

# How to File a Workers' Compensation Claim if You Work Multiple Jobs in New York

## A Brooklyn workers' compensation lawyer explains what to expect

New York [workers' compensation](#) benefits can be a lifeline for injured workers in [Brooklyn](#). That's because this state-mandated insurance program provides financial compensation for medical care, replacement income and other injury-related expenses.

But how does the program function if injured workers have more than one job? Can they receive financial compensation for all lost income? And who pays for such benefits? The workers' compensation insurance provider for the company where the work-related injury or illness took place? Or does every workers' compensation insurance company have to contribute?

Make sure you fully understand your legal rights if you're applying for workers' compensation benefits for your work-related injury or illness in Brooklyn. Otherwise, you could miss out on obtaining the compensation you rightfully deserve. Below, our Brooklyn workers' compensation attorneys at [Pasternack Tilker Ziegler Walsh Stanton & Romano LLP](#) explain how the system works for workers in New York.

## Can part-time workers receive workers' compensation in New York?

People who work multiple jobs often do not have a full-time job. Instead, they have several part-time jobs. So let's start with how workers' compensation works for someone with a part-time job. Are part-time jobs eligible for workers' compensation benefits in New York?

Yes, part-time workers in New York are eligible for workers' compensation if they are injured or become ill at work. The [New York Workers' Compensation Law \(WCL\)](#) clearly states that employers must provide workers' compensation coverage for all employees, including part-time, seasonal, and temporary workers. As long as the injury or illness occurred during work-related activities, part-time employees can file for benefits, just like full-time employees.

## How is workers' compensation calculated for part-time workers?

When determining the amount of wage replacement, the [New York State Workers' Compensation Board \(WCB\)](#) calculates a worker's **average weekly wage (AWW)** based on earnings at the time of injury.

In general, most part-time workers receive two-thirds of their AWW after a work-related injury or illness under the New York State workers' compensation system. So if they received \$300 per week for a part-time job at the time of their workplace injury or illness, they would receive \$200 per week in wage replacement payments through workers' compensation in New York.

## **How does workers' compensation work for injured workers with multiple jobs in New York?**

The simple answer is sick or injured workers in New York who qualify for workers' compensation should receive benefits that take into account all sources of income. It doesn't matter if an injured worker has one job or four jobs.

According to the [Consolidated Laws of New York, Chapter 67, Article 2, Section 14 \(WCL § 14\)](#), if an injury affects the worker's ability to perform any of their jobs, their average weekly wage (AWW) benefits under workers' compensation in New York should reflect all their income from all their jobs.

This approach makes sure that injured workers receive wage replacement benefits that cover their total lost income. In order to receive maximum compensation, workers must report all sources of employment to the **New York State Workers' Compensation Board (WCB)**. **That way, the board can accurately calculate a worker's benefits. In general, most workers verify their income by** submitting pay stubs for all of their jobs.

## **Can injured workers with multiple jobs receive workers' compensation in New York for all jobs?**

Yes, injured workers with multiple jobs are entitled to compensation based on their combined earnings from all jobs. If the injury limits the worker's ability to perform any of their jobs, the total income from all positions will factor into the AWW used to calculate benefits. New York's **WCL § 14** requires that workers disclose all their employment to receive benefits that align with the full impact of their injury.

Workers often provide pay stubs or other employment records from each job to ensure their full wages are considered. The WCB uses this information to determine wage replacement benefits, which can significantly increase the compensation awarded. If an employer or insurance carrier disputes the inclusion of income from other jobs, a workers' compensation attorney can help advocate for the injured worker.

Even though workers only file one claim through the employer where the injury occurred, the compensation reflects their total wage loss from all jobs. This process protects workers with multiple income sources from financial hardship.

## **Do injured workers with multiple jobs have to apply for workers' compensation with each job?**

No, injured workers do not need to file separate workers' compensation claims with each employer. The claim must be filed through the employer where the injury occurred. However, **New York workers' compensation law** allows income from multiple jobs to be factored into the benefits calculation, even though only one claim is filed.

When filing the claim, the injured worker must notify the New York WCB of any other jobs they held at the time of the injury. This makes sure that all wages and lost income are considered when calculating the AWW.

It's also often a good idea for injured workers to tell other employers about their work-related injury or illness sustained at another job. This way, there's no confusion later about what happened or why someone does not report to work while recovering from their work-related injury or illness.

### **Which company pays for workers' compensation if someone has multiple jobs?**

The employer where the injury occurred is responsible for providing workers' compensation benefits. Their insurance carrier manages the claim, but the wages from all jobs are included when calculating the injured worker's AWW under **WCL § 14**. This means that although only one employer handles the claim, the compensation reflects income from all jobs.

As a result, it doesn't matter which part-time job pays the most money. For example, if someone got hurt while working at a job they only do a few hours a week, that employer's workers' compensation insurance company would be responsible for paying for all replacement income if the injured worker cannot perform any of their jobs while recovering from their injury.

