

Time-Loss Training

July 20, 2023

BRAD GUNDERSON:

Morning everybody. I will give it another couple minutes. It seems like some people are signing in so let's give another couple minutes to let some people show up and we will get started.

Let's get started. Welcome to L&I July training and we are covering time loss this month. As always, we do expect full participation and attendance to get continuing education credits. Today we will hear from this morning from Rachael and Nichole, and they will teach you all things time loss. Any questions that come up, put them in the Q&A box at the end of the course I will put the course ID in the chat for you to be able to lock that into your (unknown name) profile.

I am going to turn it over to Rachael to start us off with the safety video.

(Video plays)

SPEAKER:

Welcome to the (unknown name) safety world, today's topic is hiking. No matter where you are hiking and it takes you across Enid Meadows or across steep slopes, good preparation is essential. When selecting your route, be sure it is one that even the weakest member of the group can handle. Be sure to allow plenty of time.

As far as equipment goes, sturdy and well fitting shoes are vitally important. So is breathable clothing that will not readily hold moisture, and will help transfer perspiration to the outside for quick evaporation. Your backpack should contain a first aid kit, hiking maps, fully charge mobile phone and flare or whistle you can use to signal for help in case of an emergency.

As a rule of thumb, carry as little as possible. But as much as you need. Energy bars do not take up much space, but when it comes to water, weight should not be an issue.

Always check the weather forecast before setting out. No matter what kind of weather is expected, take along a wrinkle, sun hat and sunscreen. Weather conditions can change suddenly in the mountains.

Before you hit the trail, make sure somebody knows where you are going. Did you know that nearly 30% of accidents in emergency situations in the mountains involve hikers? Always watch your step. It is best to -- stay on Mark trails, and sometimes paths that look enticingly nowhere.

In case of an emergency, active immediately is to stay lives, and call emergency services, you have the numbers, and follow their instructions. Never leave injured persons unattended.

If you get caught in a storm, stay away from cliffs, trees and metal. Instead of stretching out on the ground, it is better to sit on your backpack.

Take it easy and arrive safely. After all, hiking is not a competition.

Thanks for watching. Visit our website.

RACHAEL McMEEL:

Good morning, everybody, hope you enjoyed the video and just a couple of safety tips. As a reminder as we are right in the middle of summer. If you go on any hikes, or outdoors in general, to be safe and stay hydrated.

Before we get started, I am going to pull up this page for you for some resources that can be handy throughout this morning's training. As always, the claim adjudication guidelines specifically the time last chapter, so you can kinda follow along through, and see how today's presentation matches through the claim adjudication guidelines or if you want to use any links throughout the day.

Also, in the Claims Management Tools online, forms and templates you can pull up the SIS5A if you like to use that, or use it for any wage information as well. We would be going through some COLA's, minimums and maximums, and have those handy. Those will be for when Nichole is up, so you don't have to have them quite ready so make sure you know how to find them.

And time and date calculator can be helpful also, for counting number of days. You can go to timeanddate.com, and use that resource, or pull up a calendar if you want to be able to count days a little bit easier.

We are going to start with RCW 51.32.210, and it reads in partial sure and certain relief for workers injures in their work, and their families, and dependence is hereby provided regardless of fault into the exclusion of every other remedy. This is to make sure that the workers get the benefits they are entitled to, in a timely manner.

It is pretty clear, it is laid out within a 14 days after receipt of the claim or first contention and certification of time loss, payment does need to be mailed to the worker. Even if the payment being mailed is going to be provisional. We will go over all of those different factors.

We will start with contention and certification. Some people may ask, what is intention? Contention is notification from the worker that their condition prevents them from returning to gainful employment. Certification being the notification from the provider or attending provider that the worker's inability to work is medically certified, and related to the injury or occupational disease, and that objective findings are present to support their certified disability period.

Objective findings versus subjective findings. Subjective findings cannot be proven, we have examples of aching, throbbing, headaches are normally part of those or any kind of pain complaint. An exception for headaches can be found as objective, depending on the type of injury such as any kind of head injury or concussion type of point. Be aware of that.

