

## **FACTS ABOUT WORKERS' COMPENSATION**

### **The Way It Was**

In the early 20th century, a worker injured on the job had to sue his employer to recover medical expenses and lost wages.

Lawsuits took months and sometimes years. Juries had to decide who was at fault and how much, if anything, would be paid. In most instances, the worker got nothing. It was costly, time consuming, and often unfair.

### **The Way It Is**

Today, the California workers' compensation law provides a faster, fairer way to take care of injured workers... where fault doesn't have to be proved to recover medical expenses and lost wages.

This job-injury insurance is paid for by your employer and supervised by the state. If you can't work due to a job-related injury or illness, workers' compensation pays your medical bills and provides money to help replace lost wages until you can return to work.

### **Who's Covered?**

Almost every employee in California is protected by workers' compensation, but there are a few exceptions. People in business for themselves and unpaid volunteers may not be covered. Maritime workers and federal employees are covered by similar laws. If you have a question about coverage, ask your employer.

### **What's Covered?**

Any injury or illness is covered if it's due to your job. It can be caused by one event like a fall, or repeated exposures, such as repetitive motion over time. Everything from first-aid type injuries to serious accidents is covered. Workers' compensation even covers injuries – including physical or psychiatric injuries – resulting from a workplace crime. (Some injuries from voluntary, off-duty recreational, social or athletic activity – for example, the company bowling team – may not be covered. Check with your supervisor or the claim administrator listed at the end of this document if you have questions).

Coverage is automatic and immediate. There is no qualifying period, no need to earn a certain amount in wages before you're covered... protection begins the first minute you're on the job.

### **What You Have To Do**

If you have a work injury or illness, immediately notify your supervisor or the employer representative listed on the back of this pamphlet so you can get medical help right away. If it's more than a simple first-aid injury, your employer will give you a claim form so you can describe the injury and how, when and where it happened. To file a claim, complete the "Employee" section of the claim form, keep one copy and return the rest to your employer. Your employer will then complete the "Employer" section, give you a signed and dated copy of the form, keep one copy and send one to the claims administrator, the company that is responsible for handling your claim and notifying you about your eligibility for benefits.

Benefits can't start until the claims administrator knows of the injury, so report the injury and file the claim form with your employer as soon as possible. State law requires employers to authorize medical care within one working day of receiving a claim form, and employers may be liable for as much as \$10,000 in treatment until a claim is accepted or rejected. Delays in reporting may delay workers' compensation benefits, and you may not be able to get benefits if you don't file a claim within one year of the date of injury, the date you knew the injury was work related, or the date benefits were last provided. To ensure your right to benefits, report every injury, no matter how slight, and request a claim form if it's more than a minor injury requiring only first aid.

### **Benefits**

The California workers' compensation law guarantees you three kinds of benefits:

- All reasonable and necessary medical care for your injury or illness... with no deductibles. Medical benefits may include treatment by a doctor, hospital services, lab tests, x-rays, physical therapy and medicines. State law makes non-emergency medical services subject to preauthorization and limits some medical services.
- Tax-free payments to help replace lost wages while you are temporarily disabled. Additional payments are made if the injury causes a permanent disability or death.
- If your injury or illness causes permanent disability, your employer doesn't offer appropriate modified or alternative work, and you don't return to work for the employer within 60 days of when temporary disability ends, you may be eligible for a supplemental job displacement benefit. This is a nontransferable voucher for education-related retraining and/or skill enhancement at state-approved schools. Voucher amounts range from \$4,000 to \$10,000, depending on the level of permanent disability.

