

## OVERVIEW OF WORKERS' COMPENSATION BENEFITS

**Waiting Period** - In Georgia, the first seven (7) days that an employee is disabled from work is known as the waiting period. Employees are not compensated for the waiting period unless they miss twenty one (21) consecutive days from work.

**Workers' Compensation benefits are paid on a weekly basis.**

**Temporary Total Disability Benefits (TTD)** - If the authorized treating physician states that the employee is totally disabled from work, or if the employee is given work restrictions that cannot be accommodated, the employee will receive a weekly disability benefit known as Temporary Total Disability (TTD).

**Temporary Partial Disability (TPD)** - If the employee is able to return to work with restrictions related to their on the job injury, and if those restrictions result in a loss of earnings when compared to their pre-accident wages, then the employee will be entitled to receive a wage loss benefit known as Temporary Partial Disability (TPD).

**Permanent Partial Disability (PPD)** - If an employee's injury results in a permanent impairment, then they are entitled to be compensated for that impairment at a rate determined by law. This benefit is known as Permanent Partial Disability (PPD). The authorized treating physician will determine whether or not the injury has resulted in a permanent impairment once the employee has reached maximum medical improvement.

## COMMON DEFENSES

- Willful Misconduct
- Willful Failure to use Safety Equipment
- Willful Failure to Perform a Duty Required by Statute
- Employee Deviation from Approved Work/Travel Route
- Intentionally Self-Inflicted Injury
- Attempt to Injure Another
- Horseplay
- Employee at Lunch or on Break
- Employee Traveling To or From Work

## COMMON DEFENSES

- CAT**— Catastrophic (Lifetime benefits or permanent total)
- TTD**— Temporary Total Disability
- TPD**— Temporary Partial Disability (Wage Loss)
- PPD**— Permanent Partial Disability Benefit
- RTW**— Return to Work
- SUBRO**— Subrogation (Pursuing a claim against a responsible third party)

## FAQ'S

**What is a compensable injury?**

- an injury by accident that arises out of and during the course of employment, including the aggravation of a pre-existing condition

**When is an injury not compensable?**

- when the injury or accident results from horseplay
- when the injury is idiopathic. For example, an employee walking down the hall and trips over their own feet
- when the employee deviates from his or her employment to pursue a personal matter
- intentional self inflicted injury

**What if the employee has an attorney?** If an injured worker retains an attorney, then any discussions about the employee's rights and responsibilities under the workers compensation law should be directed to the attorney. However, you may still communicate with the employee directly concerning issues involving his or her employment.

**What if the accident was the fault of some other person or entity?** Even if the accident was caused by the actions of some third party (motor vehicle accident, faulty equipment, etc.), the injured employee is still entitled to receive workers compensation benefits. However, the District has the right to pursue reimbursement from the responsible party for some or all of the benefits paid. This is known as a subrogation lien.

**What if this employee's accident aggravated a pre-existing medical condition?** A work related injury or accident that aggravates a pre-existing condition is compensable, until the effects of the aggravation have worn off and the employee recovers to their pre-accident condition.

**If an employee goes to his or her own doctor for treatment of an on the job injury without authorization from the employer, is the employer responsible for payment?** Generally an employee cannot go to a non panel physician unless the treatment was for an emergency or unless the employer failed to provide the employee with a panel of physicians.

## WAYS TO REDUCE YOUR WORKERS' COMPENSATION COSTS

- Develop and implement an effective workplace safety program
- Administrative commitment
- Identify and Establish Relationships with Medical Providers
- Safety Work Rules and Procedures
- New Employee Orientation
- Use of GSBA-RMS Employee Safety Videos
- Utilize SafeSchools Online Safety Training
- District and School-Level Safety Committees
- Sharing of Employee Accident Statistics
- Accident Investigation Procedures
- Keep the lines of compassionate communication open with employees
- Provide transitional modified jobs (Return to Work Program)

## WHAT TO DO BEFORE AN ON-THE-JOB INJURY OR ILLNESS OCCURS

- Post All Appropriate Posters and Signs in all Facilities
- Educate All Employees on the Workers' Comp Procedures
- Develop an Effective Work-Place Safety Program
- Create a Return-to-Work (RTW) Program