Workers’ Compensation for MPP Managers and Department Chairs

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Office of University Risk Management
Workers’ Compensation Program Manager
Agenda

• Background
• Costs
• Cal State Fullerton
• Coverage
• Role of Managers
• Reporting

• Investigations
• Medical
• Compensation
• Return to Work
• Fraud
• Resources
WC in California

• Necessity
• No fault system (few exceptions)
• Protects employees and employers
• Provides benefits to employees
• 17 reforms since 1989
• Latest reform legislation
  – SB899
  – overhauled system
• SB 899 is working
  – Employers returning to California
  – Employees are returning to work
  – Overall costs decreased
  – Fraud claims decreased
• Costly, complicated, time sensitive
Cost Drivers

**Industry**
- Costs of doing business
- Late Reporting
- Deadlines
- Malingering medical
- Litigation
- Return to work/lost days
- Fraud

**CSUF**
- Costs of doing business
- Late Reporting
- Deadlines
- Return to work/lost days
Cal State Fullerton Costs

<table>
<thead>
<tr>
<th>Year</th>
<th>Premium/Risk Pool Contributions</th>
<th>Expenses</th>
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<tbody>
<tr>
<td>2004-05</td>
<td>$2,500,000</td>
<td>$1,000,000</td>
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<td>2005-06</td>
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<td>2007-08</td>
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<td>2008-09</td>
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Cal State Fullerton Injuries 07/08

- Sprain/strains, 21
- Contusion, 9
- Derm, 1
- Fracture, 3
- Internal, 7
- Lac, 10
- Multi Body, 2
- Resp, 5
- Punct, 3
- Stress, 2
- Burn, 1

Legend:
- Burn
- Contusion
- CT
- Dermatology
- Fracture
- Internal
- Laceration
- Multi Body
- Puncture
- Respiratory
- Stress
Coverage

• Covered:
  - Faculty, FERP’s & retired annuitants
  - Staff
  - Student assistants
  - Graduate assistants
  - Volunteers – authorized and approved

Questionable Coverage:
  - Students working on stipends (per contract)
  - Student interns (per contract)
  - Visitors
Role of Managers

- Designate individual in department
- CALL & report within **24 Hours**
- Return signed forms within 48 hours
- Call for transportation
- Familiarize staff with procedures
- Encourage communication
  - Risk management
  - Sedgwick – Claims Administrator
- Send employees to St Jude or Saddleback Medical for treatment
  - Call Risk mgmt immediately if employee wants to treat elsewhere
- Become familiar with accounting for time off work
- Notify EH&IS & Risk Mgmt
  - Hazardous conditions or fraudulent suspicions
  - Secure defective equipment
- Return all work statuses to Risk Mgmt

*Driving injured/ill employees is prohibited*
Reporting

• Employee Responsibilities
  – CALL & report within 24 Hours
  – Complete & return forms to mgr/supv
  – If pre-designating, return completed form to Risk Mgmt
  – Work statuses to mgr/supv
  – Report any hazardous conditions or fraudulent suspicions

Driving injured/ill employees is prohibited
Reporting

Employee Injury/Illness Form

- University Document
- On Risk Mgmt website
- Initiate form & circulate for signatures
- Employee/Volunteer completes part 1
- Mgrs/Supvs completes part 2 & verifies or completes part 1
Workers’ Compensation Claim Form

- State document
- Offer to employee
- On Risk Mgmt website
- Employee/ Volunteer completes top portion
- Risk Mgmt completes bottom portion
- Do not include Social Security number
Reporting

Medical Form (Fullerton)

- Complete when medical is needed
- On Risk Mgmt website
- Mgrs/Supvs completes form
- Employee must bring to medical appointment
Medical Form (Irvine)

- Complete when medical is needed
- On Risk Mgmt website
- Mgrs/Supvs completes form
- Employee must bring to medical appointment
Reporting: Claims Administrator

Contact: Megan Warren

Sedgwick CMS
P.O. Box 3170
Rancho Cordova, CA 95740
(916) 851-8057
(866) 766-1115 (toll free)

