Idaho Workers' Compensation

Facts for Injured Workers

- Workers' Compensation Benefits
- How to Obtain Them
- Your Rights and Responsibilities

Additional information is available online at:
http://www.iic.idaho.gov

Be sure to look at the
"Frequently Asked Questions" (FAQ) section.

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What is workers' compensation insurance?

Workers' compensation insurance is a no-fault system that provides wage loss and medical benefits to workers with job-related injuries or diseases. Nearly every employed Idahoan is protected by workers' compensation insurance, as state law requires most employers to have workers' compensation insurance.

If you are not sure whether your employer has workers' compensation insurance, ask your supervisor.

Your employer is required to carry workers' compensation insurance. Thus, you are covered from your first day of work and normally every minute you are on the job.

The Workers' Compensation Law lists the few types of employers not required to have workers' compensation insurance. If your employer does not have workers' compensation insurance and you believe that you should receive workers' compensation benefits, you may contact an Idaho Industrial Commission Benefits Analyst (1-208-334-6000 or toll-free 1-800-950-2110), or consult with an attorney.

What should I do if I experience a job-related injury or disease?

If you believe you have suffered a job-related injury or disease, you should consult the following steps:

- **Tell your employer immediately.**

- **Seek first aid and medical care.** Tell the medical care provider that your injury or disease is job-related. Your employer may have a designated physician for treating all work-related diseases or injuries except for emergency care. Ask your employer before seeking medical treatment. If your employer has designated a physician, you must have your employer's approval or petition for approval from the Industrial Commission before visiting another physician.

- **Help your employer fill out your "First Report of Injury or Illness" form.** This form is available at www.iic.idaho.gov/forms/forms.html.

- **Call your employer or your employer's insurance company if you have questions about your workers' compensation benefits.**

- **Call the Idaho Industrial Commission at 1-208-334-6000, toll free at 1-800-950-2110, if you have problems or if your employer or employer's insurance company cannot help you with your questions or concerns.** The Industrial Commission has people trained to assist you.

How do I request workers' compensation benefits?

- **Report your job-related injury or disease immediately!** To qualify for workers' compensation benefits, you must report your job-related injury or disease to your employer IMMEDIATELY. *You could lose all benefits if you wait longer than 60 days to report your injury.*

- **Tell your employer about your injury or disease.** You should tell your employer when, where and how an injury happened. If possible, help your employer fill out your "First Report of Injury or Illness" form, available at www.iic.idaho.gov/forms/forms.htm. The employer should file this notice with the Industrial Commission. If your employer declines to do so, file the form yourself.

- If your employer does not have the "First Report of Injury or Illness" form, call the insurance carrier that insures your workplace or the Industrial Commission at one of the phone numbers listed in this pamphlet. Request that a form be sent to you, or download the form at www.iic.idaho.gov/forms/forms.html.

- **Report ALL injuries—even minor injuries.** To protect your right to receive workers' compensation benefits, you must report any job-related injury or disease to your employer.

What do I do if my employer does not have workers' compensation insurance?

If you have a job-related injury or disease and you believe your employer may not have — but should have — workers' compensation insurance, you should:

- **Call the Industrial Commission's Employer Compliance Department, at 208-334-6000 or 1-800-950-2110, and request the name of your employer's insurance company**. The Industrial Commission can confirm whether or not your employer has coverage.

- **Ask your employer or the Industrial Commission for a "First Report of Injury or Illness" form**. This form is available on our web site at www.iic.idaho.gov/forms/forms.html. Fill out the form to the best of your ability.

- **Return your completed form to the Industrial Commission's main office in Boise**. The address is listed at the back of this pamphlet.

The Industrial Commission will notify your employer of your claim. In addition, your employer will be advised of its responsibility to pay your workers' compensation benefits. The Industrial Commission's Employer Compliance department will also take the appropriate action to make sure that your employer obtains the required insurance.

What are workers' compensation benefits?

If you suffer a compensable job-related injury or disease, you may be entitled to receive compensation for medical care, lost wages, or other related benefits or services, depending upon your individual situation. *Note: Your employer's insurance carrier or your employer, if self-insured, is responsible for payment of your workers' compensation benefits if the injury or disease is found to be compensable.*

MEDICAL CARE:

Your employer's workers' compensation insurance company pays for "reasonable and necessary" medical care to treat your job-related injury or disease.

Such care can include, but is not limited to, payment for emergency medical care, doctor bills, x-rays, medications, hospitalization, crutches, and some travel expenses for medical care.

You are not responsible for the cost of medical treatment covered by workers' compensation. Bills for medical treatment are to be sent by the medical care provider directly to the insurance carrier, or to the employer if self-insured.

TEMPORARY DISABILITY BENEFITS:

If your physician confirms that you cannot work because of your job-related injury or disease, you may be eligible for **temporary total disability benefits** until you are released to return to work or your condition has reached a point of maximum medical improvement. You normally qualify for **time-loss benefits**

(compensation for lost wages) if your injury or disease causes you to miss more than five days of work or if you are hospitalized as an in-patient.

