Participant/Employer
Workers’ Compensation
Information

Information provided to the Participant / Employer by the Fiscal Agent

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As the Fiscal Agent assigned by the State of Connecticut, Allied’s role is to assist you, the Employer, with understanding your responsibilities in employing household service providers, also known as your employees. The information presented in this informational booklet is a summary of some of the key points surrounding Workers’ Compensation coverage. As the Employer, you are responsible for obtaining, applying, and understanding information pertaining to Workers’ Compensation Insurance coverage and law within the State of Connecticut.

**Workers’ Compensation Insurance Coverage**

The purpose of this booklet is to assist Participant / Employers and their representatives in obtaining and maintaining Workers’ Compensation Coverage for compliance with the rules and regulations established by the State of Connecticut Workers’ Compensation Commission and the State of Connecticut Department of Labor.

Obtaining and maintaining coverage is important as it protects the Participant / Employer from liability should an employee become injured while providing services under the Waiver Program. State of Connecticut Labor laws require that any employer who employs any employee working more than 25.75 per week purchase and maintain Workers’ Compensation Insurance Coverage.

**Workers’ Compensation Act**

All Employees, whether Part-Time or Full-Time, are covered under the Workers’ Compensation Act from the first day of their employment.

**What is Workers’ Compensation?**

The basic purpose of the Workers’ Compensation Act is to provide wage replacement benefits and medical treatment for employees who have been injured or become ill due to a work-related injury or illness. It is the EXCLUSIVE REMEDY, which means that the employee may NOT sue their employer for any other benefits. Workers’ Compensation is a NO-FAULT system of insurance with the benefits paid by the employer’s workers’ compensation insurance coverage.1

**The Workers’ Compensation Commission**

The State of Connecticut Workers’ Compensation Commission is the administrative agency created by the Workers’ Compensation Act to administer the law. The Workers’ Compensation Commission performs Administrative Hearings, with commissioners in eight (8) districts hearing disputed workers’ compensation claims. 2

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1 State of Connecticut Workers’ Compensation Commission
2 State of Connecticut Workers’ Compensation Commission
Workers’ Compensation Benefits

- Medical Treatment
- Temporary Total Disability
- Temporary Partial Disability
- Permanent Partial Disability
- Relapse or Recurrence
- Discretionary Benefits
- Job Retraining

Specific information pertaining to the benefits provided under the Workers’ Compensation Act may be found at the commission’s website at http://wcc.state.ct.us.

Who is responsible for injuries sustained by my Employees on the job?

It is important to be aware that as a Participant / Employer you are responsible for injuries sustained by your employees in the course of performing their assigned job duties as well as any work hours missed due to the injury. Please note that once you formally hire an individual as an employee, and taxes are withheld from their earnings, they are no longer considered “casual” employees and homeowner’s insurance will not cover injuries sustained while in your home.

If you are interested in having your Household Employees work more than 25.75 hours per week and your plan is approved to accommodate this interest, Connecticut State Labor Law requires that you as the Employer must obtain Workers’ Compensation Insurance. Even with Workers’ Compensation Insurance Coverage, no single employee may work more than 40 hours in a single week; overtime hours are not allowed under the State programs.

Workers’ Compensation coverage costs are not necessarily covered by the State program through which you receive funding. If the program you participate in does not provide funding for the coverage, your first step is for you, the Employer to contact a local independent insurance agent of your choice. If funding is included in your approved plan/budget, Allied will complete the application process on your behalf.

Allied has no preference as to who the Participant / Employer decides to use as the agent, however, it is extremely important that the insurance agent know the kind / type of work that will be performed while working for you. The best way to do this is by requesting a Workers’ Compensation information packet from Allied to bring to the insurance agent.
Physical Assistance vs. Non-Physical Assistance

“Physical Assistance” is defined as any physical contact assisting with personal care or hand over hand assistance with personal care/chores. Below is a list of typical job duties that are considered to be “Physical Assistance”.

1. Walking or using prescribed equipment
2. Taking medications prescribed by a physician that otherwise would be self-administered
3. Bathing, personal hygiene, dressing, or grooming
4. Meal Prep, eating (including tube feeding and special nutritional/dietary needs) and cleanup
5. Transferring in and out of bed
6. Performing range-of-motion exercises
7. Health related needs
8. All employees with professional designations such as RN, CNA, etc.

“Non-Physical Assistance” is defined as no physical contact assisting with personal care or hand over hand assistance with chores/personal care. Below is a list of typical job duties that fall under the “No Physical Assistance” class code.

