

Instructions for Searching for New Work and Filling Out a Job Search Log

Your treatment may progress to a point where your doctor releases you to light duty work. As such, it will be time to begin the process of applying for jobs. The following guide explains why the job search is crucial at this stage in your workers' compensation claim and how to go about conducting it.

I also enclose job search logs so you can document your efforts. Please forward the completed job logs to my office on an ongoing basis. If you need more job logs or would like us to email you a PDF format of the job logs, contact us and we'd be happy to send you more, or they are always accessible via our client login on our website (<http://ramsaylawfirm.com/client-section/>). The password is ramsayramsay. If you have any questions or concerns after reading the guide, please do not hesitate to call. We would be happy to talk to you in more detail about your situation. We are here to help you.

GUIDE TO JOB SEARCH IN A WORKERS' COMPENSATION CASE

Weekly disability benefit checks in workers' compensation cases are paid only when the injured worker can show that the work injury is preventing them from earning wages. When a doctor has written you completely out of work, it is easy to show that you could not earn wages during that time period. However, when you have been released to return to light duty work- it appears you are no longer disabled. If your employer does not have light duty work available, you are in the awkward position of being released to return to earning wages, but not having a place to earn those wages.

Previously, when an employer could not return an injured worker to a light duty position, the burden was on the employer to show that the injured worker could return to work before any checks could be stopped. The N.C. Court of Appeals has reversed this legal standard. Instead of requiring your employer to show that you can find a job within your restrictions, they shifted the burden of proof to you. The courts have said that the obligation is on the injured worker prove that they are entitled to ongoing disability benefits. Disability can no longer be established by simply showing that your company did not have work available within your restrictions.

What does this mean to you? Your weekly checks might be stopped if you have been released to light duty work. Unless you show that you have made a reasonable job search, the Industrial Commission may give the workers' compensation carrier the right to cut off your benefits.

Based on these changes in the law, we have changed our advice to our clients. If a physician has released you to return to work and your employer has indicated they do not have work available for you within those restrictions, we recommend that you begin a job search. Our goal is to show that you have taken reasonable efforts to locate employment.

1. *What do I need to do?*

Look for a job. Document your efforts. We hope that one of two things will happen:

- (1) You will find a job you can physically perform which pays sufficiently, or
- (2) Your job search documentation will prove that you cannot find work which you can physically perform.

2. ***What activities should I document?***

Document all applications for a job. Document when you fill out an application in person, submit a resume online, talk to a potential employer, or attend an interview.

You should also document every effort that you make to identify a job. I call this the job identification process. Record any activity required to find potential employers such as:

- (a) Looking in the newspaper /other publications;
- (b) Looking online for jobs (Linked In, Craig s list, Monster, Observer),
- (c) Talking to individuals from your community (friends, family, neighbors, church members) about the work that they do or about available jobs in your community.
- (d) Going to your community college for information on careers or retraining classes,
- (e) Going to the library to research different types of careers or certifications,
- (f) Searching the phone book for companies in your area,
- (g) Attending any career counseling classes at a local church or ESC.

3. ***What if I can't do the type of work I used to?***

The serious injuries suffered by most of our clients prevent them from returning back to the work they did before their injury. However, if the doctor has released you to work with restrictions, the doctor believes that you are physically capable of performing some type of work. The law will not allow us to throw up our hands and say "Well, I can't do that type of work anymore, therefore, I can never return to work." You need to look for a new type of work.

At some point in your claim, we can demand vocational rehabilitation. A vocational counselor is a person whose job is to find other people jobs. However, over the years of working with vocational counselors, I have found this to be true; my clients were rarely happy about the work that the vocational professional picked for them. My clients are far happier if they have control over the type of work that they want to do.

4. ***What if I don't know what kind of work I can do?***

Use your resources - friends, family and neighbors to ask questions about jobs and companies. Set an appointment with a community college counselor. We recommend the free interest testing provided by your county office of the North Carolina State Department of Vocational Rehabilitation. They can also guide you in learning about the physical requirements of any jobs. Check with your local church for free counseling.

Think about your prior job. Can you name the companies that sold materials or services to your old company? Who were your old company s customers? Your skills can be valuable to those suppliers/customers in a less physical job. Call us with any questions or concerns- or if you just need some encouragement through these tough times.

5. ***How much time should I spend looking for work?***

We recommend that you spend at least one hour, five days a week looking for work. Two hours would be better. If you prefer to track your efforts by job applications, we believe you should submit at least two applications a week for work.

JOB SEARCH LOG SHEET

Job Search Log for the week of: _____ to _____

Name: _____ DOB: _____

Time spent looking for job listings: where did you look? <input type="checkbox"/> Newspaper <input type="checkbox"/> Staffing Agency <input type="checkbox"/> Online <input type="checkbox"/> Application/Resume <input type="checkbox"/> Others: _____ Date: _____	<div style="text-align: right;">()</div> <hr/> <p>Employer _____ Telephone _____</p> <hr/> <p>Address _____ City, _____ State _____ Zip _____</p> <hr/> <p>Contact Person: _____ Position Applied for: _____</p> <p>How contacted: <input type="checkbox"/> Online/email <input type="checkbox"/> In person <input type="checkbox"/> Mail <input type="checkbox"/> Kiosk <input type="checkbox"/> Fax <input type="checkbox"/> Telephone <input type="checkbox"/> Other, (describe): _____</p> <p>Employer Contact/Interviewed? <input type="checkbox"/> Y <input type="checkbox"/> N If yes, contact Date: _____</p> <p>Within your work restrictions? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown _____</p>
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