*Sedgwick does NOT handle International Claims*
Reporting: International Travel

• For Employees:
  – Call and report within 24 hours
  – Call (800) 766-8206 within USA or Canada or call collect (202) 659-7777 outside of USA or Canada and please follow the instructions
  – Contact Risk Mgmt & manager immediately while still overseas
  – Seek treatment while overseas

• For Managers:
  – Call Risk Management immediately for instructions on forms
  – Encourage employee to seek treatment while still overseas

Questions: Contact Risk Mgmt, extension 7346 or 2824
Investigations

- **90 day discovery period**
- Statements
  - In-house
  - Off campus personnel
- Immediately notify EH&IS and Risk mgmt of hazardous conditions or defective equipment
- Isolate defective equipment
Investigations can lead to information.
Investigations: Why 90 days?

Non-litigated delayed claim
Reported LATE

Date of Injury: 1-15-08
Decision date: 4-14-08
Manager DOK: 1-15-08
WC Mgr DOK: 1-22-08
Med requested: 1-30-08
Investigation assignment rcvd: 2-05-08
Investigation completed: 3-05-08
Med appt set for: 3-20-08
Med report rcvd: 4-15-08
Timely, accurate & descriptive statements can prevent this from happening...

5/ Ankle  6/ Stress
3/ Shoulder  4/ Back
1/ Hand  2/ Elbow

7/ ENTIRE BODY CLAIMS
Medical Treatment

- No out of pocket costs
- Transportation provided if necessary
- Treatment:
  - **Minor First Aid treatment** - By Department
  - St. Jude Heritage Medical Group (Occupational Health Svcs)
  - Saddleback Family and Urgent Care
    - Lake Forest, CA
    - Mission Viejo, CA
    or
  - Pre-Designated physician
- Use available leave credits - appointments & PT
- Encourage follow-up treatment
- International claims
  - Seek treatment overseas or as directed unless there is an emergency

**Effective July 1, 2008**: Student Health Center is no longer providing treatment for work-related injuries or illnesses
St. Jude
2720 N. Harbor Blvd, #130
Fullerton, CA 92835

(714) 449-6200
Hours: 24 hours, 7 days a week
Saddleback Family & Urgent Care
22855 Lake Forest Drive
Lake Forest, CA 92630
(949) 452-7544
Hours: Mon-Fri 8am-8pm
Sat-Sun 8am-4pm

Saddleback Family & Urgent Care/ Mission Viejo Center
23962 Alicia Parkway
Mission Viejo, CA 92691
(949) 452-7699
Hours: Mon-Fri 7am-10pm
Sat-Sun 8am-8pm
Medical Treatment

Pre-Designation Form

- **Must** be on file prior to injury/illness
- On Risk Mgmt website
- Completed by employee & physician
- Physician must sign
Compensation

Accepted claims

- Industrial Disability Leave (IDL) – * Benefit provided by CSUF, Eligibility depends on participation in PERS retirement system *
- Temporary Disability (TD)
- Permanent Disability (PD)
- Supplemental Displacement Vouchers

*WC Benefits can affect FMLA (Family Medical Leave Act)*

*WC & FMLA benefits run concurrently!*
Compensation

Industrial Disability Leave (IDL)

- Benefit meeting
- Must be PERS eligible
- Paid for 52 weeks over a 2 yr period beginning with first date of lost time
- Full pay first 22 days, then 2/3 of salary
- 3 day waiting period (WP)
  - Use available leave credits
  - Holidays = work days
- WP reversed at 14th day off

Not eligible for IDL

- FERP’s, retired annuitants, student workers, volunteers

WC Benefits can affect FMLA (Family Medical Leave Act)
WC & FMLA benefits run concurrently!
Compensation

Lost Time Examples

- Employee injured today
- Leaves work today because of injury/illness
  REMAINDER OF DAY
  IS PAID AS AN ADMIN DAY
  IF ELIGIBLE

- Employee injured today & continues working
- Comes in next day & leaves early
  MUST USE AVAILABLE
  LEAVE CREDITS OR COMP TIME
Compensation

Delayed/ Denied claims

- Sedgwick CMS has **90 days** to accept/deny claim
- Medical treatment paid up to $10,000
- May receive non-industrial disability leave benefits
  Questions: Please contact Angelica Perez (HR – Benefit Specialist/Leave Coordinator) x 5311

