

# City of Long Beach ADR Workers' Compensation

## FAQs

### 1. What are the types of injuries covered under Work Comp?

- a. **Specific date of injury** - The injury arose on a specific date such as a traffic collision or suspect altercation;
- b. **Cumulative Trauma (CT)** - The injury occurred over many years as a result of an ongoing stress and strain of the job, such as the officer's back, knees, shoulders developed pain and disability over time. This type of claim- CT will most likely be delayed and denied. Under this claim, the officer will likely be referred to an IME for a causation determination. If a member is facing this type of claim, it is important to continue seeking medical treatment under private insurance.

### 2. What is the first step when entering the Work Comp system?

- a. **Medical treatment** - The injured officer needs to seek medical care from either a pre-designated treating physician (PTP) or within the City's Medical Physician Network (MPN).
- b. **What doctor do you pick in the MPN?** If the injury is an orthopedic injury, you need to find the best treating physician. Kerlan and Jobe Medical Center is one of the top facilities along with Restore Orthopedic. City's MPN is on the web to survey—Most treating physicians will require prior written authorization from the adjuster. It is critical to e-mail the adjuster and advise them, you have selected a treating physician in the MPN and need authorization. The officer will face a delay at this point and must stay on top of the City to get authorization sent. If the injury is cancer or heart, use private health insurance. If the City denies the case, the officer needs to proceed with the medical treatment under private insurance.
- c. **Does the officer have to go the City's health department?** Yes- The City has the right to verify status and eligibility of benefits and can direct the officer to the health department. The officer does not need to continue medical treatment with the Health Dept. Even though the City can refer the officer to the Health Dept., the officer does not need to remain under the Health Dept.
- d. **The City has sent the office a huge packet of information including medical releases, what does the officer do?** The packet of information will reveal whether the claim is under "delay" or accepted. The City has the right to conduct discovery that is relevant to the claim. The medical releases of the officer's treating physicians are permissible to release to the City. If there are other physicians who have treated the officer for unrelated reasons to the claim, those records may be protected and the City would need to show relevance.

- e. **The City wants to take the officer's statement, should the officer comply?** It depends on the nature of the case. It is best to consult with the attorney to determine if a statement is OK versus a formal deposition.
  - f. **If the City delays or denies the claim or disputes an issue like medical treatment, what is the next step?** The City must set the officer up of a medical evaluation with an IME under the Alternative Dispute Resolution (ADR) Program within 30 days and the IME must issue the report 30 days after the exam. Who are the IMEs? The IMEs are Independent Medical Evaluators that were negotiated by the Association and the City. The IMEs are not treating physicians. The officer will need to attend the IME evaluation to resolve the dispute. It is important to contact the attorney, to verify if the City is complying with the terms of the MOU and who the IME is for the officer's case.
  - g. **Once the IME report has been issued, can the City still object?** Yes-the ADR program allows further discovery including a deposition of the IME. At this point, the member will need to connect with the attorney to see if the case is going to be litigated.
3. **What is 4850?** 4850 is the full salary benefit paid while the officer is off duty and is payable for 52 weeks. The officer may receive additional benefits-TTD for another 52 weeks but will be forced to use sick time to supplement pay for health benefits.
4. **When the officer is collecting 4850, will the City object to the officer's status?** Yes - The City typically wants to offer Light Duty. The City will object in a letter and will refer the officer to an IME to determine whether the officer can do light duty.
5. **Does the officer have to go to light duty?** Yes- If the IME states in the report the office may resume light duty, the officer must return to light duty or face burning their own sick time. The significance of light duty- the clock for the 52 weeks of 4850 is stopped. If the member continues to refuses light duty, the City may resort to sub-rosa film investigation to fully discover the officer's activities.
6. **Are the PERS Industrial Disability Retirement (IDR) standards the same as worker's compensation?** No- PERS and work comp systems are different and have different standards for benefit eligibility. Officers facing a claim for an IDR need to consult with an attorney. The member will face an IP-Interactive Meeting with the City to determine if the City can accommodate the work restrictions. The medical report must show the officer is permanently and substantially incapacitated from duty.

**7. The officer has received a proposed settlement from the City, what should the officer do with the documents?** The City's settlement packet will need the medical evidence and if the medical reports are not included, the officer needs to request the City to send the report. Send the settlement proposal along with the medical reports to the Attorney to review and determine if the settlement is consistent with the medical findings.