### **Benefit Payments**

- **Medical Care:** All medical expenses for reasonable and necessary treatment will be paid directly by the claims administrator, so you should never receive a bill. The name and address of the claims administrator are at the end of this document and are posted at your workplace.
- **Temporary Disability:** If you are unable to work for more than three days, including weekends, you are entitled to temporary disability (TD) payments to help replace your lost wages. About two weeks after reporting the injury, you'll get a check. You will continue to receive TD checks every two weeks after that until the doctor says you can return to work, or that your medical condition is "permanent and stationary." (Payments won't be made for the first three days, however, unless you're hospitalized as an inpatient or unable to work more than 14 days). The amount of these checks will be two-thirds of your average wage,

subject to minimums and maximums set by the state legislature. It probably won't be the full amount of your regular paycheck, but there are no deductions and the payments are tax free. Under state law, TD payments for a single injury may not extend for more than 104 compensable weeks within five years from the date of injury, or for more than 240 weeks within five years from the date of injury for a few long-term injuries such as severe burns or chronic lung disease. If you reach the maximum TD payment period before you can return to work or before your medical condition becomes permanent and stationary, you may be able to obtain State Disability benefits through the California Employment Development Department (EDD). You also may be able to get these benefits if your TD is delayed or denied. There are time restrictions, however, so contact EDD at 1-800-480-3287 or [www.edd.ca.gov](http://www.edd.ca.gov) for information on when and how to apply.

- **Permanent Disability:** If your doctor says your injury or illness will always leave you somewhat limited in your ability to work, you may receive permanent disability payments. The amount depends on the doctor's report, how much of the permanent disability was directly caused by your work, and factors such as your age, occupation, type of injury, and date of injury. Your benefit payment also may be affected by whether or not your employer makes a suitable return-to-work offer, and whether or not you accept the offer. The minimum and maximum amounts are set by state law, and vary by injury date, but if you have a permanent disability, your claims administrator will send you a letter explaining how the benefit was calculated. In general, the total amount is set at a weekly rate spread over a fixed number of weeks. The first payment is due within 14 days after the final temporary disability payment, or if you were not receiving temporary disability, 14 days after your doctor says your condition is permanent and stationary. After that, the benefit will be paid every 14 days until you reach the maximum or until you settle your case and receive a lump sum.
- **Death Benefits:** If the injury or illness causes death, payments may be made to individuals who were financially dependent on you. These benefits are set by state law and the amount depends on the number of dependents and the date of injury. Generally, the payments are made at the same rate as temporary disability payments, however, no payments will be less than \$224 per week. Workers' compensation also provides a burial allowance.
- **Supplemental Job Displacement Benefit:** If you receive temporary disability payments, within 30 days after that benefit ends, your claims administrator will send a letter advising whether your employer has a modified job or alternative work available for you, and explaining your potential rights to a supplemental job displacement benefit. If your employer does not offer modified or alternative work, you cannot return to work for the employer within 60 days after your temporary disability ends, and it is determined that you have a permanent disability, you may qualify for a nontransferable voucher to use at a state accredited school for education-related retraining or skill enhancement. If you qualify, your claims administrator will provide a voucher up to a maximum set by state law:
  - *Up to \$4,000 for permanent disability awards of more than 0 but less than 15%.*
  - *Up to \$6,000 for permanent disability awards between 15% and 25%.*
  - *Up to \$8,000 for permanent disability awards between 26% and 49%.*
  - *Up to \$10,000 for permanent disability awards between 50% and 99%.*
- **Other Benefits**

Workers' compensation is sometimes confused with State Disability Insurance (SDI). They seem similar, but there are important differences. Workers' compensation insurance covers on-the-job injuries and illnesses and is paid for entirely 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.

### If You Have Questions

... ask your supervisor or employer representative. Or contact the workers' compensation claims administrator (the name, address and phone number are listed at the end of this document and are posted at your workplace).

You also can contact an information and assistance officer at the State Division of Workers' Compensation (DWC). Information and assistance officers are available at no charge to answer questions, review problems and provide additional written information about workers' compensation. The local office is listed at the end of this document and is posted at your work place, or you can call 800-736-7401, check the local listing in the white pages of the phone book under State Government Offices/Industrial Relations/Workers' Compensation, or go to the DWC web site at <http://www.dir.ca.gov/dwc>.

### More About Medical Care

Good medical care is important – to you, your family and your employer. Quality medical treatment is the quickest way to recovery.

