



**Responsible:** Office of Human Resources, Risk Management Department

## **PURPOSE**

This administrative procedure establishes the protocols for processing appeals of worker's compensation in the Washoe County School District ("District").

## **PROCEDURE**

### 1. Hearing Office Level of Appeal

- a. The Third Party Administrator issues a letter to the employee and the Risk Management Office stating a claim determination with appeal rights.
- b. The injured worker can exercise the right to appeal or not.
  - i. If the injured worker appeals the Third Party Administrator claim determination the following must occur:
    1. Injured worker's responsibility to file his/her appeal with the State's Hearing Office.
    2. The Hearing Office sets a time and date for the appeal hearing.
    3. Notification is sent to the Third Party Administrator and the District's Risk Management Department.
- c. The Third Party Administrator represents the District at the hearing by phone or in person.
- d. The Hearing Officer issues a determination on the appeal in writing.
  - i. Copies of the determination are sent to all three parties involved.
  - ii. Either party can appeal the decision, in which case the appeal would go to the next level.

### 2. Appeals Office Level of Appeal

- a. The party not in agreement with the Hearing Office Level determination can appeal.
  - i. All parties at the Appeals Office Level must obtain legal counsel. The Nevada Attorney for Injured Workers (NAIW) is available for employees at no charge through the State of Nevada.

1. NAIW is an agency of the State of Nevada that represents people who have been hurt in a work accident or have suffered the onset of an occupational disease.
  - b. The District chooses to appeal and forwards information to the Worker's Compensation Legal Counsel for the District.
    - i. The Worker's Compensation Legal Counsel files the appeal on behalf of the District with the Appeals Office.
  - c. The Appeals Office sets the time and date of the hearing and forwards along with the appeal to all parties.
  - d. The Risk Manager or Risk Analyst and Worker's Compensation Legal Counsel attend all Appeals Office hearings in Carson City and represent the District and testify on an as needed basis.
    - i. All parties must be represented by legal counsel at this level.
    - ii. Prior to hearing, either party may make an offer of settlement.
  - e. Offer is made and accepted, Appeals Officer puts the offer on record and process ends.
  - f. Both parties present their information, which may include witnesses.
  - g. The Appeals Office renders a determination within thirty (30) days, however, will occasionally make determination from the bench.
  - h. Either party can appeal the determination, in which case the appeal would go to the next level.
3. District Court of Appeals
  - a. The party not in agreement with the Appeals Office Level determination can appeal.
    - i. All parties at this Level must obtain legal counsel.
    - ii. The Nevada Attorney for Injured Workers (NAIW) is available for employees at no charge through the State of Nevada.
  - b. Counsel files the appeal on behalf of the District with the District Court of Appeals.
  - c. Briefs are submitted to the court and the District Court renders a written determination.

- d. Either party can appeal the determination, in which case the appeal would go to the next level, which is the Nevada Supreme Court.
4. Nevada Supreme Court
    - a. The party not in agreement with the District Court of Appeals determination can appeal.
      - a. All parties at this Level must obtain legal counsel.
      - b. Counsel files on behalf of the District with the Supreme Court.
      - c. The Supreme Court assigns an advocate to meet with both parties to facilitate a resolution if possible.
      - d. If no resolution is possible, the matter is presented to the Supreme Court.
      - e. The Supreme Court renders a decision and a new law is put in place.

#### **IMPLEMENTATION GUIDELINES & ASSOCIATED DOCUMENTS**

1. This Administrative Procedure reflects the goals of the District's Strategic Plan and aligns/complies with the governing documents of the District, to include:
  - a. Board Policy 7300, Risk Management
  - b. Administrative Regulation 7350, Industrial Worker's Compensation for Employees (Pending)
    - i. Processing Worker's Compensation Claims (WCK-P030)
    - ii. Wage Verification Procedure (WCK-P031)
      1. Wage Verification Form - EXTERNAL DOCUMENT (State Form D-8 revised 07/99)
    - iii. Waiver of Premium (WCK-P032)
    - iv. OSHA Posting Requirement (WCK-P035)
    - v. Light Duty / Modified Return to Work (WCK-P037)
    - vi. Workers' Compensation Audit (WCK-P039)
    - vii. WCSD Accident/Exposure Investigation Report (WCK-F001)

#### **REVIEW AND REPORTING**

1. This procedure will be reviewed as part of the bi-annual audit of the District's governing documents.

**REVISION HISTORY**

Date	Revision	Modification
12/27/2005	A	Adopted as CSI Procedure
8/18/2006	B	Revised
11/15/2016	1.0	Revised: converted to administrative procedure;