

**KNOW YOUR RIGHTS:**  
**WORKERS' COMPENSATION**  
**INJURY ON THE JOB – INCLUDING TERRORIST ATTACK OR ANTHRAX**

Workers' compensation is available for ANY injury, illness or death on the job. This includes any injury, illness or death caused by a terrorist attack. Workers' compensation must be paid if the **injury or illness is related to your work – in almost any way.**

Workers' compensation is available for people injured or killed at the Pentagon and those who are sick because of anthrax. If you were injured or lost a spouse or parent in the attack on the Pentagon, you are probably eligible for workers' compensation, which can include death benefits for surviving spouses and children. Also, if you have been exposed to anthrax and suffered injuries as a result, you may be eligible for benefits (see below for details about how to apply for workers' compensation benefits if you are a federal employee). Workers' compensation can be complicated. **You should consult a lawyer for advice about workers' compensation.**

**Q:** *Can I get workers' compensation if I do not have work authorization (if I am undocumented or "illegal")?*

Yes. Workers' compensation is available to all workers, regardless of whether you are working legally. Your boss cannot report you to immigration (the INS) because you file a workers' compensation claim. Come to the Workers' Rights Clinic for advice about how to protect yourself.

#### **FEDERAL WORKERS**

**Q:** *How do I file for workers' compensation if I worked for the federal government and I am a civilian?*

**A:** Report the injury to your supervisor and turn in a written report within 30 days. If you were physically injured, such as in a terrorist attack, you need to fill out Form CA-1 "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation" **within 30 days of the injury.** If you were exposed to anthrax or another thing that can cause a disease, you need to fill out Form CA-2 "Notice of Occupational Disease and Claim for Compensation" **within 30 days of the date the worker realized the disease or illness was caused or aggravated by the employment.** Give the forms to your supervisor. Your supervisor is supposed to submit the completed form within 10 work days of receiving it. If this does not happen, give all your paperwork to the personnel office.

You can get workers' compensation coverage no matter how long you were on the job, or what type of job you had. Even probationary, temporary, part-time, seasonal and intermittent workers can get workers' compensation. **U.S. Postal Workers are considered federal employees for purposes of workers' compensation.**

**Q:** *How much will I receive if I am a federal government worker and my claim is approved?*

**A:** You can get 2/3 of your previous salary, or 3/4 of your previous salary if you have dependents. If you are out of work for less than two weeks, then you cannot get paid for the first three days of your injury. You do not have to pay taxes on workers' compensation benefits. Workers' compensation also includes medical care for your injury or disease.

You receive benefits for as long as you are not able to work because of your work-related injury as long as the injury is considered temporary. If your injury is permanent, then you can get a one-time payment for your permanent injury. For example, you can get 160 weeks of pay for total loss of vision in one eye. If you can return to some work, but not your old work, you can get the difference between your ability to earn money before and after the injury.

**Q:** *How does it work if my spouse or parent dies while working in a federal job?*

If your spouse dies while working for the federal government, and you do not have dependents, you can receive 50% of your spouse's monthly salary. If you do have dependents, you may be entitled to 45% of

your spouse's monthly salary, with an additional 15% of the monthly salary being added for each dependent, up to a maximum of 75%. However, these benefits may be reduced if your spouse was covered under the Federal Employees Retirement System. Also, you can receive up to \$800 for funeral and burial expenses.

**Q:** *Will workers' compensation pay for preliminary testing to determine whether I have been exposed to anthrax or another disease?*

**A:** Generally, no, but the government may pay for testing anyway. Workers' compensation cannot pay for routine screening or preventative services. However, if it is determined that you have probably been exposed to anthrax, they have to pay for care after you file your claim.

