



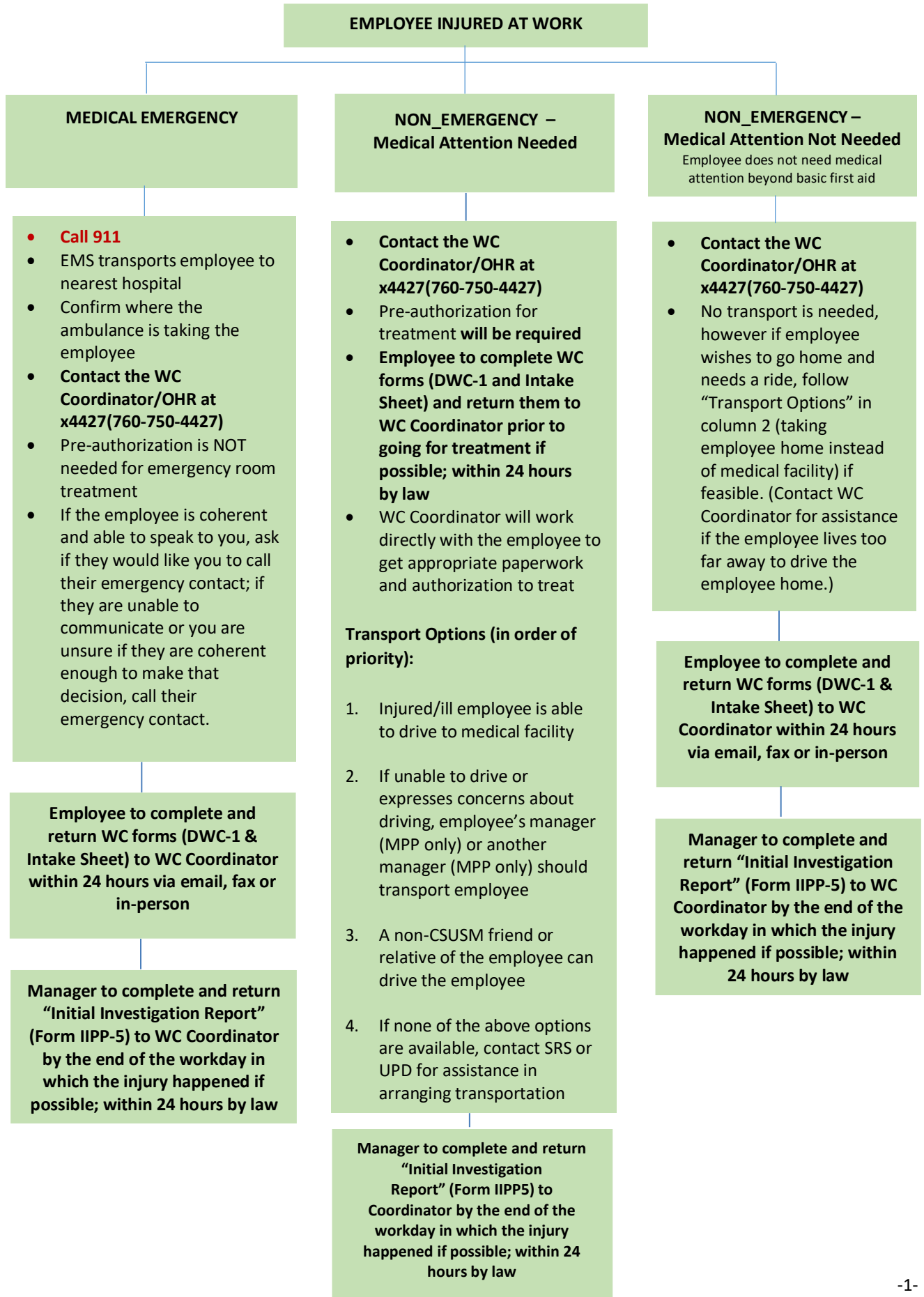
Workers' Compensation Program

Guidance & Protocols
for Managers & Supervisors

Table of Contents

High Level Flow Chart.....	1
Important Phone Numbers.....	2
Introduction & Basics of Workers' Compensation	2
Overview	
Who is Entitled to Coverage	
When is an Injury NOT Covered	
Prevention Programs & Training.....	4
Injury & Illness Prevention, Training & Consultation Programs	
Ergonomic Evaluation & Assistance Programs	
Reporting Unsafe Conditions – Rights and Responsibilities	
What to Do if an Employee is Injured at Work.....	6
Emergency	
Non-Emergency	
Transporting Employees for Care	
Paperwork & Record-Keeping	
Flow Chart	
Missing Work & Wage Replacement	8
Industrial Disability Leave and Temporary Disability Leave	
Returning Employees to Work.....	11
Modified Duty	
Frequently Asked Questions.....	12
Additional Resources & Forms.....	17

