



RETURN TO WORK: THE
INTERSECTION BETWEEN
EMPLOYMENT LAW AND
WORKERS' COMPENSATION

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RETURN TO WORK IN WORKERS' COMPENSATION: CALIFORNIA

SUPPLEMENTAL JOB DISPLACEMENT VOUCHER [SJDB]

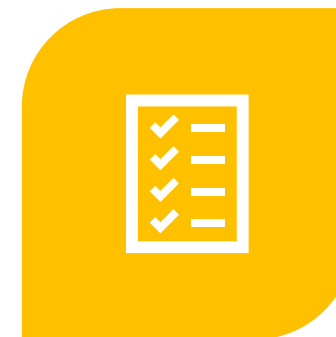
FOR INJURIES ON OR AFTER 01/01/2013
SUPPLEMENTAL JOB DISPLACEMENT BENEFITS
SJDB [LABOR CODE 4658.7



INJURY CAUSES PERMANENT PARTIAL
DISABILITY [PPD]

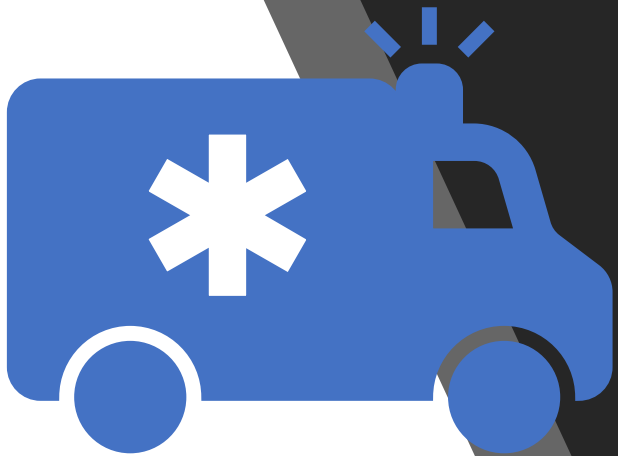


EMPLOYEE ENTITLED TO SUPPLEMENTAL JOB
DISPLACEMENT BENEFIT UNLESS EMPLOYER
MAKES OFFER OF REGULAR, MODIFIED OR
ALTERNATIVE WORK



THE OFFER OF WORK MUST COMPLY WITH
CONDITIONS BOTH AS TO TIME AND
CONTENT

SJDB: OFFER MUST BE MADE WITHIN 60 DAYS



- OFFER MUST BE MADE WITHIN 60 DAYS AFTER RECEIPT BY THE CLAIMS ADMINISTRATOR OF THE FIRST MEDICAL REPORT RECEIVED FROM PRIMARY TREATING PHYSICIAN (PTP) AN AGREED MEDICAL EXAMINER (AME) OR QUALIFIED MEDICAL EVALUATOR (QME) IN THE PROPER FORM, FINDING DISABILITY FROM ALL CONDITIONS FOR WHICH COMPENSATION IS CLAIMED HAS BECOME PERMANENT AND STATIONARY AND THERE IS PERMANENT PARTIAL DISABILITY (PPD) [Lab C 4658.7(a)(1)(A)]

SJDB: CLAIMS ADMINISTRATOR MAY PROVIDE PHYSICIAN WITH EMPLOYEE'S JOB DESCRIPTION



THIS IS DONE IN A REQUIRED FORM FROM THE DWC



REGULAR POSITION: SETTING FORTH THE ESSENTIAL ELEMENTS OF THE EMPLOYEE'S PRE-INJURY POSITION, INCLUDING DESCRIPTION OF JOB DUTIES AND PHYSICAL REQUIREMENTS OF THE POSITION



PROPOSED MODIFIED WORK



PROPOSED ALTERNATIVE WORK



PHYSICIAN: SHALL EVALUATE AND DESCRIBE IN THE FORM WHETHER THE WORK CAPACITIES AND ACTIVITY RESTRICTIONS ARE COMPATIBLE WITH THE PHYSICAL REQUIREMENTS SET FORTH IN THAT JOB DESCRIPTION [LAB C 4658.7(B)(1)(A)]

