

# LACCD Workers Compensation Procedures

## **WORKERS' COMPENSATION ADMINISTRATION:**

### **A. RISK MANAGEMENT:**

The Risk Management Department is the Los Angeles Community College District (LACCD) liaison for all workers' compensation issues. The Workers Compensation Office coordinates the workers compensation program. Questions regarding this policy and procedures should be referred to:

Los Angeles Community College District  
Risk Management Department  
770 Wilshire Blvd.  
Los Angeles, CA 90017  
Phone: (213) 891-2397  
Fax: (213) 891-2293

### **B. WORKERS' COMPENSATION CLAIMS ADMINISTRATOR:**

LACCD currently contracts Southern California Risk Management Associates (SCRMA) to serve as the workers' compensation administrator. Questions regarding claims and benefits may be referred to:

SOUTHERN CALIFORNIA RISK MANAGEMENT ASSOCIATES  
3313 East Foothill Boulevard  
Upland, CA 91786  
Phone: (909) 608-7171  
Fax: (909) 608-7165

### **C. TREATMENT FACILITIES FOR INDUSTRIAL INJURIES:**

#### **1. US HEALTHWORKS**

1212 South Flower (24 hours)  
Los Angeles, CA 90015  
Phone: (213) 747-0634  
Fax: (213) 747-5304

3430 South Garfield Ave (24 hours)  
Commerce, CA 90040  
Phone: (323) 722-8481

16300 Roscoe Blvd (24 hours)  
Van Nuys, CA 90501  
Phone (818) 893-4426

9700 Desoto Ave. (24 hours)  
Chatsworth, CA 91311  
Phone: (818) 882-8100  
Fax: (818) 700-8255

19401 S. Vermont Ave (24 hours)  
Build L #100  
Torrance, CA 92408  
Phone: (310) 324-5777

2. **OTHER TREATMENT FACILITIES:**

**Samaritan Health Center (after 6:00 p.m.)**

637 South Lucas Ave.  
Los Angeles, CA 90017  
Phone: (213) 977-4111

**Citizen Medical Group**

1300 North La Brea  
Los Angeles, CA 90028  
Phone: (323) 464-1336

**Western Medical Group**

21081 South Western, Ste. 150  
Torrance, CA 90501  
Phone: (310) 782-3333

**Holy Cross**

15031 Rinaldi  
Mission Hills, CA 91345  
Phone: (818) 365-8051

**West Hills Hospital Medical Center (after 8:00 p.m.)**

7300 Medical Center Drive  
West Hills, CA 91307  
Phone: (818) 340-5777

**Venice Culver Marina Medical Group (a.m.)**

12212 West Washington Blvd.  
Los Angeles, CA 90066  
Phone: (310) 391-5241

**Brotman Medical Center (p.m.)**

3828 Delmas Terrace  
Culver City, CA 90231  
Phone: (310) 836-7000

**IN CASE OF EMERGENCY:**

Dial 911 for medical emergencies when an employee is seriously injured or cannot be safely transported.

(Follow up treatment should be obtained at one of the treatment facilities above.)

**Important: If an employee is hospitalized, other than for observation, for 24 hours or more, or has an injury that results in the loss of a limb (amputation) or loss of life, please contact the Risk Management Department at (213) 891-2397, as these must be reported to OSHA within 8 hours of the event.**

**3. FOR OUT-OF-AREA INJURIES:**

Employees who are on-the-job but off-campus when injured should seek treatment at the nearest medical facility. When they seek treatment, they should tell the facility that this is a work-related injury or illness, and notify their supervisor immediately.

**D. OVERVIEW OF WORKERS' COMPENSATION BENEFITS:**

- 1. Overview:** California's workers' compensation laws are intended to assure that employees receive prompt medical treatment, among other benefits, when they are injured on-the-job.
- 2. "Occupational Injury" Defined:** The term "occupational injury" is used to describe any injury, illness, or disease which results from work or working conditions, and which occurs during the employee's service to the District. Even first-aid injuries are covered. However, benefits may not be provided for injuries that arise from voluntary participation in any off-duty, recreational, social or athletic activity that is not part of the employee's work-related duties.
- 3. Types of Benefits Available:** Specific benefits are individually determined based on a range of factures. Generally, injured employees are eligible for the following types of benefits:

- a) **Medical Care:** Doctor visits, hospital services, physical therapy, lab tests, x-rays, and medicines that are reasonably necessary to treat the injury. For injuries occurring on or after 1/1/2004, there is a limit on some medical services.
- b) **Temporary Disability (TD) Benefits:** Temporary disability payments are provided to injured employees to supplement their lost wages. (Throughout this policy temporary disability payments will also be referred to as workers' compensation payments);
- c) **Permanent Disability (PD) Benefits:** Permanent disability payments are provided when the injury causes a permanent disability;
- d) **Death Benefits:** Compensation is provided to the surviving dependents in the event of death;
- e) **Vocational Rehabilitation Services:** These services help employees in returning to work. This benefit applies to injuries that occurred prior to 1/1/2004.
- f) **Supplemental Job Displacement Benefits:** A non-transferable voucher payable to a state approved school if an employee is injured on or after 1/1/2004, the injury results in permanent disability, the employee doesn't return to work within 60 days after temporary disability ends, and the District does not offer modified or alternative work.

E. **OBTAINING MEDICAL TREATMENT:**

1. Employees who have a work-related injury or illness **shall tell their supervisor** about it immediately and seek medical care. Employees should be sent to one of the facilities referenced in Appendix A, Referral for Treatment of Occupational Injury or Illness. In general, if an employee has sought emergency treatment, then follow-up treatment should be obtained at one of the approved industrial medical clinics indicated on the Referral for Treatment of Occupational Injury or Illness.
2. The District has the right to determine which medical providers will provide treatment for employees during the first thirty (30) days after the injury is reported.
3. **Pre-Designation of Personal Physician:** Employees cannot be treated by their own personal physician for industrial injuries unless they have submitted the Statement of Employee's Pre-Designated Physician and Employee Consent **prior to the date of injury**. The Statement of Employee's Pre-Designated

Physician and Employee Consent form **must** be on file with the Risk Management Department **before** the injury occurs. A personal physician/chiropractor is someone who has treated the employee in the past and maintains the employee's current medical records. The pre-designated physician must agree in writing to be the designated treating physician (Labor Code Section 4600). Special rules apply for chiropractors or acupuncturists. Employees may need to go to one of the District-approved industrial medical clinics first.

4. Please note: Employees are required to use accrued illness time for follow-up medical appointments (including physical/occupational therapy). (The one exception to this is when the District has scheduled a medical examination with a Qualified Medical Examiner for an injured employee, in which case the employee is paid by the District.) Once the amount of accrued sick leave used for industrial medical appointments has reached 8 hours and has been approved by the claims administrator, the employee's illness time will be reimbursed.

In order for employees to minimize the amount of sick leave used for such appointments, employees should attempt to schedule these appointments outside of normal working hours. If that is not possible, the employee can request permission to adjust the work hours that day so as to not have to use accrued leave or lose time from work.

## F. **REPORTING OCCUPATIONAL INJURIES/ILLNESSES:**

### 1. **SUPERVISOR'S REPORT OF EMPLOYEE INJURY OR ILLNESS**

The employee shall immediately report the incident/injury to his/her supervisor or person in charge of his/her department while he/she is on duty. The supervisor shall complete the Supervisor's Report of Injury or Illness, keep a copy for his/her records and send the original to the Risk Management Department.

**2. WORKERS' COMPENSATION CLAIM FORM (DWC-1);  
EMPLOYER'S REPORT OF OCCUPATIONAL INJURY OR ILLNESS  
(5020); REFERRAL FOR TREATMENT OF OCCUPATIONAL INJURY  
OR ILLNESS**

After the employee reports the injury/illness/incident to his/her supervisor or person in charge and he/she would like to file a claim, he/she must report to his/her work location Focal Point. The Focal Point will assist with the completion and filing of the necessary documents and forward them to the current workers' compensation claims administrator to start the claim process.

**3. INCIDENT/INJURY REPORT FORM:**

The employee should report to the sheriff's department to have the Incident/Injury Report Form completed by the Sheriff.

The Sheriff or work location Focal Point should fax the completed form to the Southern California Risk Management Associates (Fax: (909) 608-7165) and send the original form to the Risk Management Department.

