

## Workers' Compensation

the New York State Disability Plan until the controversy is resolved. Medical Leaves Administration will notify your department that you must be placed on Short Term Disability (STD).

If the injury is ruled compensable by the Board, then you will be paid the difference (if any) between the STD payments and the Workers' Compensation benefits due.

### ***When am I eligible to apply for Long Term Disability (LTD) benefits?***

If, after three months, a return to work date is undetermined, eligible employees may be contacted by the Medical Leaves Administration office to discuss a Long Term Disability Application, if appropriate. Employees may contact the Medical Leaves Administration office at any time to discuss starting an application.

If your LTD application is approved, your LTD benefit will be reduced by your Workers' Compensation benefit, as well as any benefit payable under Social Security, other group disability, or employer provided retirement plans.

### ***What happens to my other Cornell benefits, such as health and life insurance, while I am receiving Workers' Compensation benefits?***

As a regular university employee, you are eligible to continue certain benefits while you receive Workers' Compensation benefits.

There is no change in your benefits as long as you continue to receive a Cornell paycheck. Normal benefit deductions will be taken out of each check.

However, once you are no longer receiving a paycheck from Cornell, endowed employees are billed on a quarterly basis for the employee cost of health and Personal Accident Insurance (PAI) coverage. Your basic life insurance coverage continues at no cost to you.

Contract college employees should contact Medical Leaves Administration at (607) 255-1177 for more information regarding benefits continuation.

### ***Do I continue to accrue vacation and sick leave while on Workers' Compensation?***

Your vacation and sick leave continue to accrue for 20 calendar days. After the 20 days, no further time accrues until you return to work.

### ***What happens to my job while I'm on Workers' Compensation?***

A benefit-eligible staff member's position, or an equivalent, is held for a combined total of 26 weeks of any medical leave (182 days) during any 12-month (52 week) period if you return to full duty within this 26 week period, you are entitled to your job upon returning to work. Once this 26 week period has elapsed, your department is no longer required to hold your position, and it may be filled at the department's discretion.

### ***What do I need to do if my doctor tells me I can return to work?***

If you are released to return to work, it is your responsibility to provide your supervisor with a note from your doctor releasing you to return to work and resume your normal duties. Your department will not be allowed to accept you back to work without a medical release.

### ***Coordination with the Family and Medical Leave Act***

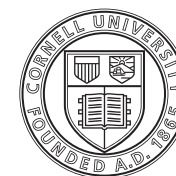
Cornell provides leave that goes beyond the minimum provisions of the Family and Medical Leave Act of 1993 (FMLA). Accordingly, the 12-week entitlement under the FMLA will run concurrently with the use of Medical Leaves, whenever applicable.

This brochure summarizes the principal features of Cornell's Workers' Compensation program, and is not intended as a contract or to substitute for law or university policy. Additional information is available from the Division of Human Resources, Medical Leaves Administration, 365 Pine Tree Road, Ithaca, NY 14850, (607) 255-1177.

Division of Human Resources  
Benefit Services  
Medical Leaves Administration  
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# Workers' Compensation



Cornell University  
Division of  
Human Resources

# Workers' Compensation

**The Cornell Workers' Compensation Program provides payments for medical treatment and wages lost as a result of a work-related illness or injury. This brochure provides a summary of the policies and procedures for administration of New York State Workers' Compensation Law by the Division of Human Resources, Medical Leaves Administration, located at 365 Pine Tree Road.**

## ***Who is covered by the Cornell Workers' Compensation Program?***

If you are a faculty or staff member of the university (including temporary, student, academic, and nonacademic employees) who is receiving a Cornell paycheck, you are covered by Workers' Compensation. Individuals who volunteer their services to the university are not covered by Workers' Compensation.

## ***Who administers Workers' Compensation?***

The organization charged with enforcement and regulation of Workers' Compensation law is the New York State Workers' Compensation Board, which acts as an independent agent under the umbrella of the New York State Department of Labor.

