



AFLPA WORKERS' COMPENSATION OVERVIEW

WORKERS' COMPENSATION INFORMATION BY STATE/TEAM

ARIZONA WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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Statute of Limitations: A claim must be filed in writing with the industrial Commission of Arizona within 1 year of the date of injury. Independent of the 1 year, there is also a requirement that an employee report his injury to the employer “forthwith.” That can sometimes lead to dismissal of a case even when filed in 1 year. There are some exceptions to the 1 year statute for a “gradual injury” where the law allows that an employee who is unaware of the relationship of his injury to his employment may still file a claim within one year of learning of the relationship or one year from when the employment activity causing the injury ended.

Max Weekly Amounts: Compensation in Arizona is not paid weekly. Approximately \$748.02 every 14 days, or a maximum of \$1600 per month.

Benefits Timeframe: There are no limits, and, therefore, medical and compensation benefits may be available for life, depending on the facts of the case and whether there is permanent disability. Even if

a claim is closed, if it was once accepted the player will ordinarily be able to petition to reopen the claim for additional active medical care and compensation for the rest of his life with the appropriate medical report.

CALIFORNIA WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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Statute of Limitations: Injured worker must commence proceedings (file Application for Adjudication of Claim) with the Workers' Compensation Appeals Board for disability indemnity and medical care within 1 year from the date of (whichever is later):

1. Injury; or
2. Expiration of the period covered by the last payment of disability indemnity; or
3. Last furnishing of any medical or medical-legal benefits by employer.

An injured worker may also institute a claim for “new and further disability” resulting from an injury within 5 years from the date of the injury.

Max Weekly Amounts: The maximum weekly amount for temporary disability payments are \$602 for injuries occurring in 2003. The maximum weekly amount for permanent disability payments varies depending upon the date of injury, and the disability rating, but is

usually \$230 per week for injuries in 2003, \$250 for injuries in 2004 and \$270 for injuries in 2005.

Benefits Timeframe: An injured worker is entitled to all care reasonably required to cure or relieve the worker from the effects of the injury. The Board may enter an award of medical treatment unlimited as to time and amount, and as such, a player is potentially entitled to medical care for life for those injuries that are permanent in nature.

COLORADO WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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- Statute of Limitations:** Generally, claims need to be filed with the Division of Workers' Compensation within 2 years of the date of the injury. This time can be extended to 3 years if the athlete can demonstrate a reasonable excuse for failing to file within the 2 year period. It is also possible to open a claim at a much later date if it can be proven that the effects and compensable nature of injury did not become evident until later. This is usually true for an athlete who had many injuries in his career, and files claims for disabilities caused by those various injuries at the end of his career.
- Max Weekly Amounts:** Current is \$719.74; adjusted yearly for inflation. It will change again July 1, 2007.
- Benefits Timeframe:** Temporary total disability benefits start when the player's salary stops and continues until maximum medical improvement is reached, according to the treating physician. Permanent partial disability benefits, awarded after maximum medical improvement is reached based on the impairment rating given by the physician, are based on a statutory schedule and vary depending on the body part injured. The actual length of time payments are made will depend on the total permanent disability calculated and 2/3 the average weekly wage of the player, which is usually the maximum amount. Temporary total disability benefits and permanent partial disability benefits are

capped at \$75,000 if the percentage of disability is 25% or less, and \$150,000 if the disability is greater than 25%, as determined by the treating physician.

FLORIDA WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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Statute of Limitations: 2 years from the date of the accident, 1 year from the date of the last medical treatment paid for by the employer or 1 year from the date of the last payment of compensation, whichever happens last.

Max Weekly Amounts: Compensation rates change as of January 1st of each year. For injuries occurring in 2006, the maximum weekly compensation rate is \$683.

Benefits Timeframe: Unless a case is settled for a lump sum, the right to medical care for a covered injury remains open so long as a player does not let more than 1 year go by without receiving authorized medical care; if a case is settled for a lump sum, the value of future medical benefits is included and the right to all future benefits end as of the date of the settlement.

