

Opting Out of the Workers' Comp System: The Right Fit for Your Business?

In Texas, employers have access to a unique framework for opting out of the state's Workers' Compensation Program. The opt-out provision, known as nonsubscription, gives employers — both large and small — the opportunity to control and manage workplace safety and occupational injury plans, as well as manage certain claims much more effectively and efficiently.

Simply put, transitioning to a nonsubscription program provides several major advantages to employers over the traditional Workers' Compensation Program. For example, assuming control of the claims-management process takes the medical care of injured employees out of the hands of a government bureaucracy and allows employers to better manage the compensation and rehabilitation of injured employees.

More importantly, a nonsubscription program provides injured workers with more timely and effective medical treatment so they can return safely to work much earlier than under the traditional workers' compensation system.

Achieving a compliant and effective transition from the Texas Workers' Compensation Program to a nonsubscriber program involves two primary steps. An employer must:

- exit the workers' compensation system by providing appropriate notice to the relevant regulatory authorities
- post notices in the workplace advising employees of the coverage termination and transition to nonsubscriber status

Implementing a nonsubscriber program includes establishment of a benefit plan that provides money for medical expenses, disability, legal defense and various other elements of employee compensation.

The transition process requires careful planning at every step and, in a typical implementation, can take as long as six months. Because of the numerous steps required to legally and effectively make the transition, employers should have qualified advisers to guide them through the process.

But the first step to transitioning from the traditional state workers' compensation system to a nonsubscription program is determining whether the nonsubscription option is right for your business.

If you would like to learn more about the benefits of a nonsubscription program, please contact Chamblee, Ryan, Kershaw & Anderson. We can help you make the right decision for your company.

The attorneys and staff at Chamblee, Ryan, Kershaw & Anderson can help employers with the planning, implementation and ultimate transition to a nonsubscription workers' compensation program, and we have significant experience in litigating nonsubscription claims. We can ensure a proper exit from the state workers' compensation system and assist you in taking control of employee safety and claims processing, ultimately leading to a more efficient, safe and successful business.

In this issue:

- Opting Out of the Workers' Comp System: Is it Right for Your Business?
- Is a Disloyal Employee Trying to Capitalize on Your Hard Work?

Chamblee Ryan has gone digital!

Our informational newsletters are now sent electronically.

Go to www.chambleeryan.com to subscribe to the newsletters that interest you:

MEDICAL MALPRACTICE

HEALTH LAW

TRUCKING

EMPLOYMENT LAW

LITIGATION AND TRIAL LAW

EQUINE LAW



Principal Office: Dallas, Texas

Fall 2011

Volume 1 - Issue 1

Is One of Your Employees Trying to Capitalize on Your Hard Work?

Unfortunately, employees aren't always loyal. On occasion, you may have employees who are already planning to compete with your business while they're still on your payroll.

In Texas, people are free to choose where they work. However, your employees are not allowed to capitalize on your company's years of hard work. The attorneys at Chamblee, Ryan, Kershaw & Anderson have the expertise and experience necessary to protect the fruits of your labor.

From the time you first suspect that an employee is being disloyal, it's important to take action. And in today's workplace, proving employee dishonesty often depends on electronic media. The first step is to forensically image your employee's computer. A forensic image is a bit-by-bit exact copy of a computer's hard drive. It copies not only the files that can be accessed, but also (and more importantly) the files that have been deleted.

When you move files into your computer's "Recycle Bin" and hit Delete, the files are not permanently erased. The computer merely designates the space occupied by those files as "free" space, which can be overwritten. But unless or until those files are overwritten, they can be retrieved by a computer forensics expert.

In litigation involving employee dishonesty, electronic evidence is crucial to proving your claims. For example, employees often copy confidential and proprietary company information onto portable storage devices before leaving. They also delete incriminating evidence from their computers.

Computer forensics is a complicated field, and many employers' cases are hurt when they attempt to preserve evidence on their own. Even turning on a computer can alter its contents, overwriting crucial data before it can be recovered.

Chamblee, Ryan, Kershaw & Anderson works with experts on the cutting edge of computer forensics to recover the evidence crucial to your claims. But recovery is only the first step. Your lawyer must have the know-how to preserve and present this evidence to the court in an acceptable form. This is where our attorneys and staff excel.



**FOR MORE INFORMATION REGARDING CHAMBLEE RYAN'S EMPLOYMENT LAW PRACTICE,
PLEASE CONTACT WILLIAM H. CHAMBLEE OR JEFF RYAN AT (214) 905-2003.**