

The Supervisor's Role



**Workers' Compensation Information
for
CSU, Chico Supervisors**

**Prepared by the Disability Programs Office
Revised September 2003**

As a supervisor, you should be familiar with the Workers' Compensation Program and how it applies to your employees. This booklet will outline your responsibilities when dealing with injured employees and give you a brief summary of the workers' compensation program.

1) **Before A Work-Related Injury Occurs**

The law requires each employer to provide a safe place of employment. A comprehensive Injury and Illness Prevention Program (IIPP) that focuses on those types of injuries and illnesses that are most common in the University environment has been developed and maintained by Environmental Management, Health and Safety. Copies are available upon request. A safe working environment includes providing the employee with an ergonomically correct workstation. Increased computer usage has resulted in an increase in cumulative trauma injuries. Although these may not be totally eliminated through ergonomics, their incidence and severity can certainly be reduced. In the long run, work station modifications such as a new chair or a glide point mouse are cheap fixes when compared to the pain and suffering of an employee, the long term absence such an injury can cause, and the expense of a claim for a cumulative trauma injury.

Workers' Compensation "Injuries on the Job" posters must be posted prominently at all work sites. They contain information regarding our designated medical facilities and other pertinent information. If you need a poster sent to your department, please contact the Disability Programs Office, x5436.

Employees should be instructed to report any and all incidents of industrial injury or illness to their supervisors as soon as possible. Please be aware that for the first 30 days following an injury, CSU, Chico maintains their right to medical control. This means that unless the employee seeks treatment for work-related injuries or illnesses at one of the University's designated medical facilities, his or her medical bills may not be paid. Private insurance may deny payment for treatment of injuries or illnesses once they find out they are industrially related.

2) **First Steps After A Job-Related Injury Occurs Always,**

The first concern is for appropriate medical care...

a) If the injury requires **emergency assistance**:

- Call **9 + 9 - 1 - 1** from most campus phones (or **1 - 7 - 1** from the red phones in the first floor hallways of most campus buildings) or **9 - 1 - 1** from off-campus phones
- Provide first aid if trained staff is available
- In life-threatening situations, the employee should be transported to the nearest medical facility

b) In **non-life-threatening situations**:

- The supervisor should accompany (or designate someone else to accompany) the injured worker to the appropriate Designated Medical Facility (see next section) or the employee's Pre-Designated Personal Physician¹.

¹ Pre-Designated Personal Physician: An employee may designate his or her own treating physician *prior to a work-related injury or illness* by giving written notice to the Disability Programs Office of the name of his or her personal physician who has previously treated and is in possession of the employee's medical records. To obtain a Pre-Designation of Personal Physician form, contact the Disability Programs Office (x5436).

- c) For **all work-related injuries or illnesses**:
- Report the injury/illness to the Disability Programs Office (x5436) IMMEDIATELY.
 - Leave the accident site undisturbed until Environmental Management and Health Services (EMHS) has had a chance to inspect it.

3) How to Know Which Designated Medical Facility is Appropriate

- a) For **minor injuries/illnesses** that require medical treatment, you or your designee should accompany the employee to **CSUC STUDENT HEALTH SERVICES (x5241) during their normal work hours**. Notify the admitting clerk or receptionist that the employee has suffered a work-related injury or illness. The staff at SHS will require a copy of a completed Work-Related Injury and Illness Incident Report (OSHA 301 FORM) before treatment is provided. Injuries or illnesses that are **not** considered minor include (**but are limited to**):

- Back injuries
- Knee strains or dislocations
- Possible bone fractures
- Cumulative trauma injuries (including carpal tunnel and tendonitis)
- Injuries resulting in a loss of consciousness or ambulation
- Life threatening illness or injuries
- Exposure to hazardous substances

- b) For **non-minor injuries/illnesses** or **any injuries/illnesses occurring after SHS hours or on weekends**:

ENLOE PROMPT CARE
888 Lakeside Village Commons, Chico, CA 95928-3979
Ph: (530) 332-6850
Hrs: 8am to 8pm, 7 days per week
Follow-up: OCCUPATIONAL HEALTH CENTER (Ph: 332-6890)
Directions: Intersection of Lakeside Village Commons & Bruce Road

- c) For **life-threatening injuries/illnesses** or **injuries/illnesses requiring medical care before 8 am or after 8 pm**:

