

Workers' Compensation Training Perspectives

Newsletter from the Office of Monitoring, Audit and Enforcement Maine Workers' Compensation Board

June 2014

Volume 1, Number 1



Paul H. Sighinolfi
Executive Director/Chair

Office of Monitoring,
Audit and Enforcement

Maine Workers'
Compensation Board

27 State House Station

Augusta, Maine 04333

Contacts:

Gordon Davis
Director of Audits
Training Coordinator
(207) 287-6327

E-mail
Gordon.Davis@Maine.Gov

Anne Poulin
Secretary Associate
(207) 287-7067

E-mail
Anne.Poulin@Maine.Gov

Website:
www.maine.gov/wcb/

Welcome to "Training Perspectives"

"Training Perspectives" is an e-publication intended to aid all involved with workers' compensation claim administration in being compliant with Maine statutes, rules, and regulations. The intent is to publish it four times a year, shortly in advance of each open training session. While it certainly may evolve, the initial format will be to deal with one timely "Topic of the Month", a "Forms Forum" discussing one Board form, a "From the (e)Mail Bag" section with actual questions from claim administrators, and other items of interest. Comments and suggestions are most welcome! Contact Gordon Davis at Gordon.Davis@Maine.Gov with any feedback.

Topic of the Month - Bonuses

There seems to be a fair amount of confusion as to when bonuses should and should not be included in total earnings when calculating the AWW. While this can indeed be a gray area, it should be noted that it is rare that a bonus would NOT be included. If the bonus is performance based and/or part of the employee's pay package, it will generally be included. Commissions, sales incentives, safe driving bonuses for truckers, and annual profit sharing or annual Christmas bonuses that are part of the employee's expected pay package are all includable in calculating the AWW. An "employee of the month" cash award, an unexpected, one-time only Christmas bonus, or a cash prize for best suggestion in the suggestion box are examples of bonuses that would generally not be included.

Forms Forum – WCB-11 Statement of Compensation

Far and away the most problematic form found in audit as far as late or not filed forms is the WCB-11 Statement of Compensation Paid. The requirement to file the SOC is triggered by the payment of indemnity benefits. If no indemnity is ever paid - a "medical only" claim for example - then the SOC need not be filed. If indemnity is paid, then an initial report is due within 195 days of the date of injury. An annual report is due within 15 days of each anniversary date of the injury if payments of any type were made since the previous SOC. A final report should be filed when no further payments are anticipated.

You should NOT include any penalty amounts, nor reduce the totals by the amount of any recoveries. The "Weekly Compensation" line should NOT include interest or any salary continuation paid by the employer. The total of the "Weekly Compensation" line on the "Final" WCB-11 must match the sum of the "Amount Paid" on all WCB-4, WCB-4A, and mandatory MOP forms, and/or the sum of the "Compensation Payment to Date of Certificate" and "Compensation to be Paid for 21-Day Period" on all WCB-8 forms for the claim.

If additional payments are made after filing a "Final" WCB-11, file an amended "Final" after you are reasonably sure no further payments will be made.

To ensure the WCB-11 forms are filed in a timely manner, the Board recommends that the assigned adjuster diary for future filing as prescribed by Rule 8.1 and the Forms Manual.

Workers' Compensation Training Perspectives

Newsletter from the Office of Monitoring, Audit and Enforcement Maine Workers' Compensation Board

June 2014

Volume 1, Number 1



Paul H. Sighinolfi
Executive Director/Chair

Office of Monitoring,
Audit and Enforcement
Maine Workers'
Compensation Board
27 State House Station
Augusta, Maine 04333

Contacts:

Gordon Davis
Director of Audits
Training Coordinator
(207) 287-6327

E-mail
Gordon.Davis@Maine.Gov

Anne Poulin
Secretary Associate
(207) 287-7067

E-mail
Anne.Poulin@Maine.Gov

Website:
www.maine.gov/wcb/

From the (e)Mail Bag – Questions from Adjusters

Q: The only compensation paid to the employee was salary continuation. What forms must be filed?

A: The insurer's obligation to pay weekly benefits to the employee is reduced by the amount received by the employee pursuant to the wage continuation plan. However, all forms should be filed as if the employee had lost the wages being paid under the wage continuation plan, EXCEPT the WCB-11 is not required if the claim was salary continuation only.

Q: The employee is losing a couple hours a month for medical appointments due to a work-related injury. Must I track the lost wages?

A: Lost wages due to medical appointments must be tracked for purposes of filing a FROI. If the amount of lost wages exceeds the waiting period, the employer/insurer is generally on notice of a claim for compensation.

Q: The injured employee has a full-duty release to return to work on June 1, but chooses not to return. Can I still file a WCB-4 and discontinue on that date?

A: No. Because there is not an actual return to work with the employer of injury, you must file a WCB-8 21-Day Certificate and discontinue no earlier than 21 days from the date the WCB-8 is sent certified mail to the employee and the Board.

Q: If I file a WCB-9 Notice of Controversy denying a lost-time claim, and no indemnity has been paid, must I file a Wage Statement and Fringe Benefit Worksheet?

A: Yes, the WCB-2 and WCB-2B are due within 30 days after the employer has notice or knowledge of a claim for compensation (box 20 of the NOC).

Compliance Training for Employers/Insurers

The remaining open training session for 2014 will be held October 23-24 at the Maine Department of Labor, 45 Commerce Drive in Augusta. These sessions have two new added features: Brad Howard will be speaking on the Board's move toward a more automated claims handling model via Electronic Data Interchange (EDI), and Kimberlee Barriere will be doing a short presentation on the Board's medical fee schedule. Please contact Anne Poulin to reserve a spot.

The Board also continues to be busy doing on-site training for insurers, self-insurers, and third party administrators. This customized on-site program runs about six hours and includes a compliance trend analysis for the entity, a discussion of recent audit and compliance results, along with modules on forms training, AWW calculation, and a "compensation for incapacity" module which includes such topics as calculating the waiting period for broken periods of incapacity, and transitioning between TTD and TPD in the same pay period. Hands-on examples and quizzes aid in going from theory to practice. The Board also has a module designed for employers. If you would like information about on-site training for your organization, please contact Gordon Davis.

Training modules are also available on the Board's website: www.maine.gov/wcb (click on "Training Modules" on the right side of the home page).