

# Workers' Compensation Guide for New Employees

*Helpful information you should  
know if you are injured or become ill  
due to your job.*



## QUESTIONS & ANSWERS

### **What is workers' compensation?**

At no cost to you, it is insurance that the law requires your employer to carry to help you if you are injured on the job or if you become ill due to your job.

### **What is a workers' compensation injury or illness?**

An injury or illness that occurs due to employment is considered a workers' compensation injury or illness. Under workers' compensation law, you will receive help if you are injured, no matter who was at fault.

### **Is workers' compensation the same as State Disability Insurance?**

No. Workers' Compensation is only for injuries or illnesses that occur due to employment. State Disability Insurance (SDI) is for injuries or illnesses that are not work-related, and it is a benefit that the Employment Development Department provides.

### **How does this coverage affect my own health insurance?**

Workers' Compensation is separate from personal health care insurance. Workers' Compensation insurance covers work-related injuries and illnesses only. There is no deductible- the insurance carrier pays all approved medical bills. It is important to let the treating doctor know if your injury is work-related.

### **How do I file a claim?**

If you are injured on the job, as soon as you can, tell your supervisor that you have been hurt. Your employer will provide you with a claim form within one working day after learning about your injury and authorize medical treatment within one day of employee returning completed claim form. The completed claim form will be forwarded to the employer's insurance carrier and the claims administrator will contact you to explain the benefits to which you may be entitled. Until the claim is accepted or rejected, the employer may be liable for as much as \$10,000 in treatment.

### **How do I get emergency medical treatment?**

If it's a medical emergency, call 911, get immediate help and the best available treatments until emergency personnel arrives, or go to an emergency room right away. Your employer may advise you where to go for treatment. Tell the health care provider who treats you that your injury or illness is job-related, and if possible, give your employer's workers' compensation information.

### **What are my benefits?**

Your claims administrator will pay all approved medical, hospital, and reasonable medical transportation expenses. If you cannot work due to the injury, a portion of your lost wages will be paid. This benefit is called temporary disability. If your injury or illness results in a permanent impairment that decreases your ability to compete in the open market, you may receive permanent disability benefits or for injuries on or after 1/1/04, you may be eligible for supplemental job displacement benefit. For injuries prior to 1/1/04, you may qualify for vocational rehabilitation. In the event of a work-related death, death benefit payments may be made to your qualified surviving dependents.

### **When does temporary disability start and stop?**

The weekly temporary disability rate is two-thirds of your average weekly earnings, subject to minimum and maximum amounts set by the state legislature. If you are unable to work for more than 3 calendar days, the claims administrator will pay you temporary disability. This 3-day "waiting period" will qualify for payment however, if you are unable to work for more than 14 calendar days, or if you are hospitalized as an inpatient. You will receive disability payments every two weeks during the time you qualify for this benefit. Generally, temporary disability for this stops when you return to work, or when the treating physician releases you for work or says that your injury has reached a point of maximum improvement. There is a 104 week limit on temporary disability for most injuries.

### **How is permanent disability calculated and paid?**

Your examining physician will report on any permanent impairment that may be considered a permanent disability. Under workers' compensation law, a permanent disability rating involves the use of a specialized formula. This formula considers

your age and occupation at the time of your injury or illness, consideration being given to an employee's diminished future earning capacity. The permanent disability rating yields a specific dollar amount. The exact amount depends on the date of injury, the percentage of disability, and your average weekly earnings at the time of injury. Once permanent disability payments begin, you receive payments every two weeks at your permanent disability rate. This rate is equal to two-thirds of your average weekly wages at the time of injury, subject to the established minimum and maximum rates.

#### **What is the role and function of the primary treating physician?**

Your treating doctor will decide what type of medical care you'll get for your injury or illness, determine when you can return to work, help identify the kinds of work you can do safely while recovering, refer you to specialists, if necessary, and write medical reports that will affect the benefits you receive.

#### **Can I choose the doctor who will treat me for my job injury?**

You may be able to choose the doctor who will treat you during the first 30 days after a job related injury or illness if your employer provides group health coverage, and if, prior to an injury, you gave your employer written notice of the name and address of your personal physician or personal chiropractor who maintains your records of prior care, and your doctor has agreed in advance to treat you for any work injuries or illness, that you may go to this doctor for treatment immediately after your injury. Your employer must provide all new employees with a pre-designation form upon hire or by the end of the first pay period. On this form employees may designate their personal physician or personal chiropractor who has treated them in the past and has their medical or chiropractic treatment records. Special rules apply if your employer offers a Health Care Organization (HCO) or after 1/1/05, has a medical provider network. Contact your employer for more information.

#### **What If I am dissatisfied with my treatment?**

If you are unhappy with the medical treatment you're receiving, you may be able, after 30 days

from the date your employer receives notice of injury, to change to a physician of your own choosing. Special rules apply if your employer offers a Health Care Organization (HCO) or after 1/1/05, has a medical provider network. Contact your employer for more information. The claims administrator will continue to pay the approved medical bills and reasonable transportation costs. Be sure to tell your claims administrator the name and address of your new physician.