SJDB: ROLE OF THE PHYSICIAN: RETURN-TO-WORK AND VOUCHER REPORT (01/01/2013)



PHYSICIAN (PTP, QME, AME) COMPLETES A DWC FORM INCORPORATING A REVIEW OF THE RELEVANT TYPE OF JOB DESCRIPTION AND SETTING FORTH WHETHER EMPLOYEE CAN RETURN TO *REGULAR WORK* (NO RESTRICTIONS) OR CAN WORK *WITH RESTRICTIONS*



DWC FORM 10133.36: THIS FORM SETS FORTH THE RESTRICTIONS WHICH INCLUDE A SET OF INCLUDED RESTRICTIONS AS TO ACTIVITY AND TIME LIMITS, IF APPROPRIATE. IT ALSO PERMITS PHYSICIAN TO SET FORTH HIS/HER OWN RESTRICTIONS IN NARRATIVE FORM

**SJDB:
COMMON
RESTRICTIONS:
FORM 10133.6**

LIST

- STANDING
- WALKING
- SITTING
- BENDING
- SQUATTING
- CLIMBING

LIST

- TWISTING
- REACHING
- CRAWLING
- DRIVING
- GRASPING
- PUSHING/PULLING

SJDB: OTHER TYPES OF RESTRICTIONS

- TIME PERIODS FOR ACTIVITIES
 - NEED FOR BREAKS
 - ERGONOMIC MODIFICATIONS
 - PSYCHIATRIC – DIFFERENT SUPERVISOR
 - PSYCHIATRIC – ACTIVITY LIMITATION
 - PART TIME WORK
 - ASSISTIVE DEVICES
 - UNEVEN SURFACES
 - WORK AT HOME
-
- LIFTING LIMITS AS TO WEIGHT
 - LIFTING LIMITS AS TO NUMBER/ VOLUME
 - CARRYING LIMITATIONS
 - USE OF POWER TOOLS
 - NOISE LIMITATIONS
 - VIBRATIONS
 - DUTY BELTS/TOOL BELTS
 - HEIGHT LIMITATIONS
 - TRAVEL DISTANCE
 - AVOID OUTDOORS

SJDB: EMPLOYEE IS ENTITLED TO A VOUCHER UNLESS CLAIMS ADMINISTRATOR MAKES A TIMELY AND PROPER OFFER OF REGULAR, MODIFIED OR ALTERNATIVE WORK



OFFER: MUST BE FOR REGULAR, MODIFIED OR ALTERNATIVE WORK



OFFER: MUST BE MADE TIMELY WITHIN 60 DAYS



NO OFFER: SJDB SHALL BE OFFERED TO EMPLOYEE WITHIN 20 DAYS AFTER EXPIRATION OF TIME FOR MAKING OFFER OF REGULAR, MODIFIED OR ALTERNATIVE WORK



EMPLOYEE HAS ABILITY TO PERFORM ESSENTIAL FUNCTIONS OF JOB



REGULAR POSITION LASTING AT LEAST 12 MONTHS



WAGES AND COMPENSATION AT LEAST 85% OF PRE INJURY



JOB LOCATED WITHIN REASONABLE COMMUTING DISTANCE FROM RESIDENCE

SJDB: NATURE AND FORM



SJDB IS IN THE FORM OF A VOUCHER REDEEMABLE UP TO \$6,000.00



TO BE USED FOR EDUCATION RELATED RETRAINING OR SKILL ENHANCEMENT OR BOTH, AT A CALIFORNIA PUBLIC SCHOOL OR WITH AN ELIGIBLE PROVIDER THAT IS CERTIFIED ON THE STATE'S ELIGIBLE TRAINING PROVIDER LIST ("EPTL")

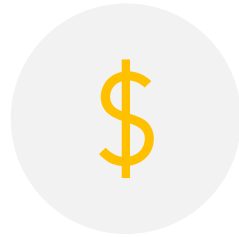
SJDB: VOUCHER INCLUDES



UP TO \$1,000.00 FOR
PURCHASE OF COMPUTER
EQUIPMENT



TOOLS REQUIRED BY A
TRAINING OR EDUCATIONAL
PROGRAM IN WHICH
EMPLOYEE IS ENROLLED



SERVICES OF LICENSED
PLACEMENT AGENCIES,
VOCATIONAL OR RETURN-TO-
WORK COUNSELING AND
RESUME PREPARATION UP TO
COMBINED 10% OF VOUCHER
OR \$600.00



