



WORKERS' COMPENSATION FACTS FOR NEW EMPLOYEES

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San José State University strives to provide a safe and healthy work environment. When a workplace injury or illness occurs, it is our objective that employees receive prompt, appropriate medical attention and return to work as soon as they are able.

What is Workers' Compensation?

Workers' Compensation is a state-mandated, employer-paid benefit for employees that sustain occupational injuries or illnesses.

Who is covered by Workers' Compensation?

San José State University employees, including faculty, staff, special consultants, student assistants, and work-study students, and appointed volunteers.

What types of injuries and illnesses are covered by Workers' Compensation?

You may be entitled to workers' compensation benefits if you sustain an injury or illness arising out of the employment, either physically or mentally; whether specific or cumulative, including injuries resulting from a crime that occurred at the place of employment.

What are my protections against discrimination for filing a Workers' Compensation claim?

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

Are there time limits for filing a claim?

As a prerequisite to receive benefits, an injured employee must provide his/her employer notice of an occupational injury within 30 days of its occurrence.

Who is Sedgwick CMS?

Sedgwick CMS is the Third Party Administrator (TPA); the claims management firm that administers San Jose State University's Workers' Compensation claims and determines Workers' Compensation benefits eligibility.

Sedgwick CMS
P.O. Box 2078, Oakland, CA 94612
Telephone: (888) 777-0012, Fax: (510) 302-3267

How can I find out more about Workers' Compensation?

Talk to your Appropriate Administrator or his/her designee, or contact the Workers' Compensation Specialist in Human Resources at (408) 924-2250 or visit our website at <http://www.sjsu.edu/hr/>. You may also talk to your union representative, if you have one, or contact the Division of Workers' Compensation (DWC), Information & Assistance Unit at (408) 277-1292, 100 Paseo de San Antonio, Room 240, San Jose.

Medical treatment provided by employer; expenses included:

An employee that sustains an occupational injury has a right to receive medical care that is reasonably required to cure or relieve the injured worker from the effects of his or her injury. Treatment may include physician care, hospital services, physical therapy and medicines.

Lost Time Wage Compensation

If the physician takes you off work for a period of more than three days (waiting period), you may be eligible for one of the following benefits:

- Industrial Disability Leave (IDL)
- Enhanced IDL (EIDL)
- Temporary Disability (TD)

You must use accrued sick leave for the first three days of disability. If you are hospitalized as an inpatient or unable to work for more than 14 days, benefits shall be payable from the date of disability.

If the physician releases you to modified work, you may be eligible for wage-loss compensation.

For which benefit do I qualify?

State employees who are active members of PERS (Public Employees' Retirement System) or STRS (State Teachers' Retirement System) may elect to receive IDL in lieu of Temporary Disability.

IDL pays full salary for the first 22 working days of disability and 2/3 gross salary for the next 11 months of disability provided the absences occur within two years of the first date of lost time.

Specific Classes of employees may be entitled to Enhanced IDL (EIDL), which provides full salary for the entire 12 months of disability.

TD is paid directly by the claims administrator every two weeks and provides a benefit of 2/3 your average weekly earnings, which are subject to statutory minimum and maximums.

Supplementation with leave time

You may elect to supplement your IDL benefit with sick leave.

If you are receiving TD, you must supplement this benefit with your combined leave credits (sick, vacation, Comp Time Off) in order to maintain your health, vision and dental benefits and PERS retirement contribution.

What is NDI?

Non-industrial Disability Insurance (NDI) is a wage compensation program for non-work-related injuries or illnesses.

In the event your claim is delayed during the allotted 90-day claim investigation period AND you are unable to work, you can apply for NDI benefits *pending a workers' compensation decision*. Contact the Workers' Compensation Specialist for more information.

Permanent Disability Benefits

Payments you receive when your work injury permanently limits the kinds of work you can do or your ability to earn a living.

Vocational Rehabilitation Benefits

If you were injured prior to 2004 and the physician determines that you have permanent disability that precludes you from performing your usual & customary occupation and your employer is unable to accommodate your restrictions in a modified or alternative capacity, you may qualify for this benefit. It includes job placement counseling to help you find another job and it may include retraining and a vocational rehabilitation maintenance allowance.

Supplemental Job Displacement Benefit (SJDB)

If you were injured in 2004 or later, and the physician determines that you have a permanent partial disability that precludes you from performing your usual & customary occupation and your employer is unable to accommodate your restrictions in a modified or alternative capacity, you may qualify for this benefit. It is in the form of a voucher for education-related re-training or skill enhancement, or both, at state approved or accredited schools.

Death Benefits

Benefits paid to surviving dependents when a work injury or illness results in death.

Primary Treating Physician

The primary treating physician (PTP) is the doctor who has overall responsibility for treatment of your work injury or illness. This physician writes medical reports that may affect your benefits.

Generally, your employer selects the primary treating physician that will provide treatment for the first 30 days following an injury, after which you may choose to be treated by a physician of your choice. If you wish to change prior to that time, you have the right to one change of physician request from the claims examiner at the TPA.

Your personal physician may treat you from date of injury if you advised the Workers' Compensation Specialist of the predesignation of physician in writing prior to an injury and certain conditions are met. An optional form that may be used for predesignation can be obtained online at the Human Resources Website under HR Forms or from the Workers' Compensation Specialist.

REPORTING PROCEDURE WHEN INJURED

1. Report the injury ***immediately*** to your Appropriate Administrator or his/her designee.
2. In case of emergency dial 911 for paramedic assistance or 924-2222 for University Police Department.
3. Seek immediate medical treatment. San José State University employees are preauthorized to seek medical treatment at San Jose' State University Student Health Center (SHC); (408) 924-6120, for first aid or minor injuries. If SHC is closed, seek treatment at O'Connor Hospital Emergency Department, (408) 947-2500. When treatment is needed beyond the first visit, SHC or O'Connor Emergency Department will refer to an appropriate specialist or facility.
4. Provide the physician's work status notes to your Appropriate Administrator or his/her designee and the Workers' Compensation Specialist.
5. For more information or questions, contact the Workers' Compensation Specialist, the TPA or a Division of Workers' Compensation, Information & Assistance Officer.

RETURN-TO-WORK

San Jose State University recognizes that its most valuable assets are our employees. An important goal of the University, therefore, is to return employees; who are temporarily unable to perform their usual and customary occupation due to an occupational injury or illness, to transitional work that is productive and valuable at the earliest appropriate time.

Upon the treating physician releasing you to return to work with restrictions the following procedure must be followed:

1. Provide the treating physician's work restrictions to your Appropriate Administrator or his/her designee and have a copy faxed to the Workers' Compensation Specialist.
2. The Workers' Compensation Specialist and your Appropriate Administrator/designee will evaluate the work restrictions to determine the feasibility of transitional work that meets the goal of the Return-to-Work program.