

WHAT IS WORKERS' COMPENSATION?

California's no-fault workers' compensation law was passed by the State Legislature to guarantee prompt, automatic benefits to workers injured on the job. The County's self-insured Workers' Compensation program is managed by the Risk Management Unit (RMU). The County contracts with a third-party claims administrator who is responsible for reviewing and accepting claims and paying benefits. The process of investigating claims may take up to 90 days during which no disability benefits would be paid. Medical treatment may be covered during the delay period for up to \$10,000.

WHO IS ENTITLED TO BENEFITS?

If you have an on-the-job injury or an illness which resulted from your job, you may be entitled to workers' compensation benefits. These benefits are provided at your employer's expense. The injury or illness may result from a single incident or from repeated or prolonged exposure to activities or substances at work. With only a few exceptions, all California employers are subject to state workers' compensation laws. Not all claims occurring at the workplace are compensable.

WHAT ARE THE BENEFITS?

State benefits are described on the California Department of Industrial Relations information sheet accompanying the Employee's Claim for Workers' Compensation Benefits (Form DWC-1). Possible benefits include: medical care, temporary disability payments, permanent disability payments, death benefits, and supplemental job displacement benefits.

CALIFORNIA LABOR CODE 4850 BENEFITS

If you are a public safety officer, as defined by Labor Code Section 4850, you will be paid full salary while unable to work in lieu of Temporary Disability and the salary supplement for a maximum of one year (260 paid days).

If you continue to be temporarily disabled for more than one cumulative year, you will be paid Temporary Disability benefits (to the maximum rate) until the benefit terminates by law. Eligible 4850 employees may supplement the Temporary Disability benefits with accrued leaves, excluding sick leave, up to 100% of gross salary.

WHAT COUNTY PAYMENTS ARE MADE TO YOU?

INDUSTRIAL SICK LEAVE SUPPLEMENT

Alameda County also provides a salary supplement called Industrial Sick Leave (taxable) which supplements the Temporary Disability benefit and is only paid in conjunction with approved Temporary Disability benefits. For eligibility and the percentage of supplement, please refer to your MOU.

The Industrial Sick Leave supplement will be paid to you by the County, for the period specified in your MOU as long as the treating physician advises the County's Workers' Compensation Claims Administrator that you are unable to work due to your injury. Please refer to your MOU for the details.

No Industrial Sick Leave is paid for the three-day waiting period unless it is waived due to hospitalization or if your disability continues for more than 14 days.

OTHER COUNTY BENEFITS

While receiving the Industrial Sick Leave supplement or 4850 benefits, you continue to accrue vacation, sick leave and credit for County service at your usual accrual rate and receive full County contributions for health, dental and life insurance premiums.

You will not be paid for holidays, vacation, floating holidays, etc. for any approved industrial injury absence which falls within the eligibility period for 4850 Benefits or Industrial Sick Leave.

After these benefits (Industrial Sick Leave or 4850) expire, if eligible, you may use accrued leaves to supplement continuing Temporary Disability benefits up to allowed maximum industrial sick leave supplement (100% for 4850 employees) of your gross salary. You continue to accrue vacation and sick leave at your usual accrual rate and receive the full County contribution towards health, dental and life insurance premiums. If your available leave is less than the hours needed to supplement up to the allowed maximum industrial sick leave supplement (100% for 4850 employees), the vacation and sick leave accrual is pro-rated. If your available leave is less than the maximum hours needed to supplement but at least 50% of the maximum, you will receive full County contributions towards dental and life insurance premiums; however, the County's contribution towards health insurance premiums will be pro-rated. If your available leave is less than 50% of the maximum supplemental amount, there will be no

County contributions and you will have to pay to continue your health, dental and life insurance coverage.

MEDICAL APPOINTMENTS

You may be paid leave for medical treatment, therapy, or diagnostic tests after you return to work if you submit the Confirmation of Physician Visit/Work Status Report form with your timesheet. See applicable MOU for eligibility and conditions for payment. See Departmental Personnel or Risk Management for forms.

HOW DO YOU RECEIVE BENEFITS?

