



Workers'  
Compensation  
Board



# CONFERENCE 2024

OCTOBER 18



NEW  
YORK  
STATE

Workers'  
Compensation  
Board



# Support Services

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# AGENDA

1 Support Services

2 Social Services

3 Return to Work

4 Vocational Rehabilitation

5 Labor Market Attachment

6 Supporting Injured Workers



# Support Services

# SUPPORT SERVICES

## Support Services for injured workers (also known as Integrated Services)

- A workplace injury can be life altering and challenging for those injured on the job.
- The Board offers health support services and employment resources designed to help injured workers overcome medical limitations.
- Licensed master social workers (LMSWs) and vocational rehabilitation counselors (VRCs) work individually and as partners to aid injured workers by identifying appropriate support services and reducing barriers.



# Social Services

# SOCIAL SERVICES: LMSW

## Licensed Master Social Workers (LMSWs)

When a worker is injured or becomes disabled as the result of a work-related injury or occupational illness, the impact can be devastating in a variety of ways. As such, the Board offers resources by highly skilled professionals. Board social workers are:



- Available in all district offices.
- Required to possess a Master's Degree in Social Work.
- Licensed to practice in New York State.
- Trained to provide free and confidential mental health and social services.

# SOCIAL SERVICES: SUPPORT

## Social worker support

- Offer short-term counseling to aid emotional and mental wellbeing.
- Respond to concerns or questions regarding the claims process.
- Assist with Medicare, Social Security, and New York State Disability.
- Provide advocacy support by reaching out to creditors, landlords, carriers, etc.
- Connect with services such as:
  - Department of Social Services (DSS)
  - Supplemental Nutrition Assistance Program (SNAP)
  - Home Energy Assistance Program (HEAP)
  - shelters
  - food pantries
  - and more



# SOCIAL SERVICES: 2023 RESPONSE

In 2023, LMSWs responded to 6,168 injured workers and resolved inquiries, involving:



- Increased demand for mental health support and short-term counseling.
- High levels of financial hardship.
- A growing need to partner with vocational rehabilitation counselors to support return-to-work efforts.

# SOCIAL SERVICES: RESOURCES

[wcb.ny.gov/socialservices](http://wcb.ny.gov/socialservices)



# SOCIAL SERVICES: RESOURCES

## Social services fact sheet

### Social services: Supporting injured workers and their families



When a worker becomes injured as the result of a work-related accident or occupational illness, it can be overwhelming for them and their family. Besides facing the pain and difficulty of the disability itself, the effects can be financially and mentally devastating. We can help!

The NYS Workers' Compensation Board (Board) has licensed master social workers (LMSWs) available in all district offices to provide free, confidential assistance to injured workers. Our LMSWs can help with the workers' compensation claims process and with financial and emotional barriers that may delay a return to work.

**The Board's team of highly qualified and skilled LMSWs:**

- Advocate for injured workers with health care providers, insurers, mortgage companies, landlords, utility companies, and creditors.

**Things to know if you have a work-related injury or illness:**

- Medical care for your work-related injury is a lifetime benefit.
- Work with your health care provider to get clearance to work.

# SOCIAL SERVICES: TESTIMONIAL

**“I just wanted to thank  
you, your intervention  
most likely saved my life.”**

**-Jeffrey**



# Return to Work

# RETURN TO WORK: GETTING BACK

## Get better — and get back

- A quick and safe return to a healthy lifestyle helps one get better.
- Research shows the longer employees are out, the less likely they are to come back to work.
  - In fact, just 50% of injured employees will return to work after a six-month absence, and only 1% after a two-year absence.



# RETURN TO WORK: PROGRAMS

## Return-to-work (RTW) programs and initiatives:

- Help an employee continue working while recovering from a work-related illness or injury.
- Provide “reduced earnings” benefits to those who return to work at a lower pay rate because their disability prevents them from working at pre-injury level.



**FACT:** Medical care for a work injury or illness is a lifetime benefit, even after returning to work (unless there is a legal settlement that says otherwise).

# RETURN TO WORK: PROGRAMS (cont'd)

## Return-to-work (RTW) programs and initiatives (cont'd):

- Improve communication and clarify the roles and responsibilities of everyone involved in helping the injured worker come back to, and stay at, work.
- Enable all employees, including those who are not ill or injured, to understand and access a process for resolving difficulties at your work site, including during the period when an injured worker is transitioning back to work.
- Promote fair and consistent policies once an accident has occurred.