#### **May I file a workers' compensation claim if an injury occurs outside of work?**

Your employer or their insurance carrier may not be liable for the payment of workers' compensation benefits for an injury resulting from your voluntary participation in any off duty recreational, social, or athletic activity which is not part of your work-related duties. Note: Workers' compensation fraud laws make it a felony for anyone to file a false or fraudulent statement or to submit a false report or any other document for the purpose of obtaining workers' compensation benefits. Anyone caught will be prosecuted. If convicted, the person can face up to 5 years in prison and/or up to a \$150,000 fine, or twice the amount of the fraud.

#### **What if I have a recurrence and require further medical care?**

If you need more medical care for your injury after your original treatment has ended, you have one full year after your last treatment to notify us of your request for more medical care. For injuries occurring on and after 1/1/04, an employee is limited to 24 chiropractic, 24 occupational therapy AND 24 physical therapy visits.

#### **What if I have to change my line of work because of a workers' compensation injury?**

A Supplemental Job Displacement Benefits (SJDB) provides that employees who do not return to work for their employer within 60 days of the end of TD period will receive a voucher of \$4,000 for permanent partial disability of less than 15%; \$6,000 for permanent partial disability between 15% and 25%; \$8,000 for permanent partial disability between 26% and 49%; and \$10,000 for permanent partial disability between 50% and 99%. The voucher must be used at state-approved or accredited schools for education-related retraining

or skill enhancement, or both. This shall apply to injuries occurring on or after January 1, 2004.

#### **What are my protections against discrimination for filing a workers' compensation?**

The law prohibits your employer from discharging or discriminating against you because of your workers' compensation injury. Should you prove this, then your compensation benefits can be increased, together with costs and expenses up to maximum set by law, and if discharged, can be reinstated with back-pay. If you believe you have experienced discrimination, you should discuss your rights with an Information and Assistance Officer at the State Division of Workers' Compensation or with an attorney.

#### **What if I have not received the benefits I think I should have?**

If you have not received the benefits you think you should have, ask for an explanation from your claims administrators. Misunderstandings and errors sometimes do occur, but you can resolve most of them by talking with your claims administrator. If you are not satisfied with your claims administrator's answers, you have several options. You have the right to consult and be represented by an attorney. You can consult with an Information and Assistance Officer of the Division of Workers' Compensation. You can also file an Application for Adjudication of Claim with the Workers' Compensation Appeals Board (WCAB) to resolve your claim formally. The Information and Assistance Officer can help you file the Application for Adjudication of Claim.

#### **Are there time limits for filing a claim?**

Yes. Generally, the law requires you to provide your employer with notice of your injury within 30 days of the date of injury. In addition, should you disagree with any of our actions, in order to protect your rights you must commence proceedings before the Workers' Compensation Appeals Board by filing an Application for Adjudication of Claim within one year of the date of injury, or one year from the last furnishing of indemnity or medical treatment benefits by your employer. It is very important that you act promptly so as not to risk losing your benefits because you waited too long.

# WORKERS' COMPENSATION GUIDE FOR NEW EMPLOYEES

## Emergency Telephone Numbers

## DIVISION OF WORKERS' COMPENSATION INFORMATION AND ASSISTANCE OFFICERS

Free help and information is available by contacting a Division of Workers' Compensation Information and Assistance Officer at the local office listed below. For a listing of local offices you may call 800-736-7401 (recorded information only). Additional Information may be obtained by going to the Division of Workers' Compensation website at <http://www.dir.ca.gov>.

Doctor:.....  
Hospital:.....  
Ambulance:.....  
Fire Department:.....  
Police Department:.....



### Cedar Hill

(NAME OF INSURANCE COMPANY) or ("Self-insured" if appropriate)

#### Nearest Cedar Hill claims office contact info:

8800 East Chaparral Rd., Ste 230 Scottsdale, AZ 85250 Phone: (480) 951-4177 Fax: (480) 951-4266	1246 Concord Rd, Ste B-200 Smyrna, GA 30080 Phone: (770) 333-1933 Fax: (770) 333-1871
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#### Local Information and Assistance Offices

Anaheim (714) 738-4038	Oakland (510) 622-2861	San Diego (619) 767-2082
Bakersfield (661) 395-2514	Oxnard (805) 485-3528	San Francisco (415) 703-5020
Eureka (707) 441-5723	Pomona (909) 623-8568	San Jose (408) 277-1292
Fresno (559) 445-5355	Redding (530) 225-2047	Santa Ana (714) 558-4597
Goleta (805) 968-4158	Riverside (951) 782-4347	Santa Monica (310) 452-1188
Grover Beach (805) 481-3296	Sacramento (916) 263-2741	Santa Rosa (707) 576-2452
Long Beach (562) 590-5240	Salinas (831) 443-3058	Stockton (209) 948-7980
Los Angeles (213) 576-7389	San Bernardino (909) 383-4522	Van Nuys (818) 901-5367

### WARNING

**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 AND MAY BE FINED AND IMPRISONED.**

## PHYSICIAN PRE-DESIGNATION FORM

If I am injured on the job, I wish to be treated by my personal physician or personal chiropractor, who has treated me before and who has my medical or chiropractic treatment records. (Detach and return this portion to Human Resources)

EMPLOYEE'S NAME: \_\_\_\_\_

#### YOUR DOCTOR'S INFORMATION:

DOCTOR: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

EMPLOYEE'S SIGNATURE \_\_\_\_\_

DATE \_\_\_\_\_

PHYSICIAN'S SIGNATURE \_\_\_\_\_

DATE: \_\_\_\_\_