

# **OVERVIEW OF THE ALTERNATIVE DISPUTE PREVENTION AND RESOLUTION SYSTEM**

The Alternative Dispute Prevention and Resolution System is a new procedure that you and your employer must use for workers' compensation problems and disputes.

It basically consists of an Ombudsman, Informal Conciliation and Arbitration. The Ombudsman's role is explained more in the enclosed Overview. The procedure's details are fully set out in the Addendum and the Rules of Practice and Procedure; you should refer to them if a workers' compensation matter arises.

## **OUTLINE**

1. Notify the employer of all injuries. The employer (or its insurance company) must notify you if it denies, reduces or terminates compensation.
2. If a problem develops with any form of compensation, including medical treatment, contact the Ombudsman and try to resolve it.
  - \* The Ombudsman's number is (510) 568-5920 and toll free number is (800) 526-0888.
3. If you are not satisfied with the Ombudsman's response, you may proceed to Informal Conciliation by filing a Workers' Compensation Grievance **within 30 days**.
  - \* Obtain a Grievance form from the Union, Ombudsman or Director of the Alternative Dispute Prevention and Resolution System.
  - \* The purpose of Informal Conciliation is to seek a resolution of the developing dispute.
  - \* If requested, the Ombudsmen will aid and counsel you.
4. If you are not satisfied with Informal Conciliation, you may proceed to Arbitration by filing an Arbitration Request **within 30 days**.
  - \* Obtain a Request form from the Union or Director of the Alternative Dispute Prevention and Resolution System.
  - \* Once you file for Arbitration, the Ombudsman can no longer help; after that, you hire an attorney if you desire any desire legal representation.

### At any relevant time:

1. The problem can be resolved by agreement or formal settlement.
2. A medical evaluator may be retained by you and/or the insurance company.
3. You may hire an attorney to represent you. (If so, give the attorney this Packet.)

**OVERVIEW  
OF THE  
BASIC CRAFTS WORKERS' COMPENSATION BENEFITS TRUST  
FUND ADDENDUM**

This provides only a very short summary, but works in conjunction with the other enclosed Overviews of particular features. You should refer to the Addendum if an actual workers' compensation question arises.

**ADDENDUM'S PURPOSES**

1. To provide Carpenters, Laborers and Operating Engineers claiming compensable injuries with improved access to high-quality medical treatment and prompt compensation;
2. To reduce the number and severity of disputes;
3. To provide a better method to resolve disputes that may occur;
4. To provide workers' compensation coverage in a way that improves labor-management relationships, job security and organizational effectiveness; and
5. To achieve this on a long-term basis.

**ADDENDUM'S SCOPE**

The Addendum covers only Carpenters, Laborers and Operating Engineers employed by Individual Employers that sign the Addendum. The program is limited to construction employers signed to a Carpenter's, Laborer's and/or Operating Engineer's contract.

**WORKERS' COMPENSATION TRUST**

The Addendum establishes a labor-management Trust Fund.

**MEDICAL PROVIDERS, VOCATIONAL REHABILITATION PROVIDERS & MEDICAL EVALUATORS**

All medical treatment and vocational rehabilitation must be selected by injured Claimants from the Exclusive Lists of providers. If a dispute arises that requires additional medical evaluation, all medical evaluators must be selected from another exclusive list. The Addendum provides the relevant rules for all lists.

**ALTERNATIVE DISPUTE PREVENTION AND RESOLUTION SYSTEM**

The Addendum establishes the Alternative Dispute Prevention and Resolution System. This is a new dispute resolution process that must be used by you and your employer to resolve problems and disputes. The enclosed Overviews for the System and Ombudsman further explain this feature.

## **OVERVIEW OF THE EXCLUSIVE LIST OF MEDICAL PROVIDERS**

The term "medical providers" refers to the hospitals, facilities, doctors and others that provide medical treatment for injuries.

### **WHAT THE LIST MEANS**

When you need medical treatment for a work injury, you must select all medical providers from this Exclusive List.

For example, if you are injured at work and need medical attention, you then select the appropriate medical provider from the Exclusive List of Medical Providers.

Selection from the Exclusive List is completely up to you. The insurance carrier or Ombudsman can help you make a selection if you ask, but it is your responsibility and choice. Neither the employer nor insurance company can force you to go to a particular medical provider.

The Basic Crafts Exclusive Medical Provider List consists of any medical provider that is eligible to treat under the Blue Cross PPO, the Health Net HMO or Kaiser. In certain circumstances, the list may also include physicians found on the Qualified Medical Examiner List of the Division of Workers' Compensation. By clicking on the Medical Provider icon you will be informed as to how to navigate each of these provider lists.

### **RULES ABOUT SELECTING MEDICAL PROVIDERS**

Article VI of the Workers' Compensation Addendum provides rules about selecting medical providers. For example:

1. In an emergency when no medical provider from the Exclusive List is available, you may seek treatment from another medical provider during the emergency that is reasonable and necessary. However, treatment must be transferred to a medical provider from the Exclusive List as soon as possible, consistent with sound medical practice.
2. The insurance company does not have to pay for treatment you receive from a medical provider that is not on the Exclusive List of Medical Providers. (For example, if you get treatment from a doctor that is not on the Exclusive List, and the Addendum does not permit you to, then the insurer will not have to pay for that treatment; the doctor may then want to sue you to get paid.)

## **OVERVIEW OF THE OMBUDSMAN' S ROLE**

The Ombudsman's purpose is to prevent or limit disputes at the earliest possible time by aiding and counseling you regarding workers' compensation claims, complaints and inquiries. The Ombudsman is skilled in all workers' compensation matters and hired by the Trust at no cost to you.

Contact the Ombudsman by calling (510) 568-5920 or the toll free number: (800) 526-0888. Ask for the "Ombudsman from the Basic Crafts Workers' Compensation Benefits Trust Fund."

### **SUMMARY OF THE OMBUDSMAN'S ROLE**

1. Aid and counsel you regarding your claims, complaints and inquiries.
2. Explain to you the effect of the facts and law, such as telling you what realistic options you have in your situation.
3. Be a liaison between you and the insurance company.
4. Attend Informal Conciliation with you, if you request.
5. Help prevent or limit disputes before they grow into expensive litigation.

### **LIMITS TO THE OMBUDSMAN'S ROLE**

1. The Ombudsman is not your legal representative which means the Ombudsman is not your personal attorney.
2. The Ombudsman will not continue in the process after you file an Arbitration Request; you may want to then hire an attorney for arbitration.
3. The Ombudsman will not discuss your situation with an attorney that you hire at any time.

### **CONFIDENTIAL COMMUNICATIONS**

Your statements to the Ombudsman are confidential and no statement made to or by the Ombudsman, regarding anyone, is admissible evidence at arbitration.

### **BENEFITS OF THE OMBUDSMAN**

1. You now have a new option with workers' compensation problems: using the Ombudsman's skill and power instead of needing to pay an attorney (at least before you file for arbitration). It does not matter if the issue is small or large, the Ombudsman will help to resolve it.
2. Less chance of small problems growing into big problems; more chance of problems and disputes being resolved faster and cheaper for you.