# RETURN TO WORK: RESOURCES

[wcb.ny.gov/returntowork](http://wcb.ny.gov/returntowork)

**Return to Work**

Work resources for workers, employers and insurers enabled to help injured workers return to work following a workplace injury or illness.

No one wants a more riskful injury or illness when it comes to the workplace. While finding the right fit for the injured worker and employer's return to work is the important part, the labor market is also an important piece of the puzzle. The data we are able to access in fact just 30% of injured workers will return to work after a six-month absence, and only 16% after a full year absence.

I AM AN

injured Worker      employer or Business Owner      Insurance Carrier



# Vocational Rehabilitation

# VOCATIONAL REHABILITATION: VRCs

## Vocational rehabilitation counselors (VRCs)

- The Board's VRCs, located in district offices and customer service centers, provide free assistance to all injured workers, including those with physical and mental impairments.
- VRCs are master-level counselors with degrees in Rehabilitation Counseling.
- VRCs hold the national credential of Certified Rehabilitation Counselor (CRC).



# VOCATIONAL REHABILITATION: VRCs (cont'd)

- Vocational support is offered to injured workers to ensure they get the help they need to become more independent and return to work.
- Those with medical restrictions may require alternate or light duties at work as they continue to recover from their injury.
- In 2023, the VRC unit assisted 7,133 injured workers as they returned to the workforce, and resolved inquiries.



# VOCATIONAL REHABILITATION: SERVICES

## VRC services provided for injured workers:

- Offer employers information regarding work restrictions, light duty, and other work limitations that support safe recovery efforts.
- Help injured workers search and apply for jobs, and coordinate job/vocational training.
- Refer injured workers to vocational support services such as ACCES-VR (vocational rehabilitation) and NYS Department of Labor (DOL) One-stop Career Centers.



# VOCATIONAL REHABILITATION: SERVICES (cont'd)

- Aid with resume development and mock interview preparation.
- Provide guidance regarding labor market attachment, reasonable accommodations, and the Americans with Disabilities Act (ADA).
- Serve as a resource to Board staff regarding disability, employment, and workforce development.



# VOCATIONAL REHABILITATION: RESOURCES

[wcb.ny.gov/vocrehab](http://wcb.ny.gov/vocrehab)

The screenshot shows a webpage header with a teal background. At the top left, it says "Workers' Compensation" in white. Below that, in a larger white font, is "Vocational Rehabilitation Services". A dark teal horizontal bar is positioned below the header. Underneath the bar, on a white background, there is a blue link with a left-pointing arrow: "< [SUPPORT SERVICES](#)". Below the link, the word "Overview" is written in a bold, dark teal font. At the bottom of the visible section, there is a line of text: "A work-related accident or illness can be challenging, but there are resources to assist you. The Board's vocational rehabilitation c".

# VOCATIONAL REHABILITATION: RESOURCES (cont'd)

## Vocational rehabilitation fact sheet

### Vocational rehabilitation: Helping workers get back to work



**Workers'  
Compensation  
Board**

The NYS Workers' Compensation Board (Board) has vocational rehabilitation counselors (VRCs) who provide free assistance to injured workers with physical disabilities. Our counselors help these injured workers get the help they need to become more independent and return to work.

While the majority of injured workers fully heal and return to their same job once cleared by their health care provider, some may have medical restrictions or other situations that affect their return to work. They may require alternate or light duties at work as they continue to heal or to accommodate new medical restrictions. Some injured workers need training and assistance to find a different job altogether. We can help!



# VOCATIONAL REHABILITATION: TESTIMONIAL

**“Ms. Galimore, you work miracles!  
You are the best. I never had  
anyone that believed in me, and  
that made me lose faith in myself.  
I feel good for the first time in a  
long time. Thank you.”  
- Eric**



# Labor Market Attachment

# LABOR MARKET ATTACHMENT

## What is labor market attachment (LMA)?

- Workers who are temporarily disabled and less than 100% disabled are obligated to look for employment within their medical restrictions to continue receiving their benefits (Reference: *Matter of American Axle 2010 NY Wrk. Comp. 80303659*).
- Insurance carriers can and do raise this defense at hearings.
- The injured worker is given an opportunity to demonstrate a timely, diligent, and persistent work search.