Provide a copy of the completed form to the employee.

**4. DOCTOR'S NOTES AND CORRESPONDENCE:**

When an employee has sought treatment for an industrial injury, he/she is to bring back a note from the treating physician indicating his/her return to work status, and whether there are any restrictions.

Departments are to make a copy of all physician's notes and correspondence for departmental files, and send the original to the Risk Management Department.

A summary of the steps in the claim process is provided in *Attachment 1*.

**5. FAMILY MEDICAL LEAVE ACT (FMLA):**

While employees are off work due to a disability, they may qualify under the FMLA for "family medical leave" which may require further departmental action. For information, you are encouraged to contact Human Resources at ext. 2252.

**G. PAYROLL ISSUES IMPACTING WORKERS' COMPENATION CLAIMS:**

**1. WORKERS' COMPENSATION PAYROLL ADMINISTRATION:**

If employees need assistance with resolving any workers' compensation payroll-related questions and problems, they should contact the District's workers' compensation payroll department. For further help, contact:

**WORKER'S COMPENSATION PAYROLL OFFICE**

Phone (213) 891-2327

**H. SALARY OPTIONS PRIOR TO THE APPROVAL OF THE CLAIM:**

If the employee is eligible to accrue illness and vacation leave and is determined by the treating physician to be temporarily disabled, he/she will need to follow the normal procedures to request the use of sick leave, vacation leave, and/or compensatory leave accruals in order to continue receiving his/her basic salary while temporarily disabled. The employee may elect to take a leave of absence without pay, and not use accrued leave.

Southern California Risk Management Associates (SCRMA) has ninety (90) days from the date the injury is reported by the employee to investigate and make a determination as to whether the claim will be approved or denied.

**I. AFTER THE CLAIM IS APPROVED, WORKERS' COMPENSATION PAYMENTS ARE RECEIVED:**

Once a claim is approved, SCRMA will send the injured employee a letter confirming that the claim has been approved and which authorizes medical treatment and approves any temporary or permanent disability payments related to the claim. The Los Angeles Community College District is self-insured

and the cost arising from the workers' compensation claims are paid directly by District.

By law, there is a three-day waiting period before workers' compensation temporary disability payments begin. This waiting period for temporary disability benefits is waived if the employee is hospitalized for treatment for more than observation, or is disabled for more than 14 days. However, the District pays the regular full-time employee's full salary for the first 60 working days of lost time for his/her industrial injury or illness.

Once the 60 days have expired and the employee is losing time from work on an approved claim, he/she is entitled to two-thirds of his/her average weekly wage. The District pays the two thirds and supplements the amount with accrued sick leave providing the employee with his/her full salary. Once the employee's illness leave has been exhausted the employee may request that their vacation time is used. The Payroll Department issues a full paycheck as long as the employee has available sick and vacation leave. Once the employee has exhausted his/her sick and vacation leave, SCRMA will mail a check to the employee for approximately two-thirds of the employee's weekly salary, up to a maximum amount determined by the State of California.

The exact amount of these (TD) checks is determined by law, based on the employee's average weekly earnings. It is approximately two-thirds of the employee's actual wage loss, up to a maximum weekly rate.

- For an injury or illness that occurred before 1/1/2003 the maximum temporary disability weekly rate is \$490.
- For an injury or illness that occurred on or after 1/1/2003, the maximum temporary disability weekly rate is \$602.
- For an injury or illness that occurred on or after 1/1/2007, the maximum temporary disability weekly rate is \$881.66.
- For an injury or illness that occurred on or after 1/1/2008, the maximum temporary disability weekly rate is \$916.33.

Aggregate workers' compensation payment for a single injury occurring on or after 4/19/2004 shall not exceed 104 weeks within a two-year period from the date workers' compensation payments started. Certain acute/severe disabilities extend for 240 weeks (Labor Code Section 4656(b)(2)).

