

Customer Workers Compensation Jurisdictional Resource - Oklahoma

Issue	Mandatory	What & How	Impact	State Forms
Timely Reporting of Claims	<p>Yes</p> <p>The Oklahoma Form 2 - Employer's First Report of Injury must be completed within 10 days of the employer receiving notice or having knowledge of an employee suffering accidental injury resulting in lost time or requires medical attention away from the worksite.</p>	<p>Employer reports to the Oklahoma Workers' Compensation Court & to the insurance carrier within 10 days.</p>	<p>Failure to file the Oklahoma Form 2 - Employer's First Report of Injury timely may subject an employer to an administrative fine of not more than \$1,000.</p>	<p>Oklahoma Form 2 - Employer's First Report of Injury</p>
Drug Free Workplace	<p>No</p> <p>Drug testing is not mandatory but could be useful in defending a claim.</p>	<p>Drug testing may be performed by employers in a manner consistent with state and federal law.</p>	<p>If tested, we must be able to show that the use of drugs impaired the employee and contributed to the injury.</p>	<p>N/A</p>
Managed Care Law	<p>The employer has the choice of Physician within the first 3 days, otherwise, the employee may indicate personal choice.</p>	<p>Employers should select a medical provider to treat their injured workers and have a system in place for workers to report injuries and be referred immediately to the employer's chosen provider.</p>	<p>The importance of taking advantage of the ability to select the employee's physician for the first 3 days shouldn't be underestimated. Many employees simply continue treating with the employer's provider and are more likely to get back to work sooner under those conditions.</p>	<p>N/A</p>

<p>Timely Reporting of Out of Work Status</p>	<p>There is no rule in the Statute that the employer must notify the Insurance Carrier of when an Injured worker begins missing time from work. As soon as an employer has been notified by an injured worker or lost time the employer should notify the insurance carrier.</p>	<p>There are no state forms to file for when payment has begun for non-litigated cases. If the claim is litigated and benefits are being denied, a Oklahoma Form 10 - Answer and Pretrial Stipulation Offered by Respondent should be filed with the court documenting the denial.</p>	<p>Failure to pay benefits timely for a litigated case could cause the Court to assess a penalty, Attorney fees, Court costs and Interest against the Respondent.</p>	<p>Oklahoma Form 10 - Answer and Pretrial Stipulation Offered by Respondent</p>
<p>Timely Reporting of Employee Returning to Work</p>	<p>No There is no rule in the Statute that requires the employer to notify the Carrier when an injured worker returns to work however the employer should notify the carrier as soon as possible so that benefits can be terminated and there is no overpayment.</p>	<p>If the claim is litigated, an Oklahoma Form 13 - Request for Prehearing Conference must be filed with the Court before benefits can be terminated when the injured worker has returned to full duty.</p>	<p>Failure to file an Oklahoma Form 13 - Request for Prehearing Conference could result in the Court finding that benefits were terminated without just cause and assess penalty, attorney fees, court cost and interest against the respondent.</p>	<p>Oklahoma Form 13 - Request for Prehearing Conference</p>
<p>Bona Fide Job Offers</p>	<p>No Employers are not required to make bona fide job offers to injured employees but to the extent that an injured employee can be accommodated, this can greatly reduce the exposure on a claim.</p>	<p>Job offers should be made in writing, should lay out the requirements of the position being offered and should include some mention of the requirements of the job being within the injured employee's physical restrictions.</p>	<p>Should the claim go to litigation and the employee has refused to sign the bona fide offer of suitable work, this may reduce your exposure towards any settlement.</p>	<p>N/A</p>

Wage Statements	We will send the wage statement to the employer. Oklahoma has a 52 week statement to be used depending on the length of employment of the employee.	The wage statement should include the employee's gross earnings including overtime wages. If the employee does not have more than 27 weeks of wages then the employer can provide the exact hourly rate and hours the employee was hired to work per week.	The wage statement is important to establish the employee's average weekly wage, the figure on which all benefits will be based. The wage statement can help to identify earnings that should not be included in the calculation of the average weekly wage.	N/A
Posting of Notices	Yes Notice to workers indicating that the employer has conformed with the requirements of the Workers' Compensation Act is mandatory.	The Oklahoma Form 1A - Oklahoma Workers' Compensation Notice and Instruction to Employers and Employees must be posted and kept posted in a conspicuous place accessible to employees.	Failure to post the Oklahoma Form 1A - Oklahoma Workers' Compensation Notice and Instruction to Employers and Employees can subject employers to penalties as well as increased exposure and liability in cases where employees argue that the lack of notice allows them to pursue an otherwise barred claim.	Oklahoma Form 1A - Oklahoma Workers' Compensation Notice and Instruction to Employers and Employees