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MAE News: Newsletter from the Office of Monitoring, Audit and Enforcement, Special Edition 2011

Maine Workers' Compensation Board

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MEDIATION POLICY - UPDATE 6/1/11

On April 12, 2011 the Board held additional discussions regarding whether mediation should be held in-person or via telephone or videoconference. The Board has voted to amend the recent policy directing that all mediations be held by telephone or videoconference as follows:

- Beginning June 1, 2011 mediations shall be conducted in person unless both parties agree to a telephone or videoconference.
- Requests to conduct mediation by telephone or videoconference must be submitted to the Board at least 7 days prior to the scheduled mediation. If all parties agree to a telephone or videoconference mediation, that request shall be granted.

WAGE STATEMENTS – NEW DIRECTIVE 6/15/11

On June 15, 2011 the Executive Director apprised the Board regarding an area of critical importance to the Board's mission – the completion of Wage Statements. Mr. Sighinolfi is spending time in each of the departments within the Board. During his recent orientation in the Claims Management Unit, he was concerned with the number of incomplete Wage Statements that he saw. **The Board was in agreement that all Wage Statements must be complete upon arrival at the Board (i.e. incomplete Wage Statements will not be processed).** This includes completion of boxes 20-22 even if a copy of the employer's wages are attached. Further, for those employer's with bi-weekly, bi-monthly or monthly payrolls, the expectation is that these amounts will be broken down and recorded weekly. Wage Statements should be completed as follows:

Box 20 - Weekly Wages:

- If the injured employee was employed seasonally (as defined by Section 102(4)(C) of the Act) at the time of injury, enter the employer's payroll week "week ending" dates and the employee's corresponding "gross earnings" for the prior calendar year.
- For all other types of employment, enter the employer's payroll week "week ending" dates and the employee's corresponding "gross earnings" for the 52 weeks immediately preceding the injury. Week 52 is the payroll week that includes the date of injury. Week 1 is the payroll week from approximately one year prior to the injury. If the employee did not work for the employer for 52 weeks preceding the injury, refer to Section 102(4) of the Act to determine additional filing requirements.
- A legible copy of the employer's record of payments (in support of the information reported in box 20) should be attached to the Wage Statement whenever possible.

Box 21 - Total Earnings:

Enter the total of "gross earnings" reported for weeks 1 through 52.

Box 22 - Gross Average Weekly Wage:

Enter the average weekly wage. (Compute this amount in accordance with Section 102(4) of the *Maine Workers' Compensation Act of 1992*.)

Reminder: The employer shall recalculate the employee's average weekly wage when fringe benefits cease being paid by the employer. The employer must notify the insurer and the employee within seven (7) days when fringe benefits cease by filing an amended wage form, form WCB-2. The insurer or self-insured employer shall file the amended WCB-2 with the Board if it results in increased compensation to the employee. See Board Rules and Regulations Chapter 1, Section 5(2)(B). The Board's Wage Statement is available in both Word and PDF versions at our website: <http://www.maine.gov/wcb/departments/board.htm>.