




August 6, 2015

To: Superintendents and Key Contact Personnel
SISC I Member Districts

From: Gabriel Rodriguez, Director, SISC I 

Subject: Various Workers' Compensation Topics

The Workers' Compensation insurance system is governed by the Workers' Compensation Laws of California. The SISC I staff has put together programs that will help mitigate the loss of your district's financial resources due to Workers' Compensation insurance claims. This annual memorandum is designed to assist you with compliance and remind you of the cost containment features the SISC I Board has approved. Many of the forms listed in this memo can be downloaded from the SISC I Website, <http://sisc.kern.org/wc/>. Click on the "FOR EMPLOYERS" tab, and enter the following password: wcmembers

1. **DWC-1 Form:** This is the Employee's Report of injury form. Please do not alter the date on the form once it is submitted. If the date is altered, we may have to accept the case even if it had otherwise been defensible. If an error is made on the form, simply cross it out and have it initialed by the employee and the preparer of the report. It is the claimant's responsibility to complete and return the top part of the form to the district unless he/she is unable to do so.

Please contact the SISC I office if you require DWC-1 forms.

2. **Timely Filing of All Claims:** As of July 1, 2000, it is mandatory that we electronically transmit all Employer's Report of Injury forms to the State of California. All reports are to be transmitted within five (5) working days of the employer's knowledge. Therefore, it is crucial that all forms are received promptly. Failure to do so could result in administrative fines since several deadlines are triggered by the filing of an injury claim with the employer. Because the State of California will now have the ability to track the delayed reporting, it is possible that a history of delayed reporting will elicit an audit.

Delayed reporting also decreases the amount of time available for our staff to investigate the claim and either accept or reject it. The statute only provides 90 days from the date the claim was reported to make that decision. If the decision is not made in 90 days, the claim is automatically presumed to be compensable. Additionally, the following time periods are critical when adjudicating a claim:

- a. **One Working Day** - This is the maximum time in which the district has to provide the injured worker with the DWC-1 Form **if the injured worker seeks medical treatment or is off work for at least one day.**
- b. **Five Working Days** - Once an accident or injury is reported, this is the maximum time the district has to submit to SISC I the following:
 - (1) Supervisor's Report of Injury.
 - (2) Employer's Report of Occupational Injury or Illness
 - (3) DWC-1 Form

Forms (1) and (2) can be downloaded at <http://sisc.kern.org/wc/>

3. **Facts about Workers' Compensation Pamphlet:** It is a requirement that this pamphlet be given to every new employee at time of hire or by the end of the first pay period.

A supply of the current "Facts About Workers' Compensation" pamphlet is enclosed. Please contact the SISC I office when additional pamphlets are needed.

4. **Predesignation Form:** This form is to be given to any employee who wishes to treat with his or her personal medical doctor (M.D.) or a doctor of osteopathy (D.O.) should they suffer an industrial injury with your school district. A personal physician may be a medical group if it is a single corporation or partnership composed of licensed doctors of medicine or osteopathy, which operates and integrated multispecialty medical group providing comprehensive medical services predominantly for non-occupational illnesses and injuries.

This form must be provided to all new hires.

This form can be downloaded at <http://sisc.kern.org/wc/>

5. **Self-Insured Schools of California Medical Provider Network (MPN) Employee Handbook:** At the time of hire, this handbook should be provided to every new employee. You must provide this handbook to your employees at the time of any industrial injury. It should be provided to the employee in the same manner that you provide the DWC-1 Claim Form. It is available in English and Spanish and can be downloaded from the MPN website, www.cfmcnnet.org/sisc.

Please note, the Spanish version must be provided to Spanish-speaking employees.

SISC I Workers' Compensation Medical Provider Network (MPN) Employee Handbook Acknowledgment Form: This form is to be used to document the timely provision of the Employee Handbook at the time of hire and at the time of injury. Each employee is required to sign this form, which the district will retain and utilize should the employee or his representative ever question the timely provision of this handbook.

If properly notified, and if the injured work has not predesignated a personal physician, the district possesses the means to maintain indefinite medical control throughout the life of the claim, resulting in significant savings for your district.

If the timely provision of the MPN handbook is not documented by the use of this form, an injured employee may be allowed by the Workers' Compensation Appeals Board to treat outside of our MPN, resulting in increased costs for your district.

The Employee Handbook Acknowledgment Form can be downloaded at <http://sisc.kern.org/wc/>

6. **Accurate Wage Information:** Workers' Compensation payments are based on the injured employee's wages. It is important that accurate wages are included in the information you send to us. Incorrect information may result in paying the injured employee an improper rate.

Maximum temporary disability benefits are currently \$1,103.29 per week, which is based on an average weekly wage of \$1,654.94. If an injured worker earns less than \$1,654.94 per week, it is mandatory that we have a wage statement that reflects their earnings for one (1) year prior to the date of injury.

Therefore, we request that your office send a wage statement at the time you file the employer's report of occupational injury, the DWC-1 (Employee's Report of Injury), and the supervisor's report. The wage statement should include all overtime wages paid.

7. **Coordinating Returning to Work:** District personnel need to inform SISC I when an injured worker returns to work. This will avoid overpayments of temporary disability benefits.