PAYMENT FOR OCCUPATIONAL
LICENSING OR PROFESSIONAL
CERTIFICATION FEES, EXAM
FEES, BOOKS AND OTHER
EXPENSES REQUIRING BY THE
SCHOOL



UP TO \$500 AS
MISCELLANEOUS EXPENSE
REIMBURSEMENT WITHOUT
DOCUMENTATION

SJDB: VOUCHER EXPIRATION /LIMITATIONS



VOUCHER EXPIRES TWO YEARS AFTER DATE UPON WHICH IT IS ISSUED TO EMPLOYEE OR FIVE YEARS AFTER THE DATE OF INJURY, WHICHEVER IS LATER IN TIME



EXCEPT FOR THE \$500 ADVANCE, ALL OTHER EXPENSES MUST BE PROPERLY DOCUMENTED



THE VOUCHER CANNOT BE SETTLED OUT FOR CASH OR COMMUTATED



THE VOUCHER CAN BE RELEASED ENTIRELY IF THERE IS A FINDING THAT DEFENSE COULD DEFEAT THE ENTIRE CLAIM OF INJURY IF THE MATTER WERE TRIED BEFORE THE WORKERS' COMPENSATION APPEALS BOARD

SJDB: FOR INJURIES BETWEEN 01/01/2004 – 12/31/2012



THE LABOR CODE AND REGULATIONS SET FORTH DIFFERENT CRITERIA AND THE AMOUNT OF THE VOUCHER IS SCALED TO THE AMOUNT OF A **PPD AWARD** RATHER THAN A FIXED SUM IRRESPECTIVE OF THE AMOUNT OF PPD



UP TO **\$4,000** = AWARD OF LESS THAN **15%**



UP TO **\$6,000** = AWARDS BETWEEN **16 -25%**



UP TO **\$8,000** = AWARDS BETWEEN **26-49%**



UP TO **\$10,000** = AWARDS BETWEEN **50%-99%**



VOUCHER ELIGIBILITY BASED UPON PPD AND MUST BE ISSUED WITHIN **25** CALENDAR DAYS FROM ISSUANCE OF AN AWARD BY THE WCAB



THE OFFERS ARE BASED UPON ABILITY TO PERFORM ESSENTIAL FUNCTIONS OF THE JOB AND OFFER MUST PROVIDE AT LEAST 85% OF WAGES AND COMPENSATION PAID AT THE TIME OF INJURY

SJDB: NO BENEFIT AVAILABLE



THE TIMELY OFFER OF REGULAR, MODIFIED OR ALTERNATIVE WORK WILL EXTINGUISH EMPLOYER LIABILITY FOR THE SJDB



THE OFFER, WHETHER ACCEPTED OR REJECTED IS THE BASIS UPON WHICH THE EMPLOYER LIABILITY FOR THE SJDB IS EXTINGUISHED

SJDB: OFFERS OF REGULAR WORK, MODIFIED WORK OR ALTERNATIVE WORK MAY BE COMPLIANT WITH WORKERS' COMPENSATION BUT VIOLATIVE OF STATE AND FEDERAL LAWS



CLAIMS ADMINISTRATOR MAY BE **UNAWARE** OF STATE AND FEDERAL LAWS GOVERNING DISABILITY DISCRIMINATION



CLAIMS ADMINISTRATOR MAY BE **WORKING INDEPENDENTLY** AND NOT IN CONCERT WITH THE EMPLOYER



THE **EMPLOYER** MAY BE **UNAWARE** THAT AN OFFER OF WORK IS BEING MADE BY A CLAIMS ADMINISTRATOR



UNILATERAL DETERMINATION OF WORK RESTRICTIONS PROMPTING OFFER WITHOUT ENTIRE ANALYSIS WHETHER THE EMPLOYEE IS BEING PROPERLY ACCOMMODATED FOR A DISABILITY UNDER STATE AND FEDERAL LAWS

