



# Workers' Compensation

## Questions & Answers Brochure

### What is Workers' Compensation?

Workers' Compensation is a state mandated benefit designed to assist employees injured in the course and scope of employment. This brochure provides general information regarding Workers' Compensation policies and benefits. This brochure does not provide a full statement of all policies and it does not cover every situation. This information does not substitute or replace any policy or legal information regarding your benefits and responsibilities under City policies or Workers' Compensation.

### How do I apply for Workers' Compensation?

If you believe you have suffered an injury or disease in the course and scope of your employment, you should immediately:

- Notify your supervisor and complete an [Authorization for Medical Treatment Form](#) with as much detail as possible.
- Choose a panel physician from those listed on the form. Visits to medical providers other than those listed on the panel will not be covered unless you have been referred by your panel physician.

Your supervisor should complete a [First Report of Injury](#) form and both forms should be submitted to the Department of Human Resources.

Representatives of Human Resources and PMA Management Corp., the City's Workers' Compensation Third Party Administrator, may contact you for further information and to assist you. PMA will investigate your injury/disease in order to make a determination as to whether your claim is compensable. **The fact that the City may voluntarily pay your medical expenses and lost time does not mean that your claim has been accepted. You must also file a [Claim for Benefits](#) with the Virginia Workers' Compensation Commission within the time limit provided by law.**

**The Virginia Workers' Compensation Commission will send you information which you will be responsible for reading, understanding and completing any necessary paperwork in a timely manner. If you have any questions, contact the Commission directly at 1-877-664-2566 or [www.workcomp.virginia.gov](http://www.workcomp.virginia.gov).**

### What is the City's Light Duty Employment Program?

The City has established a Light Duty Employment program which provides limited term light duty employment for employees who are medically able to perform some work but who are unable to perform their regular job due to a work related injury/disease. (Light Duty Employment includes temporary reassignment to a different job in the employee's department or another department, and temporary restructuring or reassignment of the essential functions of the employee's position upon approval by the Director of Human Resources.)

### How will I be compensated for Light Duty Employment?

Within two years immediately following the injury or diagnosis of disease when you are working in an approved Light Duty Employment assignment, whether in your department or in another City department, you will remain on your regular department payroll with regular pay, status and benefits for a cumulative total of Light Duty Employment and covered absences not to exceed 2080 hours. For example, if you have no covered absences, you could remain in Light Duty Employment up to 2080 hours. If you use 1040 hours (1460 for 24 hour Fire employees) of covered absences, you would only be eligible to use 1040 of Light Duty Employment.

### What happens if I lose time from work?

Lost time from a work related injury/disease includes periods of incapacity, doctor's appointments, therapy appointments and medical treatment related to the injury/disease that are authorized in writing by your Workers' Compensation treating physician. The absences may be continuous and consecutive or may be intermittent while you are performing your regular job or working in Light Duty Employment.

Most injuries to employees during the course of work do not result in lost time. However, if you are medically unable to work as stated by your Workers' Compensation treating physician you may be eligible for certain compensation. An absence due to therapy or medical treatment will be compensated only if it cannot reasonably be scheduled outside regular work hours.

### How will I be compensated if I lose time from work?

An employee may receive his/her pre-injury base net pay during covered absences totaling up to 1040 hours (1460 for 24 hour Fire employees) within the two year period immediately following the injury or diagnosis of disease subject to coordination of hours worked in Light Duty Employment. During periods of absence, you will be entitled to 66 <sup>2</sup>/<sub>3</sub> percent of your average weekly pre-injury wage up to the weekly maximum benefit allowed by the Virginia Workers' Compensation Act if your claim is determined to be compensable. The City will supplement this amount up to your pre-injury base net pay for up to 1040 hours on your regular City paycheck and adjustments will be made to your taxable income.