GEORGIA WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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Statute of Limitations: Statute is 1 year from the date of injury, 1 year from the date of medical treatment for the injury that was provided by the employer (not a group insurance carrier) or 2 years from the date the player actually was paid workers' compensation disability benefits (temporary total disability, temporary partial disability or permanent partial disability) or salary in lieu of workers' compensation benefits.

Max Weekly Amounts: Amount per week as of July 1, 2005 for temporary total disability is \$450, for temporary partial disability is \$300 and for permanent partial disability amount is \$450. Maximum death benefits for multiple dependents is \$180,000. Maximum death benefits for sole dependent is \$125,000.

Benefits Timeframe: Temporary total disability is 400 weeks, temporary partial disability is 350 weeks and permanent partial disability is based on the percentage of permanent disability. Medical

benefits—lifetime, as long as the need for medical treatment relates to the work-related injury. Possibility for classification as a “catastrophic case” which removes the 400 week limitation on temporary total disability benefits.

ILLINOIS WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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Statute of Limitations: **3 years from the date of the accident or 2 years from date of last payment of compensation, including medical bills; whichever is longer.**

Max Weekly Amounts: **If injury occurred between January 15, 2006 and July 14, 2006, the temporary disability is \$1,096.27 and the permanent partial disability cap is \$591.77. If the injury occurred between July 15, 2006 and January 14 2007, the temporary disability is \$1,120.87. The permanent partial disability cap for this time period will not be announced in December 2006. For accidents after 2/1/06, the cap for**

ILLINOIS WORKERS' COMPENSATION (CONT)

wage differential benefits is \$822.20. Amounts change yearly.

Benefits Timeframe: Length of time benefits remain is indefinite.

LOUISIANA WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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- Statute of Limitations:** 1 year from the date of injury for salary/wage indemnity benefits and 3 years from the date of last medical expense payment for medical bills.
- Max Weekly Amounts:** As of September 1, 2004, the maximum weekly workers' compensation rate is \$438 per week with a maximum of 10 years of Supplemental Earnings Benefits. Supplemental Earnings Benefits are owed when the player is incapable of earning 90% of his preinjury wage after being disabled from playing professional football. Maximum amounts change yearly.
- Benefits Timeframe:** Salary/wage indemnity benefits are owed for the temporary or permanent periods of disability, and Supplemental Earnings Benefits are owed for a maximum of 10 years with the same maximum amount payable as provided for indemnity benefits (i.e. \$438 per week)

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Statute of Limitations: A claim for benefits must be made within 2 years of the date of the injury or last day of work. The claim may be made either orally or in writing to the employer or on forms prescribed by the Workers' Compensation Agency.

Max Weekly Amounts: Maximum weekly amounts are 90% of the State Average Weekly Wage. For 2006, the maximum benefit is \$706 per week.

Benefits Timeframe: Medical benefits related to the injury are potentially lifetime.

NEVADA WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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Statute of Limitations: Claimant must file a Notice of Injury form with the employer within seven days of the date of injury. Claimant must also complete and sign the top portion of a C-4 Form. The C4 Form should be completed at the time of initial medical care, but must be completed and sent to the insurer within ninety days of the injury. A physician must complete the bottom portion of the C-4 Form.

Max amounts: \$1,443.68 bi-weekly wages.

Benefits Timeframe: There are no limits.

NEW YORK WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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Statute of Limitations: 2 years from the date of the accident. Due to mitigating circumstances such as advance payments of compensation, such as medical benefits and salary paid by the employer, there is substantial opportunity to file claims long after the statute has expired.

Max Weekly Amounts: \$400 per week.

Benefits Timeframe: Depending on the part of the body involved, benefits are indefinite in duration. Medical benefits for casually related injuries are lifetime in duration.

OHIO WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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Statute of Limitations: 2 years from date of injury (statute of limitations may be tolled if self-insured employer pays benefits equivalent to that required by Ohio Workers' Compensation Act).