*WC Benefits can affect FMLA (Family Medical Leave Act)*

*WC & FMLA benefits run concurrently!*
Return to Work Process

Physician Driven

• Job description

• Physician evaluates ability to return to work

• Physician provides written restrictions

• Employee’s responsibility to bring RTW paperwork to department
Return to Work Process

Transitional return to work
- Temporary Restrictions

Permanent return to work
- Permanent Restrictions

Interactive Process & Return to Work Committee
RTW Process: Interactive Process

Employer is not legally required to accommodate the employee’s disabilities if:

• Employee is unable to perform essential functions of job; and no reasonable accommodation exists that would enable the employee to perform the essential functions of the job.

• Employee would create an imminent and substantial danger to him/her self or a substantial danger to others by performing the job; and that no reasonable accommodation can be made to remove or reduce the danger.

GOAL: Keep employee working
RTW Process: Temp Restrictions

In the Past...
  • Maximum 90 days

Going Forward...
  • Case by case
  • Keep working as long as progress is made towards returning to full duty
Return to Work Process

Process applies to temporary or permanent restrictions

• Department *can* accommodate
  – Can employee perform the essential functions of the job?
  – Meet with employee and department to discuss restrictions
  – Temporary: Progress meetings every 30 days
  – Permanent: Modified or alternative positions
    • Must be for 12 months
    • Salary 85% of current position

• Department *cannot* reasonably accommodate
  – Return to Work Committee convenes
Return to Work Committee

• Return to Work Committee convenes
  – Review job description
  – Explore transferable skills
  – Discuss open or pending open positions
  – Can we reasonably accommodate

• If reasonable accommodation exists, efforts are made to meet the accommodation
  – Temporary: WC Manager meets with the department
  – Permanent: WC Manager & Director of Diversity meets with the head of new potential department
  – If employee’s restrictions meet the essential job functions, attempts are made to facilitate employee into position

• If committee determines a reasonable accommodation does not exist, WC Manager & Director of Diversity meets with employee to discuss the final outcome

• The employee will later meet with an HR Representative to discuss other alternatives
RTW Committee Members

- **John Beisner**
  - Director, University Risk Management & Committee chair (as necessary)
- **Alisha Brown**
  - Workers’ Compensation Program Manager
- **Rosamaria Gomez-Amaro**
  - Director of Diversity & Equity
- **Medhi Islam**
  - Employees with Disabilities Program Coordinator
- **Elda Moreno**
  - Benefits Manager
- **Phenicia Allen**
  - Employment Manager
- **Angelica Perez**
  - Benefit Specialist/Leave Coordinator
- **Tom Whitfield**
  - Director of Environmental Health & Instructional Safety
- **Maria Plimpton**
  - Compensation/Classification Manager (as necessary)
- **Monique Shay**
  - University Counsel (as necessary)
- **Various HR Division Coordinators (as necessary)**
Fraud

- Reduced
- Penalties increased
- 20-25% of all claims are inappropriate
- Annual cost $5 billion
- Punishable by up to 5 years in prison and/or up to $50,000 in fines
- Results of prosecutions & convictions
  - Community Service
  - Fines
  - Probations
  - Jail
  - Restitution
Recap

**WORKERS’ COMPENSATION** = $$$$$

Timely reporting

+ Timely & effective investigations

+ Timely medical treatment

+ Early Return to Work

= **lower** Workers’ Compensation Costs
Resources

• **Workers’ Compensation Program Manager**
  Name: Alisha Brown
  Phone: (714) 278-2824
  Location: CP-700 (HR-Risk Mgmt)

• **All information is available in your department office, on the University’s website under the heading “Risk Mgmt” or by calling extension 7346 or 2824.**

• **Information & Assistance Officer**
  (800) 736-7401 - recorded information
  Anaheim: (714) 414-1800
  Santa Ana: (714) 558-4597
  Long Beach: (562) 590-5240
  Los Angeles: (213) 576-7389
  Pomona: (909) 623-8568
  Riverside: (951) 782-4347
Questions