

Step by Step Procedure in Processing a Workers' Compensation Claim and Working with Injured Workers and Managers

Step I: Initial Knowledge of Injured Employee

If you know of or are informed about an employee who has been injured, then by law you must offer the injured employee the "Employee's Claim for Workers' Compensation Benefits" (DWCI) within 24 hours of the time you first became aware. The employee in turn must then sign off on the department or program site-log to acknowledge the offer of the claim form whether they file a claim or not. This is done to protect the employee and employer's rights. The employee must also fill out a Shasta County Office of Education Special Incident Report.

Frequently Asked Questions:

What if an employee does not want to file a claim?

- That's ok, however, you will want to document on your site-log that you did offer the claim form. Also, you will still need to follow through and be sure the supervisor completes the accident/incident report and the Employee must still complete the Shasta County Office of Education Special Incident Report.
- If the employee later decides to file a claim because her or she now needs medical attention, they must complete the claim form and return that to the Workers' Compensation Representative.
- A Supervisor's report **must** be completed and sent to the Workers' Compensation Representative whether a claim is filed or not.

What if the employee does not come to my office to complete the form?

- If you cannot offer the form directly to the employee, even if he/she has not requested it, the paperwork must be sent certified mail. Be sure to document the mailing in your site-log by saving the "green" certified mail card. Then you must complete the Supervisor's/Administrator's Report within 2 days and send to Workers Compensation Representative

What if the employee had a possible BBP exposure? Is this still handled as worker's compensation?

- Yes, process the claim exactly as any other worker's compensation injury claim.
- Also, please note that an employee who has had a BBP exposure **CAN ONLY go to ROMC for treatment**. Other clinics and personal physicians are not authorized to treat exposures.

Does the employee have to leave their work assignment immediately and seek medical care if a work related injury or possible BBP exposure occurs?

- This would be up to the employee. It is allowable to finish his or her assignment for the day and then go to the medical facility. However, for BBP exposure, it's best that they go to a medical facility no later than 2 hours after the exposure.

Is a head lice infestation a Workers' Compensation eligible injury?

- The office will treat it as a first aid and reimburse the employee for medication, medicated shampoo, combs, etc.
- Policy does not authorize the time taken off due to head lice treatment as covered Workers' Compensation because of the duration of any infestation.

Step II: Obtaining Eligible Medical Treatment

If the employee requires medical attention, please direct them to go to one Redding Occupational Medical Center if they do not have a designated doctor for Workers' Compensation. If the injury is a possible BBP exposure, remind the employee that they **must** go to ROMC. They **cannot** go to any other medical facility or doctor.

Frequently Asked Questions:

What if the employee indicates that they have a pre-designated physician, or they only want to see their own doctor or chiropractor?

- If the employee has **previously** designated a personal physician on the Anthem Blue Cross MPN, they may go to that facility for treatment. However, we ask that you or the employee call the Workers' Compensation Representative to confirm this **before** they see their own physician.

What do I do before I send an employee for treatment?

- Fill out and give the employee:
 - **Physician's Authorization To Render Medical Care form**
 - This form is located on the Risk Management web page under Workers' Compensation Insurance and Pamphlets and Forms.
 - Complete the information in the top box.
 - Give the form to the employee to present to the medical care provider
- Once the employee returns and the doctor has designated the injury as other than a first aid on his release note, complete the **Employees' Claim for Workers' Compensation Benefits form (DWCI)**
 - THIS IS THE FORM THAT MUST BE OFFERED TO THE EMPLOYEE WITHIN 24 HOURS OF YOUR KNOWLEDGE OF A WORK RELATED INJURY OR ILLNESS. Lines 1-8 must be completed by the employee.
 - Give the employee a copy as the "Employees Temporary Receipt."
 - Enter incident in your workers' comp site-log and be sure the employee signs off on the log.

