

# Workplace Practices

## NORTH CAROLINA HELPFUL HINTS

### ► Most Commonly Used North Carolina Industrial Commission Forms

- Form 18 Notice of Accident to Employer and Claim of Employee
- Form 19 Employer's Report of Injury to the Industrial Commission
- Form 22 Statement of Days Worked and Earnings of Injured Employee
- Form 23 Application to Reinstate Payment of Disability Compensation
- Form 24 Application to Terminate or Suspend Payment of Compensation
- Form 25N Notice to IC of Assignment of Rehab Professional
- Form 25R Evaluation for Permanent Impairment
- Form 25T Itemized Statement of Charges for Travel
- Form 26A Employer's Admission of Employee's Right to Permanent Partial Disability
- Form 28 Return to Work Report
- Form 28B Report of Carrier of Compensation and Medical Compensation Paid and Notice of Right to Additional Medical Compensation
- Form 28C Report of Carrier of Compensation and Medical Compensation Paid Pursuant to Compromise Settlement Agreement
- Form 28T Notice of Termination of Compensation (Trial RTW)
- Form 28U Employee's Request that Compensation be Reinstated After Unsuccessful Trial Return to Work
- Form 29 Supplemental Report for Fatal Accidents
- Form 30 Agreement for Compensation for Death
- Form 33 Request that Claim be Assigned for Hearing
- Form 33R Response to Request that Claim be Assigned for Hearing
- Form 60 Employer's Admission of Employee's Right to Compensation
- Form 61 Denial of Workers' Compensation Claim
- Form 62 Notice of Reinstatement or Modification of Compensation
- Form 63 Notice to Employee of Payment of Compensation Without Prejudice or Payment of Medical Compensation Without Prejudice
- Form 90 Report of Earnings

### ► Loss of Vision

Distance	Near	Efficiency	% Loss	Distance	Near	Efficiency	% Loss
20/20	14/14	100.0%	0.0%	20/90	14/63	53.4%	46.6%
20/25	14/17.5	95.7%	4.3%	20/100	14/70	48.9%	51.1%
20/30	14/21	91.5%	8.5%	20/120	14/84	40.9%	59.1%
20/35	14/24.5	87.5%	12.5%	20/140	14/98	34.2%	65.8%
20/40	14/28	83.6%	16.4%	20/160	14/112	28.6%	71.4%
20/45	14/31.5	80.0%	20.0%	20/180	14/126	23.9%	76.1%
20/50	14/35	76.5%	23.5%	20/200	14/140	20.0%	80.0%
20/60	14/42	69.9%	30.1%	20/220	14/154	16.7%	83.3%
20/70	14/49	64.0%	36.0%	20/240	14/168	14.0%	86.0%
20/80	14/56	58.5%	41.5%				

### ► Scheduled Injuries

#### Bodily Loss

Bodily Loss	Max Weeks	Bodily Loss	Max Weeks
Thumb	75	Hand	200
Finger, 1st	45	Arm	240
Finger, 2nd	40	Foot	144
Finger, 3rd	25	Leg	200
Finger, 4th	20	Eye	120
Toe, Great	35	Back	300
Toe, Other	10		

#### Hearing Loss

Hearing Loss	Max Weeks	Hearing Loss	Max Weeks
One Ear	70	Two Ears	150

#### Loss of Teeth

Age	Amount of Tooth (Crowns 50%)	Age	Amount of Tooth (Crowns 50%)
Up to 23	\$720.00	27 – 29	\$540.00
24 – 25	\$600.00	30 and over	\$420.00

Scheduled Injuries occurring after January 1, 1996

### ► Injury to External or Internal Organ

Loss or permanent injury to any important external or internal organ or part of the body for which no compensation is payable under any other subdivision of the section, the IC may award proper and equitable compensation not to exceed \$20,000.

### ► Scarring

The IC shall award a proper and equitable amount for serious facial or head disfigurement not to exceed \$20,000. The IC shall award a proper and equitable amount for serious bodily disfigurement for which no compensation is payable under any other subdivision of the section not to exceed \$10,000.

