

Workers' Compensation FAQ's

What is Workers' Compensation?

Workers' Compensation is an employer-paid benefit program that provides compensation and medical benefits if you are injured or become ill due to a work related circumstance. In addition if you are unable to work, your employer provides continued salary or compensation to help replace lost wages until you are able to return to work.

If you have any questions concerning Workers' Compensation benefits, forms or general information, please contact the Workers' Compensation Coordinator at 510-885-7668.

Can I see my Personal Physician if I am injured on the job?

You have the right to choose a personal physician to treat you if you are injured on the job. A *Pre-Designation Treating Physician Notification* form must be filed prior to a work-related injury or illness. The doctor must meet the following requirements:

- The doctor must be your regular physician or surgeon.
- The doctor must be properly licensed to practice medicine in the state where you receive treatment.
- The doctor must have seen you for a medical condition or exam before you send us this letter. The doctor must possess your medical records and your medical history.

You have the right to be treated by your personal physician during the first 30 days of treatment if you have submitted the *Pre-Designated Treating Physician Notification* form prior to the injury/ illness. The *Pre-Designated Treating Physician Notification* form must be on file in the Workers' Compensation Coordinator office.

Where do I go for medical treatment?

If you need medical treatment, the Workers' Compensation Coordinator will refer you to the campus Student Health Center for a first aid treatment. For other injuries, you will be referred to CCCMA Occupational Medical (formally known as St. Rose) in Hayward. Emergency medical treatment, or after hours, medical treatment will be provided by St. Rose Hospital, Hayward. All medical bills and reports will be sent to Sedgwick Claims Management Services, Attn: CSU East Bay Claims Adjuster, P.O. Box 14629, Lexington, KY 40512-4629.

Once you return from your medical appointment you will need to provide the Workers' Compensation Coordinator with the work status form or visit verification form prior to your return to work.

Will I be paid for medical appointments?

On the day of an injury, payment is made for the time spent waiting for and receiving treatment during your normal working hours.

Follow up appointments:

If you lose work time for doctor's appointments, physical therapy and/or medical procedures, such absences will be charged to the employee's accrued leave credits (sick, vacation, CTO or PH).

What must I do if the work status form says I'm unable to return back to work full duty?

If the work status form indicates you are not able to return back to work full duty, you must discuss your return to work status with the Workers' Compensation Coordinator and your supervisor. The work status report must indicate any physical limitations or restrictions which you may have **AND** duration of a modified assignment. Your work status form will be reviewed to determine if you are able to perform the essential functions of your job. After each medical appointment, you will be **required** to provide the Workers' Compensation Coordinator with the work status report from your doctor. Together with your supervisor, we will discuss your return to work modified duties or return to full duty.

What if the work status form indicates I am temporarily disabled?

If the work status form indicates you are temporarily disabled and are unable to work, you must contact the Workers' Compensation Coordinator and your supervisor immediately. After each medical appointment, you will be required to provide the Workers' Compensation Coordinator with the work status report from your doctor. Together with your supervisor, we will discuss the possibility of your return to work modified or full duty. Please do not report to work until accommodation has been cleared through the Workers' Compensation Coordinator and your department.

Any time off must be authorized by the doctor in order for the lost time to be covered under workers' compensation benefits. Once you have returned to work, any visits to the doctor or therapy treatments are charged to your leave credits.

What happens if my claim is accepted?

If your claim is accepted, you are entitled to medical treatment for the industrial injury. Our carrier will pay all medical expenses related to the industrial injury. These would include, but not limited to, doctor's visits, physical therapy, mileage to doctor visits and prescriptions.

If you are a contributing member of the Public Employees Retirement system (PERS), you are entitled to Industrial Disability Leave (IDL) benefits. The first **three calendar days** of lost time (after date of injury) are considered as the waiting period and will be charged to your leave credits.

How do I get paid if my Workers' Compensation claim is on delay?

During the period that a claim for workers' compensation benefits is delayed, an employee may apply for non-industrial disability leave benefits. The Workers' Compensation Coordinator must be contacted in order to initiate the process. Once the claim for Nonindustrial Disability Insurance form is completed by the university it will be sent to the employee. The employee and physician's section must be completed and then mailed to the California Employment Development Department for determination of eligibility and benefits.

What if my claim for Workers' Compensation benefits is denied?

If your claim is denied by Sedgwick CMS, you may appeal in writing to the Workers' Compensation Appeals Board within one year from the date of the denial notice to pursue your claim.

What happens to my benefits and miscellaneous deductions?

The State will continue to pay premiums towards health, dental and vision care while on IDL or IDL with supplementation. Your normal deductions will be taken from your pay warrant. However if you are receiving TD, your benefit will continue with receipt of you applicable leave taken each month.

Can I lose my job because of a Workers' Compensation injury/illness?

The law prohibits your employer from discharging or discriminating against you because of your workers' compensation injury. If you believe you have been discriminated against because of your injury, you should discuss your rights with the Information and Assistance Officer or with an attorney.

It is illegal for your employer to punish or fire you for having a job injury or illness, for filing a claim, or testifying in another person's workers' compensation case (Labor Code 132a). If proven, you may receive lost wages, job reinstatement, increased benefits, and costs and expenses up to limits set by the state.

What if I am declared permanently disabled and not able to return back to work?

Most people fully recover from their work injuries and illnesses. However, if your doctor determines that you will not recover completely and that you have reached a point where your condition is permanent and stationary, you may be eligible to receive permanent disability benefits. Permanent disability benefits are designed to compensate you for limitations in your ability to work in the future.

Depending on the nature of your injury, once you have completely recovered you may be entitled to permanent disability benefits. Our claims administrator will send you to a treating physician for disability rating purposes. If you are found by the Disability Rating Bureau to have any permanent disability, our claims administrator will prepare necessary documents and forward those to you.

If you are injured such that you can no longer perform your profession, then you may be entitled to Supplemental Job Displacement Benefits. This will be determined from the medical reports and our claims administrator will contact you.

Additional Workers' Compensation Information

CSU East Bay and Sedgwick may not be liable for the payment of Workers' Compensation benefits for your injury or illness if it arises out of your voluntary participation in an off-duty recreational, social, or athletic activity which is not a part of your work duties.

Due to the rules, exceptions, and deadlines that exist within Workers' Compensation, it is recommended that you actively communicate your questions and/or concerns:

CSU East Bay
Workers' Compensation Coordinator
25800 Carlos Bee Blvd. SA 1600
Hayward, CA 94542
Telephone: (510) 885-2335

You may also receive assistance by contacting Sedgwick CMS, Inc, our third party administrator for Workers' Compensation.

Sedgwick Claims Management Services
Attn: Ezra Sprenger
P.O. Box 14629
Lexington, KY 40512-4629
Telephone: (916) 636-1500
Fax: (916) 851-8089

The Information and Assistance Unit of the Division of Workers' Compensation is also available to answer your questions. Their telephone number is (800) 736-7401.

Note: It is 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 performing these illegal acts will be prosecuted to the full extent of the law. If convicted, the person could face up to 5 years in prison and/or a fine up to \$50,000.