Objective findings are those that can be felt, heard, measured or reproduced. Some examples of objective findings are decreased range of motion, different tests, any swelling, -bruising and tests that can be done are MRI and x-ray that showed these types of inflammation. Those can also be used as objective findings.

Where do you find the certification from the provider? It can be found in multiple places. An initial place to look when you first receive a claim would be your Provider Initial Report, any kind of chart notes or office notes that are sent in with those, and in other places your Activity Prescription Form and to specifically lay out the dates they are unable to work and what they are modifications are and what other types of work they can perform during that period. Other medical reports such as your MRIs and x-rays, as we talked about previously.

Just a reminder, remember that both contention and certification are needed for time loss payment to be made.

The first three days – workers are never entitled to the date of injury or the date of manifestation. The first three days are not payable after the injury, immediately following. Unless the worker is disabled on the 14th day after the injury. You can refer back to RCW 51.32.190. Attempts to return to work do not break the continuity, though as a worker does go back to work on the seventh through 10th day, and are off on the 14th day, those first days payable, first through fourth day, are still payable because they were off of work on that 14th calendar day.

Apart from first treatment, if a worker seeks treatment within the first three days after the -- injury, benefits can be paid for all three days will have for example, if the worker was unable to get into the doctor's office until the third calendar day after the injury, if the doctor certifies work from that date forward, those first three days – or two days prior to that, would be payable because they are certified off of work.

If a worker does not seek treatment until the fourth day or later, and is certified from that day forward, time loss would not start until the first day of treatment forward. Those first three days would not be payable.

Going back to the 14 days, there is a question that has come in – do we count 14 days from the date of injury or 14 days after the date of injury? It is 14 days after, so the date of injury is your day 0, and day 1 starts counting the first day off of work.

Timely first payments – the first payment must be mailed within 14 days of receipt of notice of the claim. Some clarification in RCW 51.32.190. It does state also in a (unknown term) to a company is (unknown term)--2961696, and failure to provide within 14 days of notice of the claim or continued time loss payment on regular intervals could result in a penalty.

With notice of claim elements, and this is one of the factors with either first contention in certification or receipt of claim, the four elements for receipt of claim do need to be in writing. You can refer back to what I just mentioned, 29615266, you need to have description of incident or occupational disease, the worker signed application for benefits, does not necessarily mean that the signed application needs to be on the SIF2, the diagnosis which is usually put on the provider's initial report, or in the chart notes, and treatment or treatment recommendations from the provider.

Four provisional time-loss benefits, it is paid when a determination cannot be made immediately on either claim allowance or claim reopening. Each payment should notify the worker that the payment may be recovered if claim allowance is denied or rejected. Or reopening is denied.

Contention and certification, again, are needed for these payments even if it is provisional. Provisional benefits can be recovered if the worker is notified in writing that benefits could be recovered if the claim was ultimately denied or reopening is denied. The department will only issue an overpayment order if the employer requested and provide documentation of those two things.

So with those payments, communicating with the worker, the Start, Stop, or Deny Compensation template should be sent within five days. And that is her WAC two nine six one five four two five. If not we've easily sent with a copy of calculation of monthly wages as a basis of time-loss compensation templates, you should also send a copy of the SIF-5A.

WAC 296-15-340(2) subsection 2, failure to provide a statement of benefit with each time off payment to include the type of benefit paid and the period with, from, and to start dates. Alright. There is a question in the chat about the first three days and if the worker is seen within the first three days. If those days are payable kind of around, if they are seen on the third day. Offices can be busy, it is just assumedly reasonable to pay for those first three days within those first three days. That's just kind of how the rules read and if it is after that date, more information would need to be provided from the doctor or provider to certify those first three days out of work.

So you can have your time and dates pulled up. We are going to go over some date for our knowledge check. Anna pull will pop up momentarily after we get this started. So Angela was injured January 8, 2017. She saw the provider after work on January 13, 2017 and was taken off of work for one week. What is Angela's first payable time-loss date? How many days of time-loss's Angela entitled to?