### **How does workers' compensation work for injured workers with multiple jobs if some jobs are ineligible for workers' compensation?**

In New York, not all jobs have workers' compensation coverage. For example, independent contractors or gig workers often are ineligible to receive traditional coverage. However, if an eligible job provides workers' compensation benefits, the income from ineligible jobs can still be included in the calculation of the worker's **average weekly wage (AWW)** under **WCL § 14**. This helps make sure that wage replacement benefits reflect a worker's total lost income, even though some jobs may not offer direct coverage.

Injured workers should disclose all jobs to the WCB, even those ineligible for workers' compensation, to receive the maximum possible benefits. Documentation of income from these jobs will help verify the full wage loss resulting from the injury.

Even though the ineligible jobs do not provide benefits directly, their income still influences the total wage replacement awarded through the eligible job's insurance carrier. If disputes arise about including income from ineligible jobs, a Brooklyn workers' compensation attorney can help with the appeals process and fight for the money a worker deserves.

### **What happens if one company refuses to provide workers' compensation to an injured worker with multiple jobs?**

Many times, workers' compensation insurance providers refuse to provide coverage, especially if a worker has more than one job. Sometimes, it's the employer where the incident took place that's the problem. Other times, an employer's workers' compensation insurance provider might try to avoid paying for lost income from another job. Disputes over employment status are common as well and can result in a denial of workers' compensation benefits.

When this happens, a worker can file an appeal with the New York State WCB. New York law mandates that all eligible employers carry workers' compensation insurance. Another option sick or injured workers may want to pursue includes seeking workers' compensation benefits through the **Uninsured Employers Fund (UEF)**. The UEF covers workers when their employers illegally lack insurance.

Other legal options may exist as well. The best way to know for sure what to do is to speak with a workers' compensation attorney who thoroughly understands how New York's workers' compensation system works.

### **Is there a limit to how much money injured workers with multiple jobs can receive for workers' compensation?**

Yes, New York imposes a cap on weekly workers' compensation benefits based on the state's **average weekly wage**. For 2024, the maximum weekly benefit is **two-thirds of the state average weekly wage**. Even if a worker's combined earnings for several jobs exceed this amount, they cannot receive more than the state-mandated cap for all jobs combined.

While the benefits calculation includes income from all jobs, the total compensation will not exceed the established maximum. Workers whose combined income surpasses the cap may experience a financial loss in wage replacement, though they still receive the maximum allowed under New York law.

### **Can injured workers sue their employers after a workplace injury?**

In most cases, no. New York's workers' compensation system was partly created for this reason – to protect employers from being sued by workers in the event of a work-related injury accident or illness. There are a few exceptions to this rule, including:

- Gross negligence on the part of the employer.
- Company concealed or falsified records, including accident reports or safety inspection records.
- Unsafe working conditions that an employer knew about but failed to correct.

### **Are there other companies injured workers can sue in the event of a workplace accident?**

A common legal option sick or injured workers often consider is filing a third-party lawsuit seeking damages, the legal term for financial compensation. Such lawsuits cannot be filed against a company that someone works for directly. In most cases, third-party lawsuits are filed against another company.

This might sound confusing, but such cases are fairly common, especially if there is more than one company working at the same job site. This type of work situation is common at construction sites, where multiple contractors and subcontractors work side by side. For example, if an employee working for another company causes a scaffolding collapse, injured workers can file a third-party lawsuit against the at-fault company.

Another important point – if a third-party lawsuit is successful, the worker can still receive workers' compensation benefits. One source of income does not cancel the other out. Even if you are already receiving workers' compensation replacement pay, you can still receive money in the form of a third-party lawsuit verdict as well.

### **How much time do workers with multiple jobs have to apply for workers' compensation?**

The deadlines to notify employers or apply for workers' compensation benefits are the same for all workers in New York, whether they have one, full-time job or multiple, part-time jobs. The two most important deadlines are:

- **30 days** – Sick or injured workers must notify their employer of their injury or illness within 30 days of their workplace injury or illness diagnosis, as required by WCL § 18.
- **Two years** – Workers have two years to submit their Form C-3 application for benefits to the New York State Workers' Compensation Board.

Other important deadlines often apply to workers' compensation benefits in New York. An experienced Brooklyn workers' compensation lawyer can make sure all those deadlines are met and that an injured worker applies on time for benefits.

### **Why should I hire a Brooklyn workers' compensation attorney?**

Workers in Brooklyn with multiple jobs deserve to be fairly compensated for all income losses if they cannot work due to a work-related injury at one job. But that's often easier said than done, especially since some workers' compensation insurance companies care more about their bottom line than fairly compensating sick or injured workers.

Our Brooklyn workers' compensation lawyers understand the legal hurdles sick and injured workers often face. That's because we have been doing this work for decades.

As a result, we have an in-depth understanding of how the legal system works when it comes to workers' compensation and injured workers with multiple jobs in Brooklyn or anywhere in New York. We also know the games insurance companies often play and how to effectively resolve such situations.

Learn more about your legal options. [Contact us](#) and schedule an appointment with a Brooklyn workers' compensation attorney focused on winning your case. We have 12 offices conveniently located in New York, including one on Flatbush Avenue in Brooklyn.