

The Division of Financial Operations (DFO) is committed to providing supports and services to schools, Children First Networks, clusters, central and field offices, and all DOE employees.

As part of this commitment, the Workers' Compensation Unit within DFO created the following list of frequently asked questions concerning the processing of workers' compensation claims.

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Workers' Compensation: Frequently Asked Questions from Employers

Eligibility

Q. What titles are covered by workers' compensation?

- A.** Non-pedagogical and administrative titles are covered by workers' compensation and are processed by the NYC Department of Education's (DOE's) Workers' Compensation Unit. Injuries for other titles (licensed pedagogues) are classified as Line of Duty Injury (LODI) and are processed by the DOE's Medical Administration. If you are not sure whether or not a particular title is covered by workers' compensation or LODI, contact us at (718) 935-2213.

Claim Processing

Q. What forms must the injured employee complete?

- A.** Give the employee the following forms:
- [Claimant Information Packet](#) (includes Employee's Claim form C-3)
 - [Employee's Notice of Injury](#) (WCD23 form)
 - [C-2 Addendum](#) (if injury occurred off-site)
 - [Election of Rate of Charge Against Annual and/or Sick Leave Balances](#) (DP2002 form) (only if employee's injury results in more than five absences)
 - [Comprehensive Injury Report](#)* (administrative employees only)

* Note that if the employee works in a school, the Comprehensive Injury Report must be substituted with an OORS report. Instruct these employees to work with the school's OORS operator to complete this report in order to document the incident.

Q. What forms must the payroll secretary/timekeeper complete?

- A.** The payroll secretary/timekeeper should complete an Employer's Report of Work-Related Injury/Illness (C-2 form) online via the [Payroll Portal](#) (once logged in, the form can be found in the DOE Applications section). The completed form will be routed electronically to the DOE Workers' Compensation Unit. Once submitted, you will receive an email containing a copy of the form. Print a copy of the form and mail it, along with copies of all other relevant documentation*, to:

New York City Law Department
Workers' Compensation Division
350 Jay Street, 9th floor
Brooklyn, NY 11201

* Relevant documentation may include the following:

- Comprehensive Injury Report or OORS Report (for school-based employees only)
- C-2 Addendum (if disputing the claim or employee's injury occurred off-site)
- Witness statement(s)
- Any other documentation that will support the case

Q. Must a claim be submitted even though the incident did not result in an employee absence or doctor visit?

A. Yes, by law, employers must document all work-related accidents on a C-2 form.

Q. When should I submit the C-2 form?

A. Immediately after an accident occurs, the employer must file a C-2 form. Failure to file is a misdemeanor and punishable by a fine. However, workers' compensation law allows the filing of the C-2 form up to two years following the date of the accident.

Q. What if the employee's supervisor does not want to file a C-2 or wants to contest the claim?

A. As per workers' compensation law, employers are obligated to file a C-2 form with both the New York State Workers' Compensation Board and the New York City Law Department immediately upon learning of an employee accident. Failure to do so may result in penalties of up to \$2,500.

When an employer submits a C-2 form, it does not mean that it agrees or approves the employee's statement or was a witness to the accident. Submission of this form indicates only that the employer is aware that an employee intends to file a workers' compensation claim. If the employer wants to controvert the case, s/he should complete the C-2 Addendum and submit it to the State Workers' Compensation Board. The State Workers' Compensation Board will consider the information during its review of the case.

Q. How does the employee get a carrier case number?

A. Once the New York City Law Department receives all claim documentation from both the employee and the employer, and deems that the injury is compensable, it will inform the employee of his/her carrier case number, via mail, along with the name of their benefits examiner. This carrier case number is what their attending physician will need in order to continue treating the employee.

Absences & Leaves

Q. How should the absences related to the accident be coded in the time-keeping system?

A. The date of the accident is a regular paid day.

The next five consecutive business days immediately following the date of the accident may be coded as non-chargeable days, provided the employee submits proper documentation. In order to qualify for non-chargeable days, the employee must submit to the payroll secretary/timekeeper a doctor's note along with either a completed [Application for Absence due to Personal Illness \(Sick Leave\) \(OP 198 form\)](#), for school-based employees, or an [Application for Excuse of Absence with Pay for Administrative Employees \(PD 19 form\)](#). For administrative employees, the CyberShift Unit will not apply the non-chargeable days until it has received the PD 19 form.

Any absences after that must be coded either as a sick day with a doctor's note (Option 1), or leave without pay (Option 2). If the employee chooses option 2 – leave without pay, the New York City Law Department will compensate the employee up until they return to work at a weekly rate determined by the New York State Workers' Compensation Board.

Q. What paperwork must the employee and the school/office complete in order for the employee to request a leave of absence without pay?

