

Title:	Workers' Compensation	
Purpose:	To establish responsibilities and procedures for the administration of the City and County of Honolulu workers' compensation program.	
Issued by:	Industrial Safety and Workers' Compensation	Date: August 1, 2019
References:	Hawaii Revised Statutes (HRS) Chapter 386; Hawaii Administrative Rules (HAR) Chapters 10, 14, 15; CS Circulars 1294 (6-19-81) and 26-87 (12-1-87)	

I. **POLICY**

All employees of the City and County of Honolulu (City) are entitled to workers' compensation benefits for work related injuries or illnesses as provided under the State of Hawaii Workers' Compensation Law and related administrative rules. The Department of Human Resources (DHR) administers workers' compensation for the City.

II. **RESPONSIBILITIES AND PROCEDURES**

A. Employee

1. Report to supervisor as soon as possible each work related injury or illness or recurrence of an injury or illness sustained while working for the City. Reports shall be made to supervisor in person or by telephone.
2. Complete and sign the Report of Industrial Injury or Illness (DHR-ISWC-1), with assistance of the supervisor, as required.
3. Seek appropriate medical attention and advise the treating physician that medical reports are to be sent to the Department of Human Resources, Workers' Compensation Branch, 650 South King Street, 6th Floor, Honolulu, HI 96813.
4. Report injury status and provide an expected return to work date to the supervisor on a regular basis. Failure to keep the operating department informed could result in dismissal for job abandonment.
5. Notify supervisor within one working day after being cleared to return to full duty by treating physician.
6. Notify the supervisor when cleared for limited duty and request instructions.
7. Complete leave application for the period of lost-time (temporary total disability) on the day employee returns to work.
8. Notify the DHR Workers' Compensation Branch when an industrial injury damage lawsuit may be filed against a third party(ies). Third party settlements cannot be made without City consent.

B. Supervisor

1. Ensure that the injured employee receives prompt medical attention.
2. In case of fatality, inpatient hospitalization, amputation, loss of an eye, and property damage in excess of \$25,000, report the incident within eight (8) hours to the DHR Industrial Safety Branch by telephone (768-8562), as set forth in Policy XI-A-4, Reporting of Fatality, Hospitalization, Amputation, Loss of Eye and Property Damage In Excess of \$25,000 as a Result of a Work-Related Incident.
3. Assist the employee in completing the Report of Industrial Injury or Illness (DHR-ISWC-1). Review the report with the employee and have the employee sign the report in the appropriate space. Forward the report to the Department of Human Resources as soon as possible. If the employee had lost time, an Election of Compensation for Industrial Illness or Injury (DHR-ISWC-2) form should be submitted with this report.
4. Notify the DHR Workers' Compensation Branch whenever a subordinate employee is cleared for limited or modified duty.
5. Notify the DHR Workers' Compensation Branch if a subordinate employee files an industrial injury damage lawsuit against a third party(ies).
6. Ensure that leave applications are submitted after the injured employee returns to work.
7. Notify the DHR Workers' Compensation Branch when an employee returns to work.
8. Attend and participate in workers' compensation hearings at the request of the DHR Workers' Compensation Branch.

C. Appointing Authority or Delegated Representative

1. Ensure that a designated person(s) reports all fatalities, inpatient hospitalizations, amputations, loss of an eye, and property damage in excess of \$25,000 to the Hawaii Occupational Safety and Health Division (HIOSH) by telephone (586-9102) or in person (830 Punchbowl Street, Room 423, Honolulu, Hawaii 96813). See Personnel Manual, Reporting of Fatality, Hospitalization, Amputation, Loss of Eye and Property Damage in Excess of \$25,000 as a Result of a Work-Related Incident, XI-A-4.
2. Ensure that work injuries sustained by employees within each department are promptly and fully investigated and reported in accordance with instructions on forms issued by the DHR.
3. Inform the DHR Workers' Compensation Branch of any complaint or request by the injured employee regarding the administration or handling of their workers' compensation claim.
4. Place employees cleared for limited or modified duty in work determined suitable by a competent medical authority. If no such work is available in the department, notify the DHR Workers' Compensation Branch so that other limited or modified

duty can be located for the employee within the City. If disability is permanent in nature, cooperate with placement and/or rehabilitation alternatives. See Personnel Manual, Retention, Rehabilitation and Placement of Industrially Injured Employees, XII-3.

5. Attend and participate in workers' compensation hearings at the request of the DHR Workers' Compensation Branch.

D. Honolulu Emergency Services Department, Health Services

1. Consult with Corporation Counsel, operating departments and DHR Workers' Compensation Branch, on all cases where compensability is an issue, as requested.
2. Advise the DHR Workers' Compensation Branch on matters of medical management of workers' compensation claims, as requested.
3. Conduct independent medical evaluation and/or fitness for duty evaluation of claimants on request of the DHR Workers' Compensation Branch and/or the operating departments.
4. Attend, assist and testify at workers' compensation hearings as requested by the DHR Workers' Compensation Branch.

E. Corporation Counsel

1. Represent the City on appealed cases before the State of Hawaii, Disability Compensation Division, Labor and Industrial Relations Appeals Board, Hawaii Intermediate Court of Appeals, and Hawaii Supreme Court and attend other hearings as requested by the DHR Workers' Compensation Branch.
2. Assist the DHR Workers' Compensation Branch in the investigation of any suspected fraudulent claims.
3. Assist and advise the DHR Workers' Compensation Branch on third party subrogations, compromise settlements, Medicare disputes, and other related legal matters.
4. Prepare and provide copies of all stipulation and settlement agreements relative to workers' compensation matters to the DHR Workers' Compensation Branch, and operating departments when appropriate.
5. Procure and appoint special deputy corporation counsel, as needed, to represent and/or assist with representing the City and Industrial Safety and Workers' Compensation Division in the handling of any matters set forth above.

F. Industrial Safety and Workers' Compensation Division

1. Administer the City's self-insured Workers' Compensation Program to comply with the Hawaii Workers' Compensation Law and related administrative rules to include providing instructions, forms and procedures for the reporting of all injuries and illnesses arising out of and in the course of City employment.
2. Advise City employees, managers and supervisors of the laws, rules and regulations governing the administration of workers' compensation for the City.

3. Determine compensability of each claim for benefits, including employee eligibility for Act 64 benefits. See Legislature 1963, Act 64; Legislature 2000, Act 253; §78-24 HRS.
4. Conduct administrative reviews of Act 64 denials upon request.
5. Review forms submitted by the employee, immediate supervisor, department head and physicians for completeness and compliance with laws, rules and regulations.
6. Prepare and/or request the proper forms and process the necessary documents to expedite the filing and processing of employee claims including maintaining proper reviews, controls and investigations to prevent improper payments.
7. Represent the City at first level workers' compensation hearings, unless the underlying claim and/or hearing has been assigned to the Department of the Corporation Counsel and/or special deputy corporation counsel for representation of the City.
8. Review, check and voucher payments of all bills and compensation awards. Certify workers' compensation payments and benefits.
9. Negotiate settlements, with assistance as necessary from Corporation Counsel, with respect to third party subrogation, appeals, compromises, permanent disability awards, and/or Medicare disputes.
10. Assist in the placement of disabled employees where appropriate work is not available in the claimant's department. If the disability is permanent in nature and employee is unable to return to the employee's original position, follow the DHR policy on Retention, Rehabilitation and Placement of Industrially Injured Employees, XII-3.
11. Prepare employer's first, supplementary and final reports for the Department of Labor and Industrial Relations.
12. Provide status of workers' compensation claims to operating departments on request.