



STATE OF DELAWARE

WORKERS' COMPENSATION (WC) BASICS

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STATE OF DELAWARE EMPLOYEES WORKERS' COMPENSATION COVERAGE

- WC lost wage payment is $66 \frac{2}{3}$ of gross wages subject to weekly maximum established by the DE Secretary of Labor .
- WC lost wage benefits do not increase with cost of living.
- Medical benefit is for treatment of work-related injury and consequential injuries.
- WC is not for unrelated medical conditions, and it does not replace regular health plan coverage.
- Permanency and disfigurement (scarring etc.) awards are based on medical evidence of limited abilities.

REPORTING RULES

- Employee has 90 days to report injury to employer (Del.C. 23 §2341).
- Employer has 10 days from the date they were made aware of injury to report the incident to the Industrial Accident Board (IAB) (Del.C. 23 §2313).
- The State of Delaware files the claim electronically to the WC Third Party Administrator (TPA). The TPA then files the claim with the IAB on the State's behalf.
- State of Delaware standards – the WC claim must be reported within 3-5 days.
- Within 15 days of incident insurer/employer must provide acceptance/denial or provide reason for delay.

Example: Delay due to lack of medical information to accept the claim.

EMPLOYER'S RESPONSIBILITIES

- Ensure to provide all employees with a safe working environment.
- Provide safety equipment and training.
- Report unsafe conditions and encourage safe work practices.
- Report all work-related incidents to the WC TPA through the website as soon as possible or within 1-3 days of occurrence.
- Promptly complete paperwork for all injuries or incidents that are likely to develop into lost time issues.

EMPLOYER'S RESPONSIBILITIES (cont.)

- Keep the WC Adjuster aware (by phone or email) of the employee's current work status to avoid duplicate pay situations.
- If an employee reports a work-related injury and the employer doesn't believe it to be, report the claim to the WC TPA for them to investigate the claim & make the determination about compensability.
- Make the WC Adjuster aware of all concerns about claims that are not thought to be work related.

EMPLOYEE'S RESPONSIBILITIES

- Care to avoid injuries.
- Use the Personal Protective Equipment provided.
- Report all unsafe conditions.
- Report all incidents, whether injury results or not.
- Seek medical treatment from provider of choice



EMPLOYEE'S RESPONSIBILITIES (cont.)

- Complete the Incident Report.
- Complete all required paperwork provided by the Supervisor, Human Resources (HR) Representative, or WC TPA.
- Keep the employer and WC TPA aware of work status or restrictions; provide disability slips after each doctor visit; or if capable of returning to work, cite any modified duty restrictions.
- Keep employer aware of any reoccurrence.



WC ADJUSTER'S RESPONSIBILITIES

- Receive and review the initial claim submission.
- Within 24 hours of claim receipt, collect information: phone the claimant, Supervisor or HR Rep, and the treating physician.
- Determine compensability within 15 days or provide a reason for the delay.
- Pay medical bills and lost wages.
- Assess criteria on questionable claims.



WC ADJUSTER'S RESPONSIBILITIES (cont.)

- Conduct surveillance.
- Conduct labor market surveys.
- Engage Vocational Rehabilitation.
- Schedule Defense Medical Examinations.
- Solicit legal advice as needed and support defense counsel's requests for claim information.
- Identify subrogation opportunities.
- Run Index reports on injured workers.

STATE ISSUES IN WC CLAIMS HANDLING

- Lost time does not apply for the Date Of Injury. The injured employee is not charged sick time.
- Disabilities from 1-3 days are not compensable under the DE WC law. However, medical treatment is covered but not lost wages. The injured employee is charged sick time for this period.
- Disabilities from 4-6 days are compensable after the 3rd day. The injured employee is charged sick time for the first three days.
- Disabilities greater than 7 days will be paid from day 1 by the WC TPA.

STATE ISSUES IN WC CLAIMS HANDLING (cont.)

- Salary supplement applies.
- It is the difference between the injured employee's salary and WC Rate.
- 3 months or 12 months
- Only one salary supplement per claim.





**If you have any questions,
please contact the Insurance Coverage Office.**

Thank you.

