

# **Alternative Dispute Prevention Program**

*Helping contractor employers to cut workers' compensation costs*

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Working with contractors unions, State Fund offers premium discounts to contractor employers using an Alternative Dispute Resolution (ADR) program. This program cuts workers' compensation costs by reducing litigation and by providing free professional guidance for injured employees.

## **How does the ADR program work?**

If a worker covered by the program suffers a work-related injury or illness and files a claim, the worker can receive knowledgeable advice from a workers' compensation expert called an ombudsperson. This advice decreases the need to retain an attorney to answer basic questions about workers' compensation. If disputes arise regarding treatment or benefits, the ombudsperson gives confidential advice to the injured worker on what courses of action the worker may wish to take. The ombudsperson may act as a liaison between the worker, the insurance company, and medical providers. The role of the ombudsperson is to resolve problems in a satisfactory manner as soon as possible.

## **How much does the ombudsperson's service cost the injured worker?**

Since the contractors unions hire and pay the ombudsperson, the service is free to the injured worker. However, the worker may choose to hire an attorney at any time during the course of a workers' compensation claim.

## **What if the worker still is not satisfied after talking to the ombudsperson?**

If the worker is not satisfied, he or she may file a request for mediation within 10 days. The worker can obtain mediation request forms from the union, the ombudsperson, or the ADR director. During the mediation process the two sides attempt to agree on a solution to the dispute.

## **Is there any recourse if mediation fails?**

Yes. If the worker is not satisfied after mediation, he or she may file a request for arbitration within 20 days. The worker can obtain arbitration request forms from the union, the ombudsperson, or the ADR director. The ombudsperson cannot participate in arbitration proceedings, so the worker may need to hire an attorney at this point. The ombudsperson is not allowed to discuss the worker's situation with the attorney.

## **Can the worker predesignate his or her medical provider?**

No. Current ADR programs use an exclusive list of providers that both the union and State Fund have approved. A worker who has suffered a work-related injury or illness must choose a medical provider from the approved list.

## **Overall, what is the advantage of an ADR program?**

By providing its own professional guidance for injured employees, this program often helps to cut legal expenses, reduce the red tape in claims resolutions, and promote a speedier return to work after injuries.