

## POST OFFER, PRE-EMPLOYMENT SEARCHES

After a conditional offer of employment, an EDEXIS search of California Workers' Compensation Appeals Board data can reduce an employer's risk with any of the following three uses:

> **Truthfulness**

To determine the truthfulness of information on the related job application. Often an employee will not list a past employer if that employee had a significant work comp claim. This is the simplest and most straightforward use of EDEXIS data within the hiring process.

> **Capability**

To determine whether the new hire is capable of performing the essential functions of the job with or without reasonable accommodation.

> **Significant Risk**

To determine if the new hire would create a significant risk of substantial harm to the health or safety of himself or others in the workplace setting, which risk could not be reduced or eliminated with reasonable accommodation.

## EDEXIS AND RISK MANAGEMENT

### Using Litigated Work Comp Data AFTER Hiring

An employer can enter the Social Security Number of new hires for automatic tracking. EDEXIS will report any FUTURE WCAB case openings regarding that social. Once a case has opened, an employer can choose to monitor all hearings and events as that case progresses.

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## EDEXIS AND APPORTIONMENT

### Using Litigated Work Comp Data DURING Litigation

- **Labor Code Section 4664** states that “The employer shall only be liable for the percentage of permanent disability directly caused by the injury arising out of and occurring in the course of employment.”

Although injured workers are required by LC 4663 to disclose previous injuries, EDEXIS searches list prior employers and past injuries.

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## OCCUPATIONAL MEDICAL EXAMS

An occupational medical examiner may request an EDEXIS report BEFORE they examine a new hire. This can lead the medical examiner to ask very narrow, specific questions and more easily identify any physical limitations.

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## WHAT IS INCLUDED IN AN EDEXIS REPORT?

An EDEXIS report includes date of injury, body parts injured, the five most recent case activities, the case status, the parties of record (including past employers) and identifying data for the applicant. (Sample included).

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## PUBLIC RECORD DATA

EDEXIS data originates from the California Workers' Compensation Appeals Board and is considered public record.

## OVERVIEW OF ADA

“The Americans with Disabilities Act (ADA) prohibits discrimination against a qualified person with physical or mental impairments that substantially affect major life activities, those with records of such impairments, and those who are regarded as so impaired. Under the ADA, employers are prohibited from rejecting an otherwise qualified individual with a disability, on the basis of the disability, if that individual can perform the essential functions of a position with or without a reasonable accommodation.”

### ➤ **Essential Functions**

“Essential Functions are those tasks and responsibilities that define the position.”

### ➤ **Reasonable Accommodations**

“Reasonable Accommodations are adjustments made to the workplace that allow a qualified individual with a disability to perform essential functions of the position.”

### ➤ **Conditional Offer of Employment**

“After offering a position to a candidate, but before employment begins (conditional offer of employment), the law permits you to ask disability-related questions; perform medical examinations; make inquiries about number of sick days used in the past; and inquire about previous injuries and workers’ compensation claims, provided that all entering employees in the same job category are subjected to such inquiries, regardless of disability.”

The key to utilizing an EDEXIS search for employment is the Conditional Offer of Employment and a signed authorization to request this data. A COE states that the applicant must meet certain guidelines in order to qualify for employment.

### ➤ **Exclusionary Criteria**

If an examination or inquiry screens out an applicant because of the applicant’s disability, the exclusionary criteria must be job related. If an applicant is not hired because of data contained in an EDEXIS report, a copy of that report has to be given to the applicant. Per the Equal Employment Opportunity Commission, if you are hiring someone who has a work comp history, you will need to request a copy of a QME (Qualified Medical Examiner Report) or an AME (Agreed Medical Exam Report). This report will list any restrictions established by treatment.

# EDEXIS SAMPLE SEARCH RESPONSE

**edex** EDEX Information Systems, Inc.  
 209-223-3461  
 information systems www.edexis.com

**Inquiry Response**  
 Z7F97H - DOE, JOHN  
 Page: 1 of 1

ABC Staffing  
 123 No Name St.  
 SAN DIMAS, CA 91773

EDEX File No.: Z7F97H-343174-000001  
 Date Sent/Received: 09/13/16 / 09/13/2016  
 User Ref 1: DOE, JOHN T.  
 User Ref 2: 01/17/1969  
 User Ref 3: 6A43 Internal File No.

WCAB Case Information	
* Note: If the current status of this case shows a trial or hearing scheduled please call the WCAB office listed for the specific time and location.	
<b>Injured Worker Name</b>	DOE, JOHN T.
<b>SSN Given (Actual SSN)</b>	( 123-45-6789 )
<b>Gender / Birthdate</b>	Male 05/09/69
<b>WCAB Case No.</b>	ADJ10037634 / Pomona (old)
<b>Current Case Status*</b>	Inactive 07/16/15
<b>Date(s) of Injury</b>	12/31/14
<b>Type of Injury</b>	Specific
<b>Injured Body Parts</b>	<b>Recent Case Activity</b>
200 - NECK-	07/28/05 PETITION: COMPROMISE & RELEASE FILED
300 - UPPER EXTREMITIES-(not specified)	07/28/05 CLOSING ORDER: C & R (GRANTED)
320 - WRIST-	10/31/01 PETITION: FOR SERIOUS AND WILLFUL
330 - HAND-(not wrist or fingers)	10/31/01 PETITION: DISMISSAL (FILED BY DEFENSE)
340 - FINGERS-	02/21/01 PETITION: FOR SERIOUS AND WILLFUL

Official Workers' Compensation Address Record for This Case as of 09/13/16		
Injured Worker (Addr Upd: 08/21/08)	Applicant or Lien Claimant Lawfirm (Addr Upd: 08/21/08)	Applicant or Lien Claimant Lawfirm (Addr Upd: 08/21/08)
DOE, JOHN T.  SAN DIEGO, CA 92116	GRELICH GARDEN GROVE  STE M 12345 WESTERN AVE GARDEN GROVE, CA 92841 (714) 793-1111	GERALD BRODY SAN DIEGO  STE 350 1234 CAMINO DEL RIO S SAN DIEGO, CA 92108 (619) 528-1234
Applicant or Lien Claimant Lawfirm (Addr Upd: 08/21/08)	Employer (Addr Upd: 08/21/08)	Insurer (Addr Upd: 08/21/08)
SESAME BILLING AND COLLECTIONS  PO BOX 12345 OCEANSIDE, CA 92052 (760) 400-1234	ABC INC.  1234 JASON CT OCEANSIDE, CA 92056	BEST INSURANCE  1234 DIXON ST STEVENS POINT, WI 54481
Lien Claimant \$ 37777.35 (Addr Upd: 11/09/12)	Lien Claimant \$ 45349.44 (Addr Upd: 08/13/15)	Lien Claimant \$ 45831.15 (Addr Upd: 08/21/08)
DYNAMITE INC  STE 300 12345 MACARTHUR BLVD IRVINE, CA 92612	GRINSON ASSOCIATES INC  1234 GARDEN GROVE BLVD STE L GARDEN GROVE, CA 92841	BAY MEDICAL AND CHIROTHERAPY  123 COLLEGE BLVD STE 102 PMB 207 OCEANSIDE, CA 92057
Lien Claimant \$ 46513.78 (Addr Upd: 08/21/08)	Defense Lawfirm (Addr Upd: 06/12/12)	
LAST - CALL SERVICES  STE 602 1234 MICHELSON DR IRVINE, CA 92612	BETSY HERMANSON SAN DIEGO  STE 275 1234 RUFFIN RD SAN DIEGO, CA 92123 (858) 874-1234	