



WORKERS' COMPENSATION TRAINING

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What is Workers' Compensation?

Workers' Compensation is a no fault insurance system that provides for the payment of medical services, lost wages and other benefits when an employee: suffers an injury, develops an occupational illness, and/or dies from an incident arising out of or in the course of employment.



❖ **Focus on Safety and Prevention**

Who Pays for Workers Comp?

Workers Compensation is insurance!

- The **County pays a Premium** to have this insurance, and we also pay the claims.
- The County is set up under a **GROUP RETROSPECTIVE** rating system, and we do budget withdrawals for all agencies under the County to cover a percentage of the premium.
- We also do chargebacks with departments whose employees have incurred charges under their allowed workers' comp claims.

Two Types of Claims:

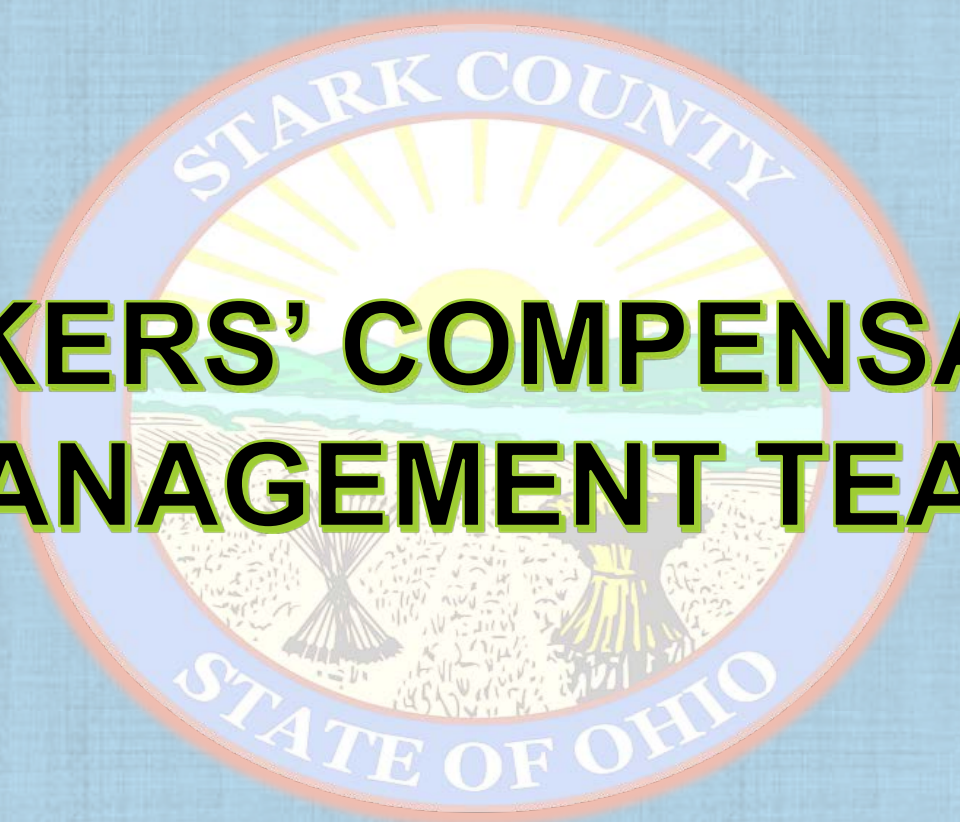
○ Medical Only

- A claim filed when an employee loses **seven or fewer calendar days** from his or her job as a result of an industrial injury or occupational disease.

○ Lost Time

- Being incapacitated from work **eight or more calendar days due to an injury or occupational disease**. These days need not be consecutive.
- Lost-time claims remain open for ten years from the last date of payment of either compensation or medical payment.

Claims go Inactive 24 months after the last claim paid.

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WORKERS' COMPENSATION MANAGEMENT TEAM

Workers' Comp Claims: Management

There are several components that work together in administering Workers' Comp:

- The Administrator/Specialist (Stark County)
- MCO (Aultcomp)
- BWC (Bureau of Workers' Compensation)
- TPA (CompManagement)
- Industrial Commission (IC)



Managed Care Organization (MCO): CompManagement

A managed care organization (MCO) is a private company that an employer contracts to medically manage the workers compensation claims for injured employees.

