



Risk Management JPA Fringe Benefits Consortium



SAN DIEGO COUNTY AND IMPERIAL COUNTY SCHOOLS

EMPLOYEE'S WORKERS' COMPENSATION HANDBOOK

SAN DIEGO COUNTY SCHOOLS RISK MANAGEMENT JPA

Administered by

ATHENS ADMINISTRATORS

P.O. BOX 696

CONCORD, CA 94522

Phone: (925) 826-1000 Fax: (619) 374-7246

Toll Free: 1 (866) 482-3535

All new employees must be provided a copy of this handbook.

Copies are available from the JPA office.

(858) 292-3584

WHAT WOULD HAPPEN TO ME IF I WERE INJURED ON-THE-JOB?

Being hurt on-the-job is an unpleasant experience for anyone, whether the injury is slight or serious. In addition to the injury itself, there may be other concerns you may have about medical treatment and financial loss. It is our hope that this information will help eliminate some of the worry you may have if you are injured on-the-job. The California Workers' Compensation Law requires that every employer provide its employees with Workers' Compensation coverage. This coverage guarantees prompt benefits to employees injured on the job or incurring a job-related illness. Benefits are in the form of medical care, temporary disability benefits, and may include permanent disability awards.

Your employer is self-insured for Workers' Compensation benefits. Simply stated, rather than carrying an insurance policy for Workers' Compensation, your employer pays directly the actual costs involved in a job injury situation.

Your employer wants to insure that you promptly receive all of the benefits to which you are entitled to and assist you in making a speedy recovery and return to work.

Your workers' compensation benefits are administered by:

Athens Administrators
P.O. Box 696
Concord, CA 94522
Phone: (925) 826-1000 Fax: (619) 374-7246
Toll Free: (866) 482-3535

The benefits are almost automatic, but nothing starts to happen until we know about it. Prompt reporting of every accident is the key to your coverage.

WHEN AM I ELIGIBLE FOR COVERAGE?

The Workers' Compensation coverage begins the first minute you are on the job and continues any time you are working. You do not have to be employed for a certain length of time, nor do you have to earn a certain amount in wages before you are protected.

WHO IS ELIGIBLE FOR COVERAGE?

All employees have protection under the Workers' Compensation Law, including part-time and temporary workers.

IF I'M INJURED, HOW DO I APPLY FOR BENEFITS?

Upon reporting an injury, benefits are automatic and are applied according to State Law. The key thing is the prompt reporting of your injury. The proper person to report your injury is your immediate supervisor.

WHAT AM I COVERED FOR?

All reasonable and necessary medical care to cure or relieve the effects of a job related injury or illness. And not just serious accidents, but even minor injuries requiring only first aid. All job injuries are to be reported, even if they are minor and do not require medical attention. A slight cut on your finger may become infected and require treatment.

Certain illnesses also may be covered if they are related to your job. For example, if you caught tuberculosis while working in a TB hospital, that's covered. The main question is if the injury or illness is caused by your job. The treating doctor may determine if the injury/illness is related to your work.

WHAT EXACTLY DO I DO IF I AM INJURED?

Report your injury to your supervisor immediately. If medical care is needed and your supervisor is not available, get the treatment necessary and then report it to your supervisor at the earliest time possible. In any event, report the injury/illness to your supervisor within 24 hours of sustaining the injury/illness.

WHAT DOCTOR DO I GO TO?

If your injury requires medical attention and you have not pre-designated a personal physician, your supervisor will make arrangements for you to be seen by a physician from an authorized medical panel. If your supervisor is not available, call the office personnel responsible for reporting all workers' compensation injuries/illnesses. If injury occurs during the evening or on weekends, report to the nearest medical facility or hospital for treatment. In any event, if your injuries are severe, report to the nearest hospital for treatment.

Your employer utilizes a Medical Provider Network (MPN), which has been approved by the State. If you need a referral to a specialist or you wish to change doctors, you may do so at any time, but it must be a doctor within the MPN. You should contact your claims examiner to assist you in selecting a different doctor. Further information regarding the MPN can be accessed via the Internet using the following address: <http://www.viiad.com/anthemcompass/KBSANDIEG000>

Once on the website select the link to Workers' Compensation Medical Provider network. Select the Provider search and use your zip code to get a list for your area. You can also search by specialty or by doctor's name. You can also ask your claims examiner to assist you or provide you with a list of doctors

in your area. Be sure to advise the examiner of the name of the physician you select. You can obtain the physician's address and phone number by clicking on their name once you are in the list.