Step III: Immediate follow-up after the employee has left for medical treatment

Be sure the supervisor or site secretary does the following:

- Completes lines 9-17 of the “**Employees’ Claim for Workers’ Compensation Benefits**” form (DWCI).
- Sends a fully endorsed copy directly to the employee. This is their permanent receipt.
- Collects the SCOE **Special Incident Report** from the employee **and Supervisor’s/Administrator's Report** from the supervisor
- Forwards them to the appropriate administrator for completion
- Makes sure the administrator completes the **Administrator's Report** (at the bottom of the supervisor's report) and Returns to the Workers' Compensation Representative. Sometimes the supervisor and administrator is the same person. In this case he or she must complete **both** sections.

Remember that the Workers' Compensation Representative must receive the following documents within 2 days of the injury to stay within filing deadlines for the Employer's Report of Occupational Injury or Illness form 5020 for Worker's Compensation benefits.

- E-mails or calls to notify the Workers’ Compensation Representative that an injury has taken place.

Step IV: Medical Care/Return to Work Follow-Up

After the employee has received medical treatment for their work related injury/illness, they will be bringing back a copy of the completed **Authorization to Render Medical Care** form or a doctor’s restrictions notice.

Notify the employee’s immediate supervisor. Please also forward or fax the note to the Workers' Compensation Representative to be included in the file.

If the employee does not return with a release or restriction note they must call or pick up the note and have it faxed to the Supervisor, Workers Compensation Representative or Site Secretary. The employee will not be allowed on the worksite without one.

The employee’s medical status will be reviewed to see if:

- They can return to work with no restrictions or modification of their regular job, or
- They can return to work with restrictions and or modifications. There may be cases where the employee can return under early return to work policy
- The employee cannot return to work at that time.

The site supervisor (and site secretary) will be contacted directly by the Workers' Compensation Representative to discuss early return or to confirm the employee's current medical and work status. IF the Workers' Compensation Representative does not contact the secretary or the supervisor, then either of them should call her or him as soon as they receive the doctor's note.

Step V: Early Return to Work Program

Light Duty/Modified Duty and Early Return to Work Fact Sheet

When an employee has a work related injury or illness that has been accepted by the employer's Workers' Compensation Insurance the employee *may or may not* be offered a light duty/modified duty position during the time that their doctor determines they can return to work, but have restrictions, or in some cases, the employee has been released with no restrictions, but before the doctor has determined them to be Permanent and Stationary.*

The Process

- Step 1 The process for deciding if an employee will be given a Light Duty/Modified Duty Early Return to Work assignment begins when the *employee's* doctor determines what the restrictions will be for the particular type of injury the employee has. The doctor may base this determination on the employee's job description, or on a list of criteria that defines the employee's current ability to work.
- Step 2 Once the employee fulfills their obligation to deliver the doctor's restrictions to the Supervisor or the Workers' Compensation Representative the employee's supervisor will evaluate the restrictions *in reference to the essential functions of the employee's job, the days and hours the employee works, and also in reference to the particular site where the employee normally works.*
- If the supervisor feels that the employee's restrictions can be safely accommodated on their own worksite, the employee will be returned to their normal position and worksite and the employee's worksite supervisor will be notified of the restrictions for the employee. The employee and the site supervisor/Shasta County Office of Education will then work together to assure that the restrictions are being followed by the injured employee.
- Step 3 If the supervisor determines that the restrictions cannot be accommodated at the employee's normal worksite, or that the essential functions of the employee's job cannot be fulfilled, then the employee may be given a temporary assignment at another site or in another capacity in an office or some other safe and suitable place. This is true for all classifications. The employee will then work with a supervisor on the alternate site to assure that the restrictions are being followed.
- Step 4 If the employee cannot be accommodated at any site and has restrictions, the supervisor feels the employee must remain home until such time as the restrictions change and he/she can be returned to work safely. Employees are not to be on campus unless they have been fully released or are being accommodated.
- Step 5 Light Duty and Modified Duty assignments are *temporary* assignments which do not extend past a period of *90 days*. If the employee has been returned to his or

her normal position without restrictions, but previous to being determined Permanent and Stationary,* the employee will be issued a letter acknowledging this fact and notifying the employee that once he or she has been determined to be Permanent and Stationary* and a determination of his or her Permanent Disability with a list of permanent restrictions has been received by the Workers' Compensation Representative his or her final restrictions will be readdressed. A copy of this fact sheet will be included with the letter. Employees may be periodically contacted to meet with their supervisor and (Workers Compensation Representative) to review restrictions and worksite accommodations.