Max Weekly Amounts: \$704 per week for 2006 injury.

Benefits Timeframe: 5 years from date of last payment of medical benefits wherein no compensation or wages in lieu of compensation is paid, 5 years from date of last payment in claims wherein compensation or wages in lieu of compensation or wages in lieu of compensation is paid.

PENNSYLVANIA WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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Statute of Limitations: 3 years from the date of injury or 3 years from the date of last payment of a medical bill for the work injury paid by the Workers' Compensation insurance carrier.

Maximum Weekly Amounts: Weekly benefits are based on the year of injury. The maximum compensation rate for a 2006 injury equals \$745.00. Benefits remain the same based on the maximum benefit for the year of injury. Each year's maximum rate is equal to the statewide average weekly wage.

Benefits Timeframe: Medical benefits are lifetime for a work-related injury as long as treatment is reasonable and necessary.

TENNESSEE WORKERS' COMPENSATION – BASIC FACTS YOU NEED TO KNOW

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Statute of Limitations: The Tennessee statute of limitations for workers' compensation cases is potentially very short. The general rule is that in order to preserve your claim for workers' compensation benefits, a formal lawsuit must be filed within 1 year of the date of injury. Failure to file the lawsuit within this time period means your right to workers' compensation benefits is barred. However, if the employer makes voluntary payments of compensation (such as payment of temporary disability benefits or payment of the medical expenses you incurred as a result of the injury) during the one-year period following the injury, the employee is given additional time to file his workers compensation lawsuit. In this situation, the employee's workers' compensation lawsuit must be filed within 1 year from the latter of the date the employer shall cease making such voluntary payments or within 1 year of the date of the last authorized medical treatment.

Max Weekly Amounts: The maximum weekly rate generally

increases each year. The maximum weekly permanent disability payment for injuries occurring during the period of July 1, 2006 to June 30, 2007 is \$682. For temporary disability benefits, the maximum weekly rate for injuries occurring during the period of July 1, 2006 to June 30, 2007, the maximum weekly benefit is \$750.

Benefits Timeframe: Lifetime medical benefits provided the claim is properly filed.

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Statute of Limitations: **30 day notice to Employer/1 year filing requirement with Texas Workers Compensation Committee.**

Max Weekly Amounts: **\$540 per week paid as Temporary Income Benefits (TIBs) during periods of disability between the date of injury and maximum medical improvement (MMI). Once MMI is reached the claimant is assigned a whole body impairment rating and three (3) weeks of Impairment Income Benefits (IIBs) are paid for each percent of impairment assigned. Typically, IIBs are paid weekly until they run out and are currently \$376 a week. If the whole body impairment rating is 15% or greater, the Claimant may be**

entitled to Supplemental Income Benefits (SIBs) after the IIBs are exhausted. SIBs are paid to offset the loss in long term income a claimant may incur as a result of more severe injuries

Max Weekly Amounts: SIBs are calculated at the same weekly rate as IIBs, but are paid to the claimant on a monthly basis. The Claimant must qualify for SIBs quarterly and if he continues to be entitled to them, may be paid for up to 401 weeks from the date of injury. Certain types of injuries entitle the claimant to Lifetime Income Benefits (LIBs)

Benefits Timeframe: Most income benefits are limited to 401 weeks, maximum. Lifetime income benefits are under limited circumstances. Lifetime income benefits are under limited circumstances. Lifetime medical benefits cannot be bargained away and are based upon medical necessity. At the end of the year, medical networks will be implemented. At the present there are no networks. Employers and carriers will have network doctors and the injured workers must utilize the network doctors. The employer and/or carrier must give notice to the injured worker which networks are available.

This Overview of Workers' Compensation has been compiled by the AFLPA with the assistance of the NFLPA and the NFLPA Workers' Compensation Attorneys. This should not be considered legal advice; please contact your team's representative (listed above) for questions regarding injury benefits or contact the AFLPA at (800) 372-2000.