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WORKERS' COMPENSATION CLAIMS SPECIALIST/HEARINGS OFFICER SERIES  
(WORKERS' COMP CLAIMS SPCLT I, II)  
(WORKERS' COMP HRNGS OFFCR III, V, VI)

Series Definition:

This series includes all positions the duties of which are to perform professional work in the review, examination and adjudication of claims for workers' compensation benefits and the resolution of contested claims and benefit disputes.

Workers' Compensation is an insurance system for the provision of medical services, replacement of workers' income lost due to sick leave, and award benefits for permanent disability and/or disfigurement. Benefits are provided to workers who are injured or disabled because of or in the course of their employment. Financing is entirely by employers and usually through the purchase of insurance policies, although they may also be provided through the employers' self-developed plan (self-insurance).

Review, examination and adjudication of claims involve the following:

1. Determination of Compensability. The Hawaii State Workers' Compensation Law includes certain presumptions, including the concept that, unless the employer can provide substantial evidence to the contrary, claims are allowable or compensable. Reasons for rejection of a claim include that the injury or disease was not caused by employment; that the injured worker was intoxicated at the time of the injury; that the injury was willfully self-inflicted or that the injured worker willfully intended to injure another; or other reasons such as application of another jurisdiction's workers' compensation laws to the case.
2. Determination of Disability. The nature and extent of impairment are established by physicians. Testimony from the claimant may be taken into account such as lingering pain or lack of normal use of the part, area or limb injured or diseased which may not have been identified by the physician as having clear and continued organic cause.
3. Determination of Award. Amount of awards are established by the law, based usually on percentage of the worker's salary. Duration of benefit payments mayor may not be established by statute. Kinds of award benefits are described below:

- a. Permanent Total Disability: The claimant suffers severe losses as specified in the law such as permanent and complete paralysis of both legs or one leg and one arm or loss of sight in both eyes, or the claimant suffers injuries or impairments of such extent or severity that the claimant is unable to compete in the normal labor market.
- b. Permanent Partial Disability: The claimant suffers loss or loss of use of body parts or functions less severe than for permanent total disability, which are specified by law. Such losses are defined as total loss or total loss of use of the limb or part, such as loss of the hand, foot or finger. Claims specialists/officers are also required to make determinations of awards for partial loss of use of the rated limb or part in the event of injuries which do not lead to total loss or total loss of use of the limb or part. Officers also apply the "whole person concept" where injury to a discrete limb or part is not identified. For example, in the case of back injuries or emotional trauma, the impairment is rated against the statutory value of the loss of the whole person rather than the total loss of a given limb or sensory organ. Determination of the nature and extent of such partial loss is by a physician with testimony of the claimant's subjective complaints taken into consideration, to arrive at a percentage of loss.
- c. Temporary Partial Disability: These are disabilities of a partial, temporary nature which diminishes the claimant's capacity for work but does not lead to temporary total disability. An example would be a claimant who can work part-time during the period of recovery but not on a full-time basis during that period.
- d. Temporary Total Disability: Injured workers are paid compensation for a temporary period of total disability, which is usually the period that the claimant is on sick leave from work necessary to recover from the injury or disease and/or any mitigating surgery.
- e. Disfigurement: Compensation is given for any scarring or disfigurement resulting from the injury, disease or any mitigating or corrective surgery. The maximum amount is established by law. Visual examination of the site, size, discoloration and other elements and application of precedents are used to determine the amount for the given case.
- f. Entitlement to Medical Service: Required medical services are determined by the claimant's physician. However, specialists/officers apply a medical fee schedule in determining compensable fees. Determination may also be required as to the kind(s) of service which may be compensated when

questions arise as to whether such service was necessary in the treatment of the work-related injury or illness.

- g. Other Benefits: Additionally, depending on the circumstances of the case, there are benefits such as allowances for the hire of attendants for the care and maintenance of the total, permanently disabled worker; dependents' allowances; and funeral and burial allowances in the case of death. Claims involving these allowances require determinations, such as who are eligible dependents and the need for attendant services.

