

INJURED AT WORK?

WHAT DO I DO?

**Helpful tips for workers
injured on the job.**

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Enclosed are some helpful tips for workers injured on the job along with a list of Frequently Asked Questions prepared by: **Josh Perkins, Attorney at Law**

Rights of All injured workers:

If you are injured on the job, you may be entitled to three basic benefits:

1. Paid medical care and treatment.
2. Paid time off from work should you be unable to work.
3. Money for your injury.

10 Frequently Asked Questions:

1. I've been injured on the job, what is the first step?

Answer: **Report your Injury.**

Whether or not your employer believes your injury is work-related, you must report the injury to your employer quickly. Quick reporting of your injury to your immediate supervisor or employer is critical and should be done immediately following a work injury. You should report your injury no matter how minor the injury may seem. Often times, what seems like a small injury, can turn into a significant injury later.

To best protect yourself and your claim, you should:

- Report the injury to your supervisor as soon as possible.
- Tell your supervisor everything you can about the injury - what, where, when and how it happened.
- Ask your supervisor to complete a written report of injury or accident report so that a record exists.
- Ask to see a doctor if necessary.

Important Tip: An employee who fails to notify his/her employer of a work injury within thirty days may jeopardize his or her ability to receive workers' compensation benefits.

2. After I report my injury, what do I do?

Answer: **Request Medical Treatment.**

If you have sustained an on-the-job injury, your employer must provide you with paid medical care. You are **not** required to pay for this and it should **not** be turned over to your private health insurance. After reporting your injury, the next step is to ask your supervisor or human resource department for medical treatment from a company-approved doctor. Your employer has a responsibility to make sure you receive immediate medical attention to treat your injury. You do **not** have to pay for any portion of the treatment if your injury is work related. Your employer has the right to select the health care provider or doctor you will see. How will your employer know that you need treatment unless you ask? Don't be afraid to ask.

Important Tip: If your employer or insurance company denies you medical treatment, you can select your own medical provider at your own expense. You can receive reimbursement for medical bills incurred as a result of medical treatment that is reasonable and necessary to cure your work-related injury. If your employer refuses to provide medical treatment, you should contact an **attorney** immediately. ***Remember, seeking medical care through your own doctor should be a last resort and should only be done if your employer refuses to provide medical treatment.**

Important Tip: You should **not** be billed for medical treatment you received for a work-related injury. It is the responsibility of your employer and the work-comp insurance company to pay the medical bills.

3. If I am off work due to my injury, do I get paid?

Answer: **Yes.**

You will receive pay for your time off from work if you are unable to work due to your injuries or if the doctor assigns medical restrictions due to your injury and your employer is unable to accommodate the restrictions.

If you are off work because of a work-related injury, you are eligible to receive temporary total disability (TTD) benefits to replace your lost wages. You are eligible if you have missed more than three regularly scheduled workdays. If you miss more than two weeks, these first three days, referred to as the waiting period, are paid to you.

Important Tip: Once your doctor gives you medical restrictions, you must give those medical restrictions to your employer or supervisor immediately. Your employer will then decide whether they can provide you with “light” duty or an accommodating position. If your employer cannot provide an accommodated-work position or “light” duty, then you will get paid by work comp.

4. How much pay do I receive while I am off work?

Answer: **You get 2/3 (or 66 2/3%) of your average weekly wage up to certain limits.**

Missouri law does not require your employer to pay your

entire wage while off work, only 2/3 (66 2/3%) of your average weekly wage. Your average weekly wage is computed based on your gross wages (before taxes and other deductions). So, for example, if you earn \$400 dollars per week, your work comp check should be \$266.67 (66.7% of 400).

5. How long do I receive pay for missing work?

Answer: You should receive your work comp check until one of two things happen: (1) the doctor releases you to go back to work; or (2) your employer decides they can accommodate your work restrictions and provide light duty.

Important Tip: It is important that you give your employer a copy of your doctor’s notes or work restrictions each time you go to the doctor so your employer is aware of your medical restrictions.

6. What if my employer or the insurance company refuses to send me to the doctor or ignores my injury?

Answer: It is very important that you **contact** our office so that we can take the necessary steps to protect your case and help you obtain medical treatment through work comp before you incur medical expenses you may have to pay yourself.

7. Do I get a settlement (i.e. money) because of my work injury?

Answer: **Yes, under most circumstances, you are entitled to a settlement (money) for your work injury.**

Missouri law states that if you have sustained a permanent injury to your body, you are entitled to a settlement (money) from the insurance company. This is a lump sum of money that is paid to you after your injury has been treated and after you have recovered to the fullest medical extent possible. The permanent partial disability benefit, often called PPD, is paid to compensate you for the permanent residual effect of your injury.

8. When should I expect my settlement?

Answer: Your settlement should come some time after you have finished medical treatment and have been released to return to work by the doctor. If you have questions about whether you are entitled to a settlement, please contact our office.

9. How long do I have to file a workers' comp claim against my employer?

Answer: Generally, under the Missouri workers' compensation law, an employee must file a Claim for Compensation with the Division of Workers' Compensation, within **two** years from the date of injury or last payment made on account of the injury by the employer or its workers' compensation insurance carrier. In some situations, this period may be extended to three years if the employer/insurer does not timely file the First Report of Injury.

Important Tip: If you are unsure about whether you have missed the deadline to file, don't assume you are too late, contact our office.

10. I am concerned that if I file a workers' comp claim my employer will fire me.

Answer: It is illegal for your employer to fire you solely because you filed a workers' comp claim. This does not mean your employer cannot fire you due to some other reason after you have been injured. However, if you have been fired and you believe it is because of your work injury, please contact our office.

Why do I need an attorney?

- If your employer or insurance company is refusing to provide medical treatment for your injury.
- If you are receiving medical bills for treatment related to your work injury and work comp is not paying the bills. You should not have to pay them.
- If you are not receiving your weekly work-comp check while you are off of work or if your weekly work-comp checks stopped coming in the mail.
- If your employer or the insurance company does not want to pay you a settlement for your injury.
- If you think the settlement (money) offer from your employer or the insurance company is too low or not enough money.
- If your employer or the work-comp insurance company won't return your calls or listen to you.
- If you are unhappy with the work-comp doctors.
- If you are not sure if you have a work-comp case or not.

Common Workplace Injuries:

- Carpel Tunnel Syndrome—this medical condition is often found in workers who work at jobs that require constant, repetitive use of their hands and arms.
- Low back or neck injuries—often workers injure their backs from lifting heavy items at work.
- Shoulder injuries from forceful pushing or pulling.
- Knee injuries from slip-and-falls at work.



Joshua P. Perkins
Attorney at Law

Josh Perkins is a lawyer who has devoted his practice to helping workers injured on the job. Josh works with the Spooner Law Firm, which has been representing injured workers in Missouri and Kansas for over 50 years.

Mr. Perkins is available for local appointments in the greater Kansas City area as well as St. Joseph, Milan, Green City, and surrounding areas. Translators will be provided upon request. Mr. Perkins will discuss your case with you free of charge. Call today to schedule your free initial meeting.

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