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LOS ANGELES STUDY IGNORES THE RISKS FACED BY SAFETY WORKERS AND THE SIGNIFICANT ROLE THEY PLAY IN SOCIETY

BY: SCOTT A. O'MARA

A recent study has been published regarding safety officers who work for the City of Los Angeles. This study has been used to challenge the benefits — and the level of benefits — being provided to safety officers. It should be anticipated that the City of Los Angeles study's conclusions will be utilized by other employers and departments to justify their posture when they engage in negotiating benefits for safety employees.

However, the study is jaded, as it does not view the reality of the valuable work performed by safety officers. The finding was that during the period studied, claims had been filed by 9,983 peace officers and 3,246 firefighters — accounting for more than 60% of all Workers' Compensation cases filed in the City of Los Angeles during that period — while these two groups comprise 28% of the City's labor force. Most significantly, however, these figures do not take into account the unique exposures to harm faced by both peace officers and firefighters, nor does it acknowledge the much-needed role these front-line safety workers play in preserving and protecting their communities.

Peace officers and firefighters are like soldiers in a war zone. They protect and defend the public from criminal activity and from disastrous situations, such as fires and harm that results from vehicular accidents. It is a grievous error to place these safety personnel in the same category as other labor groups. This disingenuous analysis done by the City of Los Angeles is either uninformed or intentionally manipulative of the figures derived when it overlooks or denies the reality of the hazardous work done by safety personnel and the exposures they face.

The study further noted that within the City of Los Angeles, the claims ratio for safety personnel is 31.7 claims per 100 peace officers and 37.1 claims per 100 firefighters. They drew a comparison with other cities, including San Diego, where the claims ration was determined to be 24.7 claims per 100 peace officers and 29.4 claims per 100 firefighters.

The review also found that in the City of Los Angeles, costs have increased more than 35% in the past five years. *Of significant interest is the fact that this rise in costs closely parallels the failure of the Utilization Review and Independent Medical Review systems which have been mandated in the state of California.*

It should be anticipated that based on this study, significant pressure will be placed by management on workers who sustain job-related injuries to limit or minimize their claims, or not file at all. This is incorrect and in and of itself will cause workers to be denied access to the benefits they need to be cured and relieved of the effects of their injuries so they can return to work in a timely manner and with less disability.

If an injured worker does not file a timely claim for Workers' Compensation benefits, it gives the employer the opportunity to raise the statute of limitations issue, which they will do. This statute also will prevent workers from receiving the benefits to which they are entitled. Typically, a worker has one year from the date of injury, or date of knowledge of an injury, to file a Workers' Compensation claim. If the worker does not file his/her claim timely, and approved medical care cannot be accessed for the injury, it will shift the responsibility for obtaining such care to the worker's personal health plan.

At a later date, if a worker's condition becomes more symptomatic and the worker then files a Workers' Compensation case, if is not done timely, it will allow the employer to deny care based on the statute of limitations, even though the condition is job-related.

Typically, the window for seeking relief is one year, depending upon the particular circumstances of a case. This period could be one year from the actual date of injury, or the date of knowledge that a work injury has occurred; one year from the date medical care was last received under Workers' Compensation; or one year from the last date for which Labor Code §4800.5/§4850 or temporary disability benefits were paid.

The statute of limitations can also be tolled by certain aspects of an employer's conduct. Workers are strongly encouraged to file a Claim Form if they sustain a job-related injury.

The reality is that the City of Los Angeles audit should acknowledge that the safety occupations have higher levels of exposures, injuries and serious injuries, as well as more injuries which result in complex medical needs, than is the case for occupations which do not face life-and-death situations and the repeated risk of physical harm. City council members, program administrators, people who work at a computer, gardeners, and people employed in thousands of other occupations who work in what are routinely lower-risk environments will clearly have lower claim ratios per 100 employees than safety workers. That is not to say that serious injuries — whether physical or emotional — cannot occur in those occupations, but the risk factors are substantially less than those

associated with peace officers (police, deputy sheriffs, California Highway Patrol officers, probation officers, etc.), firefighters and other safety groups.

The concept of Workers' Compensation is to protect injured workers and provide them the care they need to return to a higher level of function. Unfortunately, the developments of the last several years have not supported that concept. It is time to reverse this trend and take the action needed to restore the Work Comp system to its proper role of curing and relieving injured workers of the effects of their job-related injuries as defined in the California Constitution.

Therefore, when the Los Angeles study is cited, it is important to recognize that its conclusions reflect a clearly biased view, not a view of reality.



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NOTICE: *Making a false or fraudulent Workers' Compensation claim is a felony subject to up to 5 years in prison or a fine of up to \$50,000 or double the value of the fraud, whichever is greater, or by both imprisonment and fine.*