Our MCO provider is: CompManagement

Third Party Administrator (TPA): CompManagement

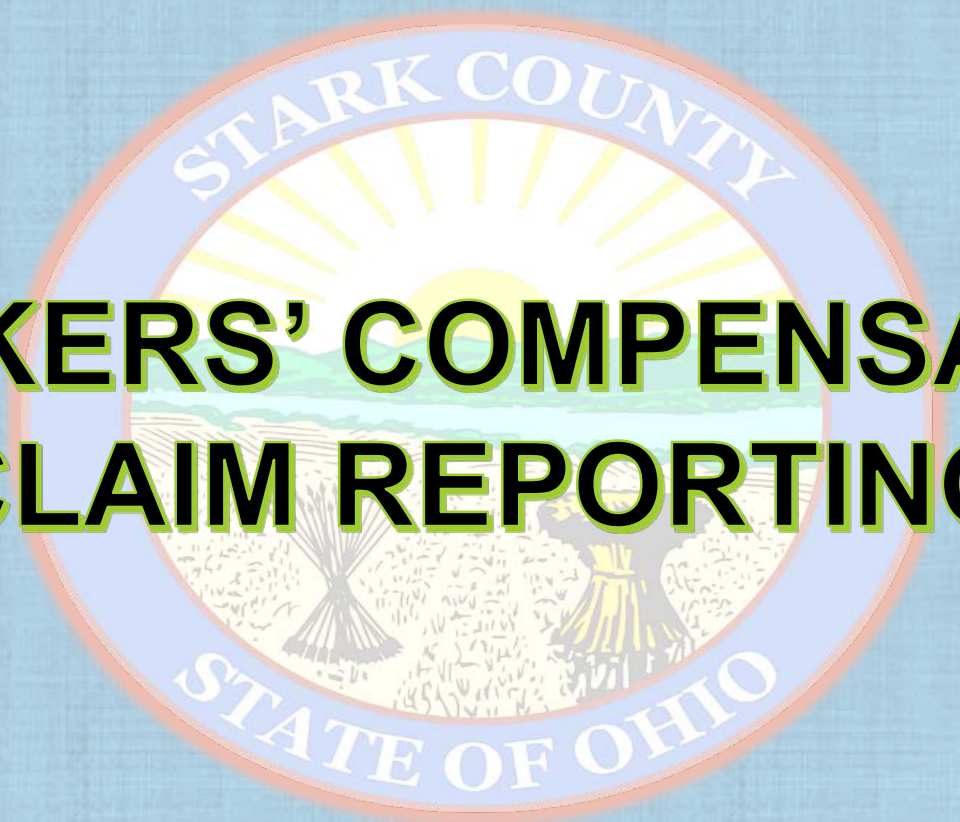
TPA's assist the employer with the management of workers' compensation claims.

- Filing payroll/Premium Analysis
- Settlements/Handicap Reimbursements
- Attend Industrial Commission hearings that are not local (County Prosecutor attends local)

The Stark County TPA is: CompManagement

Industrial Commission: Hearings

- The **Industrial Commission of Ohio is the adjudicatory branch of the workers' compensation system.** In addition to establishing adjudicatory policies, the IC has original jurisdiction on claims matters, such as **determining levels of disability and resolving disputed claims issues.**
- **Hearings** are held at the Industrial Commission service office, and the **injured worker & authorized representative, employer/employer's authorized representative, and the BWC will be given adequate written notice as to the time and place that the hearing will be held so that they may attend and present evidence at the hearing.**

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WORKERS' COMPENSATION CLAIM REPORTING

When should employees report an injury or illness?

- **IMMEDIATELY UPON INCIDENT**
- **WITHIN THE WORK SHIFT OF CLAIMED INJURY OR ILLNESS**
- **NO LATER THAN 24 HOURS AFTER INJURY**

Report injury regardless of incident/injury severity!

How do I report a claim?

A work related incident may physically and financially affect the employee; therefore, Stark County advocates an interactive partnership to promote a healing process focused on realistic recuperation leading to a successful return to work.

- ❖ Information and Workers' Comp forms are available on the Human Resources Department website via tab; Workers' Compensation.