8. **Offer of Regular, Alternate, or Modified Work Forms:** For injuries post 1/1/05 and prior to 1/1/13, should the injury cause any level of permanent disability, the benefit paid to the injured worker may be subject to a 15% increase or decrease, depending on his or her return-to-work status. Within 60 days of an employee becoming permanent and stationary, if the employer offers regular, alternate, or permanent modified work, the remaining permanent disability benefits will be decreased by 15%. Otherwise, the remaining benefit will be increased by 15%. The offer of Regular Work will be mailed from SISC I directly to the injured employee.

The offer of permanent modified or alternate should be provided to the injured employee by the district once the interactive process has been completed. There is a form to use for injuries prior to 1/1/13 and another for injuries occurring on or after 1/1/13, These forms can be downloaded at <http://sisc.kern.org/wc/>

9. **Documents That Legally Need to be Posted:** The Workers' Compensation Medical Provider Network (MPN) Handbook and the Workers' Compensation Posting Notice must be placed in an area that is accessible to employees at each of your school sites.

A supply of the current Workers' Compensation Posting Notice is enclosed. Please contact the SISC I office when you require additional Posting Notices. As the Posting Notice has not changed, you are not required to replace your current posters.

Also enclosed is a copy of the MPN Employee Handbook that requires placement next to the Workers' Compensation Posting Notice. You may make copies of the attached, or you can download at <http://sisc.kern.org/wc/>

10. **Return-to-Work/Temporary Work Assignment Program:** Member districts that have implemented formal return-to-work programs have been able to reduce their claims, which lowers their modification factor and their premium rate. These programs also reduce the need to hire substitutes.

Some key points of a return-to-work program follow:

- Return-to-work assignments are temporary assignments usually lasting no longer than 90 days, designed to allow an injured worker to remain in the workplace while progressing toward a return to regular job status. The purpose of a return-to-work program is not to establish new jobs or to displace other employees.
- It provides a means of utilizing the injured worker's job skills while maintaining self-esteem and morale during the recovery process.
- It reduces the abuse of the system by employees who tend to file claims in order to get additional paid time off work.
- It increases day-to-day communication with the injured worker.
- It can help maintain an appropriate level of productivity by allowing injured workers to perform tasks that would normally go undone.

Please contact Sandi Harville at (661) 636-4604 to speak with a Safety and Loss Control Specialist, if you have any questions or need assistance implementing a return-to-work program in your district.

11. **Pre-Placement Medical Assessments:** Hiring the best candidate is always the main goal in any hiring process. However, too often the physical capabilities of an individual are not properly taken into account. Conducting pre-placement medical assessments is an effective way to ensure the candidate is physically able to perform the essential functions of the job.

The appropriate manner in which to utilize a pre-placement medical assessment is to require the assessment after an offer of employment has been made to an individual but before employment commences. Employment is not assured until the potential employee has passed the post-offer assessment.

The Americans with Disabilities Act (ADA) and the Fair Employment and Housing Act (FEHA) do not prohibit an employer from establishing job-related qualification standards. Such standards include education, skills, work experience and physical and mental standards necessary for job performance, health and safety. ADA and FEHA do not interfere with an employer's authority to establish appropriate job qualifications to hire people who can perform jobs effectively and safely and to hire the best qualified person for a job.

SISC has a program that reimburses a district 50% of the cost of a pre-placement medical assessment, up to a designated limit, when it is performed at one of the locations listed below for one of the covered positions. Forms and reimbursement information can be downloaded at <http://sisc.kern.org/wc/>

Locations

Central Valley Occupational Group
4100 Truxtun Avenue, Suite 200
Bakersfield, CA 93301
(661) 632-1540; FAX: (661) 632-1538

Functional Ergonomics
4140 Truxtun Avenue
Bakersfield, CA 93309
(661) 328-0692

High Desert Medical Group
43839 North 15th Street West
Lancaster, CA 93534
(661) 951-3320

Saint Agnes Occupational Medical Center
1189 East Herndon, Suite 103
Fresno, CA
(559) 450-7777

Irene Sanchez, MD
4105 Empire Drive
Bakersfield, CA 93309
(661) 633-2125

Clinicas de Salud del Pueblo
900 Main Street
Brawley, CA 92227
(760) 344-6471

Southern Inyo Healthcare District
501 E. Locust Street
Lone Pine, CA 93545
(760) 876-5501

Memorial Occupational
3838 San Dimas Street, Suite B-100
Bakersfield, CA 93301
(661) 326-0088

Positions

Classified Employees

- All Office and Clerical Positions
- Bus Driver
- Campus Guard
- Child Day Care or Extended Day Care Aide
- Custodian
- General Cafeteria Workers
- Grounds Worker
- Head Cook or Cook Manager
- Instructional Aide Special Day Class - Severely Handicapped
- Maintenance Worker
- Mechanic
- Parts Technician
- Senior Security Officer
- Sergeant of Security
- Warehouse/Delivery Worker
- Yard Duty Aide

Certificated Employees

- Teacher - Industrial Education
- Classroom Teacher - Physical Education
- Special Day Class - Severely Handicapped

If you are interested in additional information on one or more of the topics in this memorandum, please contact me at (661) 636-4422.

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Enclosures