WHAT DO I TELL THE DOCTOR OR THE HOSPITAL WHEN I GET THERE?

Tell the receptionist in the doctor's office or the hospital emergency room that your injury happened on the job, and how it happened. Give them the "Medical Service Order," which your supervisor will give you. This form authorizes the doctor to treat this as a Workers' Compensation injury and tell them that all medical reports and bills should be sent to:

Athens Administrators
P.O. Box 696
Concord, CA 94522

If they ask for verification, have them call your Personnel Department or the Claims Administrator, at Athens at (925) 826-1000 or 1 (866) 482-3535.

DO I NEED TO FILL OUT ANY FORMS?

Your employer will give you an employee injury claim form called an "Employee Claim For Workers' Compensation Benefits" to complete. Your employer will also have given you information describing workers' compensation benefits and the procedures to obtain them. You may contact the State Office of Benefit Assistance and Enforcement at 1-800-736-7401 if you need help in filling out this form or in obtaining your benefits.

Your supervisor is responsible for completing the Supervisor's Report of Injury. It is your responsibility to explain the details of the incident causing your injury and to appropriately follow your employer's procedures for absence due to work related injury. For example: You are unable to work due to work injury, you will need to complete a Leave of Absence Request.

The law provides that if you or someone on your behalf fail to report your injury to your employer within thirty (30) days after the injury occurs or your assertion of a claim from any other source sufficient to afford opportunity to your employer to make an investigation into the facts and is misled or prejudiced by such failure, you may be denied benefits. Therefore, it is very important that you report any injury immediately to your supervisor.

If your benefits have been delayed ask your physician if a report was sent to Athens or your self-insured employer and then seek assistance from your employer. Your employer may put you in contact with a claims examiner who will be adjusting your claim. The name, address and telephone number of the claims administrator is posted at your workplace.

CAN I GO TO MY OWN DOCTOR? (PRE-DESIGNATE)?

You can be treated by your personal physician if:

- A pre-designation is in writing;
- The pre-designation occurred prior to the date of injury;
- The physician is the employee's regular physician/surgeon;
- The physician is the employee's primary care physician;
- The physician has previously directed medical treatment of the employee;
- The physician retains the employee's medical reports and history; and
- The physician agrees to be pre-designated

To pre-designate your physician for any future work-related injuries or illnesses, you need to complete the "Predesignation of Personal Physician" form DWC Form 9783 (07/2014) and have the form signed by your physician. The original form must be on file with the district's Human Resources Department prior to any work-related injury or illness if you wish to be treated by your physician.

But, if your doctor is not immediately available, don't wait! Go to the nearest medical facility or hospital emergency room for immediate attention. If you become dissatisfied, you may request a change of physician by contacting the Claims Administrator at Athens at (925) 826-1000 or 1 (866) 482-3535.

You may be asked to see a medical specialist at the request of Athens due to the nature of your injury. Although you may not know the doctor, medical records of your course of treatment will be sent to him/her. The specialist is a well-respected physician in the medical community who is familiar with comprehensive evaluations and detail workers' compensation reporting requirements.

WHO PAYS FOR THE MEDICAL TREATMENT?

The doctor or hospital will bill Athens. (This includes doctor, hospital, X-ray, crutches, lab work expenses, etc.) If medication is prescribed, have the pharmacy bill Athens. If you pay, submit your prescription receipt to Athens for reimbursement. You may also be reimbursed for mileage to and from any medical treatment. Athens will send you a form to use to itemize your mileage with your first benefit notice.

IF THE DOCTOR TELLS ME TO TAKE OFF WORK FOR A WHILE, WHAT HAPPENS TO MY INCOME?

Workers' Compensation law provides for lost wages in the form of temporary disability benefits. These payments may be made so long as the doctor certifies you are unable to perform your usual and customary duties. You should contact your employer regarding their Return to Work program if a Return to Work program is available at your district.

