

Case Studies from Express



Workers' Compensation Claims Management

By studying other companies' workers' compensation claims management, you can learn what mistakes to avoid and what steps you should take to improve the claims management process. In addition, Express Personnel Services is prepared to help you learn about this and other human resource issues. Contact your local Express office today for more information on workers' compensation claims management and to find out how we can help solve your HR challenges.

Drug Use May Affect Workers' Compensation

An employee working for a Texas company failed a drug test immediately after being injured on the job. Because there was a direct correlation between the drug use and the injury, the employee was denied workers' compensation benefits.

What can we learn from this?

Each state has its own laws regarding how positive drug tests impact workers' compensation claims. Some states automatically deny benefits if there is a direct correlation between the injury and the drug use. You can contact your state workers' compensation commission or board to inquire whether your state has an automatic denial policy and to clarify any guidelines. By being proactive, you may save your company money in the future.

Delayed Reporting Can Increase Costs

An employer failed to report a workplace injury for two weeks, resulting in increased claim costs.

What we can learn from this?

Timely communication of workplace injuries is essential. Studies show a direct correlation between increased claim costs and slow claim reporting. To minimize your claim costs, make sure to complete a first report following notification of incident or injury. This will reduce the exposure to fines and penalties and provide the opportunity to file a denial if the case facts warrant. There are specific timeframes for filing in most states, so make sure you are familiar with your state's requirements. Express Personnel's policy is to report all claims within 24 hours, and we recommend you do the same.

Injured Employees Have the Right to an Attorney

An employee was injured on the job and decided to take legal action. The employer was frustrated and asked the employee why he hired an attorney.

What can we learn from this?

It is never a good idea to try to talk an employee out of representation. This could be used against you in court. Communication should be limited to work status and availability even if the injured worker retains representation. Providing advice and opinions is strongly discouraged.

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Avoid Workers' Compensation Retaliation

An employer fired an employee who was on workers' compensation leave, stating that the employee violated the company's safety policy. The employee filed a discrimination claim against the employer and won. The employer was responsible for paying back wages plus punitive damages and was required to reinstate the employee.

What can we learn from this?

In many states, you cannot fire an employee who is on workers' compensation leave. This is known as workers' compensation retaliation. If you want to terminate your employee for fraudulently collecting workers' compensation benefits, your first call should be to your state workers' compensation agency's fraud department.

Always Try to Offer Light Duty Work

An employee was injured on the job but a week later received a physician's statement that said he was eligible to return to work on light/modified duty. The employer decided they did not have anything available and told the employee he could return when he was released to full duty.

What can we learn from this?

We recommend always trying to accommodate an employee who can return to work on light duty. When an employee is denied light/modified duty they are more likely to hire an attorney. You are responsible for total temporary disability benefits, which increase the cost of the claim. This could affect your modifier for up to three years, and your employee is not likely to heal as quickly.