If you are able to return to part-time or modified work while you are still recovering from your injury or disease, and you are receiving less than your usual earnings, you may be entitled to **temporary partial disability benefits.**

PERMANENT IMPAIRMENT AND/OR DISABILITY BENEFITS:

If it is determined that the result of your job-related injury or disease is permanent but that you will be able to return to the same or some other type of work, you may receive benefits for your **permanent partial impairment and/or disability.**

The benefits you receive and how long you receive them depends on the extent of your permanent impairment or disability.

If it is determined that you are totally and permanently disabled as the result of a job-related injury or disease, you may receive income benefits for an extended period of time. If such a **total and permanent disability** was partly caused by a previous injury or condition, the Industrial Special Indemnity Fund may pay some of your benefits.

DEATH BENEFITS:

If a worker dies of a job-related injury or disease, the surviving spouse usually receives benefits for 500 weeks (Benefits will change if your spouse remarries.). Dependent children (up to a maximum of three) ordinarily receive benefits until they are 18 years of age. The amount of these benefits depends on the

average weekly state wage.

In some circumstances parents, siblings, grandparents, and grandchildren may be eligible for death benefits if they are dependents of the deceased.

If the death occurred within four years of the job-related injury or disease, the law provides some compensation for funeral expenses.

To discuss the specific details regarding the benefits for which you may be entitled, contact an Industrial Commission Benefits Analyst by calling 1-208-334-6000 or toll free 1-800-950-2110.

REHABILITATION SERVICES:

If you have suffered a job-related injury or disease, the Industrial Commission's Rehabilitation Division provides rehabilitation services and consultants to assist you in returning to employment in a position as close as possible to your pre-injury status and wage. The consultants do not work for employers, insurance companies, attorneys or anyone else involved in the workers' compensation process. Instead, they are employees of the Industrial Commission. Therefore, they serve as professionals who are neutral and objective in their efforts to assist you in recovery.

For more information about the services provided by the Industrial Commission Rehabilitation Division, refer to the section in this pamphlet entitled, "What if I need help returning to work?" on page 14.

What if I do not receive the benefits to which I believe I'm entitled?

If you believe you are entitled to receive certain workers' compensation benefits and are not receiving them, you should:

- Talk directly with your employer and your employer's insurance company about your concerns.
- If your employer or your employer's insurance company cannot help with your questions or concerns, contact an Industrial Commission Benefits Analyst by calling 208-334-6000 or 1-800-950-2110.
- While discussing your case with your Benefits Analyst, ask about Mediation, a voluntary, informal dispute resolution process.

You may also choose to resolve your differences regarding your claim for benefits through the formal hearing process. Hearings are formal litigation proceedings where disputed workers' compensation claims are presented before a representative of the Industrial Commission, either judicial referees (attorneys working for the Commission) or the Commissioners. After the hearing, you will receive a written order resolving the dispute.

If you choose to contest the decision of your employer or your employer's insurance company, you may want to consult an attorney.

The formal hearing process

To begin the formal hearing process, you must file a "Complaint Form" with the Industrial Commission. You may obtain a copy of the Complaint Form from your attorney or the Industrial Commission's web site, www.iic.idaho.gov/forms/forms.html.

To obtain a date for a hearing, you or your attorney must file a "Request for Calendering."

What is mediation and why should I consider it?

Mediation is a voluntary, informal meeting between the people involved in a disputed workers' compensation claim. The goal of the meeting is for all sides to reach agreement on a resolution to the dispute.

Each mediation is assisted by a neutral Industrial Commission mediator who has experience in resolving disputes. The mediator conducts the meeting but does not give advice to the participants.

Mediation is often requested because it:

- **Makes everybody a winner —** All participants must agree to mediate a dispute or mediation will not take place. The participants control the outcome. Everybody must be in agreement for there to be a settlement.

- **Saves time —** Mediation frequently results in an immediate solution. The formal hearing process is often very time-consuming.

- **Has a high success rate —** In excess of 90% of mediated disputes are successfully resolved.

- **Involves no risk —** Cases unsuccessfully mediated may pursue a formal hearing or work toward a settlement outside the mediation process.

Contact the Industrial Commission at 1-208-334-6000 or toll free at 1-800-950-2110 for more information about the mediation process.

Can I take my claim to civil court?

Any dispute concerning your workers' compensation benefits should be referred to the Industrial Commission.

If you believe a person other than your employer is responsible — in whole or in part — for your injury, you may be able to seek compensation from that party in a civil court.

What if I need help returning to work?

Rehabilitation Consultants at the Industrial Commission will assist you with returning to work within the physical limits set by your treating medical provider. Rehabilitation Consultants are trained to:

- Help you set return to work goals.
- Conduct a job-site evaluation to help your doctor understand what is required of you at work.
- Work with your employer to make job modifications or to identify other job possibilities.
- Help you develop a new employment goal if a job change is required due to your job-related injury or disease.
- Help you find a job with a new employer that is as close to your pre-injury wage and status as possible.
- Help you develop a plan for on-the-job or formal training when such training is required to restore your pre-injury wage.