<http://www.starkcountyohio.gov/human-resources/workers-compensation2>

Workers' Compensation Forms;

- [Supervisor Responsibilities For Injured Employees](#)
- [Supervisor Packet](#)
- [Injured Employee Packet](#)
- [Employee's Report of Incident and/or Injury – \(without medical attention beyond first aid\)](#)

Injured worker: Reporting an Injury/Illness with Medical Attention

- ❑ Injured worker “IW” notifies Supervisor of Injury/Illness, within shift
- ❑ IW receives Injury Reporting Packet
- ❑ IW receives Medical Attention, as needed (FROI) completed
- ❑ IW completes Injury Reporting Packet & turns in to supervisor
- ❑ Supervisor completes; Supervisors Accident Investigation Form
- ❑ Supervisor of IW Notifies the County workers’ comp specialist
- ❑ IW has open communication with Supervisor
- ❑ IW submits Return-to-Work documentation from PCP to supervisor
- ❑ Injured worker Returns-to-Work per PCP instructions & date
- ❑ Return to original position with or without restrictions

Injured Worker does not require or *refuses Medical Attention*:

– How does the Supervisor proceed?

- ❑ Injured worker notifies Supervisor of Injury/Illness, within shift
- ❑ Injured worker receives Injury Reporting Packet
- ❑ Injured worker completes Employee's Report of Incident or Injury & Medical Release same shift/day as incident.
- ❑ Manager completes the Supervisors Accident Investigation Form
- ❑ Manager of IW files these three (3) reporting documents in the IW's confidential/medical section of their personnel file.
- ❑ Injured worker has open communication with Manager
- ❑ Manager is not required to notify the County workers' comp representative.
- ❑ Injured Worker returns to original position

Injury:

Where do I seek Medical Treatment?

If you've experienced an at-work-injury/illness and require medical treatment, use sound judgement when choosing a facility that meets your injury/illness's level of need:

Injured at work?

Here are some local medical facility options!

- Nearest hospital or medical facility
- AultWorks – Hills and Dales Rd.
- Mercy Work, Health & Safety Whipple Ave.
- Chiropractor



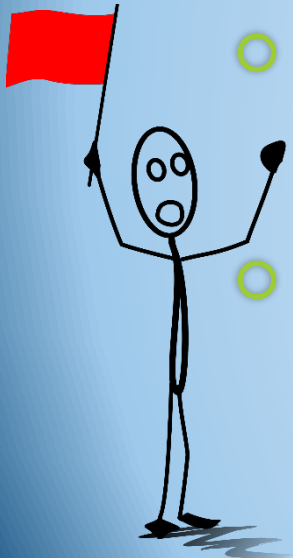
What benefits are provided?

After a claim for a work related injury is allowed, the policy will cover payment of:

- Medical Bills
- Compensation for Lost Wages
- Salary Continuation
- Permanent Disability
- Settlements

Claim Reporting Red Flags:

- Claims that are reported beyond 24 hours of claimed injury/illness.
- Injury forms/Medical Release aren't fully completed
- Injury/Illness occurrence late in the week, employee failed to report until after the weekend the week following.
- Injured worker files for workers' comp after refusing or not needing medical treatment whereas no medical bills need payment nor was compensation affected, as no work time was lost.



In these instances, claims have a greater frequency for denial or appeal hearings.

Incident/Injury Investigation:



In any accident, we need to determine the three (3) W's:

- **“What”** happened; Description of Injury/Illness
- **“When”** did it happen; The time of day, doing what?
- **“Why”** did it happen; Safety procedures in place?

What happened?

Employee (IW) Reports to Supervisor



When an *on-the-job injury or illness occurs, the employee is to report it immediately (within the same shift/day) to his/her supervisor, if the supervisor is not available, report the incident to another supervisor or manager.*

