

YOU SUFFER A WORK-RELATED INJURY

LOUISIANA FEDERATION OF TEACHERS
9623 BROOKLINE AVENUE
BATON ROUGE, LOUISIANA, 70809
1-800-634-5089 OR 1-225-923-1037

Prepared for LFT by:
RITTENBERG, SAMUEL & PHILLIPS, L.L.C.
ATTORNEYS AT LAW
715 Girod Street, Suite 100
New Orleans, La., 70130
(504) 524-5555
Fax (504) 524-0912
Email: Samuel@rittenbergsamuel.com
Website: www.rittenbergsamuel.com
Revised June, 2008

Important: This contains dated material, subject to change. Revised June, 2008.

Louisiana laws grant rights and protection to educators who suffer injuries during the course of employment. Your pay and benefits will depend upon whether you were injured due to an assault/battery, or due to physical contact while providing physical assistance to a student, or from other causes.

1. WHAT IS "WORKERS' COMPENSATION?"

Workers' compensation benefits are benefits that you receive when you are injured in the course of employment. This includes both payment of wages and medical expenses.

2. IF I AM INJURED IN THE COURSE OF EMPLOYMENT, WILL I CONTINUE TO RECEIVE FULL SALARY? WILL I BE REQUIRED TO USE SICK LEAVE DAYS?

The amount of salary will depend on the cause of your injury.

- If your injury was caused by an assault or battery by a student or any other person, you are entitled to receive full salary for the duration of your disability, without any loss of sick leave days.

- If your injury was caused by physical contact with a student while assisting a student to prevent injury to the student, you are entitled to receive full salary for up to one year (teacher) or ninety days (non-teacher) because of your disability, without loss of sick leave days.

- Otherwise, you will receive "workers' compensation wages," which consists of 66 2/3 percent of your regular salary, up to a maximum of approximately \$420.00 per week. You have the right – at your option – to use accumulated sick leave days to supplement this partial salary. You would receive sick leave pay in addition to workers' compensation wages, to equal (but not exceed) your regular salary. A formula is applied, so that you are not required to use a full sick leave day for each day that you are absent because of your injury. Teachers who have exhausted sick leave days, and are still disabled, may receive "extended medical leave" in addition to workers' compensation wages, not to exceed full salary.

3. IS THE SCHOOL BOARD REQUIRED TO COMPENSATE ME FOR MY PAIN AND SUFFERING?

Unfortunately, no. However, the person who committed the assault or battery is liable. Additionally, parents are liable for the actions of their minor children. We recommend that you contact the local Federation office, the LFT, or an attorney to determine your individual rights.

4. IF I AM INJURED GOING TO AND FROM WORK, IS THE SCHOOL BOARD REQUIRED TO PAY WORKERS' COMPENSATION?

Usually no, unless you are on a work errand.

5. IS THE SCHOOL BOARD REQUIRED TO PAY MEDICAL BILLS OR TRANSPORTATION COSTS?

Yes. This includes doctor bills, hospital bills, both prescription and non-prescription medication, and medical devices recommended by the doctor, and certain transportation costs to and from the doctor and hospital for treatment.

6. MAY I CHOOSE MY OWN DOCTOR FOR TREATMENT?

Yes, you may select one doctor of your choice in each specialty field. However, you may not change doctors unless you obtain prior approval. The School Board may require you to be examined by a doctor of their choosing, but may not require you to be treated by a doctor of their choosing.

7. IF I AM INJURED ON DUTY, WHAT PROCEDURE AM I REQUIRED TO FOLLOW IN ORDER TO REPORT THE INJURY TO THE SCHOOL BOARD?

Immediately report the injury to your department head or supervisor. Next, complete an "Employer's Report of Occupational Injury or Disease" form as quickly as possible, preferably within 24-72 hours of the injury. If your injury was caused by an assault, battery, or by physical contact while providing assistance to a student, then it is vital that you indicate this on the form. Examples: "I was hit . . ." "I was assaulted . . ." "I was injured while I was breaking up a fight . . ."

8. IF MY PRINCIPAL OR SUPERVISOR REQUIRES ME TO SUBMIT A WRITTEN STATEMENT, SHOULD I DO SO?

Yes. We recommend that you immediately contact the LFT for assistance.

9. AM I REQUIRED TO PRODUCE A DOCTOR'S CERTIFICATE?

Yes. You are required to present a certificate from a physician certifying your injury and disability. You must also comply with school board policies.

10. SHOULD I OBTAIN WRITTEN STATEMENTS FROM WITNESSES?

Yes. If the witnesses are students, particularly young children, you may want to consult with the LFT or your supervisor for assistance. Depending upon the particular situation, you may want to ask your principal or supervisor to obtain statements for you.

11. IF I AM THE VICTIM OF AN ASSAULT OR BATTERY, SHOULD I PRESS CRIMINAL CHARGES AGAINST THE PERSON WHO COMMITTED THE ASSAULT OR BATTERY?

This is entirely up to you. We strongly recommend that you contact the LFT or otherwise seek legal advice, since the circumstances will vary from case to case.

12. WHAT SHOULD I DO IF THE SCHOOL BOARD REFUSES TO PAY WORKERS' COMPENSATION, OR STOPS PAYING IT?

Immediately call the LFT or your local Federation office. There are strict time limits for you to file the required documents. If you delay, you could lose valuable rights.