- If emergency medical care is needed, call 911 for immediate help and get the best treatment available until emergency personnel arrive.
- If first-aid is available at your workplace, seek immediate treatment. Report to your employer where, when and how the accident happened. If it's more than a simple first-aid injury, ask your employer for a claim form.
- To make sure your medical bills get paid and you get all of your benefits, complete the "Employee" section of the claim form and return it to your employer as soon as possible. Employers must notify the claims administrator and authorize medical care within one working day of receiving a claim form, so get a signed and dated copy back from your employer and keep it with the

other paperwork related to your claim.

- Your claims administrator will arrange medical care that meets the treatment guidelines for the injury. The doctor, who may be a specialist for your type of injury, will be familiar with workers' compensation requirements and will report promptly so your benefits can be paid.
- The doctor with overall responsibility for your treatment is the "primary treating physician" (PTP). The PTP decides what kind of medical care you need and when you can return to work. If necessary, the PTP will review your job description with you and your employer to define any limitations or restrictions that you may have when you go back to work. The PTP also will coordinate any care you receive from other medical providers, and for a serious injury, will write reports about any permanent disability or need for future medical care.
- You can be treated by your personal doctor immediately if your employer offers group health coverage; the doctor has treated you before, has your medical records, and has agreed in advance to treat you for work injuries or illnesses; and you gave your employer the doctor's name and address in writing before the injury. This is called "predesignating a personal physician." If you decide to predesignate, the doctor must be someone who has limited his or her practice of medicine to general practice or be a board-certified or board-eligible internist, pediatrician, obstetrician-gynecologist, or family practitioner; or you can predesignate a multispecialty group of licensed doctors of medicine or osteopathy (M.D.s or D.O.s) that provides comprehensive medical services primarily for non-occupational injuries and illnesses. You can use the optional predesignation form (DWC Form 9783) to give your employer the necessary information. You can use optional DWC Form 9783.1 to name a personal chiropractor or acupuncturist, but different rules apply, and you may need to see an employer-selected doctor first.
- If your employer offers a Medical Provider Network (MPN) and you do not predesignate a personal physician prior to injury, a network doctor will generally be your PTP for the duration of treatment, though you may switch to another doctor in the network anytime after your first visit. If you want to switch to a chiropractor or acupuncturist, including a personal chiropractor or personal acupuncturist named prior to the injury, he or she must be in the network. Different rules apply if you are in an HCO. If your employer offers an MPN or if you are in an HCO, your employer will provide additional information about the network and your rights under your plan.
- Generally, if you don't predesignate a personal physician prior to the injury, and are not covered by an MPN, you can switch to your own doctor 30 days after the injury is reported. If you want to switch doctors before that, your claims administrator will give you a list of doctors to choose from. (Different rules apply if you are in an HCO, so check with your claims administrator if that's the case.) If you want to change doctors for any reason, choose carefully - most people don't have a family surgeon, for example. If you want advice on specialists, talk to the claims adjuster who works for your claims administrator. They're as interested as you are in your prompt recovery and return to work and will help you get a different doctor.
- In any event, report your choice to the claims adjuster as soon as you make it so the bills will be paid for you. Even minor injuries may need expert care. Prompt, quality medical care is the best investment you and your employer can make.

#### **When a work injury or illness occurs...**

1. If emergency medical care is needed, call 911
2. Report injuries immediately to your supervisor. Then contact Schools Insurance Authority (SIA) at 1-877-742-3467. You will talk with the Early Intervention Nurse who will guide you through the process of forms as well as medical treatment. Any delay in reporting an injury may delay workers' compensation benefits. If your claim or benefits are denied, you have a right to challenge the decision, but there are deadlines for filing the necessary papers at the Workers' Compensation Appeals Board, so don't delay.
3. Call your employer representative or claims administrator if you have questions or problems. It is illegal for an employer to fire or discriminate against you just because you file, intend to file, or settle a workers' compensation claim, or because you testify for a co-worker who was injured. If you prove this kind of discrimination, you will be entitled to job reinstatement, lost wages and increased benefits, plus costs and expenses up to a maximum set by the state legislature.