# LABOR MARKET ATTACHMENT (cont'd)

## Why is labor market attachment important?

- An injured worker who is partially disabled and wants to continue receiving lost-wage benefits is obligated to demonstrate “labor market attachment” when the issue is raised by the carrier.
- The injured worker only needs to seek employment within their medical restrictions.



# LABOR MARKET ATTACHMENT: EVIDENCE

## What documentary evidence can be submitted to demonstrate LMA?

- Active participation in a job-retraining program
- Contacting and actively participating with DOL's One-stop Career Centers for job searching, follow up meetings, seminars, orientation, and/or job counseling
- Participating in full-time higher education or training
- Actively working with a VRC at ACCES-VR
- Conducting an independent job search



# LABOR MARKET ATTACHMENT: EVIDENCE

## Documenting labor market attachment

- Document everything with the:
  - *Claimant's Record of Job Search Efforts/Contacts (Form C-258)*
  - *Claimant's Record of Independent Job Search Efforts (Form C-258.1)*
  - Other supporting documents
- Forms can be found at [wcb.ny.gov/forms](http://wcb.ny.gov/forms).

**CLAIMANT'S RECORD OF JOB SEARCH EFFORTS/CONTACTS**

Use this form to show your efforts to attach to the labor market. Information regarding labor market attachment can be found on the Board's website at [www.wcb.ny.gov/attach](http://www.wcb.ny.gov/attach). Detailed instructions are on page two of this form.

You can demonstrate attachment in one or more ways:

1. active participation in a job search service such as One-Stop Career Centers, Workforce One, etc.,
2. an independent job search,
3. active participation in vocational rehabilitation through ACCCE/VR, another Board approved rehabilitation program, or a job retraining program,
4. attendance at an accredited educational institution full time to pursue employment.

Check the box or boxes below to describe your attachment to the labor market and provide all required information.

SCB's benefits may be suspended if the Board issues a decision finding that your job search efforts were not sufficient. This document will be considered evidence by the NYS Workers' Compensation Board, therefore you should consult with an attorney or licensed representative before completing this form and before submitting it to the Board.

1. Participating in NY Department of Labor's re-employment services such as One-Stop Career Centers, Workforce One, etc.

Name of Program or Service: \_\_\_\_\_ Location: \_\_\_\_\_  
Date: \_\_\_\_\_ Activity/Result: \_\_\_\_\_  
Date: \_\_\_\_\_ Activity/Result: \_\_\_\_\_  
Date: \_\_\_\_\_ Activity/Result: \_\_\_\_\_

Attach supporting documentation. If necessary, attach separate sheet listing additional dates and activities/results.

2. Independent Job Search. If you completed an independent job search complete Form C-258.1 to track your job search efforts. Be sure to include all dates in order to show that you are working in a timely, diligent and persistent. If you are not submitting a record of an independent job search, you may use Form C-258.1 without also filing Form C-258.

3. Participating in Adult Career and Continuing Education (ACCCE) or other rehabilitation or job retraining programs including NYSD's Educational Opportunity Centers (EOCs).

Office of Career Connection: \_\_\_\_\_  
Name of Career Center or Program: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Line 2: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Name of Person Contacted: \_\_\_\_\_ Telephone: \_\_\_\_\_  
Result: \_\_\_\_\_

Attach supporting documentation.

4. Attending an accredited educational institution or training program to pursue employment within my work restriction.

Date of Enrollment: \_\_\_\_\_ Estimated Completion Date: \_\_\_\_\_  
Name of Educational Institution: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Line 2: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
Attach proof of enrollment: \_\_\_\_\_

C-258 (3-13) Page of [www.wcb.ny.gov](http://www.wcb.ny.gov)