How to Manage a Work-Related Injury



IMPORTANT PHONE NUMBERS

Emergency	911
University Police	x4567 (760-750-4567)
Workers' Comp Coordinator	x4427 (760-750-4427)
Ergonomics Program Coordinator	x4502 (760-750-4502)
Safety, Risk & Sustainability Svcs	x4502 (760-750-4502)
Office of Human Resources	x4416 (760-750-4416)

INTRODUCTION & BASICS OF WORKERS' COMPENSATION

The purpose of this Guide is to orient supervisors and managers to what Workers' Compensation is and how it works should an employee become ill or injured at work. Our intent is to help you understand your role and responsibilities so that proper procedures are followed and required state and federal regulations are followed.

This guide is designed to give you the tools needed to navigate issues involving injured employees, as well as to work toward preventing injuries. If a work-related injury or illness does occur, you are expected to be prepared with at least some basic information, and therefore, it is important to read this Guide *before* an injury/illness occurs. You need to know what steps to take and who to contact when responding to emergency and non-emergency situations.

This Guide is meant to address the most common situations and issues related to workplace injuries and is not intended to cover every possible scenario. If you have any questions at any time, please contact the campus Workers' Compensation Coordinator or designee (see resources below and in the "Resources" section).

What is Workers' Compensation?

Workers' Compensation (more commonly referred to as "Workers' Comp," and abbreviated as "WC" in this Guide) provides remedy to employees who suffer an injury or illness arising out of the course of their employment. Workers' Comp provides payment of reasonable and necessary medical expenses and compensation for lost wages (as applicable; usually 2/3 of regular pay) if an employee becomes injured or ill due to a work-related accident or situation. Under Workers' Comp law, employees are entitled to receive prompt and appropriate medical care and compensation for lost wages (under most circumstances – see "When an Injury is Not Covered" section for exceptions) if they are injured on the job, and regardless of who is at fault.

Who is Covered by our Campus Workers' Comp Program?

- Faculty and staff employed by the University (Stateside, CSU Corp or Foundation)
- Student assistants, if the injury occurs while they are working ("on the clock")
- Recognized and registered campus volunteers
- Certain students in professional programs (education, nursing, allied health, etc.) at placement sites where WC has been negotiated as part of our placement contract through Procurement.

Who is Not Covered by our Campus Workers' Comp Program?

- Contract employees
- Consultants (unless they are a W-2 employee of the University)
- Unpaid student interns (interning on or off-campus)
- Student employees who are injured during a time they are not working ("off the clock")
- Employees who are injured outside of work (unless on official, recognized University business)

What Type of Benefits Does an Employee Receive if They Are Injured at Work?

- Medical care and treatment for their injury (including ambulance if needed)
- Wage replacement (partial or full) for lost work time
 - Any missed time on the date of injury will be regular paid time through the employee's paycheck
 - Subsequent time missed after the initial injury date will be paid at either 2/3 pay or full pay (see "Missing Work – Wage Replacement" section for details).

When an Injury is Not Covered

There are certain circumstances under which an injury may not be covered under Workers' Comp, or the benefits may be reduced. Generally, an injury will NOT be considered work-related for Workers' Compensation purposes if:

- It occurs off-site during an unpaid lunch break. (Work-related lunch functions, and unpaid lunch breaks that occur *on* campus are generally covered.)
- It occurs during the employee's regular commute to/from work. Until the employee enters campus grounds (or other designated work site) and after the employee leaves campus grounds (or other designated work site), they are not covered by Workers' Comp (unless on work-related travel or a work-related task).
- The injury is sustained while the employee is intoxicated or under the influence of illegal drugs.
- The injury is sustained during voluntary participation in off-duty recreational or social activities, even if "CSUSM-sponsored" or affiliated, unless the activity is required (expressly or implied) as an expectation of employment.
- The injury is a result of "horseplay" or similar intentional activity.

- The injury is purposely self-inflicted.
- The injury is sustained by an employee who assaults or is involved in activities intended to injure another person. (An employee victim of such an incident would be covered.)
- The injury is sustained during the commission of a crime.

All cases are decided on the specific circumstances of the case, so if there is any question about whether an injury is covered under Workers' Comp, you should contact the campus Workers' Comp Coordinator.

