

THE BASICS

Injured workers are entitled to three essential benefits: lost wages, medical treatment, and a permanency award or settlement.

Any benefit you personally receive is based off your "Average Weekly Wage" (AWW). Your AWW is your average gross earnings for the 52 weeks prior to your date of accident (or for whatever period you worked, if shorter). If you haven't worked at an employer long enough to establish an average wage, then the law requires the average earnings of a similar worker in your position.

You have 45 days to report your injury to a supervisor. Your company may require you to report an accident immediately, but even if you do not, you keep all of your rights under the workers' compensation system as long as you report within those 45 days. That being said, the sooner you report the accident the better.

LOST WAGES

These payments are commonly referred to as your "work comp checks," though officially they are Temporary Total Disability benefits (TTD). When you miss time from work you will receive a check covering 2/3 of your AWW.

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Workers do not get paid until they have been off work more than three days. Those initial three days are never paid unless you end up being off work for more than 14 days total, at which point you'll get those first three days too.

All lost wages are tax-free, though the 2/3 is still usually below your normal net earnings. It is also important to know the employer does not have to pay your private health insurance premiums or benefits in addition to your TTD. You will be responsible for maintaining your health coverage out of your workers' compensation checks.

MEDICAL TREATMENT

The employer is required to pay for any reasonable and related medical treatment due to your work injury. You still must first prove your need for treatment has a causal relationship to your work accident, so be sure to tell your doctor everything you can about how you got injured.

You have two choices of physician under the law. This is known as the "two-doctor rule." If the employer has a "Preferred Provider Program," your first choice of doctor has to be from that list, but most employers do not participate in a PPP. This means you usually have two independent choices of medical providers. Those two doctors can then refer you to another thousand doctors, so long as you stay within the chain of referrals.

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Depending on the circumstances, the employer may also have to cover any future medical treatment you need after your case is over.

AWARD/SETTLEMENT

You will be entitled to a trial award or settlement for most proven, work-related injuries. The law breaks up the body into separate parts and some parts are worth more than others. For example, each % loss of your foot is worth 1.67 weeks of permanent partial disability (PPD), whereas each % loss of your leg is worth 2.15 weeks. Those weeks are then multiplied by 60% of your AWW to calculate your award.

To see how that works, assume your AWW is \$1,000, making your PPD rate \$600. Assume you lose 5% of your foot. Since each percentage is worth 1.67 weeks, you multiply 1.67×5 and get 8.35 weeks and then multiply by \$600/week = a settlement of \$5,100.00 (8.35×600).

The system also has ways to help compensate those who lose access to their usual and customary jobs (loss-of-occupation), lose the ability to earn as much as they used to (wage impairment), or who can no longer work at all (permanent total disability). The point is, you have basic protections no matter what your future employability looks like.

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