

Facts for Injured Workers

*Information about
Workers' Compensation
in Missouri*



**DIVISION OF
WORKERS'
COMPENSATION**


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This is a summary of the general provisions of the Missouri Workers' Compensation Law. For additional information, contact an information specialist at the Division of Workers' Compensation (DWC) at 800-775-2667.

(IMPORTANT: This pamphlet is not a complete statement of the workers' compensation law. It should not be relied on to answer your legal questions. The workers' compensation statutes will apply to determine the facts regarding your injury.)

Work Related Injuries

A photograph showing the silhouettes of several workers on a tall, complex metal structure, likely a tower or a large-scale construction project. The workers are positioned at various heights, and the structure is composed of many interconnected beams and supports. The background is a bright, cloudy sky, creating a high-contrast scene where the workers and the structure are dark against the light sky.

A work-related injury is a traumatic experience. If you are injured on the job or have been exposed to occupational disease in the course and scope of your employment, the Missouri Workers' Compensation law can provide some relief from the worry and financial strain of being injured and possibly off work due to an injury.

Missouri law requires most employers to carry insurance, which pays for medical treatment and lost time benefits for employees who are injured on the job. The law requires prompt payment of benefits at no cost to you if you sustain a work-related injury covered under the law.

Workers Covered Under the Missouri Workers' Compensation Law

If you are employed in the construction industry, your employer must have workers' compensation insurance, if the employer has **one or more** employees. Employers in other types of business must carry insurance if they have **five or more** employees. Railroad, postal, and maritime workers are covered by federal laws.

Exemptions

The Missouri Workers' Compensation Law does not apply to employment of farm labor, domestic servants in a private home, occasional labor performed for a private household, qualified real estate agents and direct sellers, certain unpaid volunteers, certain inmates, and certain individuals working for amateur youth programs.

Covered Injuries

An injury must have arisen out of and in the course of employment. All injuries or occupational diseases must meet the standard of the accident or occupational exposure being "the prevailing factor" in causing the resulting medical condition and disability. Idiopathic injuries that result from an unknown cause are not covered.

Certain injuries that occur when the employee is going to and from work are excluded.



Steps to Take When Injured on the Job

- 1** Report any injury immediately to your employer or supervisor. Failure to report your injury to your employer within 30 days may jeopardize your ability to receive workers' compensation benefits. Notify your employer in writing about the injury - including the nature of the injury, where and when it occurred, and the name and address of the person injured. Keep a copy of the notice for your records.*
- 2** Seek medical attention. Your employer or supervisor should arrange medical treatment and file the necessary reports with the Division of Workers' Compensation (DWC).
- 3** Visit www.labor.mo.gov/DWC for additional information about the benefits available to you or the steps you may have to take in order to receive benefits.

**After your employer files the First Report of Injury with the DWC, you should receive a letter. The "Notification of Rights" letter will be sent to you if your injury results in lost time from work. If you do not lose time from work due to the injury, you will be sent a "Medical- Only" letter. If you believe you have not received that letter in a timely fashion, please contact an information specialist at 800- 775- 2667.*

Benefits Available

- **Medical care** – All costs for authorized medical testing and treatment, prescriptions and medical devices are covered. There is no deductible and all costs are paid by your employer or its workers' compensation insurance company. If you do receive a bill, contact your employer or its insurer immediately.

The employer or the insurer, on behalf of the employer, has the right to choose the treating physician or healthcare provider. The employer and insurer are not required to pay for treatment the employee seeks or selects without their authorization. However, the employer and insurer may authorize you to see your own doctor. You should check with the employer and insurance company with respect to any medical treatment you seek.

When an employee is required to submit to treatment at a place outside of the local or metropolitan area from the employee's principal place of employment, the employee is entitled to payment for necessary and reasonable

expenses. In no event is the employer or insurer required to pay transportation costs of more than 250 miles each way from the place of treatment.



In addition, the employer/insurer may offer physical rehabilitation services to assist you in returning to work. This is an extension of medical treatment - for example, physical therapy to strengthen muscles.

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- ***Payments for lost wages*** - Most injuries only keep you from working temporarily and you may be eligible for temporary total disability payments. If the doctor says that you are unable to return to work due to your injuries or you are off work recovering from a surgery, you may be entitled to **temporary total disability** (“TTD”) benefits. If the doctor states that you can perform light or modified duty work and your employer offers you such work, you may not be eligible for TTD benefits. TTD benefits should be continued until the doctor says that you can return to work or when your treatment is concluded because your

condition has reached “maximum medical improvement,” whichever occurs first. If you return to light or modified duty at less than full pay, the workers’ compensation law requires that **temporary partial disability** benefits be paid to you.

- **Compensation for permanent disability** - Once a doctor has determined that you have reached maximum medical improvement (you have recovered as much as possible), and that you have a permanent disability, you may be entitled to receive a permanent disability payment.
 - **Permanent partial disability** (PPD) means that your work injury affects your ability to perform some jobs or work tasks but you are still able to work at some job (not necessarily the job you had at the time of your injury). You may receive a lump sum payment based on the nature and extent of the disability.
 - **Permanent total disability** (PTD) means that you no longer are able to work at any job. If your last work-related injury alone causes your permanent total disability, you may be entitled to weekly payments for life from your employer or its insurer, or you may want to negotiate a lump-sum settlement instead of a weekly lifetime payment. The amount of weekly payments are calculated 66 2/3 percent of the injured workers average weekly wage, not to exceed a maximum amount set by law.
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- **Survivor benefits** - If an employee dies on the job, the surviving dependents may receive weekly death benefits paid at 66 2/3 percent of the deceased employee’s average weekly wage for the year immediately preceding the injury, not to exceed a maximum amount set by law, along with funeral expenses up to \$5,000 from the employer/insurer. For additional information about these benefits, including college scholarship opportunities for surviving children, visit www.labor.mo.gov/DWC.