Determination of awards for all cases of permanent partial or permanent total disability, death and serious cases of disfigurements are, in addition to examination of documentary evidence, by means of an administrative hearing. Such hearings are conducted as informal meetings in which the claimant or his beneficiary dependents and representatives and representatives of the insurance carrier or self-insured employer meet with the hearings officer to review the documentary evidence, examine disfigurements, if any, identify the issues involved, explain their positions relative to the issues, submit evidence, if any, denying liability, and hear claimants' report of subjective effects. The hearing officer attempts to guide the discussion in order to amicably resolve differences and/or to narrow the issues before rendering a decision in writing. Hearings Officers are also required to notify the parties as to their right to appeal to the Labor and Industrial Relations Appeals Board for a formal hearing if disagreement and dissatisfaction with the decision persists. The Appeals Board hears all appealed workers' compensation cases de novo and the claims specialists/officers are not parties to the appeal.

Hearings may be waived for cases which involve only disfigurements and temporary total or temporary partial disabilities. Specialist/Officers make determinations through office examinations of the site of disfigurement and physicians' and employers' reports. If the determination is that the award may be large and/or there is evidence of permanent disability, the claim may be scheduled for a hearing at the discretion of the claims specialist/officer to provide the insurance carriers or self-insured employers an opportunity to also examine the disfigurement and other evidence and to express their views.

All positions in this series are required to apply a knowledge of the pertinent provisions of the Hawaii State Workers' Compensation Laws, rules and regulations; precedent cases and guidelines in the determination of benefits; principles and practices of workers' compensation claims examination; and a lay knowledge of medical terminology and disabilities and loss of functions occurring' as a result of industrial injuries and diseases.

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Levels in this series are distinguished by the following factors:

1. Nature and scope of work.
2. Nature of available guidelines.
3. Originality required.
4. Supervision received and exercised.
5. Nature and purpose of personal contacts.
6. Nature and scope of recommendations, commitments and decisions.
7. Knowledge and abilities required.

This series amends and changes the titles for the following:

<u>Class Title</u>	<u>Date Approved</u>
Workmen's Compensation Claims Specialist I (3.876)	2/28/69
Workmen's Compensation Claims Specialist II (3.877)	12/2/68
Workmen's Compensation Hearings Officer V (3.884)	11-12-68
Workmen's Compensation Hearings Officer VI (3.885)	10-5-70

This is the first specification for the new class WORKERS' COMPENSATION HEARINGS OFFICER III (3.882).

DATE APPROVED: 12/20/76      /s/ Wayne J. Yamasaki  
for DONALD BOTELHO  
Director of Personnel Services

WORKERS' COMPENSATION CLAIMS SPECIALIST I      3.876  
(WORKERS' COMP CLAIMS SPCLT I)

Duties Summary:

Receives training and assists in a trainee capacity in activities relating to the Hawaii State Workers' Compensation Program; and performs other duties as required.

Distinguishing Characteristics:

This is a trainee class which involves training in a variety of workers' compensation benefit activities. After a period of intense training, an incumbent is expected to assist in the preparation of workers' compensation injury cases for administrative hearings by analyzing and evaluating reported information for completeness and adequacy and by securing additional information as necessary. Assignments are characterized by detailed instructions and close review, but the degree of instruction and review received varies with the newness and complexity of assignments and the progress made by a trainee. The work is carried out in accordance with established policies and procedures, and under immediate supervision.

An incumbent receives orientation in agency policies and objectives, administrative and technical regulations, procedures and techniques applicable to the work.

Examples of Duties:

Attends orientation and training sessions, learns the principles, practices and techniques of workers' compensation claims examination and adjudication; analyzes case files and evaluates reported information for adequacy and relevancy; contacts physicians, employers or their representatives, injured workers and others as necessary to clarify or secure additional information required to complete case files; arranges for injured employees to receive medical evaluations by physicians as necessary; determines whether injured workers have reached a point of maximum recovery in order that their cases may be heard for compensation awards; learns to review medical ratings for completeness of evaluation, and general conformance with guides established for the evaluation of permanent impairment; learns to prepare medical evaluation worksheets for cases involving permanent partial disabilities; learns to prepare written summaries of case files; prepare written reports.

Knowledge and Abilities Required:

Knowledge of: Social sciences.

Ability to: Learn and apply the principles, practices and techniques of claims examination and adjudication; learn, understand and explain laws, rules and regulations pertaining to the workers' compensation program; obtain, analyze and evaluate facts; deal effectively with people.

WORKERS COMPENSATION CLAIMS SPECIALIST II 3.877  
(WORKERS' COMP CLAIMS SPCLT II)

Duties Summary:

Prepares workers' compensation injury cases for administrative hearings; recommends awards on disfigurement cases for which hearings are waived; counsels injured employees or their family members on workers' compensation benefits and assists them in filing claims; and performs other duties as required.

