

# DEPARTMENT OF LABOR AND EMPLOYMENT

## Division of Workers' Compensation

7 CCR 1101-3

### WORKERS' COMPENSATION RULES OF PROCEDURE

#### Rule 1 General Definitions and General Provisions

##### 1-1 THE FOLLOWING DEFINITIONS SHALL APPLY UNLESS OTHERWISE INDICATED IN THESE RULES

- (A) "Act" means articles 40 through 47 of title 8 of the Colorado Revised Statutes.
- (B) "Claimant" means an employee or dependent(s) of a deceased employee claiming entitlement to benefits under the Act. For the purpose of notification and pleadings, the term claimant shall include the claimant's legal representative.
- (C) "Director" means the Director of the Division of Workers' Compensation.
- (D) "Division" means the Division of Workers' Compensation in the Department of Labor and Employment.
- (E) "Electronically recorded" means a recording made using tape recording, digital recording, or some other generally accepted medium.
- (F) "Employee" means an individual who meets the definition of "employee" in the Act.
- (G) "Employer" means anyone who meets the definition of "employer" in the Act.
- (H) "Insurer" means every mutual company or association, every captive insurance company, and every other insurance carrier, including Pinnacol Assurance, providing workers' compensation insurance in Colorado and every employer authorized by the Executive Director of the Department of Labor and Employment to act as its own insurance carrier as well as any workers' compensation self-insurance pool authorized pursuant to statute.
- (I) "Notice" means actual or constructive knowledge.
- (J) "Service" means delivery via United States mail, hand delivery, facsimile or, with consent of the party upon whom the documents are being served, electronic mail.

##### 1-2 COMPUTATION OF TIME/DATE OF FILING

- (A) Unless a specific rule or statute states to the contrary, the date a document or pleading is filed is the date it is mailed or hand delivered to the Division of Workers' Compensation or the Office of Administrative Courts.
- (B) In computing any period of time prescribed or allowed by these rules, the day of the act, event, or default from which the designated period of time begins to run shall not be included. Thereafter, every day shall be counted, including holidays, Saturdays or Sundays. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. The "next day" is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

- (C) As used in this rule, "business day" refers to any day other than a Saturday, Sunday or legal holiday.

### 1-3 NOTARIZATION OF AUTHORIZATION FOR RELEASE OF INFORMATION

The claimant's signature must be notarized on all releases filed with the Division of Workers' Compensation pursuant to §8-47-203(1)(e), C.R.S.

### 1-4 SERVICE OF DOCUMENTS

- (A) Whenever a document is filed with the Division, a copy of the document shall be mailed to each party to the claim and attorney(s) of record, if any.
- (B) Any document that is certified as mailed, including admissions, must be placed in the U.S. mail or delivered on the date of certification. Except where specifically permitted by the division, documents may not be filed with the division via e-mail.
- (C) Vocational reports for claims based upon an injury on or after July 2, 1987 at 4:16 p.m. shall not be filed with the Division except when requested by the Director, when attached to a final admission. If the claimant participates in a vocational evaluation, or if the insurer offers vocational services and the claimant accepts, written reports must be produced and should be produced within 30 days and a copy of every vocational report not filed with the Division shall be exchanged with all parties within 15 working days of receipt.

### 1-5 REQUESTS FOR ORDERS UNDER §8-47-203(2), C.R.S.

- (A) Requests made to the Division of Workers' Compensation pursuant to §8-47-203(2), C.R.S., for copies or inspection of orders entered by the Director or an administrative law judge shall:
  - (1) be made in writing and addressed to the Director and,
  - (2) state the name of the requester and include the requester's mailing address and phone number; and,
  - (3) specifically identify the criteria for orders being requested. For example, all orders on the merits from a specific time period or all orders involving specified issues or injuries, etc.; and
  - (4) state the purpose for reviewing the orders.
- (B) The requester shall provide any additional information required by the Division. After receiving such a request the Division will provide a cost estimate for processing the request. The requester may agree to pay the costs involved or decline further processing of the request. At the discretion of the Division payment may be required prior to the work being performed.
- (C) To protect the confidentiality of the claimant and the employer named in the requested orders:
  - (1) requests shall not be accepted for orders based on claimant or employer names, or other uniquely identifying claimant or employer information; and,

- (2) requests shall not be accepted for any criteria resulting in the inclusion of fewer than three claimants or employers in the group of orders inspected, unless approved by the Director or the Director's designee.

1-6 MEDIATION

Parties to a dispute may consent to submit any dispute to mediation pursuant to the provisions of §8-43-205, C.R.S. Requests for mediation should be filed with the Division of Workers' Compensation.

1-7 EMPLOYER CREDIT FOR WAGES PAID UNDER §8-42-124(2), C.R.S.

- (A) An employer who wishes to pay salary or wages in lieu of temporary disability benefits may apply to the Director for authorization to proceed pursuant to §8-42-124(2), C.R.S.
- (B) The application to the Director shall contain the following information:
  - (1) a reference to the contract, agreement, policy, rule or other plan under which the employer wishes to pay salary or wages in excess of the temporary disability benefits required by the act, and
  - (2) a description of the employees covered by the application and a statement that these employees will not be charged with earned vacation leave, sick leave, or other similar benefits during the period the employer is seeking a credit or reimbursement.
- (C) An employer who has received approval from the Director to proceed under §8-42-124(2), C.R.S., shall indicate on the employer's first report of injury form whether the claim is subject to §8-42-124, C.R.S. -