In case of an emergency, call 9-1-1.

If necessary, go directly to the emergency room.

- In a non-emergency situation, report the injury to your supervisor. You and your supervisor together will call the Company Nurse injury hotline at 1-855-921-9522 BEFORE you seek medical treatment. No benefits can be provided if the injury is not reported. Complete and submit the claim form (DWC-1) to your department.
- If treatment beyond first aid is required, Company Nurse will direct you to a medical provider on the Alameda County Workers' Compensation Designated Medical Facilities list. Complete and submit the claim form (DWC-1) to your department.
- If you are unable to call Company Nurse before seeking treatment, you and your supervisor may complete the required forms and submit them directly to the TPA, or the supervisor may call Company Nurse after you have been treated to initiate the claim process.
- You are entitled to use your own personal physician only if you have notified your department in writing of your pre-designated personal physician or medical provider **prior** to the date of your injury. Forms are available on the RMU website at <http://alcoweb.acgov.org/rmu/>
- If you use a County-designated physician, you are entitled to change your medical provider 30 days after you have reported your injury, by contacting the County's Claims Examiner.
- The County has a temporary modified duty program that encourages early return to work during your recovery from injury. As part of this program, you

must have your medical provider complete the County's Work Status Report form and you must immediately return it to your supervisor after every appointment. Your supervisor will review your work status form to determine if work exists within your medical restrictions. Your supervisor or personnel office will then notify you if your restrictions can be accommodated temporarily. This form is also used for payroll/timekeeping for medical appointment verification. (The County policy limits temporary modified duty assignments to a maximum of 90 days per injury).

ARE OFF DUTY ACTIVITIES COVERED?

Off duty recreational, athletic and social activities may not be covered by workers' compensation benefits if the injury arises out of voluntary participation, and the activity is not part of employee's work-related duties.

NON-DISCRIMINATION

An injured worker may **not** be discharged, threatened with discharge, or discriminated against in any manner because he/she: 1) has or intends to file a workers' compensation claim and/or application for adjudication of claim, 2) testifies on behalf of another employee's claim, or 3) has received a workers' compensation award or settlement. All injured workers are afforded this protection by the Labor Code. Injured workers may also be protected from disability discrimination under the Americans with Disabilities Act and provisions of the Fair Employment and Housing Act.

OTHER DISABILITY BENEFITS

If the injury is very serious and you expect to be off from work for a year or more you may be eligible for additional benefits from Social Security. Contact the nearest Social Security Administration Office at 1-800-772-1213 for more information.

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 for by your employer. SDI primarily covers an **off-the-job** injury or sickness and is paid by payroll deductions. Call 1-800-480-3287 for information on SDI benefits.

FRAUD

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payments is

guilty of a felony. He/she may be fined up to \$150,000 and sent to prison for up to five years.

If you suspect fraud, please call the Alameda County fraud hotline at (866) 368-3720.

For more information, contact:

Your supervisor, Department Personnel Officer or Workers' Compensation Liaison

County of Alameda Risk Management Unit

Maria Songco-Daluz
Workers' Compensation Administrator
125 – 12th Street, 3rd Floor, Oakland, CA 94607
(510) 272-3646
Fax (510) 272-6815

Third Party Workers' Compensation Claims Administrator

York Risk Services Group, Inc.
P.O. Box 619079
Roseville, CA 95661-9079
(800) 922-5020
Fax (866) 548-2637

State of California Department of Industrial Relations

Division of Workers' Compensation
1515 Clay Street, 6th Floor, Oakland, CA 94612-1413

For Information & Assistance Officer
(510) 622-2861, (800) 736-7401

For Retraining / Return-To-Work Unit
(510) 622-2860

www.dir.ca.gov/dwc

Americans with Disabilities Act (Equal Employment Opportunity Commission)

(510) 637-3230 or (800) 669-4000

www.eeoc.gov/ada

Fair Employment & Housing Act (CA Dept. of Fair Employment & Housing)

(800) 884-1684

www.dfeh.ca.gov



FACTS FACTS

For injured Alameda County Employees

July 2013