### How will I be compensated after the two year period or after I have exhausted my leave at regular pay?

If you have covered absences after the exhaustion of covered absences at full pay or after the two year period following the date of accident or diagnosis of disease, you may be entitled to lost wages based on 66 <sup>2</sup>/<sub>3</sub> of your average weekly pre-injury wage up to the weekly maximum benefit provided by the Virginia Workers' Compensation Act. No additional supplement will be paid by the City. You may contact PMA to determine if your absences are eligible through the Virginia Workers' Compensation Act, you may not supplement the benefit with any accrued paid leave unless otherwise mandated by the State.



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### Where can I get more information?

The Department of Human Resources is available to respond to any questions you may have or you may refer to the Human Resources Administrative Manual, Section 1202, Occupational Injury/Disease Policy. If during the time that you are on Workers' Compensation, or are in the Light Duty Employment Program and it appears that you may not be able to return to your regular job within the foreseeable future, the Department of Human Resources will work with you to try to locate other employment opportunities.

**Human Resources Department**  
700 Town Center Drive Suite 200  
Newport News, VA 23606  
Phone: 757.926.1800  
Fax: 757.926.1819  
E-mail: [workerscomp@nva.gov](mailto:workerscomp@nva.gov)

**PMA Management Corp.**  
Customer Service Center  
P.O. Box 5231  
Janesville, WI 53547  
Phone: 1-888-476-2669

**Finance Department**  
2400 Washington Avenue 7<sup>th</sup> Floor  
Newport News, VA 23607  
Phone: 757-926-8738

**Virginia Workers' Compensation Commission**  
1000DMV Drive  
Richmond, VA 23320  
Phone: 1-877-664-2566  
[www.workcomp.virginia.gov](http://www.workcomp.virginia.gov)

### How will my leave and retirement benefits be affected?

Your City leave benefits and retirement credit (if applicable) will continue to accrue during the 1040 hours (1460 for 24 hour Fire employees) subject to coordination of hours worked in Light Duty Employment within two years from date of injury or diagnosis of disease. After that time, paid leave and retirement credit may no longer accrue unless you work qualifying hours in accordance with City policy.

### What will happen to my insurance premiums and other deductions?

For most employees, deductions from your pay for insurance and other payments (child support, United Way, credit union) will continue while you are receiving your net base pay on your City paycheck. If you are out of work after the exhaustion of covered absences at full pay or after the two year period, you may continue to participate in group insurance plans offered by the City at your regular employee rate for a six month period. Following that period, you may be required to pay the full premium cost including an administrative fee. Please contact Finance for further information or to make arrangements for premium payments.

### Who should I contact when the treating physician releases me to return to work?

When your doctor releases you to return to work at full duty or with restrictions, immediately provide your supervisor and/or your departmental workers' compensation liaison with the medical documentation. If your supervisor or department liaison is not available, contact the Department of Human Resources directly at 926-1800.

### What are my responsibilities to maintain Workers' Compensation benefits?

In order to continue Workers' Compensation benefits, an employee's medical status must qualify. Various legal time limits also apply to the obtaining and continuation of benefits. In addition, you must also do the following:

- Keep your department up to date with your work status.
- Provide your supervisor medical documentation after each doctor visit. If you are not working, have your physician fax the information to the Department of Human Resources.
- Provide all information requested by PMA and the City within the time specified and comply with any instructions.
- Follow your panel physician's course of treatment.
- File all required information with the Virginia Workers' Compensation Commission within the specific time period.

### What is the Family Medical Leave Act (FMLA) and how does it relate to my injury?

The Department of Human Resources Administrative Manual, Section 703, Family Medical Leave Act Policy (FMLA) states the City will grant up to 12 weeks of job protected leave during a 12-month period for an employee's own serious health condition. During covered absences due to an occupational injury/illness, the employee remains on the payroll of his/her regular department with the same net rate of pay, status and benefits to a maximum total absence of up to 1040 hours (1460 for 24 hour Fire employees) within the two year time period immediately following the date of injury or diagnosis of disease subject to coordination of hours worked in Light Duty Employment.

Since most work-related injuries meet the definition of a serious health condition under the FMLA policy, absences related to an occupational injury/illness will run concurrently by FMLA and Workers' Compensation.