1. General or Light Housekeeping
2. Washing and Drying Laundry
3. Meal Prep with NO feeding allowed
4. Shopping
5. Accompanying the individual while traveling to community activities, the library, fitness center, self-advocacy meetings, and community events
6. Companionship and social interactions
**How should the policy be written?**

In order to comply with Audit requests and other notifications pertaining to the Workers’ Compensation coverage, it is extremely important that Allied Community Resources’, including address information, be listed on the policy as the “first to be notified”. Listing Allied on the policy will allow Allied to be notified immediately should a lapse in coverage occur. It will also allow for any audit requests to be sent directly to Allied so that we may process these requests on your behalf in a timely manner.

Allied should be listed on the policy as follows:

Participant Employer’s Full Name  
c/o Allied Community Resources, Fiscal Agent  
PO Box 479  
East Windsor, CT 06088-0479

As Fiscal Agent, it is Allied’s responsibility to ensure that coverage is maintained by the Employer in order to allow payment in excess of 25.75 hours, (with a maximum of up to 40 hours) per week to Employees. If your policy coverage lapses or there is a cancellation in coverage, wages for employees who have worked more than 25.75 hours per week will be your responsibility as the Employer. Program funds cannot be used to process payment for hours in excess of 25.75 (for plans approved) when Workers’ Compensation Insurance Coverage is not actively in place.

If you choose not to list Allied as the first notified on your policy, please note that you, the Employer will be responsible for completing all audit and documentation requests made by the requesting insurance company. A written request for information must be made by you, the Employer in writing to Allied. We will furnish you with the necessary payroll reports so that you may complete your audit request independently.

**Do all of the Employees that work for me need to be covered?**

Your Workers’ Compensation Insurance coverage must be for all household employees who work for you regardless if they work more than or under 25.75 hours per week. Injuries on the job are not selective; they can happen to any employee, whether they work 2 hours or 15 hours per week. The best protection for you is to have all of the employees covered.

Workers’ Compensation policies cover all of your employees regardless of how many hours they work. It is important that you provide the agent with information concerning all of the employees. Employees who serve as backup must also be included. Remember, at the end of your policy period, the insurance company will ask for an audit to be completed. Failure to report all employees could result in additional premiums due on the expired policy as well as the current policy.
Who pays for the Workers’ Compensation Coverage?

Workers’ Compensation Insurance coverage can range in cost to the Participant / Employer with a minimum cost of $1000 and in some scenarios $6000 or more per year. The premium is most often payable in a one-time annual payment.

The cost of Workers’ Compensation Insurance coverage is not necessarily covered under the Participant / Employer’s approved Plan of Care and therefore may need to be purchased by the Employer using their personal funds. The cost of this valuable coverage is the sole responsibility of the Employer and must not be shared with, required of, or distributed / collected amongst the employees for whom the coverage is being purchased.

If the cost of Workers’ Compensation is included in your plan / budget, Allied will process payments for the coverage on the Participant / Employer’s behalf. If the cost is not included in your plan / budget, payment is made directly to the insurance company by the Employer.

What happens if I choose not to purchase Workman’s Compensation Insurance Coverage and one of my employees is hurt while working for me?

In the event of a work related injury, when Workers’ Compensation coverage is not in place, you as the Employer may be financially responsible for any and all expenses and lost wages incurred by the employee. In this situation, it is important that you keep the lines of clear, documented communication open with your employee.

Additional information pertaining to this subject may be found by contacting the State of Connecticut Workers’ Compensation Commission at one of the following District Locations:

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<tr>
<td>Commissioner</td>
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<tr>
<td>999 Asylum Avenue</td>
<td>55 West Main Street</td>
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<tr>
<td>Hartford, CT 06105</td>
<td>Waterbury, CT 06702</td>
</tr>
<tr>
<td>860-566-4154</td>
<td>203-596-4207</td>
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<tr>
<td>Commissioner</td>
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</tr>
<tr>
<td>55 Main Street</td>
<td>233 Main Street</td>
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<tr>
<td>Norwich, CT 06360</td>
<td>New Britain, CT 06051</td>
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<tr>
<td>860-823-3900</td>
<td>860-827-7180</td>
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<td>Commissioner</td>
<td>Commissioner</td>
</tr>
<tr>
<td>700 State Street</td>
<td>111 High Ridge Road</td>
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<tr>
<td>New Haven, CT 06511</td>
<td>Stamford, CT 06905</td>
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<tr>
<td>203-789-7512</td>
<td>203-325-3881</td>
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<tr>
<td>Commissioner</td>
<td>Commissioner</td>
</tr>
<tr>
<td>350 Fairfield Avenue</td>
<td>90 Court Street</td>
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<tr>
<td>Bridgeport, CT 06604</td>
<td>Middletown, CT 06457</td>
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<tr>
<td>203-382-5600</td>
<td>860-344-7453</td>
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**What steps do I have to take to get Workers’ Compensation Insurance?**

At the Employer Enrollment visit, Allied will provide you with a Workers’ Compensation Information packet. This packet contains the necessary documentation for inquiring and securing Workers’ Compensation Insurance Coverage. Simply bring this packet with you when meeting with your selected insurance agent.

