BOARD OF SUPERVISORS
(NAME OF COUNTY)
STATE OF CALIFORNIA

RESOLUTION NO. _____

A RESOLUTION OF (COUNTY NAME) BOARD OF SUPERVISORS AUTHORIZING CONTRACT THIRD PARTY ADMINISTRATOR TO REJECT, SETTLE, COMPROMISE OR APPROVE WORKERS' COMPENSATION CLAIMS FILED AGAINST THE COUNTY

WHEREAS, pursuant to Government Code § 25203, the Board of Supervisors is authorized to settle lawsuits against the County; and

WHEREAS, Government Code § 31000.8 provides that such contract may include authority to reject, settle, compromise or approve workers' compensation claims against the County, its officers or employees; and

WHEREAS, the County of (_____) entered into a Joint Powers Agreement creating Trindel Insurance Fund and authorized Trindel Insurance Fund to provide claims administration services, and to settle claims on its behalf; and

WHEREAS, Trindel Insurance Fund self-administers workers compensation claims for the County of (_____).

WHEREAS, the Board of Supervisors finds that it continues to be in the best interest of the County of (_____) for there to be early settlement of workers' compensation claims.

WHEREAS, the Board of Supervisors has determined that the interests of the County will be better served by a making of delegation of the authority to reject, approve and provide appropriate medical treatment for workers' compensation claims against the County, in addition to authority to settle such claims up to the limits herein stated.

WHEREAS, Attachment A defines Stipulations with Request for Award, and Compromise and Release settlements.

NOW, THEREFORE, BE IT RESOLVED, that Trindel Insurance Fund Director of Workers' Compensation Injury Management Program is hereby authorized to settle workers' compensation claims by way of Stipulations with Request for Award on behalf of the (_____) County Board of Supervisors ranging from ZERO percent (0%), to TWENTY-FIVE percent (25%) permanent impairment which currently equates to twenty-six thousand , six-hundred fifty dollars, ($26,650.00), <u>based on the Permanent Disability Rating issued by the Department of Workers' Compensation Disability Evaluation Unit, and the Permanent Disability Rating Schedule adopted by the California Department of Industrial Relations Division of Workers' Compensation</u>, in affect at the time of settlement. Any permanent disability advances paid in accordance with the Workers' Compensation Laws of California will be deducted from the grand total of the Stipulated Award upon approval by the Workers' Compensation Appeals Board. Such Stipulated Award shall thereafter be reported to the County of (_____) Risk Manager, and the Board of Supervisors.

BE IT FURTHER RESOLVED, that Trindel Insurance Fund Executive Director, Director of Workers' Compensation Injury Management Program, and the County of (_____) Risk Manager, after consultation and agreement between them, is hereby authorized to settle workers' compensation claims by way of Stipulations with Request for Award on behalf of the (_____) County Board of Supervisors ranging from TWENTY-FIVE percent (25%) to FIFTY percent t(50%) permanent impairment which currently equates to sixty-two thousand, three hundred eighty-seven and fifty cents ($62,387.50), based on the Permanent Disability Rating issued by the Department of Workers' Compensation Disability Evaluation Unit, and the Permanent Disability Rating Schedule adopted by the California Department of Industrial Relations Division of Workers' Compensation, in affect at the time of settlement. Any permanent disability advances paid in accordance with the Workers' Compensation Laws of California will be deducted from the grand total of the Stipulated Award upon approval by the Workers' Compensation Appeals Board. Such Stipulated Award shall thereafter be reported to the County of (_____) Risk Manager, and the Board of Supervisors.

BE IT FURTHER RESOLVED, that Trindel Insurance Fund Director of Workers' Compensation Injury Management Program is hereby authorized to settle workers' compensation claims by way of a lump-sum Compromise and Release agreement on behalf of the (_____) County Board of Supervisors in an amount not to exceed Five thousand ($ 5,000.00) when it appears to be prudent to so settle such a claim. Such Compromise and Release settlement will release the County of all future liability, including medical treatment, and the right of the applicant to file for new and further disability within five years from their date of injury. Any permanent disability advances paid in accordance with the Workers' Compensation Laws of California will be deducted from the grand total of the Compromise and Release settlement upon approval by the Workers' Compensation Appeals Board. Such Compromise and Release settlement shall thereafter be reported to the Board of Supervisors

BE IT FURTHER RESOLVED, that Trindel Insurance Fund Executive Director , Director of Workers' Compensation Injury Management Program, and the County of (_____) Risk Manager, after consultation and agreement between them, is hereby authorized to settle workers' compensation claims by way of a lump-sum Compromise and Release agreement on behalf of the (_____) County Board of Supervisors in an amount not to exceed Thirty Thousand Dollars ($30,000.00) when it appears to be prudent to so settle such a claim. Such Compromise and Release settlement will release the County of all future liability, including medical treatment, and the right of the applicant to file for new and further disability within five years from their date of injury. Any permanent disability advances paid in accordance with the Workers' Compensation Laws of California will be deducted from the grand total of the Compromise and Release settlement upon approval by the Workers' Compensation Appeals Board. Such Compromise and Release settlement shall thereafter be reported to the Board of Supervisors.

PASSED AND ADOPTED at a regular meeting of the (_____) County Board of Supervisors this _____ day of _____, 20__, by the following vote:

AYES:

NOES:

ABSENT:

RESOLUTION NO. _____

ATTACHMENT A

STIPULATIONS WITH REQUEST FOR AWARD (FINALIZATION)

A Stipulations with Request for Award finalization is based on the level of permanent impairment described by the medical and medical/legal reports obtained after the employee has reached maximum medical improvement. In represented cases, the parties reach an agreement as to the level (percentage) of permanent impairment. In unrepresented cases, the parties generally agree to the rating produced by the California Department of Industrial Relations Disability Evaluation Unit. The rating is based on the factors of disability set forth in the treating physician's final report, or a report provided by a Qualified Medical Examiner, or Agreed Medical Examiner. Temporary disability benefits and authorized medical treatment that has been already authorized and/or paid and is not in dispute is not included in the grand total of the Stipulations with Request for Award. Stipulations generally include a provision for future medical treatment, but there is no monetary value included in the Stipulations for this provision. Stipulations also allow the injured employee the right to reopen their claim for new and further disability within five years from their date of injury should they feel their condition has worsened as a result of the original industrial injury. In both represented and unrepresented cases, the agreement is formalized within the context of Stipulations with Request for Award, and must be approved by a Workers' Compensation Appeals Board judge.

COMPROMISE AND RELEASE AGREEMENT (SETTLEMENT)

A Compromise and Release settlement is a lump-sum buy-out of the injured employees claim. It compensates the injured employee for all accrued and future permanent disability indemnity benefits, includes additional monies for his/her future medical needs and the right to reopen the claim within five years of their date of injury. It would also include resolution of any disputed issues, (i.e. unpaid temporary disability or mileage reimbursement, self-procured medical treatment, additional body parts claimed). Temporary disability benefits and authorized medical treatment that has been paid and is not in dispute is not included in the grand total of a Compromise and Release settlement. The first factor that is used to calculate the settlement amount is the amount of permanent impairment the employee has based on a rating produced by the California Department of Industrial Relations Disability Evaluation Unit. It is calculated the same way as in the Stipulations with Request for Award. The next factor involved is the estimated future medical treatment over the injured employees' life expectancy. After a Compromise and Release settlement is approved by a Workers' Compensation Appeals Board judge, the employer has no continuing obligation to provide medical care, and the employee cannot reopen the case in the event of a new and further disability due to the original industrial injury.