PREVENTION PROGRAMS & TRAINING

As a manager, you play a vital role in helping to maintain a safe working environment. Training and prevention programs are an important part of that process, and are available to all employees. Below are some of the programs offered. If you have a particular need that is unmet by these programs, please contact Safety, Risk & Sustainability Services to discuss your needs. Custom programs can often be designed for your department's specific needs.

Training classes available through Safety, Risk & Sustainability Services:

- Biohazard Safety
- Confined Space Entry
- Contractor Safety
- CPR/1st Aid/AED
- Electrical Safety
- Emergency Preparedness
- Ergonomics
- Fire Extinguisher Training
- Food Service, Public Health, and Pool Sanitation
- Hazardous Materials and Waste Management
- Hearing Conservation
- Laboratory Safety
- Lockout/Tag Out
- Radiation Safety Program
- Respiratory Protection Program
- Safe Driver Program/Defensive Driving
- Workplace Violence

Injury Prevention and General Safety Consultations and Assessments

Consultations and assessment services are available on **all of the above topics**, as well as the following:

- Event Safety
- Building Plan Review & Construction Safety
- General Risk and Safety Assessment
- General Occupational Safety & Environmental Programs

Ergonomic Assessments

All employees at CSUSM are encouraged to participate in our “Workstation Ergonomics” programs, which include an on-line self-assessment and training, as well as in-person evaluations of their workstation area and related equipment. To request an in-person evaluation, the employee must first complete the on-line assessment and training (see below) evaluation. After completion of the on-line program, the employee should send an e-mail, with a brief statement on any present work related issues as appropriate, to the Program Administrator at ergonomics@csusm.edu.

If equipment has been received and requires adjustment or placement (or there are additional questions about the ergonomics programs, contact Safety, Risk & Sustainability Programs at x4502.

Cougar Workstation Ergonomics – On-Line Self-Assessment and Training Module

Follow the steps below to access the training and self-assessment:

1. Log into the [ETC LearnerWeb](#) using your campus user name/password
2. Click the "Course Catalog" tab in the upper menu
3. Scroll downward to the "CSUSM Safety Training - State Employees" section and click on the folder icon
4. Locate "Cougar Workstation Ergonomics" and click "Launch" or "Review" - whichever is appropriate

In-Person Ergonomic Evaluations and Work Station Adjustments

All employees are encouraged to request an ergonomic evaluation/assessment of their workstation area and related equipment. Before requesting an in-person evaluation, employees need to complete the on-line self-assessment and training module (see above). To request your evaluation send an e-mail, with a brief statement on any present work related issues as appropriate, to ergonomics@csusm.edu.

If equipment has been received and requires installation, adjustment or placement, contact the SR&S department (x4502).

Additional Ergonomics Information and Resources:

<http://www.csusm.edu/srs/safetyprograms/ergonomics.html>

Reporting Unsafe Conditions – Your Rights and Responsibilities

All employees have a right to report unsafe conditions and concerns without fear of reprisal. It is illegal for an employer to take any adverse action against an employee in response to exercising his/her right to report safety hazards or concerns.

As a manager, you have a **DUTY** to report unsafe conditions and safety concerns. Please contact Safety, Risk & Sustainability Services at x4502 if you are aware of any unsafe conditions or safety concerns.

There is also an on-line form available for use by employees/supervisors/managers who wish to provide a safety suggestion or report an unsafe workplace condition or practice. Although the form can be submitted anonymously, it is always helpful to have contact information so that a Safety Specialist can follow up if there are questions or more detail is needed.

On-line Safety Concern Form:

<http://www.csusm.edu/srs/aboutus/contact/reportsafetyconcern.html>

CSUSM will investigate all reports of unsafe conditions (as is required by the Injury and Illness Prevention Program Standard 8 CCR 3203) and advise the employee who provided the information (unless the concern is submitted anonymously) and/or the workers in the affected area.

WHAT TO DO IF AN EMPLOYEE IS INJURED AT WORK

STEP 1: DETERMINE LEVEL OF CARE NEEDED

EMERGENCY

If it is determined this is not an emergency, provide appropriate First Aid and Proceed to Step 2

First, determine if this is an **EMERGENCY**

Any if the following conditions would be considered an emergency:

- Loss of consciousness, disorientation, lack of coordination, and/or slurred speech (especially following a head injury)
- Severe and/or uncontrollable bleeding
- Partial or full amputation of a digit or limb
- Fracture with deformity and/or bone exposure
- Seizure
- Wheezing or facial swelling associated with an allergic reaction or insect bite/sting (signs of a possible anaphylactic reaction)
- Snake bite (unless it is in a controlled environment such as the vivarium where it can be determined with certainty this is not a venomous snake)
- Chest pain/pressure or unusual shortness of breath lasting more than 3 minutes

