

New York Workers Compensation

General Information:

The workers compensation system in New York is the most complex and costly in the nation. The highly regulated system is difficult to navigate for our injured employees, leading to confusion that often ends up in litigation. Nordstrom is self insured and self administered for workers compensation claims in NY, and all claims are managed by Nordstrom Risk Management employees at store #390. Critical points to remember to reduce the frequency and severity of workers compensation:

1. Prevention!
2. Immediately report all work injuries requiring medical care to Risk Management. If the employee reports an injury but does not need medical care, complete the Employee Injury report and file the report in a folder in the HR office.
3. Keep in regular communication with the Risk Management claims examiner; advise of any issues, concerns and return to work/accommodation information
4. Keep in regular contact with the injured employee; express care and concern
5. If the employee's physician indicates the employee is not able to return to work, or has work restrictions:
 - a. always offer appropriate transitional work **at full hours** within the 7 day disability payment waiting period; and
 - b. have employees follow up after each doctor appointment to share restrictions and return to work information
6. Make sure Managers understand what to do in the event of an injury, and have access to claim paperwork
7. If an employee is critically injured and requires emergency care (i.e. 911), call Risk Management immediately

Steps to take when an employee gets hurt:

Step 1: Assist the employee with reporting and assessing the injury

- *NOTE: if the injury is serious, delay the paperwork and root cause discussion with the employee until after they receive immediate care*
- Manager and employee complete the online Employee Incident and Injury Report; focus on the Employee portion of the form (top portion) get feedback from the employee on what happened and why.
- Assess whether medical treatment is needed:
 - *No treatment needed:* if the employee feels they do NOT need medical attention, retrain the employee on the unsafe behavior identified
 - *Unsure if treatment is needed:* if the employee is not sure if they need medical attention, go to step 2
 - *Employee wants medical treatment:* bring the employee to HR to complete the remainder of the Injury Packet. If HR is not available, review the Injury Packet with the employee (Injury Packets are located in HR as well as in the Manager HUB)

Step 2: Utilize Medcor to determine if medical treatment is needed.

- If the employee thinks they may need medical attention, but are not sure, offer the Medcor Nurse Triage line at **1-844-871-8630**
- Medcor will talk privately with the employee and will follow up with the Manager with recommendations that will be faxed to HR
- After the call has ended with Medcor, ensure the employee understands the triage advice
- Reminder that Medcor is “advise only”; ultimately it is the employee’s choice whether or not to seek medical treatment
- If the employee decides to seek medical treatment, move to Step 3
- If the employee does not need medical treatment, move to Step 4

Step 3: If Employee Needs Medical Treatment

- If HR is available, walk the employee to HR to complete the remainder of the injury packet. If HR is not available, review the Injury Packet with the employee.
- Use the Checklist to ensure that all forms are completed. Scan all completed paperwork to Risk Claims email attribute: riskclaimsb@nordstrom.com
- Refer employee to the medical clinic (**Tower and Men’s Store: City MD; 315 West 57th Street; 212 315-2330**); if employee would like to go to their own physician, they have the right to do so
- **Note-** *Employee will be paid for the day they are injured and sent to the clinic. Follow-up appointments must be made when employee is NOT scheduled to work. Advise employee to report back to HR after each visit with their updated medical status and work restrictions.*

Step 4: Complete Incident Investigation after the employee is taken care of and provide information to Risk Management along with the Incident Report.

- OSHA Requires that each injury is investigated, corrections made, and findings documented - complete investigation, paying special attention to identifying a root cause and what solution will prevent future occurrences,
- Investigation tips:
 - Keep asking the question “why” until all obstacles to safe behavior have been removed.
 - Was there a standard/procedure in place? If so, was the employee aware and trained? Was the employee rushing or taking a shortcut? If so why? If box or tote is involved, how heavy was it? Was the employee using PPE: If so, what?
 - Take photos of item that was involved in the incident (totes, box, box cutter, cart); take a picture from up close and at a distance to show perspective;
 - Gather any witness names and their statements, if available;
 - determine if you need further clarification using potential video from LP
 - Enter the Accident information into Nordnet (Manager section)

Step 5: Complete prevention action steps

Identifying the cause of an injury is not enough; you must then work to prevent another injury by making a change. What will this knowledge encourage you to do? Training and coaching are typically needed to prevent a similar injury. Do whatever it takes.