**Q:** *Will workers' compensation cover costs associated with treatment for anthrax once it is determined that I have been exposed and am experiencing complications?*

**A:** Yes, if a federal employee test positive for anthrax exposure and this exposure likely occurred at work, you should submit a claim for workers' compensation immediately. For additional information about the federal workers' compensation program contact:

U. S. Dept. of Labor, Office of Workers' Compensation Programs  
800 N. Capitol Street, N.W., Room 800  
Washington, D.C. 20211  
202-513-6800 (D.C., Maryland and Virginia)  
202-513-6806 (Fax)

#### **WORKERS FOR PRIVATE COMPANIES IN VIRGINIA**

**Q:** *How do I file for workers' compensation if I worked for a private company in Virginia?*

You must tell your employer you were injured **within 30 days of the injury**. Then you must file a claim for workers' compensation **within two years** of the date of the accident, injury or illness. You should write a letter to your employer that describes when you were injured and where. If you have written to your employer, and the employer refuses to recognize your claim, you should then send a written request for a hearing to the Workers' Compensation Commission, 1000 DMV Drive, Richmond, Virginia, 23220. For more information, you can call:

*Virginia Workers' Compensation Commission:*  
(703) 518-8055 (Regional office – Alexandria)  
(804) 367-8600 (Central office – Richmond)  
**Toll-Free, In Va.:** 1-877-664-2566

**Q:** *How much will I receive if I work for a private company in Virginia and my claim is approved?*

You can receive 2/3 of your average weekly wage. The minimum amount of compensation awarded in Virginia is \$161 per week and the maximum amount is \$645 per week. You do not have to pay taxes on workers' compensation benefits. Workers' compensation also includes medical care for your injury or disease.

**Q:** *What if my spouse or parent dies at work because of a terrorist attack?*

If you are a surviving spouse or dependent, you may qualify for death benefits, which include the wages lost due to the death of your spouse and/or parent. Death benefits also include funeral expenses not to exceed \$10,000 and transportation costs of \$1,000. Also, if you prefer, you can receive these payments in a lump-sum if the employer agrees.

#### **WORKERS FOR PRIVATE COMPANIES IN D.C.**

**Q:** *How do I file for workers' compensation in D.C.?*

You must provide written or oral notice to your employer **within 30 days of the injury**, and you must file a claim within one year. There are specific forms for notice and for filing a claim called the Form 7 and 7a which you can obtain from the D.C. Workers' Compensation Office. You can also come to the Workers' Rights Clinic for these forms.

D.C. Workers' Compensation  
77 P St. NE, 2<sup>nd</sup> Floor  
(202) 671-1000.

**Q: *How much will I receive?***

You can receive 2/3 of your wages for as long as you are unable to work. Workers' compensation benefits are not taxed. Workers' compensation also includes medical care for your injury or disease.

**WORKERS FOR PRIVATE COMPANIES IN MARYLAND**

**Q: *How do I file for workers' compensation in Maryland?***

You must give notice, in person or in writing to your employer **within 10 days after the injury**. Then you must file a claim with the Workers' Compensation Commission by filling out an Employee Claim Form and mailing it to the Commission. Your employer should have a claim form for you, but you can also receive a copy of the form from the Commission by contacting the address and number below. The Workers' Rights Clinic also has this form. When your claim is received by the Commission, a claim number and a "consideration date" is assigned to it.

**Q: *How much will I receive?***

You can get 2/3 of your average weekly wage, if you miss more than three days of work. However, you cannot get more than Maryland's average weekly wage. Workers' compensation also includes medical care for your injury or disease.

You can contact the Maryland Workers' Compensation Commission with additional questions at:

Maryland Workers' Compensation Commission  
10 East Baltimore Street  
Baltimore, MD 21202-1641  
(410) 864-5100  
(800) 492-0479 Toll Free in Maryland  
email: [wcc@charm.net](mailto:wcc@charm.net)

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in Washington, D.C. Because laws and procedures frequently change, the D.C. Employment Justice Center cannot ensure that the information in this fact sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your legal rights in your situation.

If you have any further questions, or if this fact sheet did not adequately answer the questions you have, please come to the Workers' Rights Legal Clinic for free legal advice on your situation. The Clinic is located at Bread for the City, 1525 7<sup>th</sup> St. NW (7<sup>th</sup> St. between P&Q, Shaw Metro), every Wednesday from 6-8 p.m. At the clinic, you will speak to a law student or volunteer lawyer about your workplace problem. The volunteers consult with experienced employment lawyers to give you free legal advice. In most cases, we do not provide legal representation. Please bring all documents relating to your legal problem. If you have any questions, call (202) 828-WORK.

*This fact sheet was prepared with the assistance of Ryan Lemmerbrock, a law student at the University of Maryland.*



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