**THESE ARE GUIDELINES ONLY!
IF EVER IN DOUBT, TREAT THE SITUATION AS AN EMERGENCY AND
CALL 911**

If this is an emergency or anything requiring paramedic/ambulance:

➔ **Call 911 or University Police** at (760) 750-4567 (x4567 from a campus phone)

*NOTE: 911 from a **campus phone** will take you to UPD; 911 from a cell phone will also likely take you to UPD, depending on your exact location and your carrier, but may take you to San Marcos emergency response, which is fine. If you reach San Marcos, give them the information, and then you should ALSO call UPD to let them know, as they can help the outside responders get to the correct spot on campus.*

➔ UPD will initiate emergency services as necessary.

➔ Have someone notify Safety, Risk & Sustainability as soon as possible at x4502

NON-EMERGENCY

If it is determined this is not an emergency, provide appropriate First Aid and Proceed to Step 2

STEP 2: CONTACT WC COORDINATOR & ARRANGE FOR TRANSPORTATION

➔ Call x4427(760-750-4427) to speak to Justine Cook, the Workers' Compensation Coordinator. (If Justine is not available, please call (760) 750-4416 to be connected to the appropriate person who can act on her behalf.)

➔ If the employee was taken by ambulance, please provide this information to the WC Coordinator.

➔ If the injury requires medical care but is not an emergency, the WC Coordinator will authorize and coordinate medical treatment for the employee through the contracted campus occupational medical care provider.

PRIOR AUTHORIZATION FOR TREATMENT IS REQUIRED (EXCEPT IN AN EMERGENCY), SO PLEASE DO NOT SEND THE EMPLOYEE DIRECTLY TO EITHER OF THESE FACILITIES WITHOUT TALKING TO THE WC COORDINATOR, WHO WILL COORDINATE THE AUTHORIZATION TO TREAT, AND PROVIDE REQUIRED PAPERWORK AND OTHER NECESSARY INFORMATION TO THE INJURED EMPLOYEE.

Main Campus:

Palomar Pomerado Health
2125 Citracado Parkway, Ste. 130
Escondido
(760) 510-7373

Temecula Campus:

Temecula 24 Hour Urgent
41715 Winchester Rd, Suite 101
Temecula
(951) 308-4451

STEP 3: COMPLETE AND SUBMIT PAPERWORK

➔ The **EMPLOYEE** will be provided with a “Work Comp Claim Form” (DWC-1) and an “Employee Intake Form” which are to be completed and returned to the WC Coordinator prior to going for treatment if possible, or within 24 hours.

WC Claim Form (DWC-1):

https://www.csusm.edu/hr/wc/documents/wc_dwc1_claimform_ohr2021.pdf

Employee Intake Form:

https://www.csusm.edu/hr/wc/documents/intake_sheet_workers_compensation_claim.pdf

➔ The **EMPLOYEE’S SUPERVISOR OR MANAGER** is required to complete the “Initial Investigation Report” (IIPP-5) and return it to the Work Comp Coordinator within 24 hours.

Initial Investigation Report (IIPP-5):

https://www.csusm.edu/hr/wc/documents/iipp5ainitialinvestigation_ohr2021.pdf

MISSING WORK & WAGE REPLACEMENT

If under workers’ compensation, the treating physician medically certifies the employee as being unable to work for any period of time past the initial injury date (and this is not contested by our Third Party Administrator, which it usually is not), Industrial Disability Leave (IDL) or Temporary Disability (TD) benefits may be available as wage replacement for missed time.

Industrial Disability Leave (IDL)

Most CSUSM employees fall under this category. If an employee a member of CALPERS, they are generally eligible to receive Industrial Disability Leave (IDL) benefits in lieu of Workers’ Compensation Temporary Disability (TD) benefits. For the first twenty-two workdays of disability (following a three-day waiting period), the employee will be paid an amount equal to their full pay (with certain maximums for highly compensated employees). If the disability continues, IDL will pay two-thirds of your gross pay for a period not to exceed a total of fifty-two weeks within two years.

To be eligible for IDL benefits, an employee must meet all of the following conditions:

- 1) Be an active member of PERS (FERP Employees do not qualify for IDL);
- 2) Have a disability that has been medically certified and accepted by the campus’ third-party administrator, Sedgwick CMS.
- 3) Choose to receive IDL benefits instead of TD; and
- 4) Be unable to work as a result of a work-related injury or illness

IDL with Sick Leave Credit Supplementation

Following the initial full-pay period (first 22 days), an employee may be eligible to supplement IDL benefits with accrued sick leave credit (or vacation or other accrued leave), provided they have sufficient credit. Total benefits and supplementation cannot exceed the employee's regular salary or wage. The supplementation portion will be reported as taxable earnings. The employee must provide written notice to the Workers' Compensation Coordinator within fifteen calendar days of receiving the notice of benefits eligibility in order to qualify to supplement with sick leave. Supplementation will begin on the twenty-third day of IDL benefits.

