

Worker's Compensation Insurance Letter



State of Wisconsin
Department of Workforce Development

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INS #	430
Date	April 27, 2001
Program	Claims Management
Type	Correction- <u>Underlined</u>
Replaces	428 & 429

To: Insurance Carriers' and Self Insured Employers' Claims Handling Offices
From: Judy Norman Nunnery, Division Administrator
Subject: Change in Automated Payment for the 3-day Waiting Period

Purpose: Announce the implementation of a change in how the worker's compensation automated Information Claims Management System (ICMS) checks for proper indemnity payment of the 3-day waiting period.

Background: Currently, ICMS is programmed to use the day after the last day worked as the start date for counting the 3-day waiting period. Effective April 12, 2001, the ICMS programming will be changed to begin the count with the day after the date of injury (excluding Sundays unless the claimant is scheduled to work on Sundays--ICMS will assume the claimant is not scheduled to work Sundays).

Although the last day worked is often the same as the injury date, there are instances where employment continues after the date of injury and lost time begins at a later date. The statute governing payment for the 3-day waiting period is s 102.43, Wis. Statutes which reads:

If the injury causes disability, an indemnity shall be due as wages commencing the 4th calendar day from the commencement of the day the scheduled work shift began, exclusive of Sundays only, excepting where the employe works on Sunday, after the employe leaves work as the result of the injury, and shall be payable weekly thereafter, during such disability. If the disability exists after 7 calendar days from the date the employe leaves work as a result of the injury and only if it so exists, indemnity shall also be due and payable for the first 3 calendar days, exclusive of Sundays only, excepting where the employe works on Sunday.

The phrase "**from the date the employe leaves work as a result of the injury**" is interpreted to mean the point in time that the employee leaves the work station to report the injury or receive first aid and/or medical assistance regardless of when lost time from work begins.

The Division estimates that this change will affect about 30 claims that are currently open and about 200 new claims annually. This modification to ICMS will not be made retroactively to claims that have been closed. A training aid is enclosed to help claims administrators determine when to begin indemnity payments in conjunction with the 3-day waiting period.

Action Requested: None

Inquiries: For questions, contact Vicki Smith, (608) 261-6532

Enclosures: Training information

References: None