending an accredited educational institution or licensing program to pursue employment within my work restrictions:

Date of Enrollment (mm/dd/yyyy): \_\_\_\_\_ Estimated Graduation Date (mm/dd/yyyy): \_\_\_\_\_  
 Name of Educational Institution: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Line 2: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**Attach proof of enrollment.**

C-258 (5-19) 

Page of

[www.wcb.ny.gov](http://www.wcb.ny.gov)





# **Supporting Injured Workers Together**

# Supporting injured workers

Some things to consider doing:

- Ask customers/participants if they have a workers' compensation claim during intakes or registrations. Injured workers may not always disclose this information or that they are a person with a disability.
- Track injured workers for monitoring, collaboration, or referrals to the Board's vocational rehabilitation services
- Share Board materials at your site
- Offer training and presentation opportunities

# Supporting injured workers

- VRCs are available to participate in case conferences with an injured worker's consent
- Meetings/consortiums/workshops/webinars
- Advisory councils
- Formalizing a referral process with your agency and the Board
- Providing documentation in an effort to show evidence to meet LMA

# Contact us

**Email:** [VocRehab@wcb.ny.gov](mailto:VocRehab@wcb.ny.gov) / [SocialWorkers@wcb.ny.gov](mailto:SocialWorkers@wcb.ny.gov)

**Phone:** (877) 632 - 4996

## Visit our website:

[wcb.ny.gov/content/main/workers/rehab.jsp](http://wcb.ny.gov/content/main/workers/rehab.jsp)

[wcb.ny.gov/content/main/workers/socwk.jsp](http://wcb.ny.gov/content/main/workers/socwk.jsp)

[wcb.ny.gov/returntowork/injured-worker.jsp](http://wcb.ny.gov/returntowork/injured-worker.jsp)

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**Thank you**

**Questions?**