J. **LEAVE ACCRUALS AND BENEFITS WHILE OFF WORK:**

1. **Employees on Full-Time Status:** Employees who receive workers' compensation checks supplemented with sick/vacation leave are on regular pay status and accrue sick/vacation leave and may use it as soon as they accrue it.
2. **Employees on Leave Without Pay:** An employee on Leave Without Pay, and receiving only workers' compensation payments, accrues sick leave and vacation leave on the same basis as if regularly employed.
3. **Benefits:** As long as the employee is on industrial leave, his/her medical, dental, vision care, EAP and life insurance premiums will continue to be paid by the District as they are currently, and he/she will continue to earn normal retirement service credit.

K. **PROCESSING PAYROLL FOR WORKERS' COMPENSATION CLAIMS:**

LACCD Payroll-paid Workers' Compensation benefits are equal to the employee's gross salary. The first 60 working days of the industrial leave are not deducted from any of the employee's existing illness or vacation quotas. After the first 60 working days, the District's Payroll Office reduces the quota balances each pay period using an established formula. Workers' compensation payments are non-taxable for federal and state income tax purposes but are subject to retirement contributions and Medicare/FICA taxes when applicable. They are payable for the duration of the industrial leave providing the absence quotas have not been exhausted through the formula reduction. Once the absence quotas have been exhausted, the absence leave becomes unpaid. However, such employees are still eligible to receive compensation via direct pay from the workers' compensation claims administrator through the end of the current fiscal year.

At the beginning of the new fiscal year, the employee may be eligible for new leave quotas and paid Workers' Compensation payments can resume, provided they don't exceed the 36-month cap of continuous industrial leave.

1. **Workers' Compensation Leave Eligibility**

All employees are eligible for workers' compensation benefits. Their PSA determines whether the benefit is paid through the District or via direct pay from the workers' compensation claims administrator. When District Payroll adjusts workers' compensation payments for prior pay periods, the first 60 working days of illness and/or vacation quotas are restored. The quota reduction formula is not applied.
2. **Who is the District's current workers' compensation provider?**

Southern California Risk Management Associates – (SCRMA)
3. **Benefits**

LACCD employees are eligible for 36 continuous months of approved workers' compensation benefits. **NOTE:** Employer-paid coverage for life and medical insurance will continue for the period of time the employee is on workers' compensation leave as long as an industrial illness leave action exists.
4. **Retirement benefit:** Full retirement credit accrues while the employee is on paid workers' compensation leave.
5. **Time and Attendance Reporting**

The District's Payroll Office is notified via email by the workers' compensation claims administrator that an employee is approved for Industrial Accident Leave. Until the District Office receives authorization to pay the Industrial Accident Leave, the employee may need to be out on an illness leave and/or use vacation time in lieu of illness quota exhaustion. District Payroll notifies the Campus Payroll Department of Industrial Accident leave time with specific dates. Payroll is processed with confirmed dates of Industrial Accident Leave time. District Payroll receives information from the workers' compensation claims administrator up to the time when payroll is locked out for processing. Therefore, industrial accident leave time reporting can be processed up to payroll lockout each pay period.
6. **Status Pay**

If there is a delay in the workers' compensation approval the employee uses his/her illness and/or vacation quotas until the leave is approved.

## 7. **Calculation of Industrial Accident Payments**

The District Payroll Office is responsible for ensuring that Industrial Accident payments are calculated correctly and ensure that all quota balances are maintained. District Payroll reviews employee payment histories and uses an established formula to manually deduct illness and/or vacation quotas, after the first 60 working days of Industrial Accident Leave, utilizing full-pay illness before the half-pay illness.

The formula used takes into consideration an employee's *daily pay rate* and the *temporary disability rate* which is calculated by the workers' compensation claims administrator.

When the quotas are fully exhausted the employee is placed on an Unpaid Industrial Illness Leave. The workers' compensation claims administrator is notified to pay the employee by direct pay for a specified period of time (normally through the end of the fiscal year).

For industrial accident leave claims for prior pay periods: Adjustments to reverse full-pay illness, half-pay illness, and vacation time to Industrial Accident Leave are processed by the District's Payroll Office. Illness and vacation balances are adjusted to return all illness and vacation time to an employee's quota for the first 60 working days of Industrial Accident Leave. Then District Payroll reviews payment histories and uses established formulas to deduct illness quotas.

## 8. **Campus Time Reporting**

A vital component of the Industrial Accident process is time reporting. When an employee is injured and misses work, Campus Payroll Assistants report the employee absence using the illness and/or vacation time type.

