

U.S. Department of Labor

Employment Standards Administration
Office of Workers' Compensation Programs
Division of Longshore and
Harbor Workers' Compensation
Washington, D.C. 20210



File Number:

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Notice No. 130

**NOTICE TO EMPLOYERS AND INSURANCE CARRIERS UNDER THE LONGSHORE
AND HARBOR WORKERS' COMPENSATION ACT AND OTHER INTERESTED
PERSONS**

**SUBJECT: Initiative to Improve Timeliness in Employer's First
Report of Injury and Initial Payment of Compensation**

To improve program effectiveness by facilitating the prompt delivery of benefits to injured workers, the Office of Workers' Compensation Programs (OWCP), Division of Longshore and Harbor Workers' Compensation (DLHWC), has launched an initiative to scrutinize more closely and track more comprehensively the timeliness in filing first reports of injury and initial payment of compensation by employers and insurance carriers.

This initiative is intended to:

- 1) To improve timelines in the filing of the Employer's First Report of Injury, Form LS-202, and
- 2) To reduce the elapsed time from the first date of an injured worker's disability to the date of first payment of compensation.

OWCP hopes to reduce the time lapse between the occurrence of an injury or disability and the report of the injury to OWCP, as well as the time it takes to deliver the first payment of benefits to the injured worker. To accomplish these objectives, DLHWC plans to take the following action:

- 1) DLHWC will work to emphasize the importance of timely reporting of injuries and prompt payment of compensation through industry notices, regional newsletters, educational seminars and workshops, informal meetings with claims professionals, correspondence, and enhanced online information. Timely reporting of injuries to the OWCP means that injured workers will receive more quickly basic information about their rights to benefits and how to file claims. It also means that our District Office staff can monitor a case and take action as necessary to make sure proper benefits are paid. Prompt payment of compensation obviously benefits injured workers who are

unable to earn wages due to their work injuries. It also benefits the employers and insurance carriers in indirect ways: it decreases the length of time an injured worker remains off work, minimizes claim disputes, and reduces the time for dispute resolution, all of which result in lower claim costs.

2) DLHWC has begun tracking in its automated case management system the time it takes an employer to submit the Form LS-202, Employer's First Report of Injury or Occupational Illness, as well as the time it takes a self-insured employer or insurance carrier to issue the first payment of compensation. The data collected in the past year is being used as the baseline for improvement. DLHWC will provide individualized training as necessary to program participants in the timely reporting of injuries and the timely payment of benefits to injured workers. Both authorized self-insured employers and authorized insurance carriers are responsible to ensure the performance of these functions by any third party administrators with whom they contract to provide claims handling services.

3) DLHWC will enforce existing reporting requirements under the LHWCA and its implementing regulations, including the assessment of penalties where appropriate, for the following reports:

a. Timely submission of the Form LS-202 -- Section 30(a) of the Act requires the employer to file the Employer's First Report of Injury or Occupational Illness, Form LS-202, within ten (10) days of the date of any injury which causes loss of one or more shifts of work or death or from the date the employer has knowledge of the injury or death.

b. Timely submission of additional reports -- Section 30(b) of the Act requires the submission of additional reports by the employer as prescribed by the District Director.

c. Timely submission of the Form LS-208 -- Section 14(g) of the Act requires the employer to submit within sixteen (16) days after final payment of compensation notification to the District Director that final payment has been made by submitting the Form LS-208.

Please note that there are no new reporting requirements created in these performance measures - only OWCP's intent to measure and improve the industry's compliance with existing standards. Further, employers and insurance carriers are reminded that continued authorization to operate as authorized self-insurers

and carriers under the Act is contingent on compliance with the statute, regulations, and requirements of the program. 20 C.F.R. §§ 703.108 and 703.312.

Questions regarding the implementation of the new benefit facilitation initiative should be addressed in writing to MICHAEL NISS, Director, Division of Longshore and Harbor Workers' Compensation, Office of Workers' Compensation Programs, 200 Constitution Avenue NW, Room C-4315, Washington, DC 20210.

A handwritten signature in black ink, appearing to read "Michael Niss", written in a cursive style.

MICHAEL NISS
Director, Division of
Longshore and Harbor
Workers' Compensation