Temporary Disability (TD)

Temporary Disability (TD) is part of the Workers' Comp program, and compensation level is determined by law, and is generally two-thirds of your wages with a minimum of \$148.00 per week and maximum of \$986.69 per week (Based on 2/3rd of \$1,480/wk. salary). This benefit stops when the treating physician releases you for work or states that your injury has reached a point of maximum improvement.

The waiting periods and exceptions for TD are the same as for IDL. You may also be eligible to supplement your temporary disability benefits with accrued sick leave credit, provided you have sufficient credit. Total benefits and supplementation cannot exceed your regular salary or wage.

Permanent Disability

Permanent disability is compensation paid to you for any permanent disability you may suffer from due to a work-related illness or injury. The amount you will receive depends on the extent of your disability. Workers' Compensation law provides guidelines to determine the amount of the compensation. Your age and job at the time of your injury or illness are also factors that are considered when calculating permanent disability.

Eligibility – Delay in Determination

Under certain circumstances, it may take some time before a determination can be made by the TPA as to whether an employee's disability is or is not work-related. During this period, the employee should be allowed to use sick leave, vacation, and CTO leave credits as long as they are available. The employee should also be encouraged to apply for NDI (Refer to Human Resources) and/or Family Medical Leave (FML). After all leave credits have been exhausted, the individual will be placed on leave without pay status until a determination is reached.

When it is determined that the disability is job-related and the employee is eligible for IDL or Workers' Compensation Temporary Disability, appropriate adjustments will be made to the employee's leave balance account in accordance with the procedures of the particular program selected by the employee (IDL, TD).

Waiting Period

There is a waiting period of three calendar days before you become eligible for IDL or TD. It may not apply if:

- 1) You are disabled because of a criminal act of violence against you; or
- 2) You are immediately hospitalized; or

- 3) You are hospitalized later because of the disability; or
- 4) You are disabled for more than fourteen calendar days.

In these instances, you are eligible for IDL benefits payments from the first day of injury. Furthermore, the waiting period need not be consecutive; partial days of absence relating to the disability shall be accumulated to full days towards the waiting period.

Taxes

Deductions for federal/state taxes, FICA, and/or Medicare will not be made from IDL payments. IDL payments are not reported as taxable wages or other compensation on Form W-2. Retirement contributions and voluntary deductions (credit union loans, savings accounts, bonds, parking fees, health insurance premiums, etc.) will be deducted from all IDL payments. *Contact Human Resources if you need to cancel any voluntary deductions.*

Personal Leave Balances

While you are receiving IDL payments, you will continue to accrue sick leave, vacation, and service credit.

Appeal Process

If at any time you have complaints about the IDL actions taken, you may seek to remedy them through the appeal process. You should first notify the Workers' Compensation Coordinator (WCC) of any complaint in writing within thirty days of its origin. If the WCC cannot resolve your complaint, you may appeal to the Workers' Compensation Appeal Board. There are certain time limits during which appeals may be filed; therefore, appeals should be filed as soon as possible.

Third Party Administrator (TPA)

The CSU is contracted with a third-party administrator for Workers' Compensation claims management. Interpretation of applicable law, administration of claims and benefit determinations are managed by the TPA.

Additional Information on TD and IDL:

Division of Workers' Compensation
<http://www.dir.ca.gov/dwc/>

CSU Industrial Disability Leave
<http://www.calstate.edu/Benefits/disability/idl.page.shtml>

Administrative Guide – Industrial Disability Leave
<http://www.calstate.edu/Benefits/disability/idl.admin.guide.shtml>

RETURNING EMPLOYEES TO WORK

Facilitating Return to Regular Work

Bringing employees back to work as soon as it is medically feasible is good for a variety of reasons. Actively involved employees make stronger (and often faster) recoveries, keep the work force intact, and help to control WC claims costs. Our TPA (Sedgwick) will assist in our return to work efforts by keeping in touch with the treating physicians and letting the doctors know that the CSU is very committed to providing modified work. The injured employee should be made aware of their obligation to keep the campus informed of their work status and their ability to perform full or modified duties.