RACHAEL McMEEL:

Alright. So we are going to go ahead and move forward with our answers. So Angela's first payable time-loss, she saw a provider after work on the thirteenth so her first payable time off date would be the next day and she would not get paid for seeing the provider that she worked. So the fourteenth is her first date. And then how many days of time-loss is Angela entitled to? One week or seven days. I did see a lot of answers come in for the third team. Yes, she was seen on the thirteenth but because she did work that day, that day would not be payable. As she did not lose any time from work.

We are going to allow for about 2 to 3 minutes for questions. Excuse me. Just kind of on these first blocks of questions and depending on the questions, just to make sure we get through our presentation today. So if you do have questions, you kind of want to revisit these and try these practice ones on your own, these questions and the presentation will be available at the end of the month to go through again. But just for time purposes, we do want to try and get 100% participation, but with time, we are going to go with about 2 to 3 minutes for right now.

But if you guys all answer sooner, then we can move forward more quickly. So our second polling question, Cassidy injured herself on July 9, 2020. She was unable to work from July 3 ninth through August 1. She receives medical treatment and an APF on July 13. The employer received notice of the claim on July 17. What days are time off -- time-loss payable and what days must be employer mail the first payment?

RACHAEL McMEEL:

Alright. We are going to go over these ones. What dates is Cassidy eligible for time-loss? She is eligible from the thirteenth through the first. And what date must the employer mail the first payment? It is 14 days after receipt of the claim, which falls on July 31. Good job.

Walker injured himself on August 1, 2019. He did not work from August 2 through August 29. He returned to work on August 30. He first called the dock or for certification on August 6. The employer received notice of the claim on August 8. What are the days payable and when must the first payment be mailed?

RACHAEL McMEEL:

Alright. We will go ahead and move forward. Majority said August 6 through August 29. This is because the first three days after the injuries, the second through the fifth, would not be payable because the worker did not seek treatment until the fourth day. So because the worker did not seek treatment within the first three days, those first three days are not payable. Which date must the employer mail the first payment? 14 days after the eighth would be August 22.

Last question for this block is Victoria was injured on April 2, 2021. She received medical treatment and certified unable to work from April 3 through April 13. She returned to full work from April 14 to April 17. On April 18, she was then certified off again due to the injury and returned on April 28 to work. Notice of the claim was received on April 7. What days are payable and when must the first payment be mailed?

Alright, this one has a couple dates thrown at you. The dates that are payable would be April 6 through April 13, and again April 18 through April 27. The third through the fifth would not be payable because the worker did return to full work on the 14th day, which was April 16. April 16 fell on the day that she returned to work, April 14-17 so those first three days are no longer payable. The date that the employer must mail the first payment is April 21.

Thank you guys again for your full participation. We will move into the next block a little bit more about calculations for calculating time loss.

We are going to start basis for the compensation rate. Prior to July 1, 1971, there was a rule where the wages were set based on just a base amount, and not the amount that the workers would actually receive, what their actual wages were on the date of injury or what their families status was. It was just set based on that time, so that has been updated as what we know for time loss in wages today.

Compensation is based on exactly the snapshot of the workers a status on the date of injury. That is to include the gross monthly wage on the date of injury, marital status and number of dependent children.

When we talk about children, you can refer to RCW 51.08.030 and that is defining what a child is. You have your natural born child, stepchildren, and a stepchild even is living with another period can be added to the claim. The dependent portion would just be mailed to the custodial parent. A child legally adopted prior to the date of injury. A child in legal custody and control of the worker. A child born after the injury date, but was conceived prior to the injury. The effective date for adding a child that is born after the date of injury would be the child's birth date, and then time loss could be payable for that dependent from that date forward. Posthumous child is one that is born after the injured worker died, but was conceived before death.