Medical Leaves Administration, located at 365 Pine Tree Road, (607) 255-1177, administers Cornell's Workers' Compensation program. The university has contracted with two organizations to process and manage claims for employees and to process payments on behalf of the university. Gallagher Bassett, a subsidiary of a large insurance brokerage firm, processes claims for endowed employees and the State Insurance Fund does the same for contract college employees

## ***What is a work-related injury/illness?***

Workers' Compensation law defines a work-related injury as "an accident arising out of and in the course of employment and such diseases or infection as may naturally and unavoidably result therefrom."

## ***How do I file a claim for Workers' Compensation benefits?***

If you experience a work-related illness or work injury, Cornell policy requires that you notify your immediate supervisor within 24 hours of the accident.

To file a claim for benefits, complete a Cornell Accident Report Form, paying particular attention to the nature of the injury, lost work time, and medical treatment administered. Accident Report Forms are available online at <<http://prp.ehs.cornell.edu/acc-inj>>.

For those claims involving lost time or medical treatment, Medical Leaves Administration will forward the necessary forms to the Workers' Compensation Board.

## ***Must I lose time from work to receive benefits under the law?***

No. Even when no time is lost from work, or the lost time is less than the one-week waiting period, you are entitled to coverage for your necessary medical treatment.

## ***How is medical care secured? Can I choose my own doctor?***

You are entitled to choose your own medical practitioner. Necessary medical care can include services for physicians, surgeons, chiropractors, hospital care, x-rays, pharmaceutical needs, and laboratory tests. Be sure to notify the physician, hospital, or pharmacist that the treatment is for a work-related injury or illness and the bills will usually be forwarded directly to Cornell's Workers' Compensation administrators.

Medical treatment providers should not ask you to pay for any treatment rendered in connection with a work-related injury or illness.

## ***What must an employer pay under the law for lost time from work?***

The law requires employers to pay two-thirds of an employee's average weekly wage (up to a weekly maximum) during periods of temporary total disability. However, Cornell's policy on providing benefits for regular full or part-time employees exceed those mandated by law.

## ***How are regular Cornell employees paid for periods of lost time from work?***

If you are a regular full- or part-time employee who loses time from work, you will continue to receive your regular salary during the first 13 weeks of total temporary disability. During the first five working days of absence, however, your accumulated sick leave can be used to cover the waiting period designated by State law. If you have no accumulated sick leave, you may use vacation

to assure continuation of full salary during this time. If your disability exceeds 14 calendar days (or ten working days), the sick leave or vacation time used during the first week will be returned to you.

## ***What happens if I am unable to work for more than 13 weeks?***

If you are an endowed employee, you are removed from your department's payroll. Gallagher Bassett adjusts your payments to reflect the Workers' Compensation rate for your level of disability. Gallagher Bassett mails these checks on a bi-weekly basis directly to your home address.

Contract college employees are treated in the same manner, except their check will be sent directly from the State Insurance Fund.

If you have accumulated sick or vacation leave, you may supplement your Workers' Compensation benefit by using accruals each week until your paid leave has been exhausted.

## ***How are claims handled if I am a temporary or student employee?***

All injury cases must be brought to the attention of Medical Leaves Administration by filing an Accident Report. As a temporary or student employee, you are not paid by your department for lost time (your full wages are not continued). However, you are paid directly by Cornell's administrator at the Workers' Compensation rate as prescribed under the law. If you are a contract college temporary or student employee, you are paid by the State Insurance Fund at the compensation rate.

Temporary and student employees are not eligible for sick leave or vacation benefits, so you will receive no pay for the first five working days of absence (the waiting period). However, if your disability exceeds 14 calendar days, you will then be entitled to a wage replacement benefit for the first week. Benefit payments at the compensation rate continue until you are certified by a doctor to return to work.

## ***What happens if my Workers' Compensation claim is questioned or "controverted"?***

When a case is controverted, Cornell's administrator will notify you and the Workers' Compensation Board of its intent to contest the claim. If more than five working days are lost due to the alleged injury, you must be paid under