Distinguishing Characteristics:

This class involves responsibility for the preparation of workers' compensation injury cases for administrative hearings by analyzing and evaluating reported information for completeness and adequacy, by securing additional information, and by preparing written case summaries; and for the recommendation of awards on disfigurement cases for which hearings are waived by employers or insurance carriers. It further involves responsibility for counseling injured employees or their family members on workers' compensation benefits and providing assistance in the filing of claims.

The work of a position in this class is carried out in accordance with established policies and procedures, and under the general supervision of a higher-level Workers' Compensation Claims Specialist. Contacts are with claimants and their families, physicians, employers and their representatives, union representatives, insurance claims adjustors and others to substantiate, secure or clarify pertinent information.

Examples of Duties:

Analyzes case files and evaluates reported information for adequacy and relevancy; contacts physicians, employers or their representatives, injured workers and others as necessary to clarify or secure additional information required to complete case files; arranges for injured employees to receive medical evaluations by physicians as necessary; determines whether injured workers have reached a point of maximum recovery in order that their cases may be heard for compensation awards; reviews medical ratings for completeness of evaluation, and general conformance with guides established for the evaluation of permanent impairment; prepares medical evaluation worksheets for cases involving permanent partial disabilities; prepares written summaries of case files and refers them for administrative hearings; recommends compensation awards on disfigurement cases for which hearings are waived by employers or insurance carriers after reviewing case reports and evaluating

disfigurements of claimants; counsels injured workers or their family members on workers' compensation benefits and provides assistance in the filing of claims; refers qualifying injured workers to the Social Security Administration for consideration on disability insurance benefits; prepares correspondence on matters relating to workers' compensation cases.

Knowledge and Abilities Required:

Knowledge of: Pertinent provisions of the Hawaii State Workers' Compensation Laws, rules and regulations; interviewing methods and techniques; sources of information on medical terminology and the treatment and care of industrial injuries.

Ability to: Secure, analyze and evaluate facts and reach sound conclusions; learn lay medical terminology and develop judgment required to interpret medical evidence relative to industrial disabilities; interview and deal effectively with others; prepare clear and concise reports.

WORKERS' COMPENSATION HEARINGS OFFICER III  
(WKRS' COMP HEARINGS OFFICER III)

3.882

Duties Summary:

Independently examines simple claims for workers' compensation benefits requiring conduct of a hearing; determines amount, and duration of awards; conducts hearings in order to hear viewpoints of claimants and their representatives, representatives of insurance carriers or self-insured employers and others; and performs other duties as required.

Distinguishing Characteristics:

This class involves responsibility for independently examining simple claims for workers' compensation benefits requiring the conduct of administrative hearings prior to determination of benefits.

Cases assigned to positions at this level are characterized by the following:

1. Responsibility or liability for the disability has been accepted by the employer or insurance carrier but the amount and kind of benefits have not been determined;

2. Cases involve disfigurement, loss of the use or the loss of a member of the body, loss of sight, hearing, or death; that is, cases in which the injury or disability is clearly defined and not subject to controversy. Cases do not generally involve substantial subjective complaints for which physicians cannot clearly specify continued organic damage, such as traumatic neurosis or industrial disease;
3. Cases involve persons whose wages or salaries are readily determined from documentary evidence; that is, there is generally not too much controversy in determining the salary;
4. Cases involve one to a maximum of three issues:
  - a. wage replacement benefits due to sick leave (total temporary disability);
  - b. permanent partial disability; and
  - c. disfigurement;
5. Cases involve first injuries to the limb, sensory organ, or other member of the body of the claimant;
6. Only one or at the most two employers are involved; and
7. Cases of death where dependents are clearly identified.

Cases lacking applicable precedents or policy guidelines are generally not assigned; however, simple cases may occasionally develop unexpected complexities and access to supervisory guidance is readily available.

Positions may be assigned cases of a moderately difficult nature; however, in those instances, it is for the purpose of training, and supervision is available for technical guidance and/or assistance in the conduct of hearings.

An incumbent of a position in this class works under the general supervision of a higher-level Workers' Compensation Claims Specialist. Assignments are carried out independently except when assigned moderately difficult cases. Review of completed work is performed by the supervisor for appropriate interpretation of the law, precedent or guidelines and clarity of written reports.

Guidelines available are publications such as, Larson's Workmen's Compensation, Kessler's Workmen's Compensation, Commerce Clearing House Workmen's Compensation Service, and the AMA Guide to Medical Ratings; and departmental policies and precedent cases. Expert advice and assistance is available from a medical advisor for cases in which there is question as to medical consequences of injuries incurred.