Department Supervisor: Report Incident

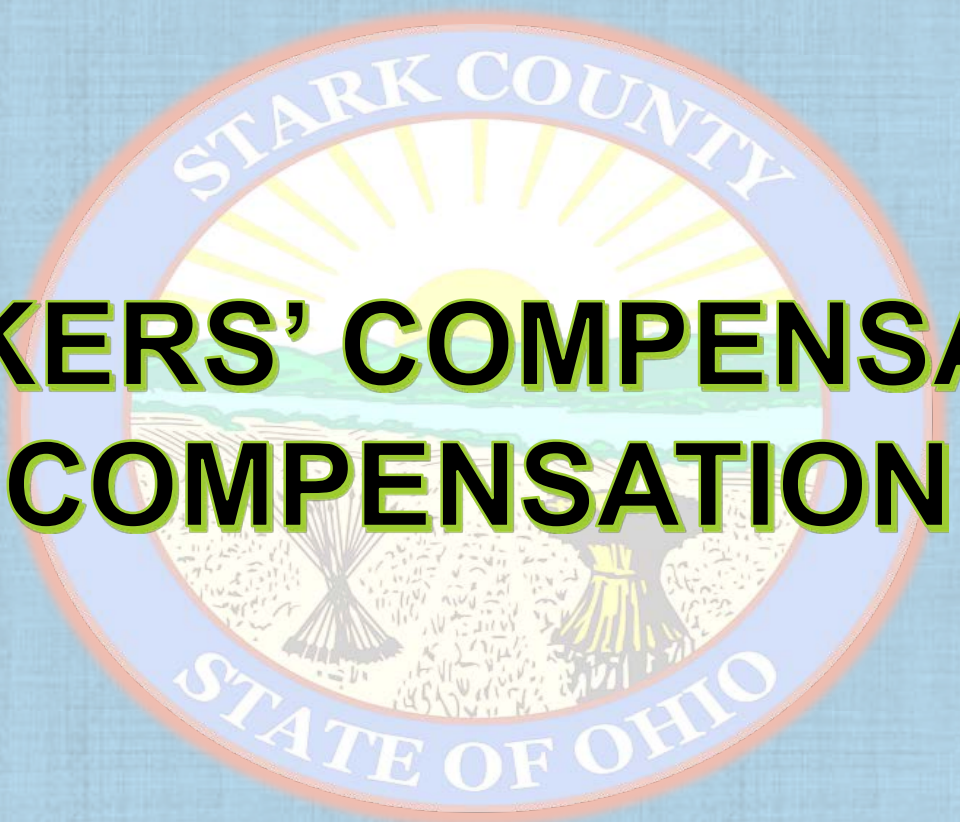
Each department has a specified person in their department who is responsible for submitting injury reports and forms.



- ❖ As soon as a Supervisor knows of a work-related injury and the injured worker sought treatment beyond first aid in the workplace, they should report it to the County's Workers' Compensation Specialist.
- ❖ The injured workers' forms should be submitted to the Commissioners' Human Resource Department within 48 hours of incident.

Why report a Workplace Injury or Illness?

- **Assist the employee with receiving First Aid or Medical Treatment, (as needed)**
- **Address safety concerns, or areas of improvement, (Injury Prevention)**
- **The Department of Labor, Occupational Safety & Health Administration** regulates injury reporting.
- **Stark County Government has formally relayed and posted the Injured/Ill Employee's Rights & Responsibilities and when/how to Report.**

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WORKERS' COMPENSATION COMPENSATION

Types of Compensation:

How are employees compensated for lost wages?

Salary Continuation

- ☐ Sick Leave
- ☐ Vacation
- ☐ Transitional Work if on restricted duty

Workers' Compensation

- ☐ Employees will receive 72% of gross earnings first 12 weeks
- ☐ After 12 weeks, 66 2/3% of gross earnings

Other types of payments:



- Temporary Total Compensation (TT)
- Permanent Partial Disability
- Permanent Total Disability
- Disabled Workers' Relief Benefits
- Change of Occupation
- Wage Loss
- Living Maintenance
- Death Claims
- Lump Sum Settlement

Terms and Definitions (a)



○ Lump Sum Settlement (LSS)

An agreement among the employer, the injured worker and BWC on a specific dollar amount to settle one or more claims or parts of a claim.

○ Temporary Total (TT)

TT compensation is provided to compensate an injured worker who is totally disabled from work on a temporary basis or a short period of time due to the work related injury or occupational disease. TT is generally the initial award of compensation paid to an injured worker to compensate for lost wages.