Step 6 If the employee is not fully released during the *90 day* period to their normal position and worksite (including hours and days worked), the employer will notify the employee that their *90 days* has been exhausted and that they will be required to return home until such time as they have been released back to work with no restrictions, or they have reached Permanent and Stationary status with a set of permanent restrictions.

Step 7 The employee will remain at home utilizing their Industrial Accident Leave, any current sick leave, accumulated sick leave, vacation leave, FMLA leave, and Differential Pay, until the doctor releases them back to work without restriction, or they have reached Permanent and Stationary status with a set of permanent restrictions.

Step 8 Once all leaves are exhausted and if the employee's doctor still has not released him or her back to work without restriction, or Permanent and Stationary with a set of permanent restrictions as specified by Education Code, the employee, their supervisor, the workers' compensation representative, the human resource services director and possibly an interactive process facilitator will meet to discuss next steps and the employee may be placed on a 39 month rehire list. A followup letter will go to the employee with a list of instructions explaining what they need to do once they have been released, or determined to be Permanent and Stationary with a list of permanent restrictions.

*Permanent and Stationary: Usually read as "The injured worker has now reached Permanent and Stationary." This term means that the injured worker is now at a point in their recovery where they will never get any better.

Step VI: Permanent Disability and the Interactive Accommodation Process

OVERVIEW

To begin, when an employee experiences an on the job injury they become part of the Workers' Compensation System used by the Shasta County Office of Education. This process is defined by Labor Law, Education Code, and Workers' Compensation Law.

As has been previously described in Steps 1 through 6 the process begins when the employee first notifies his or her supervisor that he or she has been injured. Once an injury has been reported the employee's supervisor must offer the employee a Workers' Compensation Claim

Form (DWC1) and Notice of Potential Eligibility within 24 hours of the employer's knowledge of the incident.

The employee is then sent either to his designated physician, or to the employer's Medical Provider Network (MPN) if the employer has one. After the first medical visit then begins the process that will result in a Return to Work with no restrictions, Return to Work with restrictions and temporary (90 day limit) modified work, or home rest under Total Temporary Disability (TTD).

Once the employee's Primary Treating Physician has determined that the employee is Permanent and Stationary (P&S), that is to say the employee has now reached full recovery to pre-injury status or has reached a level of recovery that he or she will not surpass, the process begins to determine if the employee has any residual Permanent Disability (PD).

If the employee does have Permanent Disability, it is then rated at a certain percentage which is determined by their doctor and the State of California. (Most often the Disability Evaluation Unit does this rating and sends it to the Insurance Carrier.) That rating is kept on file with the Workers' Compensation Board and is public record. Once the percentage of disability has been decided the injured worker begins to be paid every two weeks until the amount allotted for his or her particular disability has been paid. This process can result in ratings from as little as 1% to 100% and payment can range from hundreds of dollars to thousands. The employee may also be contacted by the carrier to go through a legal procedure that will close their claim or certain aspects of their claim and award the employee a cash settlement.

How does this affect the Employee and the Employer?

The employee of course is now determined to be an American with a Disability and is now under the ADA law. This involves the employer because the employer now must look at the disability rating and the associated restrictions to determine if the disability will interfere with the safety of the injured worker, his co-workers, and/or students and also determine if the employee can still perform the essential functions of the employee's Usual and Customary Position in a safe manner.

Also, if the determination has been made by the employee's physician, or an agreed upon physician that the employee can no longer do his or her Usual and Customary Job and is now possibly a Qualified Injured Worker (QIW), the employee will be informed that a meeting will be taking place which will include him or her, his or her union representative, their attorney (if they are represented), Human Resource Services, his or her supervisor, and the Workers' Compensation Representative to discuss the restrictions and to find out if modified, or alternate work needs to be found for them.

