

FIRE AGENCIES SELF INSURANCE SYSTEM

WHAT EXACTLY IS THE EMPLOYER'S "DATE OF KNOWLEDGE"?

For purposes of reporting Workers' Compensation claims, the employer's "Date of Knowledge" is the date on which the employee (or their representative) advises, or it is made otherwise clear due to context of injury (i.e. catastrophic event in the workplace/emergency), to anyone in a management/supervisory position that the employee intends to seek (or has already sought) "workers' compensation" benefits (such as time loss or medical care).

This date is important to report correctly, as it triggers the State of California's twenty-four hour requirement for the employer to offer the DWC-1 Claim Form to injured employees, in addition to triggering the five-day requirement to report claims to your claims administrator, Athens Administrators.

Note: Offering an employee the DWC-1 Claim Form and/or reporting a claim to Athens does not necessarily mean that the claim will be accepted as compensable. Additional discovery may be required to make any final determinations regarding compensability including, but not limited to, receipt of medical evidence supporting the industrial injury.

For your reference, we have prepared a grouping of scenarios to assist in identifying the correct Date of Knowledge. While these scenarios provide a useful guide, it is worth noting that not every reporting situation is straightforward. If you have any questions regarding reporting the appropriate Date of Knowledge, please contact your FASIS Workers' Compensation Program Manager, Sarah Centeno, at:

916-244-1142 or sarah.centeno@sedgwick.com

◆ SCENARIO ONE (INITIALLY DECLINED TREATMENT):

John strained his back moving heavy equipment on Friday, March 11, 2020. He immediately let his Chief know that an incident had occurred, however, he expressed that the injury was not serious and declined to seek treatment at the designated clinic.

The following Thursday, March 17, 2020, John let the Chief know that he ended up going to his private physician on Monday, March 14, 2020, for his back injury, after his symptoms had worsened over the weekend. John now feels that he needs to file a claim and would like to seek further medical treatment under the District's Workers' Compensation coverage.

What is the employer's date of knowledge? **March 17, 2020**

(Continued on next page)



CONTACT US:

Jennifer Jobe
Administrator
916-244-1141
jennifer.jobe@sedgwick.com

Deni Banyard
Analyst
916-244-1178
deni.banyard@sedgwick.com

Sarah Centeno
Workers' Compensation
Manager
916-244-1142
sarah.centeno@sedgwick.com

Stacey Brock
Administrative Assistant
916-290-4621
stacey.brock@sedgwick.com

◆ **SCENARIO TWO (CUMULATIVE TRAUMA):**

Diane has been experiencing ongoing wrist pain due to her administrative duties, which she estimates started about 6 months ago, in September 2019. She reports her cumulative injury on Monday, March 21, 2020, and lets her superior know that she would like to go to the designated clinic for evaluation. She reports that she plans to go to the clinic on Tuesday, March 22, 2020, after her shift is completed.

What is the employer's date of knowledge? **March 21, 2020**

◆ **SCENARIO THREE (EMERGENCY TREATMENT/CATASTROPHIC INJURY):**

Mike suffered a heart attack during his shift on Wednesday, March 23, 2020. He was immediately taken by ambulance from the fire house and was stabilized at the hospital that same day. Given the emergent nature of the situation, the employee/employee's family and the Chief were unable to make direct contact until Monday, March 28, 2020.

What is the employer's date of knowledge? **March 23, 2020**

(Note: Although the Chief did not make contact with his employee until March 28, 2020, he was made aware of the need for emergency medical treatment immediately, thus making the official knowledge date of intent to seek benefits March 23, 2020. If you are made aware of any potential work-related incident that involves emergency care wherein you are unable to make contact with the employee or their family to provide them with the DWC-1 Claim Form, we recommend that you mail the Claim Form to the employee's address within 24 hours so as to fulfill the State's requirement for timely provision of the form. Any final determinations regarding compensability will be made by your claims administrator).

◆ **SCENARIO FOUR (TREATMENT SOUGHT BEFORE REPORTING INCIDENT):**

Lisa injured her right shoulder during a training exercise about two months ago, on Monday, January 11, 2020. That same day, she mentioned to a couple of her fellow-firefighters that she thinks she may have hurt herself and may need to see a doctor, but the discussion went no further. She sought treatment soon after with her private physician on January 12, 2020, but decided not to continue her care after it appeared that her symptoms had resolved. She has recently noticed renewed pain in her right shoulder during the course of her usual job duties. On Thursday, March 24, 2020, she reported the incident to the Chief and indicated that she would like to seek further treatment under Workers' Compensation.

What is the employer's date of knowledge? **March 24, 2020**

(Note: Although Lisa told her co-workers that an injury had occurred, she did not report her injury, with intent to seek benefits, to anyone in a management position until March 24, 2020.)

◆ **SCENARIO FIVE (APPLICATION FOR ADJUDICATION RECEIVED/NOT A CURRENT EMPLOYEE):**

Trevor has not worked for the Fire District for two years. During the course of his employment with the District, he had two workers' compensation claims for minor injuries – a laceration to his finger and an ankle sprain. On Monday, March 7, 2020, the Fire District's administration department received a copy of a Notice of Application for Adjudication of Claim, alleging injury to multiple body parts, apparently filed for by an attorney on Trevor's behalf, for a cumulative trauma injury starting as of December 1, 2014. The District immediately forwards the document to their claims administrator for further handling.

What is the employer's date of knowledge? **March 7, 2020**

Overall Note: In each instance of reporting, make sure that any interaction with the employee is documented thoroughly, including the outcome of the interaction (e.g., decided to seek treatment, claim form offered, declined treatment, etc.). This will provide important information for your internal records and for the claim's administrator's initial investigation.

For more information, please contact us.