# Supporting Injured Workers

# SUPPORTING INJURED WORKERS: INJURED WORKERS



**Community resources**

**Mental health services**

**Labor Market Attachment**

**Reasonable accommodations**

**Vocational training**

**Advocacy**



# SUPPORTING INJURED WORKERS: EMPLOYERS



**ADA training**

**Job analysis**

**Return-to-work plans**

**Reasonable accommodations & light duty work**

**Vocational programs and resources**

**Workshops**

# SUPPORTING INJURED WORKERS

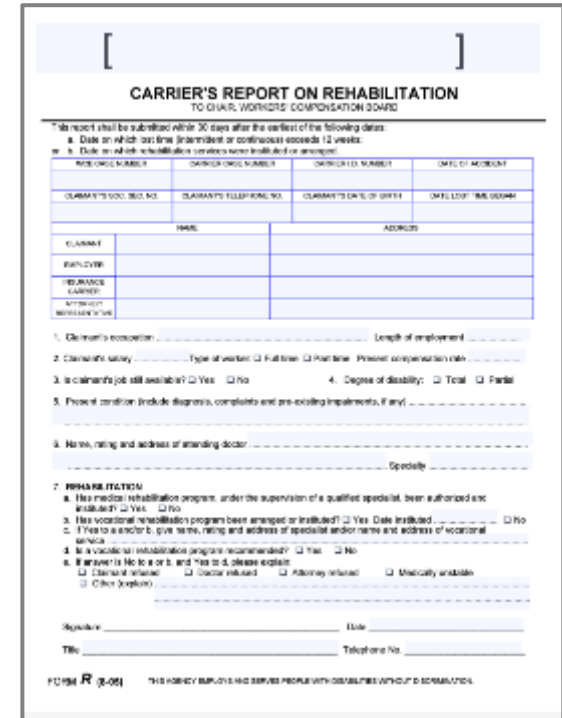
**The Support Services staff is available to support attorneys, carriers, and other external stakeholders in the following ways:**

- Help injured workers look for work within their work restrictions.
- Draft *WER-17 Vocational Rehabilitation Reports* & *WER-18 Progress Reports* to keep all parties up to date on what's happening with vocational services and injured workers.
- Navigate the claims process.



# SUPPORTING INJURED WORKERS (cont'd)

- Connect to Vocational Service by use of the *Carrier's Report On Rehabilitation (Form R 8-05)*.
  - Forms can be found at [wcb.ny.gov/forms](http://wcb.ny.gov/forms).
- Draft letters regarding financial need, housing assistance.
- Hold case conferences.
- Provide updates and communication.



The image shows the 'Carrier's Report On Rehabilitation' form (Form R 8-05) from the Workers' Compensation Board. The form is titled 'CARRIER'S REPORT ON REHABILITATION TO CLAIM, WORKERS' COMPENSATION BOARD'. It includes a header with a large bracketed space for a date. Below the title, it states 'This report shall be submitted within 30 days after the earliest of the following dates: a. Date on which case first (re)submitted or continuous exceeds 12 weeks or b. Date on which rehabilitation services were initiated or accepted.' The form contains several sections: a table for 'CLAIMANT'S SOC. SEC. NO.', 'CLAIMANT'S TELEPHONE NO.', 'CLAIMANT'S DATE OF BIRTH', and 'DATE LOSS BEGAN'; a section for 'CLAIMANT', 'EMPLOYER', 'INSURANCE CARRIER', and 'ATTORNEY/INTERESTED PARTY' with fields for NAME and ADDRESS; a section for '1. Claimant's occupation' and 'Length of employment'; a section for '2. Claimant's injury' with fields for 'Type of worker', 'Full-time', 'Part-time', and 'Percent compensation rate'; a section for '3. Is claimant's job still available?' and '4. Degree of disability'; a section for '5. Present condition'; a section for '6. Name, rating and address of attending doctor'; a section for '7. REHABILITATION' with questions about vocational rehabilitation programs; and a section for '8. If answer is No to a or b, and Yes to d, please explain'. At the bottom, there are fields for 'Signature', 'Date', 'Title', and 'Telephone No.', and a footer that reads 'FORM R (8-05) THIS BOARD EMPLOYS AND SERVES PEOPLE WITH DISABILITIES WITHOUT DISCRIMINATION'.

# CONTACT US

**PHONE:** (877) 632-4996

**EMAIL:** VocRehab@wcb.ny.gov  
SocialWorkers@wcb.ny.gov

**WEBSITE:** [wcb.ny.gov/supportservices](http://wcb.ny.gov/supportservices)



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# 988 LIFELINE

**Are you in crisis, experiencing emotional distress, or worried about someone you know?**



**Call or text 988 or chat at [988lifeline.org](https://988lifeline.org)  
24 hours a day, 7 days a week**



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THANK YOU