

What To Do When You Are Injured On The Job



By : USW Local 10-00086
Workers' Compensation Committee



Weingarten Rights

“If this discussion could in any way lead to my being disciplined or terminated, or affect my personal working conditions, I request that my Steward or Union Officer be present at the meeting. Without representation, I choose not to answer any questions.”

(This is my right under a Supreme Court decision called Weingarten)



The Workers' Compensation Committee Contact Information

Members

Pamela Russell
Chair; Workers' Compensation
Co-Chair; Safety and Health
Building 44 1st shift/ Shop Steward

Debbie Yakscoe
Co-Chair; Workers' Compensation
Chair; Safety and Health
Union Office /Plant Committee

Rodney Mathias
Workers' Compensation
Safety and Health
Trustee/ 1st shift

Mark Frankenfield
Workers' Compensation
Safety and Health
Building 66 2nd Shift M-F

Contact Information

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Communicate

- Report all known injuries / illness to management.
- If Management is not available, leave Management a voice mail (when possible).
- Or you can contact the 2-2222 to report an injury/illness.
- As soon as possible, communicate to a member from the Workers' Compensation Committee, a USW Safety Rep, Shop Steward, Union Office about your injury/illness.

Health Services

- Have someone escort you to Health Services as soon as possible.
- If you are unable to contact someone to escort you, call the 2-2222.
- You want to show that you made every attempt to contact someone to escort you to Health Services.

Giving a Statement to Health Services

- Give a clear and precise statement to Health Services. If you can not remember any details, you can say you do not remember or recall. **Do not guess**, or say “**I think.**” speak to only what you know.
- You have the right to review the statement and ask them to make edits to your typed statement if it is not accurate.
- Ask Health Services to print a copy of your statement for your records.
- Before you leave Health Services make sure you have at least two copies of all documents. Always keep one copy for your records.

Doctor Appointment

- If your injury warrants a doctor visit, a list of panel doctors will be given to choose from.
- You choose the doctor that best fits you from the list.
- You have the right to schedule your own date and time of your appointment, or you may choose to have Health Services make an appointment you.
- The nurse may make an appointment during your work hours.

Doctor Appointment

- Make sure you get the appointment details, time, date, location in writing. If the appointment is scheduled during work time notify your Management as soon as possible.
- A follow up appointment will be made in Health Services.
- You may have to call Health Services to confirm your next Health Services appointment. Extension 27022.

Write Your Statement

- In order for you to recall the facts of your injury/illness, it is highly recommended you write your statement in chronological order for your records.
- You can bring your statement with you when ever it is required for you to give a statement.

Intake Call / Broadspire

- After your Health Services examination, you will be told to make a Broadspire intake call.
- Broadspire is a workers' compensation company that Merck uses for all workers that get injured/illnesses on the job.
- You will be questioned about the incident(s) that caused the injury/illness. Your answers will be recorded. You will receive a case number.
- The case number is not a confirmation the injury has been accepted as an injury covered under worker's compensation.
- The Broadspire representative on site will get a copy of your answers and will ask you similar questions to see if your answers match.

Broadspire Interview

- A Broadspire interview will be scheduled and it could be the same day as the intake call or scheduled at a different time.
- We strongly suggest/recommend that you have representation during this Q&A. You can say, “I will allow you to interview me when I have USW representation present.” Broadspire can reschedule through your Management.
- You DO NOT have to give your statement to Broadspire on the phone or alone without USW representation.

Broadspire Interview

- Have USW representation during the interview.
- Have your written statement and Health Services information with you. Only discuss the injury, not personal information such as hobbies and lifestyle etc.
- Management can NOT be at the Broadspire interview.

Broadspire Interview

- Broadspire will ask to audio record the interview. You have options. You have the right to not be audio recorded. You may say, “*Are you going to deny this claim based on anything other than the merit of facts?*”
- If the answer is yes, request to have your statement written and signed.
- Although Broadspire will encourage you to have the interview audio recorded. The decision is up to you.

Questions from Broadspire

- You will be asked: Do you agree to be recorded?
- How many children do you have under the age of 18?
- What is your Social Security Number?
- Have you had any illnesses or injuries you would like to share? (If you have to go to court over your case, they will subpoena that information anyway.)
- You will be asked to give a chronological order of events leading to the incident.

SMIS Injury/ Illness Investigation

- Within five to seven days of injury, Management will conduct an investigation of your injury/illness. If your injury/illness prevents you from returning to work during this time frame, it may be conducted in your absence. This is not supported by USW.
- **YOU SHOULD HAVE A USW REPRESENTATIVE** for the investigation. Ideally, have a USW workers' compensation rep, or USW Safety and Health rep in addition to a Shop Steward.
- At the investigation, Management may use the following documents at investigation: SOPs, SOIs, training records, information from Health Services, etc...

SMIS Injury/ Illness Investigation

- Review your statement and bring it to the investigation.
- In the SMIS injury/illness investigation, you will be asked to give a chronological order of events.
- You may be asked questions about PPE, working environment and equipment.
- The purpose of the investigation is to determine root causes.
- The facts of the investigation will determine corrective actions.

SMIS Injury/ Illness Investigation

- Everyone involved in the investigation should be sent a draft copy of the SMIS investigation report to review and comment.
- It is very important for you and your USW representation to go over the report to review.
- If you find discrepancies, contact the initiator of the injury/illness report and offer a correction.
- If initiator is resistant, contact Union Office, Debbie Yakscoe, Paul Mercurio, or Pam Russell.

Legal Advice

Pond Lehocky Stern Giordano

- 2005 Market St, 18th Floor,
Phila, PA
- www.pondlehocky.com
- 215-240-4279

Willig, Williams, and Davidson

- Philadelphia Location
1845 Walnut Street, 24th Floor
Philadelphia, PA 19103
Telephone: (215) 656-3600
- mdryden@wwdlaw.com

Legal Advice

Krasno, Krasno & Onwudinjo

- Allentown, Blue Bell, Harrisburg, Lancaster, PA
- www.krasnolaw.com
- 855-979-8222

Wolf, Baldwin & Associates, P.C.

- 800 E High St, Pottstown, PA
- www.wolfbaldwin.com
- 610-228-4582

Legal Advice

The Law Firm of Leisawitz Heller

- 2755 Century Blvd,
Wyomissing, Pa
- www.leisawitzheller.com
- 610-816-0342

Warren & McGraw, LLC

- 920 Lenmar Dr. Blue
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- Fax: 610-584-9783
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