SJDB: RETURN TO WORK OFFERS MAY NOT BE COMPLIANT WITH STATE AND FEDERAL LAWS CONTINUED



EMPLOYER HR DEPARTMENT MAY NOT BE AWARE, MUCH LESS INVOLVED IN THE ACCOMMODATION PROCESS



WORKERS' COMPENSATION OFFERS DO NOT REQUIRE ANY **INTERACTIVE COMPONENT**, RENDERING ANY OFFER POTENTIALLY IN VIOLATION OF STATE AND FEDERAL LAWS



WORKERS' COMPENSATION DEFENSE COUNSEL OFTEN DO NOT PROVIDE ADVICE DIRECTLY TO THE EMPLOYER REGARDING INTERACTIVE ACCOMMODATION PROCESS



FULL COMPLIANCE WITH SJDB PROCESS MAY STILL EXPOSE EMPLOYER TO CLAIMS OF EMPLOYMENT DISABILITY DISCRIMINATION

THE INTERSECTION BETWEEN OFFERS IN WORKERS' COMPENSATION AND EMPLOYMENT DISABILITY DISCRIMINATION



- **ACHIEVABLE OUTCOME:** FULL COMPLIANCE WITH ALL EMPLOYMENT DISCRIMINATION LAWS, BOTH STATE AND FEDERAL, WITH PURPOSEFUL COORDINATION AND MELDING OF WORKERS' COMPENSATION OFFERS OF WORK

WORK COMP AND CALIFORNIA FAIR EMPLOYMENT AND HOUSING ACT [FEHA]

WORK COMP:

- CLAIMS ADMINISTRATOR PROVIDES FORM + JOB DESCRIPTION TO PHYSICIAN
- NO EMPLOYEE INTERACTIVE PROCESS
- REASONABLE ACCOMMODATIONS NOT REQUIRED
- PHYSICIAN MAKES DECISION ON WORK RESTRICTIONS
- CLAIMS ADMINISTRATOR NOT REQUIRED TO INTERACT WITH EMPLOYER HR DEPT.
- CLAIMS ADMINISTRATOR MAKES OFFERS WITHOUT SIGN OFF FROM EMPLOYER

CALIFORNIA: FEHA

- EMPLOYERS WITH 5-14 EMPLOYEES COVERED
- ALL EMPLOYERS SUBJECT TO ADA (15 OR MORE) ARE COVERED BY FEHA
- DISABILITY: CONDITION LIMITS A *MAJOR LIFE FUNCTION*
- DISABILITY REGARDLESS OF MEDICATION, TECHNOLOGY OR ASSISTIVE DEVICES
- EMPLOYER KNOWLEDGE, DIRECT OR IMPUTED IS REQUIRED
- COVERS BOTH PHYSICAL AND MENTAL DISABILITY AND MEDICAL CONDITIONS
- REASONABLE ACCOMMODATION REQUIRED

WORK COMP AND FEHA: CONTINUED

WORK COMP:

- NO EQUIVALENT LAWS OR REGULATIONS APPLY HERE
- THE CLAIMS ADMINISTRATOR IS NOT REQUIRED TO INTERFACE WITH THE INJURED WORKER AND IN CASES WHERE THE MATTER IS LITIGATED, THEY MAY NOT ENGAGE WITHOUT PERMISSION OF COUNSEL

CALIFORNIA: FEHA

- REASONABLE ACCOMMODATION PREDICATED ON *INTERACTIVE PROCESS*
- IN ORDER TO PERFORM ESSENTIAL FUNCTIONS OF JOB
- INTERACTIVE PROCESS: IT IS UNLAWFUL FOR EMPLOYER NOT TO ENGAGE IN TIMELY, GOOD FAITH INTERACTIVE PROCESS
- SAMPLE PACKAGE AVAILABLE FROM DFEH

WORK COMP AND FEHA: CONTINUED

WORK COMP:

- NOT APPLICABLE

CALIFORNIA: FEHA

- ACCOMMODATION PROCESS:
INDIVIDUALIZED ASSESSMENT OF JOB
FUNCTIONS AGAINST THE INDICATED
PHYSICAL OR MENTAL LIMITATIONS
- THE PROCESS WOULD COULD ANY DISABILITY,
WHERE WORK RELATED OR OTHERWISE
- THIS IS AN INDEPENDENT PROCESS FROM
WORK COMP

WORK COMP AND FEHA: CONTINUED

WORK COMP:

- NOT APPLICABLE

CALIFORNIA: FEHA

- INTERACTIVE PROCESS WOULD INVOLVE
- EMPLOYEE DISCUSSIONS
- EMPLOYEE REQUESTS
- RELATIVE STRENGTH AND WEAKNESS OF ALL POTENTIAL ACCOMMODATIONS
- RATIONALE

WORK COMP AND FEHA: CONTINUED

WORK COMP:

- TYPICAL PHYSICIAN PROVIDED WORK RESTRICTIONS ARE CONFINED TO BASIC ELEMENTS SUCH AS PHYSICAL LIMITS AND TIME CONSTRAINTS. RARELY, ARE PHYSICIANS CREATIVE IN PROVIDING EXPANSIVE WORK CHANGES OR MODIFICATIONS BEYOND THE ORDINARY

CALIFORNIA: FEHA

- ACCOMMODATION NOT REQUIRED IF IT PRODUCES UNDUE HARDSHIP
- ACCOMMODATION COULD INCLUDE: CHANGE OF DUTIES, PROVIDING LEAVE, ALTERING WORK SCHEDULES, RELOCATION OF WORK AREA, MECHANICAL OR ELECTRIC DEVICES

INTERACTIVE PROCESS: FEHA AND WORK COMP

COVERED EMPLOYERS REQUIRED TO INITIATE INTERACTIVE PROCESS WHEN A REQUEST FOR ACCOMMODATION IS MADE OR WHEN EMPLOYER BECOMES AWARE OF POSSIBLE NEED FOR ACCOMMODATION. ***THIS CAN COME FROM A THIRD PARTY***
[CALIF. DEPT. OF FAIR EMPLOYMENT AND HOUSING WEB PAGE]

THIS "THIRD PARTY" CAN BE A WORKERS' COMPENSATION ADMINISTRATOR SO ***"NOTICE" CAN BE ESTABLISHED BY THE RETURN-TO-WORK TRIGGERS***

WORK COMP AND ADA:



EMPLOYERS WITH AT LEAST 15 EMPLOYEES (ALSO COVERED BY FEHA)



PROHIBITION OF DISCRIMINATION OF QUALIFIED INDIVIDUAL WITH A DISABILITY [QID] WHO WITH OR WITHOUT REASONABLE ACCOMMODATION CAN PERFORM ESSENTIAL FUNCTIONS OF THE JOB