The employee must complete one of the following forms, depending upon his/her title:

- [Family Paraprofessional & Hourly Non-Competitive Employee Leave Application](#)
- [Educational Paraprofessionals Leave Application](#)
- [Application for Leave of Absence for Health Reasons \(PD 6 form\)](#) (administrative employees only)

Depending upon the employee's circumstances, you may wish to recommend to the employee that s/he also submit one or more of the following forms as well:

- ‡[Health Benefits Report Inquiry \(EB 1054 form\)](#) (paraprofessional titles only)
- [COBRA Continuation of Coverage for Healthcare Application](#)

Once all documentation is collected from the employee, submit it, along with a copy of the Employer's Report of Work Related Accident/Occupational Disease (C-2 form), to HR Connect for processing:

Mail: HR Connect Benefits Unit
65 Court Street, 2nd Fl.
Brooklyn, NY 11201

Fax: (718) 935-4350

A determination letter will be mailed to the employee by HR Connect after processing.

‡The EB1054 form allows you to apply for Special Leave of Absence Coverage (SLOAC) on behalf of paraprofessionals (the HR Connect Leaves Unit will check the eligibility of administrative employees once they receive all other forms, and request SLOAC as necessary). SLOAC entitles eligible employees up to a maximum of 18 weeks or 4 months (depending on pay cycle) of health benefits coverage in a 12-month period during unpaid leave resulting from a work-related disability. Without the submission of the EB 1054 form, a paraprofessional's health benefits will terminate once the employee is removed from payroll and placed on unpaid leave. Once SLOAC benefits expire, all employees, regardless of title, may apply for COBRA to extend their health benefits coverage.

Q. What happens if an employee is on a leave of absence due to a workers' compensation case for more than one year?

A. Once an employee has been absent from work due to a work related injury or illness for a cumulative period of one year and s/he is still unfit to return to work, the employee should be terminated. If the employee is able to return to work at some point following termination, s/he has the right to reapply to his/her civil service title within one year of the end of the disability for reinstatement, pursuant to Section 71 of the Civil Service Law of the State of New York.

Additional Information

Q. Who do I call to report workers' compensation fraud?

A. Call the Workers' Compensation Board Fraud inspector General hotline: (888) 363-6001.

Q. Where can I find additional information about workers' compensation?

A. Additional information can be found on the New York State Workers' Compensation Board [website](#).

Web links referred to in this document:

- Claimant Information Packet: <http://schools.nyc.gov/NR/rdonlyres/D87772A4-E4C7-47F8-AF22-4865EF563D73/0/ClaimantInformationPacket.pdf>
- Employee's Notice of Injury (WCD23 form): <http://schools.nyc.gov/NR/rdonlyres/E02F3B33-A9E7-4C89-9997-6959A3BB59E9/0/FormWCD23.pdf>
- C-2 Addendum: <http://schools.nyc.gov/NR/rdonlyres/ABBAAA1C-8E7D-4774-AECC-044B36343EDC/0/c2addendum.pdf>
- Election of Rate of Charge Against Annual and/or Sick Leave Balances (DP2002 form): <http://schools.nyc.gov/NR/rdonlyres/112BD995-EFC0-4810-8ED3-7DD7AE52DD9C/0/dp2002.pdf>
- Comprehensive Injury Report: <http://schools.nyc.gov/NR/rdonlyres/FF04A4D7-2951-45A6-A31E-693EADF7175D/0/ComprehensiveInjuryReport.pdf>
- Payroll Portal: <https://payrollportal.nycboe.net/>
- Application For Excuse Of Absence For Personal Illness (Sick Leave) (OP 198 form): <http://schools.nyc.gov/NR/rdonlyres/7AE40A8E-6F04-471D-A506-91C2CCA5AFFA/0/OP198.pdf>
- Application For Excuse Of Absence With Pay for Administrative Employees (PD 19 form): http://schools.nyc.gov/NR/rdonlyres/67B49C8D-4492-41FC-8BD0-F4812D888F5E/0/PD19_LeaveofAbsencewithPayforAdminEmployees.pdf
- Family Paraprofessional & Hourly Non-Competitive Employee Leave Application: <http://schools.nyc.gov/NR/rdonlyres/2C0341F5-759F-4471-9BDF-66AC13F3B885/0/FamilyParaandHourlyLeaveApplication.pdf>
- Educational Paraprofessionals Leave Application: <http://schools.nyc.gov/NR/rdonlyres/951E74B7-BD26-4341-BFB8-FC1353CA2507/0/EduParaLeaveApplication.pdf>
- Application for Leave of Absence for Health Reasons (PD 6 form): http://schools.nyc.gov/NR/rdonlyres/A36C6FAD-3E35-4720-8851-0E819CA0B8D0/0/PD6_ApplicationforLeaveofAbsenceforHealthReasons.pdf
- Health Benefits Report Inquiry (Form 1054): <http://schools.nyc.gov/NR/rdonlyres/15639041-EF71-4159-A785-4A581E256783/0/HealthBenefitsReportInquiry.pdf>
- COBRA Continuation of Coverage for Healthcare Application: <http://schools.nyc.gov/NR/rdonlyres/C9580F5B-6866-4E91-ADCE-18508DE8965C/0/CobranoticeofrightswithARRA.pdf>
- New York State Workers' Compensation Board: <http://www.wcb.ny.gov/>