### ► Maximum Compensation Rates

2008	\$786.00	2014	\$904.00
2009	\$816.00	2015	\$920.00
2010	\$834.00	2016	\$944.00
2011	\$836.00	2017	\$978.00
2012	\$862.00	2018	\$992.00
2013	\$884.00		

Minimum Compensation Rate: \$30.00

Mileage Rates: \$0.545 per Mile as of January 1, 2018



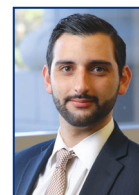
**Jared Simms**

Partner • Charlotte  
jsimms@GWBlawfirm.com  
(o) 704.227.1933  
(c) 707.778.8758



**Thomas Lamm, Jr.**

Associate • Charlotte  
tlamm@GWBlawfirm.com  
704.227.1942



**Matthew Gerber**

Associate • Charlotte  
mgerber@GWBlawfirm.com  
704.227.1924

# Workplace Practices North Carolina Helpful Hints

## ► **Responding to Claims**

Within 30 days of the Form 18 acknowledgment letter, the Carrier/Employer must file a Form 60, 61 or 63 to admit, deny or pay the claim without prejudice. If this is not done, the IC will order a \$400\* sanction against the Carrier. After the fine is assessed, the Carrier has an additional 30 days to file forms 60, 61 or 63, or an additional fine of \$200 will be assessed and the claim will be placed on the enforcement docket.

*\*New for 2018*

## ► **Responding to Motions**

The Carrier has 10 calendar days after the Motion is served to file and serve a response. The Carrier must then retain an attorney.

## ► **Medical Treatment Termination**

The right to medical treatment shall terminate 2 years after the Employer's last payment of medical or indemnity compensation unless: 1) the Employee files an application for additional medical treatment which is approved by the Commission, or 2) the Commission on its own Motion orders further medical treatment.

## ► **Death Claim**

Where death results proximately from injury, payments to Decedent's beneficiaries must be made up to a maximum of 500 weeks to conform to NCGS 97-29 (§ 97-38). Also, the Employer shall pay up to \$10,000.00 in burial expenses. (§ 97-40).

## ► **EDFP**

Information on how to register for and use of EDFP is available at <http://www.ic.nc.gov/training.html>.

## ► **Clincher Payments**

Payments made pursuant to a clincher agreement must be made within 10 days after the date of the IC approval order (§ 97-18(e)). Failure to make payments after a 14 day grace period shall result in a 10% penalty (§ 97-18(g)).

## ► **Time Periods**

- Waiting Period (§97-28) is 7 days.
- Waiting Period Recoverable After Disability (§97-28) is 21 days.
- Employer's First Report of Injury (§97-92) is 5 days from knowledge of injury.
- Employer must Admit, Deny, or Pay Without Prejudice (Rule 601) is within 30 days notice from Commission of filing of claim.

*If Defendants deny the claim, a Form 61 should be filed within 14 days of written or actual notice of the injury. (§ 97-18(c)). If a Form 63 is filed, payments may continue for 90 days from date Employer has written or actual notice of injury. Defendants must file Form 61 to deny before expiration of the 90-day period or waive right to contest compensability of, and liability for, the claim. The IC may approve a 30-day extension when filed prior to the 90-day deadline.*

**Written Communication with Doctor:** Provide contemporaneous notice to Plaintiff; provide doctor's response to a Plaintiff within 10 days (§97-25.6(c)(2)).

**Oral Communication with Doctor:** Provide Plaintiff prior notice of intended communication and invitation to participate; provide summary of communication within 10 days if Plaintiff does not participate (§97-25.6(c)(3)).

## ► **Statute of Limitations**

- File Initial Claim (§97-24 and §97-58) . . . . . 2 years
- Change of Condition (§97-47) . . . . . 2 years
- Appeal to the Full Commission (§97-85) . . . . . 15 days
- Appeal to NC Court of Appeals (§97-86) . . . . . 30 days

## ► **How do you calculate?**

### **Average Weekly Wage (AWW)**

Compute wages for 1 year prior to injury, then divide by 52. Omit any period of time during which Employee missed more than 7 consecutive calendar days. If Employee worked less than 1 year, divide wages by number of weeks actually worked. (§97-2(5))

### **Temporary Total Disability (TTD)**

If disability exceeds 7 days, benefits of 66-2/3% of AWW not to exceed the maximum compensation rate for the year in which the injury occurred may be paid to Employee for an indefinite amount of time (DOI prior to 6-24-2011) or for a cap of 500 weeks (DOI on or after 6-24-2011) from the date of injury, unless an extension is properly requested and granted. (§97-29)

### **Temporary Partial Disability (TPD)**

66-2/3% of the difference between the AWW before the injury and the amount able to earn after the injury for up to 300 weeks (DOI prior to 06/24/2011) or 500 weeks (DOI on or after 6/24/2011) from the date of injury. (§97-30)



**GALLIVAN WHITE BOYD**

*Complex experience for complex matters*

1201 Main Street • Suite 1200  
Columbia, SC 29201 • 803-779-1833

40 Calhoun Street • Suite 315  
Charleston, SC 29413 • 843-735-7600

55 Beattie Place • Suite 1200  
Greenville, SC 29601 • 864-271-9580

6805 Morrison Boulevard • Suite 200  
Charlotte, NC 28211 • 704-552-1712

[GWBlawfirm.com](http://GWBlawfirm.com)