Release to full duty:

- Employees should provide a Work Status Report or doctor's note to their supervisor releasing the employee to regular work duties.
- Work Status Report should be forwarded to the WC Coordinator.

Release to Modified Work Duties

"Modified duty" can fall into one or more of the following categories:

Modified Work – temporarily changing, transferring or eliminating specific job duties within the employee's regular job to accommodate the temporary work restrictions.

Alternative Work Assignments – Offering the employee a different position temporarily (within his or her regular department or another department) to accommodate the temporary work restrictions.

Reduced or Modified Hours – Offering less than full-time work and/or a modified schedule temporarily to accommodate the temporary work restrictions.

If an employee is returned to work with restrictions identified by the treating MD:

- The WC Coordinator will discuss the restrictions with the employee's manager to determine if accommodations can be made.
- This may involve coordination with HR and/or the campus ADA coordinator.
- CSU system-wide has committed to a "Return to Work" program and managers are required to make reasonable efforts to accommodate the work restrictions and return the employee to modified duty whenever possible and practical.

FREQUENTLY ASKED QUESTIONS

Why is Workers' Comp pay for missed work time only 2/3 of regular pay?

This is determined by Federal and California law. The WC program is designed to get injured employees medical benefits and wage replacement as soon as possible. To create a system that worked quickly and efficiently (rather than having to go back and forth over lost wages in the court system), the WC wage replacement program is was designed as a compromise between the interests of the employee (having a steady paycheck even when not working) and the interests of

the employer (not having to pay a full salary to an employee who is not working). The law sets the replacement wages at 2/3 of regular wages as an attempt to compromise. Additionally, WC benefits are not taxed, so the 2/3 rate of regular pay is generally fairly close to an employee's regular take-home pay.

What if an employee is injured at an off-site location?

They employee should notify OHR Workers Compensation coordinator if they were injured while working off site. Together it can be determined if this is covered under the University's Workers' Compensation program.

If an employee is injured while traveling, are they covered by Workers' Comp?

Yes, any time an employee is working on university business they are covered under Workers' Compensation.

What if the employee tells me the injury is work-related but does not want to file a WC claim?

An employee does not have to file a Workers' Compensation claim. However, you as the manager are still required to notify the employee of their right to file a WC claim, and we as the employer are required to provide the DWC I claim form to the employee. You are also still required to complete the "Initial Investigation Report," noting that the employee is refusing treatment.

Should I go to the hospital with my employee?

If an employee is injured severely enough to require ambulance transport and/or ER treatment, it would be best if a manager met the employee at the hospital. (Do not ride in the ambulance with the employee – you should drive your own car so that you have transportation back.) Being in the ER can be intimidating and scary, so the employee would probably appreciate someone being there, at least until a family member arrives. If the employee is stable enough to not need to be transported in an ambulance, and prefers to be taken by car, an MPP is allowed to transport the employee to the hospital.

What if there is no available MPP to drive the employee to the clinic or hospital?

If the department MPP is not available, any other MPP on campus is allowed to transport the employee. If there is no available MPP, contact Safety, Risk & Sustainability (x4502), and we can help find someone. UPD officers are also permitted to transport employees to the hospital if there is no one else available. Whatever the circumstance, please make every effort to ensure the employee does not feel like a burden.

Should I call the employee's family?

Ask the employee if they would like you to notify a family member or friend, and if so, you may contact whoever they ask you to.

In the case of an emergency, you should still ask the employee first before contacting family or the emergency contact. If the employee is not able to respond, or appears to not be coherent enough to make that decision, you should notify either UPD (x4567) or Office of Human Resources (x4418), providing the general nature of the injury, the employee's condition if known, and where the employee is being treated. UPD or OHR will call the employee's emergency contact listed in PeopleSoft.

What if the employee is obviously injured but refuses to go to the doctor?

Other than in a true medical emergency in which the employee is unconscious or in an impaired state, we cannot force anyone to get medical care. We can strongly advise that we feel it is in their best interest to be treated, but it is ultimately their decision. If you are unsure of the seriousness and feel it may require emergency treatment, it is recommended you still call 911, and let the employee refuse the paramedics' treatment or advice. You are not expected to determine the appropriate care and should always err on the side of caution.

We still need to supply all of the paperwork that needs to be given to employee upon our being notified of injury, and you will still need to complete the "Initial Investigation Report," and should note on there that the employee refused treatment.

What if an employee is hesitant to be treated in case the injury is determined not to be work-related?

Workers' Compensation will cover the initial treatment (up to the first 90 days and/or the 1st \$10,000), even if it is later determined not to be work-related. We don't want employees worrying about who will pay for the ambulance cost if they need to get emergency treatment, so please assure them that fear of the bills should not be a concern at this time, as it will be covered whether it is determined a WC claim or not.

