

Alternative Dispute Resolution (ADR) Program for Workers' Compensation Claims

THE ADR PROGRAM:

The City of Los Angeles (City) and Service Employees International Union (SEIU) Local 721 entered into an agreement establishing an Alternative Dispute Resolution (ADR) program in accordance with California Labor Code §3201.7. The program applies to all work-related injuries occurring on or after July 1, 2008 and covers employees under MOU's 4, 14, 15, and 18.

You receive the same benefits that you would otherwise receive in the State workers' compensation system, including medical treatment, temporary disability benefits, permanent disability benefits, and supplemental job displacement benefits. The only difference is that disputes are resolved utilizing the steps described in the ADR program, instead of litigating them with the Workers' Compensation Appeals Board (WCAB). The ADR program aims to handle questions and concerns promptly and resolve disputes quickly through the assistance of a neutral third party, currently HRemedy Business Solutions.

ADVANTAGES OF ADR:

- Avoid unnecessary misunderstandings, disputes, and litigation
- Ensure prompt and appropriate medical care
- Reduce delays encountered in the State system
- Facilitate prompt return-to-work
- Increase satisfaction among injured workers

COMPONENTS OF ADR PROGRAM:

Ombudsperson

Hopefully, your claim will go smoothly. However, if at any time you have an unresolved issue related to your workers' compensation claim, or you wish to speak to a neutral third party, simply call the Ombudsperson. The Ombudsperson's sole function is to answer questions, listen to your concerns, provide an unbiased explanation of the law, and resolve problems before they become formal disputes. The Ombudsperson has experience and expertise in the legal and medical issues surrounding workers' compensation injuries. He or she will respond to your inquiries as soon as possible, usually within a few hours. Your dispute must go through the Ombudsperson before moving on to the other dispute resolution steps, which are mediation and arbitration.

Mediation

If the Ombudsperson does not resolve your problem to your satisfaction, you can request mediation. A Mediator will be assigned to you within 3 working days. The Mediator will hold a joint meeting with you and the Claims Administrator to help find a solution that is mutually agreeable to all parties. Although the Mediator will make a recommendation to settle the dispute, you cannot be forced to accept their recommendations, or sign any documents giving up your rights.

Arbitration

Within 30 calendar days after the completion of the mediation, any party not satisfied with the outcome can request arbitration. The Arbitrator is like a workers' compensation judge. The Arbitrator holds a hearing within 30 calendar days of referral to receive testimony from parties and witnesses, and considers all reports and other facts that are relevant to the dispute. Upon completion of the hearing, the Arbitrator will render a written decision within 10 working days. Although the decisions of the Arbitrator are binding, they can be appealed to the office of the Appeals Board in San Francisco pursuant to California Code of Regulations §10865.

Nurse Advocate

A Nurse Advocate is also available to answer your questions concerning your medical care.

ATTORNEYS:

You may hire an attorney to represent you at all stages of the ADR process at your own expense. The City is not responsible for the payment of attorney's fees, unless ordered by the Arbitrator or WCAB judge. If so ordered, attorney's fees will be deducted from some of your benefits.

QUALIFIED MEDICAL EVALUATORS (QME):

Anytime a medical evaluation is required to resolve disputes related to compensability of claim, permanent disability evaluations, and all other disputes per California Labor Code §4060, 4061, and 4062, the evaluation will be completed by a qualified medical evaluator (QME) as specified in Labor Code §4062.1. When you or the City requests a medical evaluation by a QME, HRemedy will provide a panel of three QME's (selected from HRemedy's QME list based on specialty) from which you can select one.

SETTLEMENTS:

All settlements must be approved by an Arbitrator selected by HRemedy.

CLAIMS HANDLED OUTSIDE ADR:

The following types of claims must be handled outside the ADR program:

- Discrimination in workers' compensation
- Disability rights
- Family and medical leave

The Ombudsperson will identify these potential claims and advise you on where to go for assistance.

For More Information, Call:		
City of Los Angeles Workers' Compensation Div. (213) 473-3400	HRemedy Business Solutions (877) 249-7770	SEIU Local 721 (213) 738-8403