Many times a rehabilitation specialist will also be called in to help the employer evaluate the restrictions and help the employee evaluate available modified or alternate work. Modified work means a modification that will not prove to be a hardship for the employer and will allow the employee to continue doing their Usual Customary Job with some slight changes. Alternate

work, however, must fall within a certain dollar amount to be eligible to be offered to the employee.

Sometimes an employee may have an injury that by itself may not be extremely debilitating, but when it is added to another injury rating it places the employee in a situation where they can no longer safely perform the Essential Functions of their job without modification or in some cases at all.

It is important to remember that the law states that the employer must act upon any disability notification they receive from the carrier or the doctor. If the employee has been notified and received their PD rating and Permanent Disability payment information, the employer will usually receive the same notice. However, if the employer does not, the employer is still required to act upon the notice when he or she does receive it whether the notice comes within a few days or a year. The Interactive Meeting will then take place.

INTERACTIVE ACCOMODATION MEETING in DETAIL

Once an Interactive Meeting is called the employee will sit down with the employer and discuss the restrictions and the Essential Functions of the job. If the employee was hurt before January 1, 2004, then that employee may also be eligible for Vocational Rehabilitation. If they were hurt after January 1, 2004, then they may be eligible for a Vocational Rehabilitation Voucher.

If it is determined that there is no modified or alternate work within the designated parameters available to the employee, the employee will then be placed on leave and will use the remainder of his or her Industrial Accident Leave, FMLA, Sick Leave, Vacation (if available) and Differential Pay according to their specific Bargaining Unit contracts and the Education Code.

During the time the employee is off, the employee's benefits will continue to be paid and if applicable the employee's share of cost will be taken from their pay. Once the employee has reached unpaid status, Human Resource Services places them on a 39-month rehire list and gives them a 39-month rehire letter in case something changes with their condition and the employee is able to return to work without the same restrictions. The employee then becomes eligible for either COBRA or Retiree Benefits depending upon what the employee wants to do or is eligible to do. Once the employee makes the decision the employee can then utilize disability retirement, or if they wish and are of age for retirement they can utilize PERS or STRS retirement, or just utilize COBRA. They can also opt for nothing if they choose.

What happens then?

There are still options available to the employee. Once again, if they were hurt before January 1, 2004, the employee may choose to utilize their Vocational Rehabilitation. In this case they may choose to take a PERS or STRS disability retirement to supplement their Vocational Rehabilitation, or as a stand alone income resource.

If they have purchased it, the employee may also want to utilize their Long Term Disability insurance. (Classified employees have LTD insurance in their benefits package.)

If he or she is of the age to take a regular retirement, he or she may also do this. Remember that the employee is still eligible for 39 months for rehire if there is an opening that will fit their physical restrictions and the monetary parameters of alternate work, or if the employee becomes able to work again.

MINI INTERACTIVE MEETING

There are also situations that call for a shortened version of the Interactive Meeting. These situations occur when the employer is notified by the carrier that an employee has been determined to be Permanent and Stationary with restrictions which could be considered minor, or have settled with permanent restricts, or if the employee comes back with no restrictions but possible prophylactic requirements and the employer must clarify with the employee what the employee believes to be his capabilities.

The restrictions will not normally interfere with the employee's Usual and Customary job duties except in small ways, but they must be recognized. The employer must recognize their existence, so that they will know that some sort of accommodation will be needed albeit minor and recognized by the employee, so that the employee knows that they will now be expected to work within the guidelines that they have been given by the doctor.

The employee will be informed that a meeting will be taking place which will include him or her, his or her union representative, if the employee wishes, Human Resource Services, his or her supervisor, and the Workers' Compensation Representative to discuss the restrictions and to reach an agreement as to what the expectation of both parties will be. The rehabilitation specialist may also be called in to help the employer evaluate the restrictions and help the employee evaluate their new guidelines.

Once the meeting is set and the restrictions are understood by everyone a letter is issued to the employee and their supervisor to sign and is returned and placed in the employees personnel file as a permanent record of their employment.