Effective working relationships must be maintained with injured workers and their representatives, employers, attorneys, union representatives, insurance representatives and physicians in order to obtain pertinent facts necessary to make determinations on claims.

#### Examples of Duties:

Reviews and examines workers' compensation claims to determine whether the claimant had recovered sufficiently that the case may be heard; determines if all required medical, employer and other reports are present; meets with claimants, their representatives, and representatives of insurance carriers and others to examine the disability, hear opinions on the nature and extent; determines the duration of disability and wage loss due to the injury; determines acceptance by the employer or insurance carrier of the physicians' statements or whether additional opinions are required; determines the amount of award for disfigurement, wages lost due to disability, and awards of permanent total or temporary disability or death and funeral, and dependent benefits; reviews pertinent facts and precedent cases, interprets and applies the law and departmental policies and precedents and prepares written reports of findings; answers inquiries from claimants, insurance carriers, employers and others regarding provisions of the Workers' Compensation Laws, rules and regulations; recommends referral of claimants for physical and/or vocational rehabilitation; reviews cases prepared by senior claims examiners to determine if the computations made in determination of amount and duration of awards are accurate; informs claimants and insurance or employee representatives of rights of appeal to the Labor and Industrial Relations Appeals Board of the department.

#### Knowledge and Abilities Required:

Knowledge of: Working knowledge of pertinent provisions of the Hawaii State Workers' Compensation Laws, rules and regulations; sources of information on medical terminology and disabilities and loss of bodily functions as a result of disease or injury.

Ability to: Learn, understand and apply workers' compensation claims examination policies, precedents and guidelines; learn, understand and apply principles and practices of conducting administrative hearings; analyze, and evaluate facts;

establish and maintain effective working relationships with claimants, insurance carriers and others; write clear and concise reports.

WORKERS' COMPENSATION HEARINGS OFFICER V 3.884  
(WKRS' COMP HEARINGS OFFICER V)

Duties Summary:

Independently performs difficult workers' compensation claims examination for the determination of workers' compensation benefits, requiring the conduct of administrative hearings; makes a variety of determinations; provides consultative services regarding workers' compensation matters to representatives of claimants, insurance carriers and employers; and performs other duties as required.

Distinguishing Characteristics:

This class reflects a fully operating claims officer in all aspects of workers' compensation claims examination work requiring the conduct of hearings in the review, examination and adjudication of difficult and complex workers' compensation cases. Positions are also responsible for the provision of consultative services to injured employees, their representatives and representatives of insurance carriers and employers to explain workers' compensation matters and to assist and advise them on the application and interpretation of the laws, rules and regulations.

Cases assigned at this level are characterized by the following examples:

1. Cases involve questions of jurisdiction - that is, whether the claim falls under the Hawaii State Workers' Compensation laws, rules and regulations, or other laws;
2. Cases involve disabilities for which liability has been denied and/or cannot be clearly fixed as being due to employment such as psychological or physiological disorders, disorders involving much pain and loss of function without clear evidence of continued organic injury, heart attacks, back injuries, traumatic neurosis, or industrial diseases.
3. Cases involve previous disabilities which the subsequent injury or disability under consideration may have aggravated. Determination must be made as to whether the total disability and loss of function is more than the consequences of each separate injury; and

4. Several employers are involved - responsibility for the disability cannot be fixed to one employer alone and the liability of each separate employer must be determined and fixed.

Positions work under the general supervision of a supervising Workers Compensation Hearings Officer. Assignments are carried out independently except that consultation with the supervisor may be required for cases lacking applicable precedents, policy guidelines or previous legal interpretations. Specialists are expected to identify situations in which actions are precedent-setting or require legal opinion and conduct a study to identify related precedent cases and recommend action. Decisions are reviewed for soundness, overall technical adequacy and conformance with program and policy guidelines. Guidelines used are the same as those used by positions at the lower level(s).

Effective working relationships must be maintained with injured workers, attorneys, employers, insurance representatives, union representatives, physicians and others in order to secure and clarify facts and to assist and advise them on the interpretation and application of workers' compensation laws, rules and regulations.