Information pertaining to the Workers’ Compensation Information packet may be found on the following pages.
A. Information Sheet

- Page 2 of the document will be pre-filled by Allied with the Employer Name and the Employer’s annual estimated payroll. The Employer must enter the total number of part-time and full-time employees they intend to hire in the indicated areas of the form. Please see the sample pages below.
B. Worker’s Compensation Determination Form

- This form is used as a tool for clarifying the duties your employees will perform and will assist the agent in ensuring your policy is placed into the correct class code. Simply check off those duties which your employees will perform. Please see the sample below.

**Sample**

**Creating Opportunities for People**

**Workman’s Compensation Determination**

Date: __________________________

Employer Name: __________________________

Please check all duties below that your employees perform while working for you. This form will help the insurance company in determining that your policy is placed under the correct classification code. This information is used for securing your initial policy and for any future audit requests. Please sign and date the form at the bottom.

**Assisting a household member (with no physical assistance) with the following:**

- General or light housekeeping
- Washing and drying laundry
- Meal preparation with no feeding allowed
- Shopping
- Accompanying the individual while traveling to community activities, the library, fitness center, self-advocacy meetings, and community events
- Companionship & social interactions
- No professional designations such as RN, CNA, etc.
- Other; please describe: __________________________

**Physically assisting a household member with the following:**

- Walking or using prescribed equipment
- Taking medications prescribed by a physician that otherwise would require assistance
- Bathing, personal hygiene, dressing, or grooming
- Meal preparation, eating (including tube feeding and special nutrition), or supervision
- Transferring in and out of bed
- Performing range-of-motion exercises
- Health-related needs
- All employees with professional designations such as RN, CNA, etc.
- No professional designations such as RN, CNA, etc.
- Other; please describe: __________________________

Signature of Employer __________________________
Printed Name __________________________
Date Signed __________________________

If you have any questions, please feel free to contact the Workman’s Compensation Program Assistant at extension 112 for assistance.
This form is needed in order for the insurance agent to secure a policy in the correct class. A class code has been created by the Insurance Commission specifically for individuals under programs funded by the State of Connecticut. This class code provides for a significant reduction in the cost of coverage when the policy is classified under the “Physical Assistance” class code. Allied Community Resources pre-fills this document for you in advance.

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Form 09-1—CONNECTICUT COVERAGE NOTICE FOR CLASS CODE 0918
ASSIGNMENT OF CLASS CODE 0918 HOME CARE WORKER

Insured

Name (if different than insured) of client

Name(s) of home care worker(s)

Fiscal Intermediary for the CT Department of Developmental Services and the CT Department of Social Services.

Name and address of Fiscal Intermediary:

Allied Community Resources-Fiscal Agent

PO Box 479

East Windsor, CT 06088-0479

Signature of Fiscal Intermediary

Print name of signature

0918    DOMESTIC SERVICE WORKERS INSIDE PHYSICAL ASSISTANCE CONSUMER-DIRECTED PROGRAMS

Code 0918 applies to domestic who provides physical assistance, personal assistance, and companionship, in the activities of daily living to physically or mentally disabled persons. This code is restricted to publicly-funded, consumer-directed services where the caregiver is selected by and employed by the program participant or their representative, as applicable, who is a household employer. Refer to Code 8835 for traditional agency employers and their workers who provide physical assistance services to the general public. Code 0918 cannot be assigned with any other classification. To be eligible for assignment to Code 0918, the insured program participant must provide the workers compensation certification form, signed by the fiscal intermediary, to the insurance carrier.

NOTES

A. Class 0918 is only for home care workers that provide home care services to clients of the CT Department of Developmental Services and the CT Department of Social Services.
B. In order for assignment of this class to the client’s fiscal intermediary for the Department of Developmental Services or the CT Department of Social Services, must sign this form indicating that the worker is providing home care services to a client.
C. This form is to be sent to the insurance company with the application for Workers’ Compensation coverage.
D. Class 0918 can only appear on the policy if the insurance company has received a completed form.