Moving into marital status – we have a single versus married, and it is common to get the extra percentage onto the claim. Single is considered under common law marriages, Washington state does not recognize common-law marriage so that is why you see it under -- single. Divorce, as long as a divorce decree has been awarded, and widowed. Under married – if they are separated, if the divorce decree has not been awarded yet, and just legally separated, then they are still considered married and

should be calculated at to. Registered domestic partnership, examples of all of these different marital statuses can be found in the claim adjudication guidelines starting on page 5.

How do the dependency marital status come into play? Each worker received it regardless 60% of their - gross monthly wage and 5% is added to this house or domestic partner register for being married. 2% can be added on for each dependent, however only a maximum of 10% can be added to the worker. So, a total of 75% is the maximum. For dependents that are under the age of 18, are to be added plus the other roles we talked about, if the child is over 18 and they are considered dependent if it is due to a physical or mental handicap. Those that are enrolled in full-time accredited school under the age of 23.

For dependent benefits, usually those are all included to the worker, and unless a child is 18 or older, then the benefits can be paid directly to that dependent. If a dependent is in the custody that is under 18 of someone other than the worker, the dependence portion would be paid to the custodial parent. If the custodial parent is unknown or the address is unknown, you would still pull the calculation out from the worker's portion, and can just withhold that payment until that custodial parent has been identified and send it out to them.

If there is a situation where both parents have an open claim, and have a dependent, only one of the parents can claim the dependent on their claim. They can claim each other as having a spouse, so the 5% would be calculated to both claims, however only the 2% would be calculated under one of the parents claims, and usually that is added on to the parents that has the highest wage.

So, we talk about gross monthly wage, and health care benefits and that is always included into your gross monthly wage when calculating wages. However, healthcare benefits are not always included in your time loss calculations. They are only added after the employer has stopped or reduced the contribution to healthcare benefits.

But, just a reminder because when we talk about gross monthly wage, healthcare benefits, again, should always be calculated into the wages and you can find that under *Cockle v Department of labor and industry case law* and another good reminder for healthcare benefits is *Granger, Department of L&I versus Granger*, benefits are included even if the worker was not eligible to access benefits at the time of injury. Even if the worker wasn't entitled, but the employer was contributing to healthcare benefits, though should be included in the calculation.

So, while we talk about healthcare benefits when we want to include those in the wages – again, if contribution has been stopped that is considered a change of circumstance and/or if it's completely terminated, then we add the healthcare benefits into the amount to then be calculated for time loss portion.

There is another example of a change of circumstance besides healthcare benefits, which would be this third bullet, the worker receives a pay increase retroactively to the date of injury. This normally happens when union workers are negotiating a contract, so if a worker, let's say, got hurt on June 15, and they were in a negotiation period, and in the middle of July the new contract actually retroactively goes into effect, getting June 1, because they were injured after the retroactive start date, you can include that pay raise back to a certain date.

So, let's move into our next knowledge block – this one has some calculations. You can use the SIS5a if that is helpful for you or do straight math. The first question, Jean earns \$20 an hour and works two days a week for eight hours and is divorced. What is her time loss entitlement percentage? What is her total monthly time loss compensation rate?

RACHAEL McMEEL:

Alright, for the sake of time we are going to go ahead and just moved forward. So Jane's time off entitlement percentage is 60% because she is technically single because she is divorced. And nothing noted about any dependents. The time off cons -- time-loss compensation rates would be \$950.40. That is because she works \$22 an hour for eight hours a day and two days a week, equates to nine days per month per statute given the gross monthly wage of \$1584 times that percentage rate of 60%.

Fran earns \$13 an hour, works eight hours a day, three days a week. It is single and has one dependent. What is her time-loss entitlement percentage? What is her total monthly time-loss compensation rate? And then, what would the dependence portion B, separately?

RACHAEL McMEEL:

Alright, so what is friends percentage? A single with one print -- dependent only gets 2% so 62% total. Total monthly time off compensation rate would be 838 24. Some people put in 1352 which is the gross

monthly weight. So you would just need to take that extra step to get the time-loss compensation rate of 62% for 830 824. And the dependence portion, if we were to pull it out would just be the 2% of the gross monthly wage to equal \$27.04.

