

SPECIAL FUNDS FOR SECOND INJURIES

RSA 281-A:54

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Second Injury Fund

- What is the Second Injury Fund?
 - ✓ Created in 1975
 - ✓ An incentive to you to hire a person with a preexisting and permanent physical or mental impairment (as defined in RSA 281-A:2, XIV)
 - ✓ An opportunity to limit WC liability.

WHAT YOU NEED TO KNOW

In order to qualify for reimbursement from the Special Fund, you need to establish by written records, or by affidavit (that is executed at the time of hire or retention in employment), that you had knowledge of the pre-existing permanent physical or mental impairment.

These documents need to **pre-date** the new work related injury

Employer Written Record

- ❑ CDL Exams/Pre or Post-employment physicals
- ❑ Emails
- ❑ Employment application/Interview notes
- ❑ FMLA/Disability insurance paperwork
- ❑ In-house medical facility notes
- ❑ Job modification reimbursement paperwork
- ❑ Leave requests/Out of work slips (details)
- ❑ Newspaper articles
- ❑ Previous WC claim documentation (more than FROI)

Employer Written Record (continued)

- Basically anything written that clearly identifies you (the employer), employee, the preexisting, permanent condition and the date you obtained the information
- IT MUST BE DOCUMENTED EVEN IF IT IS VISUALLY OBVIOUS

EXAMPLES OF MOST COMMON PERMANENT CONDITIONS

- ✓ Amputations
- ✓ Back surgery
- ✓ Blindness
- ✓ Carpal Tunnel
- ✓ Heart conditions
- ✓ Joint replacements
- ✓ Mental health conditions
- ✓ Substance abuse

NON-QUALIFYING CONDITIONS

- ✓ Released back to work Full Duty without PERMANENT Restrictions or PI

Other SIF Benefits

- ❑ Concurrent Earnings - more than 1 employer
- ❑ Job Modification – First Report of Injury specific – prior approval from the NH DOL – 50% up to \$5,000/year/employer

Miscellaneous

- RSA 281-A:23-b Alternative Work Opportunities – 5 or more FT employees – shall develop temporary alternative work opportunities for injured employees.
- RSA 281-A:25-a Reinstatement of Employee Sustaining Compensable Injuries – 5 or more employees – within 18 months from the date of injury – shall be reinstated to the employee's former position upon request if the position exists and is **available** and the employee is not disabled from performing the duties of such position with reasonable accommodations for the employee's limitations.

** position is **available** even if it has been filled by a replacement while the injured employee was absent. If position has been eliminated, the employee shall be reinstated in any other existing position which is vacant and suitable with reasonable accommodations for the employee's limitations.

** an employer who reinstates an employee under RSA 281-A:25-a shall not be eligible for reimbursement from the SIF should the employee become injured.

Contact Information

Please remember I am here to assist you.

Never hesitate to call or email me with your questions!!!!

603-271-3799

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nh.gov/labor

Monday through Friday 8:00 a.m. to 4:00 p.m.