HOW MUCH ARE THESE PAYMENTS AND WHEN ARE THEY PAID?

Temporary disability payments generally are two-thirds of your average weekly wages subject to minimums and maximums set by the state. Temporary disability payments are based on the rate in effect on the date of injury, though payments made two years or more after injury are adjusted to reflect the current rates if justified by earnings.

The amount of your temporary disability payments depends on your date of injury. Beginning with claims for injuries that occur in 2014, the minimum temporary disability payment will be \$161.19 per week while the weekly maximum cash payment will be \$1,074.64. The minimum and maximum weekly temporary disability payments on claims for injuries occurring in 2015 and each year after that will be adjusted based on increases in the state average weekly wage.

Compensation isn't paid for the first three days you're unable to work, unless you're hospitalized as an inpatient or unable to work for more than 14 days. In these instances, even the "waiting period" will be paid.

If you report the injury promptly, your first temporary disability check should be mailed within 14 days. After that, you'll receive a check every two weeks until the doctor says you can go back to work.

After you recover to the fullest extent possible, the doctor who treated you will evaluate any permanent effects of your injury. You and your employer may agree to rely on the treating doctor's report to establish any permanent disability. If you have questions about the report you may contact an information and assistance officer at the Division of Workers' Compensation office at 7575 Metropolitan Road, Suite 202, San Diego, California 92102-4402 (or call them at [619] 767-2082). If you don't agree on the treating doctor's report, and an attorney doesn't represent you, you must choose an evaluating doctor from a panel of three independent doctors provided by the state. If an attorney represents you and you don't agree on the treating doctor's report, the attorney will arrange the medical evaluation.

Any permanent disability payments will be based on the results of the doctor's evaluation and factors such as your age and pre-injury occupation and subject to minimums and maximums set by the state. The minimums and maximums vary according to the date of injury and your level of permanent disability. If you have a permanent disability, the calculation of the benefit will be explained in a letter.

Death benefit payments to survivors who were financially dependent on a deceased worker are set by state law according to the number of dependents and the date of injury. Generally, payments are made at the same rate as temporary disability benefits; however, no payments will be less than \$224 per

week. Workers' compensation also pays a burial allowance. Workers' compensation payments are tax-free. There are no deductions for state or federal taxes, Social Security, Union or retirement fund contributions, etc.

WILL I BE BRINGING HOME THE SAME AMOUNT I USUALLY DO?

This depends on your type of position with the School District, your average weekly earnings, and accumulated leave credits. You may be eligible to receive Industrial Leave pay, which is full salary for 60 workdays, excluding holidays or your accumulated leave credits (sick leave, vacation, etc.).

If you are eligible to receive Industrial Leave, your employer pays you and you will receive your paycheck as scheduled. You cannot receive full salary via Industrial Leave and temporary disability benefits at the same time. However, if you are receiving Industrial Leave, your pay will be adjusted so that approximately two-thirds of your usual pay will be tax-free.

If you are not eligible to receive continuation of your salary while you are disabled, your sole source of income will be derived from temporary disability benefits for workers' compensation based on your average weekly earnings.

WHAT IF MY INJURY PERMANENTLY DISABLES ME?

If your treating doctor determines the injury has caused permanent disability, limiting your physical ability to perform as you did prior to the injury, you are entitled to an award.

It is the policy of Athens Administrators to assist a disabled employee in obtaining a permanent disability award when the disability is the result of a work injury, which has been accepted. In some cases, depending on the nature and extent of permanent disability factors, Athens will assist you in filing a "Request for Advisory Rating" with the State Disability Evaluation Bureau. If the rating is acceptable to you, Athens will assist you in providing the full amount of the award by filing the necessary documents with the Workers' Compensation Appeals Board for approval of your award.

Most cases will require obtaining an advisory rating from the State Disability Evaluation Bureau. In any event, the Workers' Compensation Judge must review your case to determine if the rating and equivalent award is adequate to ensure that you will receive the full permanent disability compensation due you. There is no deduction of any costs for this assistance, such as attorney fees. If it is necessary to go to the Appeals Board to resolve a dispute in your case, be sure to do it within one year from the date of injury or one year from the date of your last medical treatment. Waiting longer could mean losing your rights to benefits.

