



GREATER DAYTON REGIONAL TRANSIT AUTHORITY

Alternatives to Litigation

Worker's Compensation Programs

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Operational Statistics

- 620 employees
- Operate service 365 days per year/21 hours per day
- 29 routes serving 23 different jurisdictions
- Over 9 million passenger trips annually
- 277 passenger vehicles
 - - Diesel buses
 - - Electric trolleybuses
 - - Hybrids
 - - Project Mobility vans
- Greater Dayton MSA population of 650,000
- Self-insured WC program – excess at 500-k

Best Defense is Offense

- Safety Programs
 - TOP Instructors
 - Safety Teams
 - Employee Injury Training
 - Safety Day

TOP Instructors

- Top 2 ½ percent of drivers deliver safety training
 - Stringent qualifying criteria, including continuing education
 - Build credibility & confidence!
- Smith System defensive driving
- 2010 finalist for NTI “Model Training Award”

Safety Teams

- Safety Council
 - Selected through application & interview process
 - Administrative Safety Team
 - Maintenance Safety Team
 - Operations Safety Team
- Develop safety experts
- Participate in procurements for projects with safety element
- Safety Excellence Award (internal)

Employee Injury Training

- Prevention, Response & Follow-up
 - Post offer, pre-employment physical assessment
 - Training at Director, Manager & Supervisor levels
- Back Safety
- 1st Aid & CPR
- Vehicle safety
 - Design
 - Training

Safety Day

- Employee education
 - American Red Cross
 - Ohio Department of Transportation
 - RTA Safety Teams
- Safety recognition
 - Million Mile Club
- Demos
 - Text messaging simulator
 - Motorcycle safety simulator
 - Electrical safety, including fire extinguisher use

Injury Statistics

	2008	2009	2010
# of Injuries	72	56	39
Cost of Injuries	941,602		580,716
194,782			
<i>(Values as of 5/1/11)</i>			
• Indemnity	34%	51%	34%
• Medical	64%	43%	58%
• Expense	2%	6%	8%

Claims Management Strategies

- Internal Risk Administrator
- Nurse case management
- Spend more \$\$ on medical vs. indemnity
- Reach Medical Maximum Improvement (MMI) as quickly as possible
- Transitional duty
 - On-site physical therapy
 - Reduced work hours
 - Ambulatory only customers in paratransit operations

Ohio Bureau of WC

- Ohio – 1 of 5 state administered programs in the country
- Administrative costs even though self-insured
 - Hearings
 - District
 - Staff
 - Industrial Commission
- Purpose of hearings
 - Allowance of claim or additional conditions
 - Allow or add treatment options
 - Wage loss

Attention to Details

BWC Investigations Result in 12 Workers' Comp Fraud Convictions in March

BWC investigations resulted in 12 workers' comp fraud convictions and guilty pleas during the month of March. The cases are the result of the work of BWC's Special Investigations Division (SID) to deter, detect, investigate, and prosecute workers' compensation fraud.

The cases bring total convictions in Fiscal Year 2010, which began July 1, to 82. SID has also made 186 criminal referrals and secured 94 indictments over that period.

Claimant Profile & Trends

- Employment history
 - High absenteeism rates
 - Excessive FML usage
 - Disciplinary issues
- Add depression as a condition
 - RTA successfully defends 70% of claims
- Use of Common Pleas Courts
 - Exhausted BWC appeals process
 - Push employer to settle

Settlement Considerations

- Labor Agreement
 - Provides for employee protection up to 48 months
- Ohio Public Employees Retirement System (OPERS)
 - Employee can return to work up to 5 years after disability retirement
- BWC Hearing process
 - Success rate at different hearing levels
- Medicare set-aside – “Thou shall not cost shift!”
 - All medical expenses for the allowed conditions in the WC claim over the claimant’s life expectancy that qualify for Medicare reimbursement

Settlement Strategies

- Internal staff evaluation of claim
 - Remain objective
- Legal review and evaluation of claim
 - Examines previous medical
 - Summary of BWC hearings
 - Provides pros & cons of possible outcomes
 - Assigns settlement value range (NTE)
- Early settlement
 - Resignation valued at 10-K with “lock-down” agreement



THANK YOU FROM:

DAYTON, OHIO

