

Brothers,

After talking to many injured members, doctors, agents and attorneys, I have collected enough information to put together a division handout that should save union representatives on New Jersey Transit a lot of talking. Many resources were used, but the most accurate and painful experience of our members was the most helpful. As with any living document, this resource should be shared and edited as necessary in order to best represent our needs as workers. Everything we have achieved is built on the work of others.

My thanks to all who participated.

**Fraternally,
R. Darcy
BLET/LC373**

BLET Injured Employee's Bill of Rights **BLET373 #121705**

Railroad work injuries or illnesses come under the Federal Employers Liability Act. The controlling federal railroad safety standard is the Federal Boiler Inspection Act. Internet searches on these two topics yield a host of useful information for the injured BLET member.

A legal consultation is free to all BLET members through the BLET designated legal council. An injured rail employee has three years from date of injury to hire an attorney and sue for compensation including medical expenses. Get well first, decide whether to sue once your stabilized, back to work and know the full extent of your damage or loss.

The first step in preserving rights for an on duty work related injury or illness is to report the injury or illness to your immediate supervisor while still at work. The first step in preserving your health after an on duty injury is to obtain prompt, quality medical evaluation and treatment.

Medical attention comes first:

Any injury/illness can be treated at a NJT medical facility or any medical/Emergency facility. It is the employee's choice.

For a minor cut, bruise or sprain, the nearest medical care may be an NJT medical facility listed in the Timetable Special Instructions.

For a potentially serious injury i.e. concussion, allergic reaction, excessive swelling or bleeding, difficulty breathing, chest pains etc. request to be taken to the nearest qualified healthcare facility or hospital.

For potentially serious type injuries, do not let medical attention be delayed, withheld or interfered with for any reason. Ask to be taken to the nearest qualified care facility equipped to handle the full potential of your injury. Any delay of medical attention can be life threatening. It is against the law to delay, withhold or otherwise interfere with the administration of medical attention to an injured rail worker. **If transportation is withheld or unnecessarily delayed** in response to a serious injury call NJT Police or 911 and request to be escorted to the nearest qualified healthcare facility.

- Make any health condition known to the qualified healthcare provider in private before treatment (i.e. Diabetes, Allergies, and HIV etc.) as per special instructions.
- Do not allow anyone except the qualified healthcare officials in the treating room during treatment

After an initial at work injury/treatment, file an accident/injury report:

File NJT form TRO-75 injury report while still on duty or as soon as practical after an injury. The only exception may be if the rail employee is incapacitated, under medication/treatment or unaware of his or her injury.

The TRO-75 is an NJT injury report required by the FRA and the NJT TRO-75 and is the only report required under FELA. List all factors of fault on this statement. Fault factors can include defective equipment, weather and poor lighting conditions or the negligence/neglect of someone other than you.

Do not make or sign any other oral or written statements.

Do not answer scripted or prepared questions.

Refer everyone to your TRO-75.

If not sure, call your union representative.

GET and KEEP A COPY of the TRO-75 and any other paperwork.

Medical insurance coverage for your post-injury care:

- All bills resulting from the medical care you received on duty including transportation if via EMS/MEDIC units will be paid through NJT Claims at 100%. Most EMS is not volunteer or non-profit.

You have a right to continued medical treatment for injuries sustained at work and the best medical treatment available. *"the employee can only have 1 treating Dr, if your family Dr. refers you to a surgeon the family Dr is still the main Dr, NJT may request that you come in for follow up only during the course of the treatment. If the NJT Dr. does not agree with the treating Dr. NJT c claims may not pay your bills."*

Medical care options include your own physician and any reasonable treatments prescribed by that treating qualified healthcare professional. You may change treating physicians, just notify NJT Medical Department, (973) 378-6204.

1. NJT employees may be evaluated and treated, without cost, by the NJT medical staff.
2. As second alternative, NJT Claims Dept. may authorize medical evaluation/treatment without cost by the qualified healthcare professional of your choice. If you seek approved medical attention through NJT Claims Dept. (973) 491-8692 without cost, all medical treatment and procedures must be pre-approved. Approval is not immediate, automatic or guaranteed.
3. As a third alternative, NJT Claims Dept. may authorize medical treatment for at work injury under your current Horizon BCBS plan. This option requires only the initial authorization by NJT Claims and compliance with your BCBS plan requirements i.e. paying the normal co-pay and/or deductible. After authorization by NJT Claims Dept. for Horizon BCBS Benefits (800) 335-2583, no other pre-approval will be necessary.

Can't Work?

Once you have been treated, you should be transported home and rest. If unable to work, remember to mark off sick or injured until further notice. For injuries that result in lost time, file RR sick benefit forms within two weeks. **Do not delay**. Sick benefit forms may be mailed to you by calling **Railroad Retirement directly at (800) 808-0772**.

After 30 days of lost work time you may file Provident Sick Benefit form (*you can file Provident ASAP, but it won't be paid until RR kicks in, since your attending physician has to fill it out it easier to get it done when doing RR forms*). The Provident benefit combined with RR Sick benefit will equal 60% of your earnings before sickness or injury. The explanation of benefits brochure and an application for Provident can be obtained by calling NJT Benefits at (800) 542-4231.

Choices for continued medical treatments medical benefit payments:

A. For a minor injury that results in continued employment:

After the initial evaluation and medical treatment for an on the job injury, you may be released by the nurse or doctor for return to duty. NJT Claims is your gateway to payment for any medical bills resulting from treatment for your work related injury.

Whether or not you return to duty, you should call NJT Claims and inform them of your status. If you receive a bill related to the initial medical evaluation or treatment:

- Keep the original bill describing the service performed.

- **Contact the NJT Claims Agent assigned to handle your claim.**
- **Follow the directions of NJT Claims for medical payment authorization.**
- **Keep a journal of your conversations, phone calls and correspondence with any NJT office for our records.**

If you need further attention or receive bills for the same injury anytime later, NJT Claims must be notified for approval.

B. For serious injury that results in continued treatment or a delay in return to duty:

1. Contact NJT Claims Department ASAP.

2. Notify them of your medical care requirements.

Primary/treating Physician, referral, lab test etc.

Give the physicians name, address and phone number.

Discuss provisions for authorizing this continued medical treatment and any other treatments.

3. If the requested continued treatment will not be preauthorized by Claims, request that NJT Claims authorize Horizon BCBS to cover the treatment requested.

If unable to reach the NJT Claims agent, leave a voice message identifying yourself and describing medical care requirements. Write this down in your journal.

Follow up the call for confirmation. Write this down in your journal.

For after hours critical care authorization, call the NJT Chief Dispatcher on duty.

Ask for NJT Claims Critical Care authorization with regard to your documented work related injury.

Document Everything:

If you can, get a picture. Keep good notes and records in connection with any on the job injury. Always record who you spoke to, when, where and why. Record what is said or not said, by who and where you went and for what purpose. If you follow these directions and are unable to resolve your medical claim, contact your BLET Local Chairman to document your treatment.

This is only a guide of the rights, benefits and NJT rules/policies that apply when a rail worker is injured. It is offered only as a resource by your union because we care. It is not complete nor a substitute for competent legal advice/council.