

# Workers' Compensation frequently asked questions

December 23, 2009

## **What is Workers' Compensation?**

Workers' Compensation is a no fault system that provides lost wage benefits and medical treatment for employees who are injured on the job. Benefits (lost wages and medical) are mandated and governed by state and provincial laws and vary by location.

## **What to do if I am injured at work?**

If you are in significant pain or your injury is life threatening, seek emergency medical attention. For injuries that are not emergency situations, immediately notify your manager or the designated person in your business unit. They will report the claim directly to ESIS, Delta's Workers Compensation Insurance Carrier. Flight Attendants and Pilots should report an OJI directly to ESIS by calling 1-800-642-4462. In addition, for non-contract employee's, if your illness or injury will keep you out of work greater than seven days you must also notify Sedgwick at 1-877-67-Delta. Flight Attendants who are represented by the AFA should report an OJI to Central Administration and their Base Management.

## **If my injury occurred prior to July 1, 2009, when ESIS began handling OJI's for Pre-merger NW, who do I contact?**

On July 1, 2009, all OJI's occurring on that date or afterwards are reported to and being handled by ESIS. However, if you are a Pre-Merger NW employee and were injured prior to July 1, 2009, Liberty Mutual will continue to handle your OJI. Please continue to communicate directly with Liberty Mutual regarding your OJI. View the Liberty Mutual phone numbers.

## **What you can expect if you experience an On-the-Job Injury?**

Depending on the state in which you reside, you may be directed to a medical provider by your manager, the designated person within your business unit or ESIS. In addition, ESIS will need to obtain facts regarding your OJI. The ESIS adjuster will obtain this information from you, your manager, any witnesses and your medical provider. ESIS will review this information and the circumstances of your injury, referring to applicable state Workers' Compensation laws, to determine whether you're OJI will be accepted for benefits.

If you are unable to work due to an OJI, you are entitled to 66 2/3 of your average weekly wage up to a maximum weekly benefit. While you are out of work, you are encouraged to take an active role in your recovery and return to work. You should expect frequent contact from your manager or the designated person in your business unit who will follow-up on your status and offer assistance with questions. Please be sure to follow your medical provider's treatment recommendations for optimal recovery from your OJI and advise ESIS, immediately if there are any changes in your medical status (i.e. ability to return to work, permanent work restrictions, etc.).

## **Is every incident that occurs at work considered to be a workers' compensation injury?**

Most workers' compensation laws state the injury must arise out of and in the course and scope of your employment. This is very broad but it means that you must generally be performing your job duties at the time of injury. There are a number of exceptions to this rule depending on the specific circumstances of the injury and state jurisdiction, so it is necessary that the claim be reported immediately to the workers' compensation carrier, so that a timely determination can be made.

## **Are there circumstances when Occupational Injury Leave (OIL) pay is not paid even though I'm getting workers' compensation payments?**

Occupational Injury Leave (OIL) pay is a benefit that may be provided under your Collective Bargaining Agreement. The rules for OIL pay are different than those for workers' compensation benefits, so there may be cases where workers' compensation is paid but OIL pay is not. Please refer to the Collective Bargaining Agreement that governs your work group for further information.

## **Do workers compensation laws vary?**

Workers' Compensation laws are created by state legislatures and administered by state and provincial workers compensation boards/bureaus and courts. The laws do vary, sometimes significantly, in all 50 states, US territories, and Canadian provinces.

## **If I have a work-related injury, what benefits would I receive under workers' compensation?**

In all states, employees with accepted workers' compensation claims are entitled to receive: wage replacement benefits subject to individual state laws; payment for reasonable, necessary, and related medical bills; medical mileage;

prescriptions; as well as other medical supplies and devices specifically prescribed as a result of the injury by a licensed physician (splints, crutches, etc.) which can be used to help you recover from the effects of the injury. The types and duration of benefits varies by state. Questions related to workers' compensation benefits should be directed to ESIS.

**Can I contest or appeal a determination made by the workers' compensation carrier?**

Every state has a process by which an employee may appeal a workers' compensation determination. This information can be obtained by contacting the state workers' compensation board or bureau or by contacting ESIS to inquire about the process.