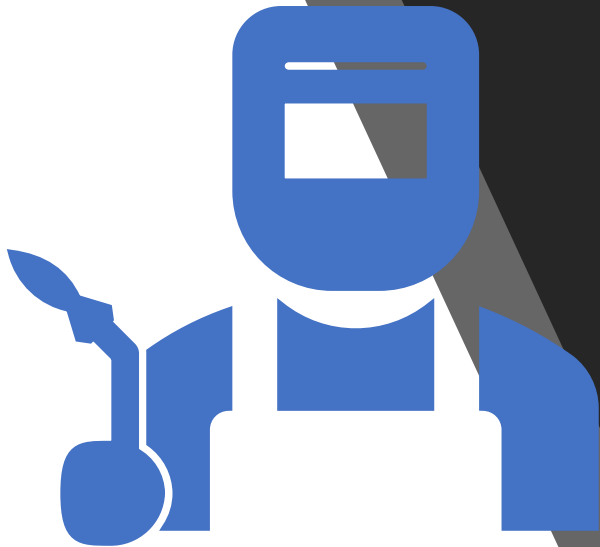


PROVISIONS INCLUDE REINSTATEMENT RIGHTS



SINCE FEHA REMEDIES ARE MORE EXPENSIVE, MOST ACTIONS BROUGHT BY EMPLOYEES ARE UNDER FEHA AND NOT ADA

EMPLOYER EXPOSURE FOR DISABILITY DISCRIMINATION –TRIGGERED BY OFFERS TO RETURN TO WORK UNDER WORK COMP



- IN MANY INSTANCES, ESPECIALLY WHEN THERE IS A WORKERS' COMPENSATION CLAIM BEING ADMINISTERED BY AN INSURANCE COMPANY, THE RETURN-TO-WORK ASPECTS IN THE WORK COMP CLAIM ARE UNBUNDLED WITH EMPLOYMENT LAW CONSIDERATIONS, SO IN EFFECT, THE CLAIMS ADMINISTRATOR IS ACTING IN AN INDEPENDENT AND NON-COORDINATED MANNER
- OR THERE MAY BE RUDIMENTARY CONTACT WITH THE EMPLOYER, OFTEN A SIMPLE INQUIRY AS TO THE AVAILABILITY OF MODIFIED OR ALTERNATIVE WORK.
- FOR MANY SMALL EMPLOYERS, WITHOUT AN HR DEPARTMENT OR EMPLOYMENT LAW RESOURCES, THIS CAN RESULT IN DISABILITY DISCRIMINATION EXPOSURE

FEHA BASED DISABILITY DISCRIMINATION EXPOSURE DUE TO:

WORK COMP OFFERS TO RETURN TO WORK

FAILURE TO ENGAGE IN THE *INTERACTIVE PROCESS* WITH THE EMPLOYEE PRIOR TO THE COMMUNICATION OF AN OFFER TO RETURN TO WORK AT REGULAR DUTY, MODIFIED OR ALTERNATIVE WORK

THE WORK COMP OFFER MAY NOT CONSIDER THE ESSENTIAL FUNCTIONS OF THE JOB

THE WORK COMP OFFER MAY NOT ACCURATELY REFLECT ANY ACCOMMODATION FOR PERSONS WITH A DISABILITY

UNDER CALIFORNIA LAW, IT IS UNLAWFUL TO DISCRIMINATE AGAINST AN EMPLOYEE WITH A DISABILITY [CAL. GOV. CODE 12940]

REMEDIES INCLUDE: BACKPAY, REINSTATEMENT, FRONT PAY [FUTURE DAMAGES] INJUNCTIVE RELIEF, ATTORNEY FEES AND COSTS; COMPENSATORY DAMAGES FOR PAIN AND SUFFERING AND POSSIBLE PUNITIVE DAMAGES AGAINST A PRIVATE EMPLOYER

THE SOLUTION: CABLE OF
COORDINATED
CONTINUITY [“CCC”]



CCC: INFORMATION AND EDUCATION

WORK COMP ADMINISTRATORS SHOULD CONSIDER PROVIDING ALL OF THEIR INSUREDS OR EMPLOYERS IF SELF INSURED WITH A SIMPLE NOTICE OF RIGHTS AND REMEDIES UNDER FEHA/ADA AND WORK COMP LAWS AS THEY IMPACT RETURN-TO-WORK

THE NOTICE SHOULD BE SIMPLE AND STRAIGHTFORWARD

THE NOTICE SHOULD REFER TO ONLINE RESOURCES

EMPLOYERS WITH 5 OR MORE EMPLOYEES, SHOULD BE ENCOURAGED TO UNDERGO TRAINING IN THE LAWS OF DISABILITY DISCRIMINATION AND FMLA

CLAIMS ADMINISTRATOR ENCOURAGED TO ESTABLISH "CONTACT PERSON" WITH EMPLOYER

CCC: ENCOURAGE EARLY INTERACTIVE PROCESS

EMPLOYERS ENCOURAGED TO CONSIDER EARLY INTERACTIVE PROCESS. SINCE THERE IS NO ONE "MANDATED FORM OR PROCESS PATH," THE INTERACTIVITY SHOULD START AT THE INCEPTION OF THE CLAIM.