- Identify any follow up prevention that may be necessary
- Retrain the employee on the unsafe behavior that cause the incident, if any
- Communicate globally to the team to prevent similar incidents, if needed
- Share information with Store Manager and HR Manager

Additional Safety information can be found on the Risk Management nordnet site.

Step 6: If Employee has Restrictions, support transitional work and work accommodations:

- If the employee has work restrictions, identify appropriate transitional work within the restrictions provided by the physician. Ideas:
<https://intranet/depts/risk/docs/Documents/Modified%20Work%20Task%20Ideas.pdf>
- Verbally offer work, according to the doctor's work restrictions, to the employee, for the following day, even if they are scheduled off. If you can not get in touch with the employee, leave a message; (Follow up with the Modified Duty Offer Letter [found here](#).)
- If you cannot offer work in the same department, try your best to keep the employee working, somewhere productive, within their work restrictions.
Offer full hours in the employees home department if possible. Try to keep selling employees in selling positions to avoid wage loss.
- If the employee states she/he has restrictions, but you do not have the work status / work restrictions:
 - You can ask the employee to provide it to you
 - You can call the clinic and ask for a copy to be faxed to you
- HR will track employees on modified work, and work with Risk Management on status updates (Accommodation Log)
- Managers must support modified work and help ensure employees are not asked to work outside of their restrictions

Medcor Triage Line:

To support injured employees immediately at time of injury, we have a medical triage line in place. This service is available 24/7 by phone and should be utilized for any injury beyond minor first aid. The Medcor nurse on the triage line can discuss treatment options with the employee and assist by coordinating care at the designated clinic, if needed.

Medcor should be offered to employees when they are unsure if they need medical attention. If that is the case, a Manager calls Medcor: 1 800 775 5866. Medcor will then talk privately to the employee about their symptoms, and the Medcor nurse will advise self triage or medical attention based on the employees description. If the employee takes the self triage advice, they can call Medcor back 24/7 if their symptoms worsen.

If the injury is serious or potentially life threatening, call 911. Do not call Medcor. When able, call Risk Management.

Note: If the employee has already seen their physician, and indicates they want to file a workers compensation claim, there is no need to call Medcor (complete injury packet).

Medical Treatment:

In New York, employers cannot direct medical care so employees are free to go to their own physician if their provider takes workers compensation patients. If the employee does not have a medical provider, you can recommend that the employee be treated at our designated clinic.

Nordstrom designated medical clinic: CITY MD

315 W 57th Street

New York, NY 10019

212 315-2330

Hours: Monday – Friday 7:00 a.m. to 11:00 p.m.; Saturday/Sunday 9:00 a.m. to 6:00 p.m.

After hours: local hospital/ER

Note: this clinic can provide vaccinations and immunizations

Disability/Modified Work:

New York has a 7 day waiting period. In other words, an employee must be off work for 7 calendar days prior to being entitled to disability benefits. Wages are payable after 14 days of lost time from work.