So for John, he earns 1175 an hour, worked 12 hours a day, three days a week, and is married with three children. Again, calculate the time off portion and for the dependent viewer to pull it out.

RACHAEL McMEEL:

Alright. So for John, his time-loss entitlement percentage, married, so 5% with three children, 6% given 71. Total monthly compensation rate is \$1301.43. And the dependents portion if we were to pull it out of 6% would be \$109.98. And that was our last question for this knowledge block. And we are going to turn it over to Nicole to bring you through some more other types of calculations to consider.

NICHOLE FAZZINO:

Good morning! I am just getting this up, so give me just a minute. And as Rachel said, you may want some of those resources handy for the knowledge checks to come. So to start off with, we are going to go over minimums. Prior to July 2 of 2008, the minimum time loss was calculated – excuse me – using the old minimum chart. And on or after July 2 of 2008, there are three -- possible minimum straight -- rates. Legislature increased the minimum benefit for dates of injury or manifestation on or after July 2 of 2008.

This is outlined in RCW five one three 206 zero. Here I have a little snippet of the SAW minimum which is one of the minimums that we use. On the left-hand column, you will see dates of injury going all the way back to that July 2, 2008 and they change affect July 1 of each year. Remember that an additional \$10 is added per month to the base rate for a spouse or registered domestic partner and \$10 for each dependent child up to five dependence. And any of the applicable cost-of-living adjustments would be added as well.

And another snippet of the old minimum charge, prior to July 2, 2008 this was the chart we used to determine the minimum compensation amounts. There are links to this chart on the self-insurance website and in the tag for your reference. You would simply find the marital independent status on the left-hand column and in the two right-hand columns, you have the monthly and daily time-loss rate. The minimum time-loss calculation worksheet.

This is a very handy tool to help us determine which minimum to use. The terminology in this chart can be a bit confusing but it is a great way to determine the appropriate minimum. Line 1 is very straightforward, it is simply the gross monthly wage. Line 2 refers to 15% of the SAW plus the \$10 for spouse and dependents. This amount is on the second page of the minimum time loss rate chart online. And line 3 refers to the old minimum chart that we just looked at. This chart is on the first page of the minimum time-loss rates chart online.

So once you find those three different possible rates, you would just simply referenced this little verbiage at the bottom. If the SAW is less than the gross monthly wage, you pay the SAW and if the SAW is more than the growth monthly wage, you pay the gross monthly wage or the old minimum, whichever is greater.

So I have an example I will go through with you on how to do this. So, Garrett is a substitute school bus driver. His gross monthly wage is \$820 and he was injured at work on July 29, 2015. He is married with no dependent children. What is Garrett monthly time-loss rate on the date of injury?

So, we would plug-in his gross monthly wage, which is pretty simple. It was given to us. It is the \$820. And then if we are using the minimum chart, we would look at the SAW and we would find that the SAW for that time. Was 685.37 and we would add the \$10 because he is married to get \$695.37. Using the old minimum chart, we would find married with zero and find that the old minimum is to \$15 and again using the little verbiage at the bottom, if the SAW is less than the gross money play wage pay SAW and in this case it is we can kind of stop there. And we would pay the \$695.37.

Onto maximum, RCW 51.32.060 subsection 5, states that in no event shall the monthly payment provided in this section exceed the applicable percentage of the average monthly wage in the state as computed under provisions of RCW 51.08.018. Like the minimums, change effective July 1 each year, and is based on a percentage of the previous year's SAW.

The earliest rate is for injuries between July 1, 1971 and June 30, 1988. The maximum compensation rate was 75% of the SAW. These are the four most recent changes. Any claim since July 1 of 1996 will have a maximum rate of 120% of SAW. As with the timeless minimum, there is info and a chart available on the website and on (unknown term) where you can look up the percentage rate for the date of injury.

