

SECOND INJURY FUND MAY LIMIT YOUR COMPENSATION COST

New Hampshire's Second Injury Fund gives employers an opportunity to limit their compensation costs in the event that an employee with a previous impairment sustains a worker's compensation injury. The worker's impairment can be of any type or cause, work related or not, as long as it is a permanent impairment and is serious enough to pose an obstacle to the worker in obtaining employment. The intent of the Second Injury Fund is to equalize the compensation cost that the employer and their insurance company must pay for impaired and non-impaired workers, thereby removing a potential barrier to the employment of previously injured or impaired workers.

Initially, the claim for a re-injured worker is handled no differently than a normal claim. However, the employer's insurance company makes out a Second Injury Fund application. The amount of Second Injury Fund reimbursement to the insurance company varies depending on the date of injury and the amount of benefits paid. The amount of Second Injury Fund reimbursement to the insurance company varies depending on the date of injury and the amount of benefits paid. The second Injury Fund reimbursement is credited to the employer's account and the rebate is reflected in the employer's insurance premium. Employer's liability for worker's compensation costs are limited for impaired employees who become disabled from a work injury.

Before a case can be reimbursed, employers must take certain steps. At the time of hire, or as soon after hire as the information becomes known to the employer, employers must note in writing of their knowledge of the employee's impairment. In the event of a Second Injury Fund claim in the future, this written record will need to be produced as evidence that the employer knew of the worker's impairment prior to the subsequent injury. The written record can take any form you wish as long as:

- The information is recorded in writing.
- The record clearly identifies the employer, employee and the date that the record was created.
- The record presents information about the worker's limitations caused by the impairment.

This is the only step the employer needs to take. The insurance company will ask the employer for a copy of the record to initiate the process of applying to the second Injury Fund. If the record is not available, the case will not be eligible for reimbursement from the fund.

Notice of a possible claim against the Second Injury Fund must be provided by the insurance company within 100 weeks from the date of the worker's injury.