

OPEN-ACTIVE AND CLOSED-INACTIVE (RTW FILES)

1) The department should establish rules defining an “open-active” RTW file and “closed-inactive” RTW file. CEO-RMB recommended departments use the following:

Open-active RTW File – Employee (EE) is off work due to a disability. EE is working in a transitional modified/alternative position or conditional modified/alternative position. EE is working in permanent modified/alternative position that requires monitoring to ensure the accommodation is working. Any situation where the department determines risk exposure requires ongoing action or monitoring.

Closed-inactive RTW File - EE has returned to usual and customary position with or without work restriction (and department has no risk exposure concerns). EE has returned to a permanent modified/alternative position and has demonstrated the ability to accommodate the assignment.

2) RTW file maintenance has HR and legal implications. There should be a Countywide policy that considers the content, extended usefulness, and storage issues.

15400.2. Maintenance of Records.

(a) All claim files shall be kept and maintained for a period of five years from the date of injury or from the date on which the last provision of compensation benefits occurred as defined in Labor Code Section 3207, whichever is later. Claim files with awards for future benefits shall not be destroyed, but two years after the date of the last provision of workers' compensation benefits as defined in Labor Code Section 3207, they may be converted to an inactive or closed status by the administrator, but only if there is no reasonable expectation that future benefits will be claimed or provided.

(b) Inactive and closed claim files may be microfilmed for storage, however, the original paper files shall be maintained for at least two years after the claim has been closed or become inactive. Such microfilmed files must be readily reproducible into legible paper form if requested by the Manager for audit.

(c) All claim files and the claim logs shall be kept and maintained in California unless the Manager has given written approval to a self insurer or former self insurer to administer its workers' compensation self-insurance plan from a location outside of California.

(d) All claim files and claim logs, together with records of all compensation benefit payments, shall be readily available for inspection by the Manager or his representative.

Note: Authority cited: Sections: 54, 55 and 3702.10, Labor Code. Reference: Sections 59, 129, 3700, 3702.1 and 3702.10, Labor Code.