Temporary Modified Work Offer:

<https://intranet/depts/risk/docs/Documents/Modified%20Duty%20Offer%20Letter.doc>

Transitional Work Ideas:

<https://intranet/depts/risk/docs/Documents/Modified%20Work%20Task%20Ideas.pdf>

See step 6 above. Other tips:

- If the employee states she/he has restrictions, but you do not have the work status/restrictions, you can: ask the employee to provide it to you; call the clinic and ask for a copy; call Risk Management
- If the employee refuses to work, that is fine, but explain that they will not be paid since the physician has released them to work with restrictions that we can accommodate; they may use PTO to supplement their pay if they choose to not work
- If the employee feels the work restrictions are not appropriate, they should return to the doctor; never force an employee to work outside of their work restrictions
- Never just send the employee home or tell them to take a week off after an injury; make sure the employee knows that we will provide transitional work if appropriate
- Keep lines of communication open with the employee – stay in touch with them; ask how they are doing

Workers Compensation Budget/Claim Charges:

Stores are allocated a fixed workers compensation charge every month. In addition, stores are charged a set fee for each claim incurred:

- Medical Only Claim: \$2,500/claim (no lost wages/disability payments)
- Lost Time/Indemnity Claim: \$5,000/claim + \$90 per day for up to 90 days

The best way to reduce workers compensation charges to a store is to a) have no claims or b) offer transitional work immediately to avoid a lost time/indemnity claim

Regulatory Requirements:

Required postings:

Workers' Compensation and Disability Benefits	New York State Workers' Compensation Law	Notice of Compliance (White) for Workers' Compensation Notice of Compliance (Blue) For Disability Benefits
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*see HR Compliance site for specific info

Reporting requirements:

- A serious or fatal injury requires us to notify OSHA within a specified time frame (**8 hours**). It is critical that these more serious events be reported according to their specifications. With that in mind, we ask that you **immediately notify Risk Management of any serious injury, potential serious injury, or catastrophe involving more than 3 employees and fatality** so that we can notify OSHA. Reporting of a serious injury or fatality to OSHA will be completed by Risk Management.

[Training requirements](#)

[OSHA/Safety and Health regulations](#)

New York Workers Compensation Coverage:

Each injury needs to be evaluated on a case by case basis to determine coverage. In general:

- Injuries sustained while an employee is going to or from work are not covered as they are not considered in the course of employment.
- Injuries sustained while an employee is going from one Nordstrom NY location to another when not on a break, would typically be covered.
- Injuries sustained while an employee is on a lunch break on Nordstrom property is typically covered, as long as the place where the employee was eating is owned and controlled by Nordstrom, and there is a specific injury related to Nordstrom. i.e. slipping on water vs choking on food/food poisoning.
- As a general rule, off the clock recreational or social activities are not covered unless such activity are an expressly required incident of employment and produce a substantial direct benefit for Nordstrom. An exception to this rule is if an employee is injured while on the clock for a work event, volunteer or team building activity.
- When in doubt, call Risk Management before giving a Claim Form. Examples of when you may want to call are: stress or mental health conditions, injuries resulting from an

altercation with another employee, when an employee states they are unsure how they were injured, when you have information that the employee was injured outside of the work place

Injury Prevention:

Everyone is responsible for preventing injuries, and prevention activities should be incorporated into everything we do:

- Hiring: ensuring employees can do the essential function of the job
- Training employees how to do their job
- Coaching employees on unsafe behaviors and recognizing safe behaviors
- Maintaining a clean, orderly department and store
- Managers – lead by Example!

When an employee is injured, it can have a significant impact: on the employee, the department, the store. Prevention is key, and it requires the focus of everyone in the store to ensure that we have a safe workplace. Department Managers must ensure that they set and maintain expectations that employees work in a safe manner.

Top Departments:

- Logistics
- Beauty
- Building Services

Top causes of injuries:

- Ladders
- Merchandise handling – moving merch
- Moving/walking between buildings
- Improper use of equipment/tools
- Unsafe behavior

Resources:

- Workers compensation information on Nordnet: <https://intranet/depts/risk/Pages/wc.aspx>
 - Contacts: Suzanne Kinsey, Karen Hansen, Steve Tolan
- Safety information on Nordnet: <https://intranet/depts/risk/Pages/Safety.aspx>
 - Contact: Mike Triesch
- Email Attributes:
 - “*Risk Claims*”: reporting injuries, requesting claim packets
 - “*Risk Control*”: safety contact: Mike Triesch
 - *Ask Risk*: general information