EMPLOYER / CLAIMS ADMINISTRATOR ENCOURAGED TO COMMUNICATE WITH INJURED WORKER AS TO THE NEED FOR TEMPORARY RESTRICTIONS OR TRANSITIONAL WORK. REMEMBER, THE RETURN-TO-WORK SJDB USUALLY COMES LATE IN THE CASE AND ONLY IF THERE IS PPD

EMPLOYER /CLAIMS ADMINISTRATOR ENCOURAGED TO WORK TOGETHER TOWARDS A COLLABORATIVE APPROACH [WORKERS' COMPENSATION, RETURN TO WORK, AND THE AMERICANS WITH DISABILITIES ACT – 2010 J.D. RABB JD]

CCC:
TRANSITIONAL
WORK /
TEMPORARY
LIGHT DUTY

EMPLOYER/CLAIMS ADMINISTRATOR ENCOURAGED TO CONSIDER TEMPORARY OR TRANSITIONAL WORK DURING A PERIOD WHERE INJURED WORKER MAY NOT ACTUALLY HAVE A "DISABILITY" AND WHERE THE EMPLOYEE MAY NOT HAVE ANY PPD

THIS WOULD TRANSPIRE BEFORE THE ACTUAL RETURN-TO-WORK OFFER IS MADE OR WHERE THE EMPLOYEE HAS AN ACTUAL DISABILITY BUT IT DOES ESTABLISH AN EARLY, GOOD FAITH PROCESS TO RETURN THE INJURED EMPLOYEE TO TRANSITIONAL WORK

MAKE THIS PROCESS INTERACTIVE AND COLLABORATIVE

CCC: COORDINATION WITH EMPLOYER

OFFERS OF REGULAR, MODIFIED OR ALTERNATIVE WORK SHOULD BE MADE IN COORDINATION WITH THE EMPLOYER [HR DEPARTMENT]

EMPLOYER NEEDS TO BE PROVIDED WITH PRIOR NOTICE BEFORE ANY OFFERS ARE MADE, SO THAT THE INTERACTIVE PROCESS CAN BE ENGAGED. AND, THE WORK COMP OFFERS SHOULD BE SHAPED BEYOND THE PARAMETERS OF THE RESTRICTIONS MADE BY A PHYSICIAN. THEY SHOULD BE MADE IN CONCERT WITH THE PHYSICIAN, EMPLOYER, EMPLOYEE AND CLAIMS ADMINISTRATOR.

ALL ACTIONS TO BE DOCUMENTED

CCC:
EMPLOYER
SEEKING
CLAIMS REVIEW

EMPLOYERS ENCOURAGED TO
CONDUCT PERIODIC REVIEW OF
OPEN CLAIMS WHICH IMPACT
THE EMPLOYER'S EXPERIENCE
MODIFICATION WITH SPECIAL
ATTENTION TO ANY WORKER
WHO IS TEMPORARILY DISABLED

CCC: EMPLOYER PREPARATION

JOB DESCRIPTIONS SHOULD BE REVIEWED PERIODICALLY FOR ACCURACY AND UPDATED IF NECESSARY. THEY NEED TO SET FORTH THE ESSENTIAL FUNCTIONS OF THE JOB

EMPLOYEE MANUAL OR HANDBOOK SHOULD DETAIL POLICIES AND RULES GOVERNING LOST TIME. THESE SHOULD BE PREPARED BY EMPLOYMENT LAW COUNSEL OR AT LEAST REVIEWED BY COUNSEL TO ASSURE COMPLIANCE WITH ADA, FEHA AND FMLA

SAFETY PROGRAMS SHOULD ENCOURAGE EARLY AND PROMPT REPORTING OF INJURIES

WORK COMP: LABOR CODE 132(A)



STATE POLICY EMBODIED BY STATUTE, SUPPORTED BY CASE LAW PROHIBITING ANY DISCRIMINATORY CONDUCT IN RESPONSE TO FILING A CLAIM, MAKING KNOWN INTENT TO FILE A CLAIM OR TESTIFYING IN A CO-EMPLOYEE'S CLAIM



SUPREME COURT ESTABLISHED WIDE BERTH AS TO ANY RETALIATORY CONDUCT, NOT LIMITED TO DEMOTION OR TERMINATION. (JUDSON STEEL CASE)



REMEDIES INCLUDE: UP TO \$10,000 PENALTY, COSTS AND REINSTATEMENT AS WELL AS ALL LOST WAGES AND EMPLOYEE BENEFITS