ENLOE MEDICAL CENTER (Emergency Services)
1531 Esplanade, Chico, CA 95926-3310
(530) 332-7300
Directions: Intersection of West 5th Avenue & Esplanade

4) Completing the Initial Paperwork

- a) REPORT THE ILLNESS/INJURY IMMEDIATELY TO THE DISABILITY PROGRAMS OFFICE, x5436.
- b) Within 8 hours of the injury or illness:
 - i) The employee's direct supervisor (and the area administrator) must complete ALL sections of the OSHA 301. (*Under no circumstances is the injured/ill employee to complete this form.*)
 - ii) Fax the OSHA 301 form to the Disability Programs Office, fax number (530) 898-6095.
 - iii) Forward the original OSHA 301 form to the Disability Programs Office (may be hand-delivered to Kendall 118 or sent via campus mail - Zip 022).
 - iv) If the injured/ill employee received medical care, the Disability Programs Office will mail an Employee Claim for Workers' Compensation Benefits (DWC-1 Form) and the appropriate CSU, Chico Workers' Compensation Information and Procedures brochure (*there are different brochures for PERS and student employees*) to the employee's home address. Once completed and signed by the employee, the DCW-1 Form should be returned to the DPO Office (may be hand-delivered to Kendall 118 or sent via campus mail - Zip 022).

5) Employee Work Status Following the Injury- Transitional Employment

The goals of CSU, Chico's Transitional Employment Program are to:

- ☞ Expedite recovery process through meaningful, and when possible, therapeutic transitional employment assignments.
 - ☞ Eliminate inappropriate loss.
 - ☞ Reduce the disabling impact of psychological factors on the employee during the recovery process.
 - ☞ Return the employee to full duty at the end of the 90-day transitional employment period.
- a) When the medical treater releases the employee to work with restrictions, the Disability Program Office will e-mail the employee's appropriate administrator,
 - i) providing a beginning and ending date of the prescribed work restrictions; and
 - ii) inquiring whether the work restrictions will prevent the employee from performing his or her regular work duties.
 - b) The appropriate administrator (in the employee's department) responds to the e-mail message.
 - c) If the regular work duties are impacted by the work restrictions, and transitional employment is available identify:
 - i) which of the regular duties can the employee still perform;
 - ii) which duties can be temporarily reassigned to co-workers;

- iii) what additional duties can the employee perform temporarily to make up for other duties that can't be performed.
- d) If regular duties are not impacted, no transitional assignment is necessary.
- e) If transitional employment is not available in the employee's department, the DPO contacts the area VP to inform him or her of the situation and ask him or her to suggest a department within the VP's area where the injured employee would be able to use their skills and abilities within the given work restrictions.
- f) If no transitional employment assignment can be provided to the employee either in their own or another department, the employee would be eligible for wage compensation in the form of Industrial Disability Leave or Temporary Disability.
- g) When a transitional assignment has been identified, the Disability Program Office sends a letter explaining the temporary nature (not to exceed 90 days) of transitional employment along with the appropriate administrator's response to the above inquiries and a brochure explaining the program to the employee.
- h) A representative of the Disability Programs Office meets with the employee, the employee's appropriate administrator and supervisor to discuss the transitional employment assignment and to develop a written plan. The employee and the appropriate administrator sign off on the plan, acknowledging the plan's content and duration.
- i) As the employee's work status changes through subsequent medical evaluations, steps #A through #F and #H will be repeated until the employee is returned to full duty or until the 90-day duration has been exceeded.
- j) If an employee refuses a medically authorized transitional employment assignment the employee's eligibility for Family and Medical Leave will not be affected, however, he or she will not be eligible for Industrial Disability Leave or temporary disability benefits for the resulting period of absence.

Under no circumstances should an injured employee be placed in a job that would aggravate the medical condition or endanger fellow employees or State property.

6) Maintaining Contact with the Injured Employee

One of the most important responsibilities of a supervisor is to maintain contact with any employee who is injured on the job. Your support and encouragement during the period of disability will maintain a strong bond between the employer and the employee and contribute to the employee's desire to return to work as soon as medically feasible. Make the employee feel important and needed by regularly keeping him or her abreast of events in the workplace. Encourage coworkers to maintain ongoing contact with the injured worker as well. The injured employee must never be allowed to feel forgotten, or worse, to feel that he or she is "the enemy" for having filed a claim.