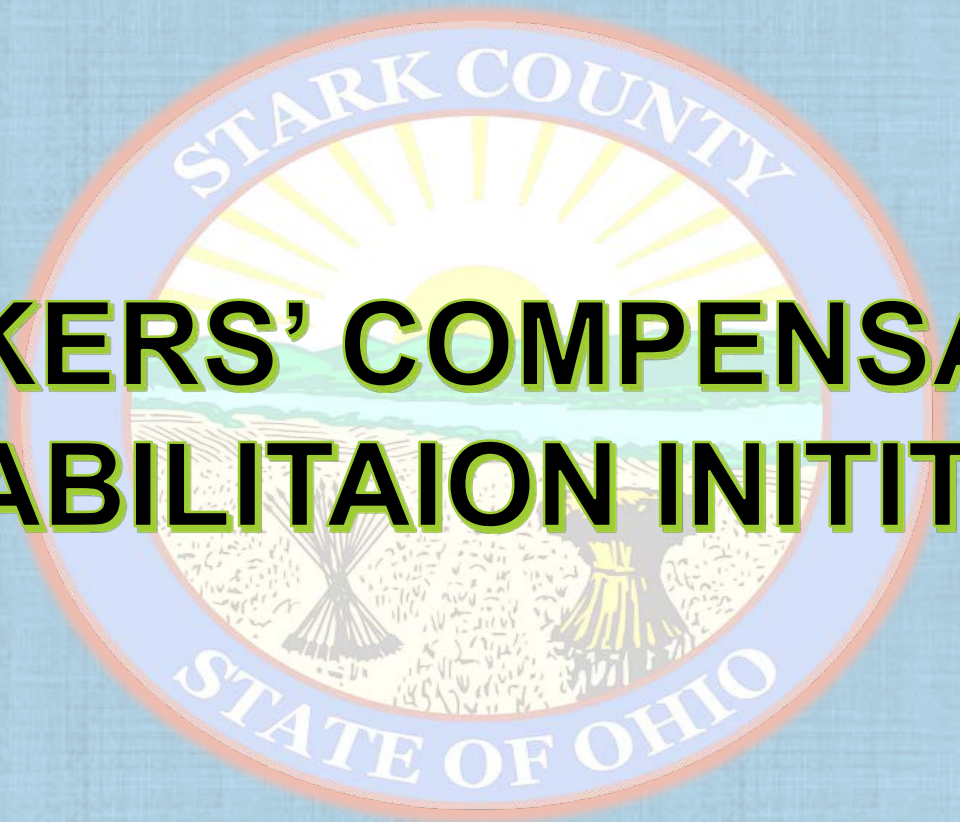
Terms and Definitions (b)

○ Maximum Medical Improvement (MMI)

The condition has stabilized and further functional improvement is unlikely, despite continued medical treatment or physical rehabilitation. Employee will no longer receive any monetary compensation for wages, but can continue medical treatments.

○ Return To Work (RTW)

The physician of record has released you to return to work.

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WORKERS' COMPENSATION REHABILITATION INITIATIVES

Getting Employees Back to Work:

Transitional Work Program, “TWP”

- Voluntary
- If employee refuses TWP they will not receive compensation from BWC



Vocational Rehabilitation, “Voc Rehab”

- Voluntary

Transitional Work Program:

- Goal of this program is to provide employment after the onset of a work related injury or illness, **allowing for reasonable accommodations** and/or alternate positions within the County.
- Provides an employee time to gradually return to full duty.
- The IW's individual Program is coordinated based on the restrictions, if any, established by the Primary Care Physician (PCP).

Vocational Rehabilitation:

- **No cost to the County**
- **Voluntary**
- **One on one case management**
 - Ability to attend therapy sessions
 - Ability to attend Dr. appointments
 - Assists employee in every way to get back to work



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WORKERS' COMPENSATION BWC SAFETY CONSULTATION

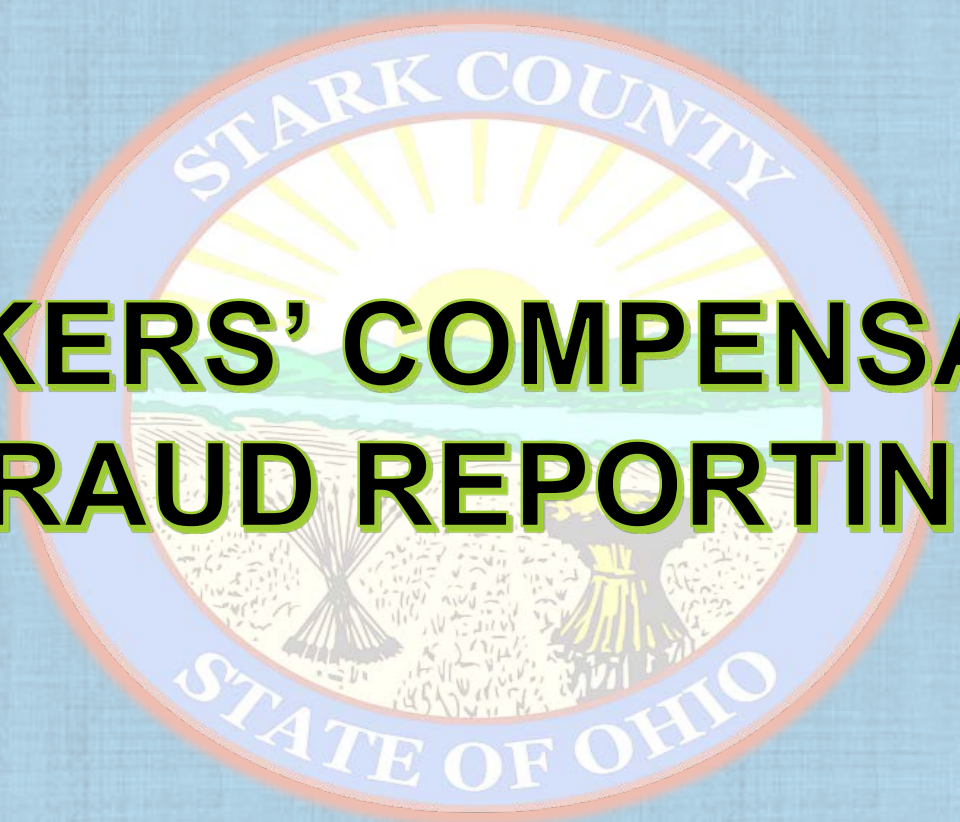
BWC Consultative Safety Services:

