

Effectively Managing your Police Department Workers' Compensation Program

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Presented by:

Keith Epstein – Hanna Brophy – Workers' Compensation Defense Law Firm

Alex Wong – Jones Clifford – Workers' Compensation Applicant Law Firm

Steven Schwarz – Risk Manager, City of Fremont

Frank Grgurina – Chief of Police, City of Sunnyvale

A. Overview

- a. Problem – lost productivity, excessive workers' compensation and litigation costs, loss of skilled personnel time.
- b. Solution – the integration of philosophy and practice involving coordinated efforts of risk management, the police department managers and employees, the workers' compensation administrator, and the attorneys involved when claims become litigated.

B. Issues

a. When an Injury Occurs

- i. Claim initiation
 1. Initial Contact – a balance of investigation, trust and concern
 2. Department Input – obtain input from the police department about the claimed injury, the individual involved, and concerns that may arise.
- ii. Employer-Employee Communication
 1. Checking in – regular checks on injury status, treatment, recovery, and return to work.
- iii. Claims Contact
 1. Adjuster communication with Employee
 2. Adjuster communication with Employer & Attorney

b. Time Off Work – LC 4850

- i. Recovery & Treatment – checks to be sure the time being taken off work is actually for treatment and recovery
 1. Employer checks with employee
 2. TPA checks with employee
 3. Checks with Applicant's attorney
- ii. Work Restrictions
 1. Doctor Reports – reports considered insufficient if they fail to give work restrictions.
 2. Withhold LC 4850/TD if work restrictions not provided
 3. Time when Recovery off Work is Needed
- iii. Sick Leave Abuse
 1. Investigation – Surveillance

2. Internal Affairs Involvement
3. Police Officer's Association – support for discipline of abusers

c. Treatment & Recovery

- i. Managing Care
 1. Employer checks with Employee
 2. TPA checks with Employee
- ii. Utilization Review Issues
 1. What to send to UR
 2. When to override UR denials
- iii. Selection of the Treating Physician
 1. Treatment Reports
 2. Quality of Treatment

d. Litigation & Outcomes

- i. Cooperative Litigation – does not mean “caving in”, it is okay to fight, but select the issues to contest and seek reasonable means to resolving dispute.
- ii. Develop Mutual Trust & Respect In Litigation – it should not be an “us” vs. “them” approach or attitude, parties can agree to disagree and seek a reasonable resolution to the dispute, and accept the result and move on.
- iii. Litigation Expense & Outcomes – the effective management of a Police Department Workers' Compensation Program, can mean lowered litigation costs, and lowered workers' compensation program costs in terms of reduced medical costs, reduced temporary and permanent disability expense, and a reduced impact on personnel replacement

e. Industrial Disability Retirement

- i. Cost to the Employer –
 1. Myth – all IDRs have a deep cost to the city. IDRs for employee's don't cost the city anything.
 2. Culture –
 - a. We do not want a culture of an expectation or entitlement to an IDR for officers who have served a full career for the city
 - b. Have an understanding that Police Officers have a physically and emotionally difficult job to perform, which in many situations can legitimately give rise to an IDR
 3. Sending a Message – avoid the attitude that we want to “fight” all IDRs because we do not want to send a “message” that Police Officers who have an injury or who have served a long career, or who are over age 50, are “entitled” to an IDR.
- ii. Buyout of LC 4850
- iii. Permanent Disability – high PD does not always mean IDR, the AMA Guides can sometimes yield high PD ratings, that do not always reflect an officer's ability to work.