There is a little snippet of a portion of the maximum chart. The monthly time loss rate is the top of each box with the daily being the value in parentheses. You would simply look at your time loss rate and if it is greater than the value in the chart, then you would pay the daily value. And to figure out which box to

use, you use the left-hand column to find where your date of injury would fall. The right-hand column to find which period you are paying.

For example, if we had a date of injury of June 30, 2019, and we are paying as of July 1, 2022, we go down the left-hand column to find June 30, 2019 and falls in the very bottom row. Following Julys across the top, we find July 1, 2022 so we will pay that very bottom right-hand box, so a daily rate of 275.02.

Dependent portion for maximum time loss rate. If a worker is entitled to timeless compensation at the maximum rate, the following formula is used to determine the dependence portion. You take the child's percentage divided by the total percentage, and multiply that by the maximum time loss rate.

For example, a worker who is married with four children, the children's percentage would be the 2% for each child, so a total of 8%, divided by the total entitlement of 73%, and you would multiply that by the maximum time loss rate.

Alright, time for a knowledge check. It may be a good idea to have your minimum and maximum charts handy. Teal works as a receptionist in a hair salon on Saturday afternoons. Her gross monthly wage is \$555 per month. She was injured at work on September 20, 2016. She is married with four dependent children. What was your monthly time loss rate on the date of injury?

And I am going to give you guys a little more time to work through these, because I know they are little more calculation heavy.

OK, we are all over the board, so let's go over this one. So, to start off, the gross monthly wage – pretty straightforward, given to us in the question. \$555.

For the SAW minimum, we take the 703.41+ \$10 for the spouse and \$10 for each of the four children, so 753.41. The old minimum, married with four would be 329. If we remember the little blurb at the bottom, if the SAW is less than the gross monthly wage, we pay SAW. In this case, it is not. For the minimum, this will be \$555 minus her gross monthly wage.

Alright, Cassandra works as a lead sales representative and was injured on December 15, 2014. She earns \$5500 per month, 2000 and month in commissions, \$10,000 bonus each December and her employer contributes \$750 per month for healthcare benefits. She is married with three children. What

is Cassandra's growth monthly wage? What is her time loss entitlement from January 2, 2015 through January 15, 2015?

NICHOLE FAZZINO:

OK. Let's go over this one. For Cassandra's gross monthly wage, we will take the \$5500 plus the \$2000 in commissions. We will take that \$10,000 bonus and divided by 12 to get a monthly average of \$833.33. At all of that together along with the \$750 for healthcare benefits to get \$9000 and 83 -- \$9083.83 and remember healthcare benefits are always included in our gross monthly wage so we included them.

For the time-loss entitlement for that period, we will take the \$9083.33 and subtract out that \$750 for the healthcare benefits because they were not stuck. So we will get the \$8333. The time-loss percentage is 71% so we will multiply that to get the monthly amount of \$5916.63. Divide that by 30 to get a daily rate of \$197.22.

If we look at the maximum chart, we see that the maximum time-loss rate for that time. Was \$175.45, which is less than what we calculated for the daily rate. So we are going to pay the maximum, it is a 14 day. So we multiply it by the 14 date to get \$2456.30.

Nicely done. OK. So cost-of-living adjustments or COLA's, RCW five one three 207 five, the compensation amount adjusted based on the percentage of the SAW and is defective -- effective July 1, 1982. The: Memo is issued towards the end of June each year and his affect July 1 of each year.

For dates of injury or dates of manifestation on or before July 1 of 2010, COLA is added on the first July after injury. And for dates of injury or manifestation on orange life first of 2011, the COLA is added on the second July 1 after date of injury.

No COLA in July 2011 per RCW and that is reflected in the COLA charts as well. We have the crab versus Department of Labor and Industries from 2014. This is a Court of Appeals decision regarding maximum time-loss amounts and cost-of-living adjustments. So in 2011, the COLA freeze which delayed the COLA 2 July one, the COLA freeze does not apply to workers who are entitled to statutory maximum and this was extended to those at statutory minimum as well. And for maximum increases, you would always use the next maximum on the chart. It applies to time-loss and pension benefits for open or pension claims as of June 5, 2014. And claims reopen after June 5, 2014 effective the date the claim is reopen.