If you believe that your department/agency are in need of a safety consultation, please contact Jessica Diggs, 330-451-7513.

Robin Watson from the Bureau is available for the following services:

- Safety Advice
- Safety walkthroughs/assessments
- BWC Safety Classes – CPR/FIRST AID etc...

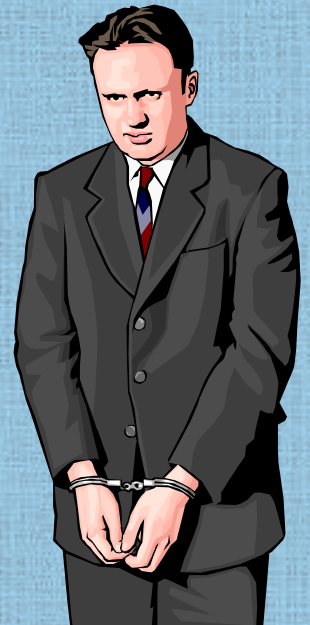


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WORKERS' COMPENSATION FRAUD REPORTING

WHAT IS FRAUD?

IN WORKERS' COMPENSATION, **FRAUD** IS AN INTENTIONAL ACT OR SERIES OF ACTS RESULTING IN PAYMENTS OR BENEFITS TO A PERSON OR ENTITY THAT ARE NOT ENTITLED TO RECEIVE THOSE PAYMENTS OR BENEFITS...



WHAT IS MALINGERING?

MALINGERING IS FABRICATING OR EXAGGERATING THE SYMPTOMS OF MENTAL OR PHYSICAL DISORDERS FOR A VARIETY OF “SECONDARY GAIN” MOTIVES, WHICH MAY INCLUDE FINANCIAL COMPENSATION THROUGH A WORKERS’ COMP CLAIM, AVOIDING WORK, OBTAINING DRUGS OR SIMPLY TO ATTRACT ATTENTION OR SYMPATHY.



FRAUD/ MALINGERING RED FLAGS

POTENTIAL FOR CLAIM FRAUD

1. Cross-outs, white-outs & erasures on documents;
2. Injured worker address is different than principle location;
3. Injured worker cannot be reached at not home nor by cell/email or is reportedly sleeping and cannot be disturbed;
4. Injured worker moves out of state shortly after filing claim;
5. Injured worker is in line for retirement;
6. Injured worker refuses diagnostic procedures to confirm injury
7. Date, time and/or place of incident/injury is uncertain
8. Injured worker cannot recall specific details about the injury
9. Report of injury not timely and immediate
- 10.No witnesses to incident or injury;
- 11.Tips from co-workers that this may be fraud/malingering

Fraud Suspected? – Next steps

1. BWC has a Fraud Investigation Unit

- Employer can report fraud
- Any employee can report fraud

2. Resources for Independent Fraud Investigation

- Comp Management
- Private investigators

Watch these Workers' Comp Fraud Investigation Videos...

http://www.youtube.com/watch?feature=player_detailpage&v=Lfy3jXgOH0g

Workers' Compensation, Stark County Contact Information:

Christina Skondras

**Human Resources Department, Stark County
Personnel Manager and
Workers' Compensation Specialist**

Phone: 330-451-7513

Email: chskondras@starkcountyohio.gov

Thank You!

Stark County Government