The Workers' Compensation Appeals Board generally discourages unnecessary litigation if an employee is receiving all benefits.

WHAT IF MY INJURY PREVENTS ME FROM RETURNING TO MY OLD JOB?

If you have permanent physical restrictions after you have reached a point of maximum medical improvement, your employer will contact you to conduct an interactive meeting in order to determine if they are able to accommodate your restrictions either through modification of your usual job or looking for an alternative position that is open and that you are otherwise qualified for.

Employers are subject to laws governed by the Americans with Disabilities Act (ADA), or the Fair Employment and Housing Act (FEHA). An employer subject to these laws must provide reasonable accommodation if possible to qualified individuals who can perform all the essential job functions. If you are not able to return to your regular job because of a disability, you may be eligible for a Job Displacement benefit. For more information contact FEHA at (800) 884-1684 or the Equal Employment Opportunity Commission (EEOC) at (800) 669-4000.

WHAT IF I RUN INTO A PROBLEM OR IF MY CLAIM FOR AN ON-THE-JOB INJURY IS REJECTED?

Most job injury claims are handled routinely. After all, the benefits are set by the Legislature. Mistakes and misunderstandings arise occasionally. If you feel you have not received all benefits due you, contact Athens. They will attempt to provide you with the information and explanation you need. You can get advice from the State Division of Industrial Accidents at by calling the Information and Assistance Officer at (619) 525-4589, or visit the State Division of Workers' Compensation website at www.dir.ca.gov/dwc, or you may consult an attorney of your choice. However, attorney fees generally are 12 to 15 percent of your award, if one is granted and must be approved by a judge. The attorney's fee is fixed by the Appeals Board and is deducted from any benefits awarded you by the Appeals Board.

Your attorney may suggest that an "Application for Adjudication of Claim" be filed with the Workers' Compensation Appeals Board. This is a State agency, which reviews cases in which the injured worker believes that the appropriate benefits have not been provided. The Appeals Board is a Court of Law. You may represent yourself, but it may be advisable to have legal counsel present.

You also need to be aware that if you hire an attorney, other people involved in your case, including your claims administrator, may no longer be allowed to speak directly to you about important matters, and the Division of Workers' Compensation Information and Assistance Officers may be unable to advise or assist you. If you choose to stop having an attorney represent you, or you

want to change lawyers, your original lawyer can still claim a portion of your benefits as attorney fees.

Keep in mind, it's illegal for an employer to fire or discriminate against employees just because they file, intend to file or settle a workers' compensation claim, or because they testify for a coworker who was injured. A worker who proves this kind of discrimination will receive lost wages and increased benefits, plus costs and expenses up to a maximum set by the state legislature.

OTHER BENEFITS

If the injury is very serious, one where you won't be able to work for a year or more, you may be eligible for additional benefits from Social Security. For more information, contact the nearest office of the Social Security Administration (listed in the white pages of the phone book under "United States Government") or discuss it with your employer or claim administrator.

Workers' compensation sometimes is confused with another state program, State Disability Insurance (SDI). They seem similar, but there are important differences. Workers' compensation takes care of on-the-job injuries and illnesses, and is paid by your employer. On the other hand, SDI covers off-the-job injuries or sickness and is paid for by deductions from your paycheck. If you are not receiving workers' compensation benefits, you may be able to get State Disability benefits. For information call the local office of the state Employment Development Department listed in the government pages of your phone book.

QUESTIONS???

Call Athens at (925) 826-1000 or 1 (866) 482-3535 regarding your workers' compensation benefits!

NOTE: This document is in conformance with California Workers' Compensation Laws pursuant to Title 8 Division of Industrial Accidents, Administrative Director, Administrative Rule 9880 and provided to employees of participating member school districts of the San Diego and Imperial County Schools Risk Management Joint Powers Authority (JPA).

WORKERS' COMPENSATION FRAUD IS A CRIME!

Any person who makes or causes to be made any knowingly false statement in order to obtain or deny workers' compensation benefits or payments is guilty of a felony. If convicted, the person will have to pay fines up to \$150,000 and/or serve up to five years in jail.