- **Benefit payments** - Compensation is not paid for the first three business days or less of disability if you are unable to work (this is called the waiting period). If you are unable to work for more than 14 days, the “three-day waiting period” is paid. Workers’ compensation payments are tax-free.

Second Injury Fund

Missouri’s Second Injury Fund (SIF) can also help an injured worker when a current work-related injury combines with a prior disability to create an increased combined disability. The formula for calculating the Second Injury Fund benefits depends on each case. SIF can also help the survivors of an employee killed at work, in certain situations, when the employee was employed by an *uninsured employer* at the time of death. SIF provides five different kinds of benefits; one or more *may* be available to you. For more information, visit www.labor.mo.gov/DWC/Division_Units/SIF_Unit/Sif_home.asp

Problems Receiving Benefits

If you think you have not received all benefits due to you, contact your employer or the insurance company. If the problem cannot be resolved, you may wish to take advantage of the dispute management service provided by the DWC, have a conference before an administrative law judge, or you may wish to file a Claim for Compensation. Visit www.labor.mo.gov/DWC for a claim form or you may obtain the form at any DWC office.



The dispute management service is a voluntary informal mediation process to help the parties arrive at a resolution (see back for contact information).

For additional information about a settlement, filing a claim or other workers' compensation questions, please call 800-775-2667.

PLEASE NOTE: *the information specialists cannot act as your legal counsel and cannot give you legal advice. The information specialist can provide you with general information but cannot advise you whether the settlement offer is appropriate for your injury.*

Timeline for Filing a Claim

If you decide to file a claim, the Division must receive the claim:

- Within two years after the date of the injury or death or, if payment was made on account of your workers' compensation injury or death, within two years after the last benefit payment was made, or
- If the employer does not timely file a Report of Injury with the Division, within three years from the date of injury or death, or last payment was made on account of the injury or death.



Additional Information



Ask your employer or the workers' compensation claims representative of the employer's insurer. The name, address, and telephone number of the insurer or claims administrator must be posted at the workplace.

You can also talk to an information specialist at the DWC. For additional information about the dispute management service, filing a claim, or other workers' compensation questions, please call toll-free: 800-775-2667.

****IMPORTANT - Workers' compensation is intended to be a streamlined benefits system, but many workers' compensation cases can be extremely complicated. Your workers' compensation case can affect your entitlement to social security benefits, Medicare benefits, or unemployment compensation benefits. Before you make any decisions on settling your workers' compensation case, you should read all the information available to you on our website or consult an attorney. There should be no fees to you to consult an attorney. Attorneys who regularly practice workers' compensation law offer free initial confirmation (see back for attorney referral contact information).**

The DWC does not discriminate against individuals with disabilities as mandated by P.L. 101-336, the Americans with Disabilities Act.

Fraudulent action on the part of an employer, employee, or any other person, is unlawful and subject to punishment as provided by law. If you suspect fraud, contact DWC offices, or call the Fraud and Noncompliance Unit.

Missouri Division of Workers' Compensation
P.O. Box 58
Jefferson City, MO 65102-0058

Division Offices

3315 West Truman Blvd., P.O. Box 58
Jefferson City, MO 65102-0058
573-751-4231
Toll-free: 800-775-COMP (2667)

3102 Blattner Dr., Suite 101
Cape Girardeau, MO 63703-6348
573-290-5757

3311 Texas Avenue
Joplin, MO 64804-4343
417-629-3032

1410 Genessee St., Suite 210
Kansas City, MO 64102-1047
816-889-2481

1736 East Sunshine, Suite 610
Springfield, MO 65804-1333
417-888-4100

3737 Harry S. Truman Blvd., Suite 300
St. Charles, MO 63301-4096
636-940-3326

525 Jules St., Room 315
St. Joseph, MO 64501-1900
816-387-2275

111 N. Seventh St., Room 250
St. Louis, MO 63101-2170
314-340-6865

Contact Information

Missouri Division of Workers' Compensation

P.O. Box 58

Jefferson City MO 65102

573-751-4231

Website: www.labor.mo.gov/DWC

Toll-free: 800-775-COMP (2667)

Dispute Management Unit

P.O. Box 58

Jefferson City MO 65102

Phone: 573-526-4951

Fax: 573-526-4960

Fraud and Noncompliance Unit

P.O. Box 1009

Jefferson City MO 65102

Toll-free: 800-592-6003

The Missouri Bar Lawyer Referral Service

573-636-3635

The St. Louis Metropolitan Bar Lawyer Referral Service

314-621-6681

The Springfield Metropolitan Bar

417-831-2783

The Kansas City Bar Lawyer Referral Service

816-221-9472

Relay Missouri

If calling by home phone or cell phone, dial "711."

All other callers should dial 800-735-2966.

**MISSOURI
DEPARTMENT OF LABOR
& INDUSTRIAL RELATIONS**