Terminating time-loss. Once benefits have been paid, they must continue until the worker is either released for full duty cut -- duty, returned to work, or found employable. The self-insured employer TBA must notify the worker in writing of the reason or reasons for time-loss termination within five days per RCW – sorry, her WAC 296-15-425. This WAC covers injury workers during the course of the claim. Subsection 3, when must a department development template be completed and sent to the worker, and subsection 3 B is the start, stop, or deny time-loss or LEP template.

Some other considerations, Social Security offset, notify the Department of Social Security offset section. And information can be found on these topics starting on page 25 of the CAT. Unemployment benefits, notify the department – sorry, notify employment security. For liens, the department does not recognize out-of-state liens. The division of Child support liens can require withholding a monthly dollar amount up to 50% of time-loss benefits. For dual claims, contact the department adjudicator for assistance in splitting the payments. And for overpayments, follow RCW 5132 two 404 details about notifying workers of overpayments within one year. With the exception for denied claims.

Also, if an overpayment order is being requested of the department and it is related to a time-loss rate error, a wage order will be needed before the overpayment can be addressed. More information on overpayments can be found in the miscellaneous chapter of the CAG starting on page 24.

Time for another knowledge check. For the last two years, Sarah worked intermittently for a Cardy store from June through August. She was injured on June 30, 2010. Making \$15 an hour, working five hours per day, and works weekends. She also works as a teacher's aide from September through June, earning \$1750 per month. Her three-year work history shows that her average annual earnings were \$19,350 and she is single with two children. What is your gross monthly wage? What is her monthly time-loss rate for the date of injury? And what is her monthly time-loss rate for 20 – act like 30? -- July 2013?

NICHOLE FAZZINO:

I'm giving you guys some extra time on these ones to you because I know there is a lot of numbercrunching involved.

OK, for Sarah's growth monthly wage we will take 19,350 and divided by 12 months. There are a couple key things with this question as to why we do that, so first off, it says "she worked intermittently for a Party Store", intermittently is key thing that will identify her as a sub two worker. She also has a second job as a teacher's aide which is a sub two type employment. We happen to know about the way sub two

workers wages are calculated is we take all wages from the 12 months preceding the date of injury, and divide that by 12. And so, we have the average annual earning from the 12 months was in 19,350 as we - just divide that by 12.

What is her monthly time loss rate of the date of injury? We will take the \$1612.50 times are timeless entitlement of 64% to get \$1032. And then for time loss rate as of July 2013, we are going to take that 1032 and multiply it by the COLA figure which is 1.09204, to get \$1126.99.

I see we have a question that says – what if the -- second job is not seasonal and intermittently part-time? She was still working during that the way the sub two wages are calculated, we take still calculated the same way, we take the wages from the 12 months, and divide by 12. We still want to include the second job.

Our next question we had to break it out into two slides, so this slide has all the info you're going to need when the poll is up, you will see the questions and when we go over it, I will go on to the next slide where we can see the questions, as well. I will leave this slide up so you have all the information in front of you.

Donna was injured on November 15, 2012. She is married with six children, and was earning 13.25 per hour working 10 hours per day, four days per week. She received a quarterly bonus based on profits, and in the 12 months prior to the date of injury, her bonuses were – for the first quarter, six 8352; second quarter, 521.16; zero in the third quarter; and 338.07 in fourth quarter.

Donna went to her doctor on November 18, 2012. She was unable to work due to the injury from November 17 through December 5, 2012. You received notice of the claim on November 29, 2012. So, what was Donna's monthly time loss rate on the date of injury? What is the first date for which time loss is payable? By what date must the self-insured employer must mail the first time loss payment? What is as time loss rate as of July 1, 2013 and July 1, 2014?

All of those questions, you can see in the poll. And all the information is on your screen.