#### Examples of Duties:

Reviews and examines workers' compensation claims and identifies potential issues; conducts administrative hearings to hear presentations by injured workers or their dependents or representatives, employers, insurance representatives, attorneys, union representatives or physicians; makes determinations concerning awards of benefits for claimants, employers' liability for cases disputed by employers or insurance carriers, extent of payments allowable, degree of permanent disability and/or disfigurement suffered, extent of medical benefits entitled to and costs payable, death benefits to eligible dependents and eligibility of dependents and limits of attorneys' fees to be charged for representing claimants at hearings; analyzes pertinent facts and precedent cases, interprets the law and departmental policies; prepares written reports of findings and decisions; provides consultative services to injured workers, attorneys, employers, insurance carriers, and other concerning workers compensation laws, rules and regulations; recommends referral of claimants for physical or vocational rehabilitation when an industrial injury causes physical and/or emotional impairment to the extent that an injured worker cannot return to his former employment; speaks before groups and organizations interested in workers compensation; may review work performed by lower-level hearings officers.

Knowledge and Abilities Required:

Knowledge of: Pertinent provisions of the Hawaii State Workers' Compensation laws, rules and regulations; sources of information regarding similar laws of other jurisdictions effective in Hawaii; principles and practices of conducting administrative hearings; lay knowledge of various kinds of disabilities and loss of bodily functions incurred as a result of injury or disease.

Ability to: Conduct administrative hearings; analyze, evaluate and correlate documentary and testimonial evidence and reach sound, impartial decisions; understand, interpret, apply and explain pertinent provisions of the Hawaii State Workers' Compensation Laws, rules and regulations and precedential cases; establish and maintain effective working relationships with others; communicate effectively, orally and in writing; prepare clear concise written reports.

WORKERS' COMPENSATION HEARINGS OFFICER VI  
(WKRS' COMP HEARINGS OFFICER VI)

3.885

Duties Summary:

Supervises the operations of a program of workers' compensation claims examination, determination of benefits and the resolution of contested claims; and performs other duties as required.

Distinguishing Characteristics:

This class involves responsibility for supervising the operations of a program of workers' compensation claims examination, determination of benefits, and the resolution of contested cases under the Hawaii State Workers' Compensation laws, rules and regulations.

The position in this class serves as a branch chief and supervises a professional staff. Technical and overall program direction is provided by a program officer responsible for directing the statewide Workers' Compensation Program, which includes but is not limited to claims examination and benefit determination activities. As branch chief, the position in this class is responsible for developing branch operational policies and procedures; determining operational priorities, assigning and reviewing work and ensuring the technical adequacy of work performed by subordinate staff. Supervisory review at this level is generally limited to conformance with overall program, divisional and general administrative guidelines, and technical decisions are not normally

questioned. Matters relating to interpretation and application of the laws or rules and regulations which are not covered by existing policies or precedential cases are discussed with the program officer and/or administrator; however, the position in this class is expected to make recommendations on the handling and disposition of the immediate case involved and policy and/or procedure to handle similar or related cases in the future.

Examples of Duties:

Plans, assigns and coordinates assignments for a professional staff performing workers' compensation claims examination, determination of benefits and the resolution of contested cases; reviews reports of hearings for correctness and adequacy of facts, evidence and conclusions; advises staff and the public on questions regarding the application of law; reviews recommended compensation awards to ascertain uniform interpretation and application of the law, rules and regulations; provides technical assistance to officers conducting hearings in evaluating testimony and findings of fact and in making determinations on highly complex and controversial cases; plans and conducts developmental training; evaluates work of subordinates; establishes branch operational objectives and determines operational priorities; reviews operations and recommends changes for improvements such as program changes, increased resources for staffing, equipment and other operating expenditures; conducts staff meetings to discuss branch operational problems and to discuss and apprise staff of new, precedential cases and decisions; recommends appropriate action on personnel matters including new appointments, promotions, transfers, leaves of absence and disciplinary problems; determines and recommends changes of work schedules; prepares monthly statistical reports of branch activities; recommends changes in legislation and rules and regulations, policies and procedures relating to branch operations; may conduct claims examination, benefit determination and administrative hearings and refer claimants for physical and vocational rehabilitation.

Knowledge and Abilities Required:

In addition to the knowledge and abilities required at the next lower level, positions in this class require:

Knowledge of: Thorough knowledge of pertinent provisions of the Hawaii State Workers' Compensation laws, rules and regulations; operations, policies and legal requirements pertinent to the Hawaii State Workers' Compensation claims examination program; principles and practices of supervision.

Ability to: Supervise a program of workers' compensation claims examination; assign and review the work of others; deal effectively with subordinates and others;

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make sound judgments on complex, difficult and controversial cases; prepare comprehensive written reports.