If you would like more information about the Rehabilitation Division and the services it offers, call toll free 1-800-950-2110, or contact one of the offices listed at the back of this pamphlet.

What else should I know?

LEGAL HELP

The information contained in this pamphlet is general in nature and is not intended as a substitute for legal advice. Changes in the law or the specific facts of your case may result in legal interpretations which are different than those presented here.

The Idaho State Bar can provide you names of lawyers in your area who are familiar with workers' compensation issues and related matters. The Idaho State Bar is located in Boise, Idaho, and can be reached by calling 1-208-334-4500 or toll-free at 1-800-221-3295.

NO JOB GUARANTEE

Idaho's Workers' Compensation Law does not require your employer to hold your job open or rehire you after you recover from your job-related injury or disease. However, Rehabilitation Consultants with the Industrial Commission can provide return-to-work assistance. You can contact the Industrial Commission's Rehabilitation Division at 1-800-950-2110, or at one of the offices listed at the back of this pamphlet.

TAXABLE BENEFITS

Questions often arise regarding whether workers' compensation, disability, or Social Security benefits are taxable. Because each person's tax situation is different and related tax laws are complex, contact your accountant or an Internal Revenue Service representative to address your specific concerns. Workers' compensation benefits are generally not taxable.

ANTI-DISCRIMINATION LAW

The Idaho Human Rights Act and the federal Americans with Disabilities Act (ADA) prohibit employment discrimination based on disability.

It is illegal to discriminate against a worker or job candidate because that person has a physical or mental disability. An employer has an obligation to attempt reasonable accommodation to meet the special needs of persons with disabilities. For more information about your rights within these laws, contact your employer, attorney, or the Human Rights Commission by calling 1-208-334-2873, TDD: 1-208-334-4921. All calls are confidential.

What is the Idaho Industrial Commission?

The Idaho Industrial Commission is the state agency that administers the Idaho Workers' Compensation Law.

When formal hearings are held on disputed workers' compensation claims, the Industrial Commission issues a decision that contains its findings of fact and conclusions of law.

Industrial Commission employees can assist you with many of your questions or concerns about workers' compensation. However, they cannot provide you with legal advice. If you believe that you need legal advice, you should consult an attorney.

The Idaho Industrial Commission is NOT:

- **The State Insurance Fund.** The State Insurance Fund is an insurance company that writes workers' compensation insurance and provides benefit payments to workers with job-related injuries or diseases.

- **The Industrial Special Indemnity Fund.** The Industrial Special Indemnity Fund provides special disability benefits for workers who are totally and permanently disabled due to job-related injuries and diseases.

- **The Department of Insurance.** The Department of Insurance administers Idaho insurance laws and rules to protect the interest of the public in all insurance transactions. It also works to ensure the safety and stability of insurance institutions through regulation.

- **The Division of Building Safety.** The Division of Building Safety has fixed jurisdiction in the areas of electrical, plumbing, building, logging, mining, and public employee safety.

Field Offices

Boise
4355 W. Emerald St., Suite. 105
Boise, ID 83706
Phone: 208-334-2024
Fax: 208-334-3711

Burley
127 W. 5th N., Suite A
Burley, ID 83318
Phone: 208-678-3332
Fax: 208-677-3616

Caldwell
904 Dearborn St., Suite 202
Caldwell, ID 83605
Phone: 208-454-7609
Fax: 208-454-7635

Coeur d'Alene
1111 W. Ironwood Drive, Suite A
Coeur d'Alene, ID 83814
Phone: 208-769-1452
Fax: 208-769-1465

Idaho Falls
1820 E. 17th, Suite 300
Idaho Falls, ID 83404
Phone: 208-525-7248
Fax: 208-525-7013

Kellogg
35 Wildcat Way, Suite B
Kellogg, ID 83837
Phone: 208-786-4600
Fax: 208-786-7110

Lewiston
1118 "F" Street
Lewiston, ID 83501
Phone: 208-799-5035
Fax: 208-799-3482

Payette
501 N. 16th, Suite 107
Payette, ID 83661
Phone: 208-642-9417
Fax: 208-642-6163

Pocatello
1070 Hiline, Suite 300
Pocatello, ID 83201
Phone: 208-236-6399
Fax: 208-236-6040

Sandpoint
613 Ridley Village Road, Suite C
Sandpoint, ID 83864
Phone: 208-263-5747
Fax: 208-265-9637

Twin Falls
1411 Falls Avenue East, Suite 915
Twin Falls, ID 83301
Phone: 208-736-4700
Fax: 208-736-3053

This brochure is intended to answer the most frequently asked questions regarding Idaho's workers' compensation benefits and may not contain a solution to your particular problem. The specific facts of your situation may result in interpretations that are different from those presented here. For further information, contact one of our Benefits Analysts for assistance.

Idaho Industrial Commission
Main Office
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1-208-334-6000
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www.iic.idaho.gov

Requests for this publication in alternate formats will be promptly handled.

Information on costs associated with this publication are available from the Idaho Industrial Commission in accordance with Idaho Code § 60-202.

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