For Office Use Only
Program: __All, __PCA, __Elder, __MFP, __DD8

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Remember: Bring the stapled, pre-filled packet located in your Employer information binder to the insurance agent when discussing or purchasing Workers’ Compensation Insurance Coverage. Using the prepared packet will assist the insurance agent in understanding Allied’s involvement with your policy, how the policy should be written, and the specific coverage that you need to secure.

**What is an Audit and why is it important to me?**

A Workers’ Compensation Audit is an examination of records to ensure that you have adequate coverage relevant to the payroll dollars paid to your employees. When a Workers’ Compensation policy expires or is cancelled, the insurance company who held the policy requires an audit to be completed. The policy amount is initially determined based upon the “estimated cost and estimated number of full-time and part-time employees”. At the end of the policy period, or at a time of cancellation or non-renewal, the insurance company re-evaluates the policy based upon the “actual” information with regard to payroll dollars paid out and the number of full-time and part-time employees.

Two things can happen when there is a Workers’ Compensation audit:

- **An additional premium can be due:** This additional premium due can be the result of a significant amount of payroll over what was estimated or a significant difference in the number of full-time or part-time employees than what the policy originally listed. Additional premiums must be paid before any new policy will be issued.

- **A refund will be issued:** Refunds are most often attributed to a significantly lesser amount of payroll being paid out or fewer employees covered under the policy than what was originally listed on the application. Refund checks are not usually significant in the amount being refunded to the insured party.

**Who do I report employee injuries to?**

As the Employer, you are responsible for reporting any and all injuries sustained by your employees to the Workers’ Compensation Insurance Agency that you have coverage through. As the Fiscal Agent, Allied Community Resources has no involvement with reporting injuries or processing claim documents submitted by the Employer or Employee as the result of a workplace injury. Contact information for your insurance agency is located within your policy documents and should be kept in a safe, secure location where they are accessible by you.
Resources for Additional Information

The following websites have proven to be helpful in providing additional information to Employers concerning Workers’ Compensation Insurance in the State of Connecticut.

- State of Connecticut Workers’ Compensation Commission:
  
  http://wcc.state.ct.us/wcc/dist-ct.htm

- Connecticut Judicial Branch Law Libraries
  
  http://www.jud.ct.gov/lawlib/Law/workerscomp.htm

As always if you would like to speak with someone in our office, contact the Workers’ Compensation Program Assistant or Intake Supervisor at 860-627-9500 or toll-free 1-877-722-8833.
Frequently Asked Questions

- Who is responsible if I do not have Workers’ Compensation Insurance and one of my employees is injured while working for me?
  
  - The Employer is responsible for any injuries sustained while an employee is working for them.

- How many hours can my employees work if I DO NOT have Workers’ Compensation Insurance?
  
  - State law dictates that any employer who employs employees who work more than 25.75 hours per week must have an active Workers’ Compensation policy in place. Please note that even if your employee(s) work less than 25.75 hours per week, you are still liable for any injuries sustained by employees while they are on the clock.

- If I have Workers’ Compensation insurance coverage, can my employee(s) work more than 40 hours in a week?
  
  - Under the waiver programs, no employee is allowed to work more than 40 hours per week. Overtime is not authorized under the programs.

- How much will my Workers’ Compensation coverage policy cost?
  
  - Workers’ Compensation coverage can vary in cost with a minimum policy cost of $1000. The cost of the policy is determined by the annual estimated payroll, the number of full-time and part-time employees, as well as the tasks (physical assistance or non-physical assistance) that the employees will be performing.

- Who pays for my Workers’ Compensation Insurance policy?
  
  - When the cost of coverage is not included in the approved plan / budget from the State of Connecticut, the Employer is responsible for the cost of coverage.
- Can I ask my employee(s) to contribute to the cost of purchasing the Workers’ Compensation Insurance policy?
  - The cost of coverage is the responsibility of the Employer. Employees must not be requested or expected to contribute to the cost of coverage.

- Do I have to include all of my employees on the policy?
  - Yes! All employees must be included on the policy and are to be covered, whether they are a full-time employee or a part-time employee. Failure to list all employees when the policy is initially written may result in an additional premium due on the policy once the audit is completed and reported.

- Who do I purchase my policy from?
  - Workers’ Compensation coverage may be obtained through any licensed insurance agent. Remember to bring the Workers’ Compensation Insurance packet provided to you when speaking with an agent.

- If my employee is injured, what do I do and who do I call?
  - If your employee becomes injured on the job, offer them the opportunity to obtain immediate medical attention. Secondly, contact your insurance carrier (the contact information is listed in your policy) to report the injury. The carrier will provide you with additional instructions concerning your employee.