

# Workers' Compensation Liaisons Newsletter

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## EARLY RETURN TO WORK PROGRAM (E.R.T.W)

- We are looking for your questions related to workers' comp. Send us an e-mail and we will post the answer for all to read.
- Need workers' comp. reports for your agency? E-mail Ana Andrews.
- Changes to your agency's workers' comp liaison? We need to know! Please keep us in the loop.

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**POLICY:** The State of Nevada hereby establishes an Early Return to Work Program to enhance recovery, comply with the Americans with Disabilities Act, help minimize workers' compensation costs and to provide a service to employees who are injured or contract an occupational disease in the course and scope of their employment with the State. Employees will be placed in temporary modified duty positions, when feasible, during the course of recovery from an injury or occupational disease that precludes them from performing their normal job tasks.

In the event of a permanent disability that prevents an employee from performing the essential functions of their regular position and for which reasonable accommodations cannot be made, every effort will be made to place the employee in an alternative vacant position that they are qualified to perform and that matches their physical limitations.

### AGENCY RESPONSIBILITIES:

Provide temporary modified duty that accommodates the physical limitations of employees who are recovering from an industrial injury or occupational disease. Identify possible alternative modified work or special projects prior to the need to utilize modified duty.

Communicate the employee's responsibilities and supervisor's responsibilities in regard to their role in this program and ensure that all parties perform these responsibilities.

Communicate with the Industrial Insurance carrier, the Managed Care Organization (MCO), if applicable, and the physicians in regard to the availability of modified duty, the status of the employee's claim and any extenuating facts or circumstances that could affect the employee's early return to work.

If unable to accommodate the employee's restrictions, contact Risk Management and State Personnel to locate

appropriate modified duty within another agency.

If unable to provide modified duty or if a physician refuses to release the employee to ANY type of work, establish a regular schedule of consistent contact with the employee to provide moral support and assistance and to monitor the progress of their medical status.

Follow up with Insurer and the MCO, if applicable, to ensure the efficient and timely handling of the claim.

If an employee sustains permanent limitations as certified by their physician, that do not allow the employee to perform the essential functions of their position, every effort will be made to make reasonable accommodations. This includes transfer to an appropriate vacant position.

Interview qualified employees with permanent limitations from other agencies, who are referred from State Personnel for vacant positions and give consideration to hiring them.

## THE E.R.T.W. PROGRAM DOES WORK!!

Since January 2010, with help from the State's Workers Compensation liaisons, Risk Management has been able to place three injured employees, whose agency of record could not accommodate the temporary restrictions, into positions at other agencies. This is a testament to the early return to work program which can and does work with the cooperation of the agency of record and agencies willing to provide temporary modified duty for State of Nevada injured workers.

Now is a great time to look at the needs of your agency to find out where you could utilize an extra hand that would be free of charge to your agency. If you agency has a need in the future and can provide temporary modified duty for injured workers, please contact Mary Lehrer at Risk Management: [mlehrer@risk.state.nv.us](mailto:mlehrer@risk.state.nv.us)

## Compensable or Not Compensable?

An employee suffers an injury while walking in to work? Is this a compensable claim? As always, the answer is what are the facts?

Employee Bob parked in a designated parking area on December 10<sup>th</sup> following a snowstorm; he slipped and fell suffering injuries. This claim would be accepted as a compensable claim because Bob was in the provided parking area and is covered by the "Coming and Going Rule."

If the facts were different, for example, he had walked from his home some 5 blocks away, and fell in his own driveway, that would not be covered as he was not in a provided parking area and the employer has no control over the

potential risks of the employee between his home and his office.

I know what you are thinking. Does the State have control over the parking areas that are provided? In some cases the property is owned and maintained directly by the State of Nevada, in other cases they lease that property and the owner of the property (or more correctly, the property management company) would then be responsible for maintenance.

In the case where the property is leased, CCMSI as the administrator

would work with Risk Management to determine what remedies may be in place to recover the State's losses from the leasing agent; however the claim for injury by the employee would be managed the same as any other Workers Compensation claim for injury.



### CHANGES TO THE STATE ADMINISTRATIVE MANUAL S.A.M.

#### WORKERS COMPENSATION 0524.0

##### Claims Management -

1. Each agency head must assign a designated employee to review and monitor all claims activity. The guidelines established by the Risk Management Division must be followed.

2. If the agency has factual information that the employee has a preexisting condition that could have affected the severity of the resulting injury or occupational disease and this was not noted on the C-4 form, this information should be forwarded to the Risk Management Division with a request for Subsequent Injury Review.

3. The designated agency representative shall work closely with the insurer to ensure that all claims are being handled promptly and efficiently.

~~4. A Representative of the employing agency (preferably the immediate supervisor) must attend all hearings. The Attorney General's Office and/or independent counsel from the insurer is available to assist agencies at the appeal level or higher.~~

~~5. Agencies are expected to initiate hearings on issues that are disputed with the insurer in regard to claims determinations.~~

5. Technical assistance and/or representation at the hearing/appeal is available from Risk Management, upon request, when sensitive, serious or complex claims issues arise. The Risk Management Division may initiate hearings and appeals when the potential for a high cost or precedent setting claim issues occur. Agencies shall cooperate with the Risk Management Division when this action occurs.

### STATE OF NEVADA SLIPS & FALLS STATISTICS For the period: 7/1/2006 thru 6/30/2010

Department	# Claims	Average Cost per Claim	Total Incurred Costs
Administration	14	\$ 3,851.75	\$ 53,924.50
Agriculture	6	\$ 14,395.31	\$ 86,371.86
Attorney General	11	\$ 3,616.12	\$ 39,777.32
Business & Industry	21	\$ 18,420.30	\$ 386,826.30
Cons. and Natural Resources	187	\$ 3,317.98	\$ 620,462.26
Controller's Office	2	\$ 1,180.19	\$ 2,360.38
Cultural Affairs	12	\$ 2,432.77	\$ 29,193.24
DETR	36	\$ 4,827.88	\$ 173,803.68
DMV	37	\$ 7,948.55	\$ 294,096.35
DoIT	3	\$ 905.24	\$ 2,715.72
DPS	77	\$ 3,780.85	\$ 291,125.45
Economic Development	1	\$ 909.03	\$ 909.03
Education	8	\$ 1,203.93	\$ 9,631.44
Gaming Control Board	2	\$ 28,997.35	\$ 57,994.70
Health & Human Services	270	\$ 7,661.06	\$ 2,068,486.20
LCB	4	\$ 11,429.92	\$ 45,719.68
LT. Governor	7	\$ 845.23	\$ 5,916.61
NDOC	223	\$ 12,776.76	\$ 2,849,217.48
NDOT	93	\$ 10,322.27	\$ 959,971.11
Nevada Judiciary	8	\$ 10,353.26	\$ 82,826.08
Office of the Military	6	\$ 5,300.56	\$ 31,803.36
Office of Veterans Services	17	\$ 3,922.00	\$ 66,674.00
P.O.S.T.	1	\$ 104,350.52	\$ 104,350.52
Personnel	4	\$ 476.78	\$ 1,907.12
Public Works Board	7	\$ 11,895.26	\$ 83,266.82
PUC	2	\$ 2,900.64	\$ 5,801.28
Secretary of State	3	\$ 810.59	\$ 2,431.77
State Treasurer	1	\$ 1,076.13	\$ 1,076.13
Taxation	6	\$ 20,507.24	\$ 123,043.44
Wildlife	4	\$ 3,857.35	\$ 15,429.40
<b>TOTALS</b>	<b>1073</b>		<b>\$ 8,497,113.23</b>