Can I take disciplinary action against an employee who files multiple/repeated WC claims?

No, it is illegal to take adverse action against an employee for filing a WC claim (unless it is fraudulent), regardless of how many claims an employee may file.

It is permitted, however, to take disciplinary action against an employee for the behaviors that led to the injury if there was a breach of policy or safety protocol. This is a delicate issue, so please work with HR and the WC Coordinator if you feel disciplinary action is warranted.

What if an employee is injured after hours?

Emergency

Dial 911 and/or go to the nearest emergency treatment facility. Notify UPD, and also contact the WC Coordinator via email (jcook@csusm.edu) or phone (x4427) so that the appropriate paperwork and follow-up can be handled the next business day.

Non-Emergency

If it not an emergency, the employee can go to our contracted after-hours care facility:

Main Campus – After Hours Care:

Kaiser Urgent Care
400 Craven Rd. – Bldg. 3, 1st Fl
San Marcos, CA 92078

Urgent Care Hours (no appointment needed):
Monday – Friday, 5 pm to 9 pm
Saturday and Sunday, 9am to 5pm

Temecula – After Hours Care:

Temecula 24 Hour Urgent
41715 Winchester Rd, Suite 101
Temecula
(951) 308-4451

Urgent Care Hours (no appointment needed):
Open 24 hours a day

If the contracted Urgent Care facility is not open, or the employee is off-site, the employee can go to any urgent care facility or emergency room. If they advise the staff that it is a work-related injury, they will generally not be billed anything, and the facility will contact is. If they are asked to pay anything, they should keep the receipt for reimbursement.

Am I responsible for getting the employee home or back to campus when they are done with their Urgent Care or Emergency Room visit?

If an employee is not able to drive and does not have a family member or friend to help with transport, it is the responsibility the University to assist the employee in whatever way needed to get them home or back to work. If all other options are exhausted, the employee can take a cab and be reimbursed if they hold on to the receipt.

What if the employee is cleared by the physician to return to work, but doesn't want to yet?

If an employee is cleared to go back to work, they are no longer eligible for WC wage replacement benefits, and are expected to return to work. Arrangements may be made to take extra time off under sick or vacation benefits as they would at any other time, but this is subject to the manager's approval and the availability of leave. If leave is exhausted and/or the manager does not approve the extra time off due to operational reasons, it would be considered job abandonment if the employee did not return, and would be subject to disciplinary action up to and including termination, based on the terms of any applicable collective bargaining agreement.

Why are follow-up medical appointments not paid time?

As mentioned in the introduction, Workers' Comp is not intended to provide *full and complete* compensation and coverage of a worker's injury, but rather to represent a compromise between the interests of employees and those of the employer. As such, it has been determined by the courts that, in exchange for the blanket coverage provided by Workers' Comp (without any regard to fault), the employee must bear some of the burden, including being uncompensated for follow-up medical appointments, just as would be the case for any other personal medical appointment. (The employee is eligible to use any accrued sick, vacation or personal leave to cover the time missed for medical appointments.)

Are there any types of injuries or illnesses that are not covered under Workers' Comp?

Although most work-related injuries are covered, there are exceptions. Please refer to page 3 for a listing of the circumstances under which an injury would not be covered.

An employee isn't injured but feels ill all the time and thinks it might be caused by something at work. What should I do?

Call the WC Coordinator (x4427) and they can meet with the employee to discuss the situation. Together they will determine the next steps.

Who determines the benefits an employee is eligible for and whether the injury or illness is work-related?

We will always give the employee the option of a medical evaluation (covered by the WC program), even if the employee or we are not sure whether it is work-related. The treating physician and our third-party administrator will work together to make the determination as to whether the injury or illness is work-related. The employee will not be responsible for any costs incurred (up to first \$10,000 and first 90 days), even if it is determined not to be work-related. If the determination is made that it is not work-related, any costs the employee incurs for treatment after being notified that the WC claim is denied will be the employee's responsibility (through regular medical insurance or out of pocket payment).

What if an employee doesn't agree with the determination regarding the injury?

The employee has the option to appeal the decision. They can discuss with the claims adjuster on how this process works. The information on how to appeal a claim is provided to the employee any time a claim is fully or partially denied.

Will an employee still be covered if they were doing something they weren't supposed to, or weren't following proper safety protocol?