NICHOLE FAZZINO:

OK, let's go over this one now. To start off, what was done as monthly time-loss rate on the date of injury? We are going to take the \$13.25 an hour times 10 hours a day times 18 days per month because she works four days a week. So that gives us \$2385. We will take all of her bonuses, the \$683.52, \$521.16, and \$338.07, add those altogether and divide by 12 to get a monthly average of \$128.56. We

will add those two together to get \$2513.56 and multiply that by the time-loss percentage entitlement of 75% or \$1885.17.

Next up, what is the first date for which time-loss is payable? It would be November 17, 2012. She saw the doctor on the eighteenth but the seventeenth falls within the first three days. We would not pay the sixteenth because she was able to work on the sixteenth. Where she did work, essentially.

And by what date must the self-insured employer mail the first time-loss payment? It would be December 13, 2012. What is Donna's time-loss? Rate on July 21, 2013? It is going to be the one thousand \$885.17. There is no COLA because it has only been the first July since the DOI. And what is Donna's time-loss entitlement on July 1 of 2014? We will take the \$185.75 -- \$0.17 multiplied by the COLA figure of zero point 201 six to get \$1923.18.

Alright. So, just a reminder. Some of the online resources we have talked about today. The claim adjudication the guidelines, particularly the time-loss section. The CAG should be your primary resource and the first place you look for answers to questions. We also have the claims management tools. The forms and templates, the COLA charts and your minimum and maximum charts. These are a few of the tools you can find here.

It is beneficial to spend some time navigating through the site, getting familiar, finding documents and various resources will help make your job easier. And lastly, we have the time and date calculators. Particularly time and date.com and I also recommend spending some time navigating through there because there are a variety of different ways you can use that to calculate number of days between certain periods and all kinds of different things. So definitely a great resource.

As a reminder, the COLA minimum and maximum charts are updated every July 1. And that is all I have for you today! So we are finishing up just a tad bit early. We will stick around if there are any questions. And I believe Brad – Yep, there he is with the course IDs. So you can go load that in your sight cats account.

BRAD GUNDERSON:

Thank you everybody for attending today. If you have any questions, come up afterwards, feel free to send us an email at SI trainer questions at all and I.1.God. Any questions that you guys have, answering of course to the normal work duties or whatever, you can contact us there and we will do the best we can to get accurate information for you.

Like Nicole said, we will hang out for a couple minutes. That course ID is in the chat. If you don't have any questions, feel free to sign out and have a great rest of your day.

(End of presentation)

Live captioning by Ai-Media.

NICHOLE FAZZINO:

OK, I see a question on how to use the COLA charts. Bear with me and Justice act. I can pull that up. To help us go through it. OK. So hopefully you can see the COLA chart and the question, for anybody who may be interested. It is "can you show me how to find the COLA for June 30, 2010". And this is pertaining to I believe the last question, or no? The, sorry, the question on Sarah.

For in the coal at -- COLA chart, the date of injury for Sarah was June 30, 2010 so I'm going to go down this left-hand column to find June 30, 2010. One tip I will say, with the COLA chart, is there is quite a few pages here. And because of that, there is going to be June 30, 2010 on multiple pages. So you have to find where the June 30, 2010 also aligns with the date range that you are paying.

So with this particular question, we were paying in July 2013. So we have to find the June 30, 2010 that also lines up with July 2013. So it happens to be on page 9. So we find July 1, 2013 and we find June 30, 2010. We find where those align, so it is going to be in this box. And just a tip, to now, because there are two different numbers there, the top number is incremental and the bottom number is cumulative.

What that means in this particular case, if we were to use the incremental, I would have to multiply the time-loss rate by this figure first, so the one point one nine three nine and then by this one, then by this one. So you have to go through all of the boxes until you have reached. Or you can simply just multiply it by the cumulative and the cumulative will account for all the previous years.

So I hope that helps kind of understand how to use these COLA charts. They definitely can be tricky. I do recommend doing the little highlighting like I am doing to help sort of keep your place. Because it can be very easy to just accidentally go to the wrong box.

BRAD GUNDERSON:

Anybody else have any questions? Kevin or Stacey?