Notify the Disability Programs Office if the employee returns to work and insist that the employee provide a written release to return to work from the treating physician **before** he or she returns to work.

7) WORKERS' COMPENSATION DEFINITIONS

These definitions are listed in approximate order of their occurrence in the process. Space has intentionally been left between each definition for training participants to make notes.

Workers' Compensation

Workers' Compensation is the exclusive remedy for employees injured on the job, providing medical care, compensation, and rehabilitation regardless of who was at fault. It is a compromise between the employer and the employee in which the employee is guaranteed the certainty of receiving benefits but gives up the right to seek unlimited compensation for pain and suffering through legal action.

All State employees are covered by the Workers' Compensation program. Covered individuals include temporary and permanent employees (staff and faculty); student assistants and work study students; student teachers; students participating in University sponsored internship programs where coverage is required by written agreement between the campus and third party training facility; and appointed volunteers. The cost of this protection is completely paid by the CSU system, as the employer. Employees make no payroll contribution to workers' compensation. Benefits are tax-free and not subject to social security deductions.

Industrial Injury

Throughout this booklet, the term "industrial injury" will be used to describe any injury or illness that results from work or working conditions and which occurs during the course of employment.

Medical Control

Labor Code 4600 grants the employer the right to choose the physician or facility to provide medical care in the first thirty days after injury, unless the employee has pre-designated, in writing, prior to the injury, his or her personal physician for treatment.

Third-Party Administrator

Octagon Risk Services administers workers' compensation claims on behalf of the CSU system. This agency determines eligibility, authorizes medical treatment, and provides medical or compensation benefits to which the injured worker is entitled. The cost of these benefits is then billed to the CSU system Risk Pool.

Temporary Disability

When Workers' Compensation was enacted in 1913, the original benefit program was Temporary Disability (TD). All State employees are covered under Workers' Compensation and eligible for TD benefits. TD payments are based on two-thirds of gross pay at the time of injury, not to exceed \$490 per week. There is a waiting period of three calendar days before the employee can receive TD, however this is waived if the employee is hospitalized, if the injury

was incurred due to a criminal act of violence or if the employee is disabled for fourteen days or more.

Industrial Disability Insurance

Members of Public Employees Retirement System may be eligible to receive Industrial Disability Insurance (IDL) in lieu of Temporary Disability benefits. An eligible employee may receive IDL payments for a period of 52 weeks within two years from the first day of disability. The waiting period is identical to that for Temporary Disability. Benefits consist of full IDL adjusted gross for the first 22 workdays of disability and 2/3 of IDL adjusted gross thereafter. Employees may supplement 2/3 IDL with their own sick leave credits or with Catastrophic Leave to bring them to their full adjusted gross pay.

Permanent Disability

The treating physician or a qualified medical examiner will make a report when the condition of an injured employee has stabilized and is not expected to get better or worse. The report will describe the lasting effect, if any, of the injury or illness. Permanent Disability (PD) is the term used to describe any lasting effects of the industrial injury and the resulting competitive handicap in the open labor market. PD is expressed in percentages and the extent of disability determines the duration of the payments that accrue on a weekly basis. The greater the percentage of PD, the longer the duration of payments.

Risk Pool

Pursuant to Executive Order No. 638, the CSU campuses and the Chancellor's Office formed a Risk Pool on July 1, 1995 to cover expenses for the system-wide workers' compensation program. Each campus pays a yearly deposit to this risk pool. The amount each campus deposits is calculated based on losses for the most recent four calendar years, campus payroll, and program funding requirements.

Vocational Rehabilitation

Every attempt will be made to return an employee to his or her position with or without modifications, or to locate a vacant position on campus for which that employee is qualified. However, if no on-campus employment can be found, the employee may be eligible for Vocational Rehabilitation (VR). VR is the means of providing the employee with training designed to return the injured employee to suitable gainful employment. VR services may include medical or vocational evaluation, counseling, job analysis, job modification assistance, retraining, including on-the-job or training for alternative employment. In addition, the injured worker may be eligible for wage loss payments during the period of evaluation and retraining. The current cap on VR expenses is \$16,000.