Yes, workers compensation is a "no fault" system, so injuries are covered even if the employee was breaking policy or protocol. (There are some exceptions to this rule – please see page 3 for the list of exceptions.) An employee can, however, be subject to disciplinary action for the behaviors that led to the injury if there was a breach of policy or safety protocol. This is a delicate issue, so please work with OHR and the WC Coordinator if you feel disciplinary action is warranted.

ADDITIONAL RESOURCES AND FORMS

Employee WC Claim Form (DWC-1; completed by employee and turned in to WC Coordinator):

https://www.csusm.edu/hr/wc/documents/wc_dwc1_claimform_ohr2021.pdf

The image shows a scan of the Workers' Compensation Claim Form (DWC-1) in both English and Spanish. The form is divided into several sections:

- Section 1: Instructions for Employees** (in both languages), explaining the purpose of the form and the information required.
- Section 2: Employer Completion** (in both languages), where the employer provides details about the employee and the incident.
- Section 3: Employee Completion** (in both languages), where the employee provides details about the injury and their contact information.

 The form includes fields for Name, Address, Date of Injury, Time of Injury, and a detailed description of the injury. It also has checkboxes for reporting the injury to the employer and the Department of Industrial Relations.

Employee WC Claim – Intake Sheet (completed by employee):

https://www.csusm.edu/hr/wc/documents/intake_sheet_workers_compensation_claim.pdf

The image shows a scan of the Workers' Compensation Claim Employee Intake Sheet. The form is titled "WORKERS' COMPENSATION CLAIM EMPLOYEE INTAKE SHEET" and is designed for the injured worker to complete. It includes sections for:

- INJURED WORKER'S INFORMATION AND INJURY DETAILS – TO BE COMPLETED BY INJURED WORKER**: Fields for Name, EMPL ID, DOB, Work Phone, Home or Cell Phone, Department, Division, Working Title, and Regular Work Location.
- INJURY DETAILS**: Fields for Date of Injury, Time of Injury, Time shift began on date of injury, Location where the injury occurred, Describe the affected body part(s), and How did the injury occur?
- Additional Information**: A free-text area for the worker to provide more details.
- SUPERVISOR'S INFORMATION**: Fields for Supervisor's Name, Supervisor's Phone, Supervisor's Email, and Date Supervisor was notified of this injury.

 At the bottom, there is a note: "Please return your completed form to the Workers' Compensation Coordinator (WCC) in OHR within 24 hours of the reported injury (Email to hrbenefits@csusm.edu). Thank you."

The image shows a scan of the "FOR WCC USE ONLY" section of the intake sheet. It contains the following fields:

- Date of Hire
- Monthly Gross Salary (Used to calculate IDL/TD as applicable)
- Employee category
- Confidential (C99), MPP (M80), Excluded (E99) or union code
- Report(s) Available? (Yes/No)
- Claim Number

 There are also checkboxes for "Police Report" and "Initial Incident/Accident Report" with Yes/No options.

Supervisor's Report of Injury/Initial Investigation Report (IIPP-5; completed by injured employee's supervisor or manager):

https://www.csusm.edu/hr/wc/documents/iipp5ainitialinvestigation_ohr2021.pdf

ACCIDENT, INJURY OR ILLNESS - INITIAL INVESTIGATION REPORT

Date of Incident: _____ Time: _____ a.m./p.m.
Location of Incident: _____

Name of Injured: _____
 Student Faculty Staff Vendor/Contractor Visitor/Guest
Student ID or Employee ID Number: _____
Street Address: _____
Apt / Unit No.: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Work/Cell Phone: _____

Department/College: _____
Supervisor: _____ Ext.: _____

Reported by: JIP Dispatch Supervisor HR&EO Other _____
Address: _____ Telephone: _____

Medical Assistance? Y N By: _____
Hospitalized? Y N Where? _____
Transported by: JIP Officer Ambulance/Paramedics Other _____

Describe any injury/property damage: _____

General Description of Events: _____

Probable Cause(s): _____

Witnesses, name and telephone #: _____ Statement Rec'd

Initial Investigation Performed by: _____
First Name/Title: _____ Signature: _____ Date: _____

Safety Practice violation or Corrective Action? _____ If yes, IIPP Form 5b must be completed within 15 days.

Copy to: HR&EO JIP Supervisor/Administrator

IIPP Form 5 Rev. March 2011

Workplace Injury – Instructions for Employees:

Will be given to employee by the WC Coordinator, but are also available here:

Main Campus:

https://www.csusm.edu/hr/wc/documents/wcemployeeinstructionmaincampus_ohr102022.pdf

Temecula Campus:

https://www.csusm.edu/hr/wc/documents/wc-employee-instructions_temecula-campus_revised_102022.pdf