

Michigan Workers' Disability Compensation Rights & Responsibilities

Each party involved in the workers' compensation system has rights and responsibilities that help ensure the successful application of the law, and ultimately a safe return to work for the employee.

EMPLOYEES

- **Report all injuries to your supervisor immediately!**
- Most workers are covered under workers' compensation from the start of employment.
- Benefits include reasonable & necessary medical care, wage loss benefits, and vocational rehabilitation services.
- A compensable injury is one that has arisen "out of and in the course of employment." In other words, work must cause the disability.
- Workers' compensation is the "exclusive remedy" for work injuries, meaning that in most cases you cannot sue for other damages.
- There is a 7-day waiting period for wage loss benefit payments. If the disability lasts beyond one week, the worker is entitled to benefits as of the eighth day after the injury. If a disability continues for two weeks or longer, then the worker is entitled to be paid compensation for the first week of disability from the date of disablement. Paid medical leave may apply during the 7-day waiting period.
- There is no waiting period for medical benefits; coverage begins at the time of the injury.
- In most cases, wage loss benefits are calculated by taking the average of the highest 39 weeks of the last 52 weeks of gross wages prior to injury. Generally, you should receive 80% of the after-tax value of this average.
- Your first check is due and payable on the 14th day of disability. However, a benefit check is not considered "late" until 30 days after the due date.
- Weekly benefits continue so long as you are disabled, which could be for the rest of your life. However, benefits can be reduced by up to 50% after age 65 at 5% per year up to age 75, or upon receipt of social security retirement benefits.
- If you are only partially disabled, you do have a duty to seek reasonably available work, taking into consideration those limitations (restrictions) from the work-related personal injury or disease.
- If you have **more than one job** covered under the Worker's Disability Compensation Act, you get credit for all wages earned in those jobs.
- **Medical Benefits:** You are entitled to all reasonable and necessary medical care including surgical, hospital, and dental services, as well as crutches, hearing apparatus, chiropractic treatment, and nursing care. These services are provided indefinitely as long as there is a need related to the injury.
- **Choosing A Doctor:** During the first 28 days of treatment, the employer has the right to choose the doctor. After that, you are free to change doctors providing that you notify the employer and insurance company, preferably in writing. You do not need authorization from the insurance company or the employer to be medically treated, as long as the treatment is reasonable and necessary, and your claim is not in dispute.
- **Maintaining Contact:** It is extremely important that you maintain regular contact with your employer throughout the treatment and recovery period so that they are aware of your progress. Provide your employer with updated work status reports and discuss early return to work options.
- **Vocational Rehabilitation:** If you have a work-related injury or illness which prevents you from being able to perform work for which you have previous training or experience, you are entitled to vocational rehabilitation benefits. Vocational rehabilitation can include a variety of professional services designed to help injured workers re-enter the workforce. These services may include job placement assistance, retraining support, or guidance in starting your own business. Vocational rehabilitation services are paid for by the employer/insurance carrier, so in most cases you must have an open workers' compensation claim to receive rehabilitation benefits.
- You may also be eligible for Family Medical Leave Act (FMLA) benefits. If you have questions, you should contact the U.S. Department of Labor.

EMPLOYERS

- **Stay in touch with your employees while they are off work!** Look for appropriate light-duty work options and accommodations when possible.
- All public and most private employers in Michigan are covered by workers' compensation. Every employer subject to the Act must provide proof of insurance or be approved for self-insurance to ensure benefits can be paid to its workers should they become injured.
- Eligible employees are covered under workers' compensation from the date of employment.
- There are severe penalties if an employer fails to provide workers' compensation coverage.

EMPLOYER REPORTING

- **All claims must be reported to your insurance carrier.**
- **Form WC-100:** must be filed with the Workers' Disability Compensation Agency (WDCA) and your insurance carrier immediately upon the disability exceeding 7 consecutive days, death or specific loss. A copy of this form must also be given to the employee.
- You must ensure that reasonable and necessary medical treatment is provided promptly.
- You will need to provide a wage history report to the insurance carrier in order to calculate the correct benefit amount.
- **Minors:** The Act provides that an illegally employed minor is entitled to double compensation if injured.

INSURANCE COMPANIES

- **Prompt and regular payment of benefits is required by law.**
- Form WC-701: Must be filed with the WDCA when wage loss benefits begin, change or stop.
- Form WC-110: Must be filed with the WDCA 3 months post-injury, and every 4 months after, to report on vocational rehabilitation activity.
- Form WC-107: Must be filed with the WDCA if a claim is disputed.
- Medical services rendered are subject to the State of Michigan Health Care Services Rules and Fee Schedule.
- Injured workers are not to be "balance billed" for charges over and above the fee schedule.
- Benefits are not to be stopped for non-cooperation with vocational rehabilitation; a hearing must be requested prior to stoppage.

**For more information contact: State of Michigan Workers' Disability Compensation Agency
Toll free: 1-888-396-5041, or visit our website at www.michigan.gov/wdca**