#### **Emergency Telephone Number:**

Doctor/Hospital(s):                      Job Care: (559) 391-3760  
Ambulance or Fire: 911

#### **Claims Administered By:**

Schools Insurance Authority  
PO Box 276710  
Sacramento, CA 95827-6710

☒ check if company is self-insured

Phone #: (916) 364-1281    Fax: (916) 362-2824

Free help and information are available by contacting a Division of Workers' Compensation information and Assistance Officer at the local office listed below. You can hear recorded information and get a list of local offices by calling (800-736-7401), or you can get additional written information about workers' compensation by going to the Division of Workers' Compensation web site at <http://www.dir.ca.gov/dwc>

## **WORKERS' COMPENSATION FRAUD IS A FELONY**

Anyone who makes or causes to be made any knowingly false or fraudulent material statement for the purpose of obtaining or denying workers' compensation benefits or payments is guilty of a felony.

### **Information and Assistance Offices, California Division of Workers' Compensation**

#### **Anaheim**

1661 No. Raymond Avenue #200,  
Anaheim, CA 92801-1162  
714-738-4038

#### **Bakersfield**

1800 30th St. #100,  
Bakersfield, CA 93301-1929  
661-395-2514

#### **Eureka**

100 H St. #202,  
Eureka, CA 95501-0481  
707-441-5723

#### **Fresno**

2550 Mariposa Mall #4078,  
Fresno, CA 93721-2280  
559-445-5355

#### **Goleta**

6755 Hollister Avenue, Rm. 100,  
Goleta, CA 93117-3018  
805-968-4158

#### **Grover Beach**

1562 Grand Avenue, Suite 100,  
Grover Beach, CA 93433-2261  
805-481-3296

#### **Long Beach**

300 Oceangate St., 3rd floor,  
Long Beach, CA 90802-4339  
562-590-5240

#### **Los Angeles**

320 W. 4th St. 9th Floor,  
Los Angeles, CA 90013-1105  
213-576-7389

#### **Oakland**

1515 Clay St., 6th Floor,  
Oakland, CA 94612-1042  
510-622-2861

#### **Oxnard**

2220 East Gonzales Rd., Suite 100,  
Oxnard, CA 93030-0619  
805-485-3528

#### **Pomona**

732 Corporate Center Drive,  
Pomona, CA 91768  
909-623-8568

#### **Redding**

2115 Civic Center Drive, Rm. 8D,  
Redding, CA 96001-2796  
530-225-2047

#### **Riverside**

3737 Main Street #300,  
Riverside, CA 92501-3337  
909-782-4347

#### **Sacramento**

2424 Arden Way #230,  
Sacramento, CA 95825-2403  
916-263-2741

#### **Salinas**

1880 North Main Street, #100 and #200,  
Salinas, CA 93906-2016  
831-443-3058

#### **San Bernardino**

464 West 4th Street, Suite 239,  
San Bernardino, CA 92401-1411  
909-383-4522

#### **San Diego**

7575 Metropolitan Rd., Suite 202,  
San Diego, CA 92108-4421  
619-767-2082

#### **San Francisco**

455 Golden Gate Ave., 2nd Fl.,  
San Francisco, CA 94102  
415-703-5020

#### **San Jose**

100 Paseo de San Antonio, Suite 241,  
San Jose, CA 95113-1482  
408-277-1292

#### **Santa Ana**

28 Civic Center Plaza #451,  
Santa Ana, CA 92701-4070  
714-558-4597

#### **Santa Monica**

2701 Ocean Park Blvd., Suite 220,  
Santa Monica, CA 90405-5219  
310-452-1188

#### **Santa Rosa**

50 D Street #420,  
Santa Rosa, CA 95404-5219  
707-576-2452

#### **Stockton**

31 East Channel Street, Suite 344,  
Stockton, CA 95202-2393  
209-948-7980

#### **Van Nuys**

6150 Van Nuys Blvd., Suite 105,  
Van Nuys, CA 91401-3373  
818-901-5367