The absence reporting process for industrial accident absences is initially the same as any other illness. If an employee is still absent after 20 days, the process is still the same as a non-industrial accident illness. The employee must be reported as being on paid illness leave if there are quotas remaining. If the employee has exhausted his/her illness quota, then vacation quota can be used at the employee's request.

When Campus Payroll receives a report listing all approved employees from District Payroll, they must review all employees on workers' comp for illness absences. If the employee has illness or vacation absence during the approved period, **the timekeeper must change absence type to Industrial Accident Paid**. If the employee has been placed on paid illness leave, the District Office will delete that leave for the appropriate time period and enter the Industrial accident leave.

If the employee submits an illness leave extension while on industrial leave, then the District Office personnel will not process that extension if the industrial accident leave is pending. Review the action overview first before updating an employee on leave if that employee is on an Industrial Accident Leave (even if the Industrial Accident Leave has expired). In such situations, please contact District Payroll.

**L. RETURN TO WORK/VOCATIONAL REHABILITATION:**

**1. RETURN TO WORK:**

The District's Return to Work (RTW) program provides up to 90 days of work for employees who have sustained an industrial injury and are released with temporary work restrictions. During the RTW period the employee receives his/her regular wage for the hours worked. If the home department is unable to provide an appropriate RTW assignment, the Risk Management Department may find work within the temporary restrictions in another department.

An employee has the right to decline RTW. However, employees who decline RTW are not eligible for temporary total disability benefits during the 90-day period that work is available. Employees who decline RTW should be referred to the Risk Management Department for information on other leaves available.

In the event of a non-industrial injury/illness which results in restrictions, departments are encouraged to contact the Risk Management Department for Assistance.

**Risk Management Department:** For questions regarding Industrial and Non-Industrial Return to Work from leave please contact:

**RISK MANAGEMENT**

Phone: (213) 891-2397

2. **VOCATIONAL REHABILITATION:** Vocational Rehabilitation Services may be available for employees with injuries/illnesses that occurred prior to 1/1/2004. Eligible employees are provided with the following vocational rehabilitation services:

- a) Assistance in returning to their positions at the time of injury, in a modified capacity.
- b) Assistance in returning to the District in an alternate position based on "special selection".
- c) Vocational rehabilitation in the form of job placement to another position consistent with the employee's transferable skills and employment qualifications.
- d) Services including training and placement in an appropriate position consistent with the employee's qualifications.
- e) Services including a voucher to be used for training when the employer is unable to provide modified or alternate work.

3. **MEDICAL ELIGIBILITY FOR VOCATIONAL REHABILITATION BENEFITS:**

Medical eligibility for vocational rehabilitation benefits is based upon the employee's ability to return to his/her usual and customary employment, given the nature and extent of medical limitations documented by their treating or evaluating physician.

Southern California Risk Management Associates will discuss with the Risk Management Department and the employee after an aggregate of ninety (90) days of disability subsequent to the industrial injury. The Claims Administrator will complete a job description form with the employee and verify it for accuracy with the department. That form will be forwarded to the appropriate physician for medical

evaluation. The physician's evaluation will indicate one of the following:

- a) The employee is released to return to work without restriction.
- b) The employee is released to return to work with restrictions (modified work).
- c) The employee is unable to return to work (usual and customary employment).

#### 4. **WORKING WITH THE RISK MANAGEMENT DEPARTMENT**

The Risk Management Department may request departmental assistance in evaluating the work activities of the employee for development of reasonable accommodations (modified work). The Risk Management Department, in conjunction with the human Resources Department, may request consideration for special selection from a department in placing an injured worker who cannot return to past work activities with or without reasonable accommodation.

Please Note: The substance of this policy is written in accordance with current laws regarding Workers' Compensation Insurance, and is not intended to modify or enhance Labor Code. In the event of a conflict or a dispute about any definition of terms or provisions in this policy, the Labor Code prevails. This policy is not intended to modify or supersede contractual provisions.

Additional benefits may be available to the employee from the District's Return to Work program which is administered by the Risk Management Department. Questions regarding eligibility for benefits should be referred to the Risk Management Department at (213) 891-2397.