

Employee's Guide to Workers' Compensation

This guide was prepared by the UCM Workers' Compensation Office to help you understand the Workers' Compensation Program at UCM -- what it is, when you're entitled to coverage under the program, how you obtain benefits, etc. In it you will find answers to some of the most frequently asked questions about what happens if you have a work-related injury or illness.

WHAT IS WORKERS' COMPENSATION?

Workers' Compensation is a state-mandated insurance plan designed to provide benefits and assistance to all workers who are injured as a result of their employment or who develop job-related illnesses. This is a "no fault" system that does not try to place blame on either the employer or the employee.

Benefits may include: medical costs, temporary disability, permanent disability, vocational rehabilitation, or death benefits. The objective of the UCM Workers' Compensation Program is to assist in your quick recovery and return to work.

WHAT IS A WORK-RELATED INJURY?

The California Labor Code's definition of the term "injury" includes "any injury or disease arising out of employment and occurring in the course of employment." The injury may result from a trauma or a disease.

- *Specific injury* - Injury to one or more parts of the body resulting from a specific incident.
- *Cumulative trauma injury* - Injury from repetitive traumatic activities over a period of time, such as exposure to chemicals or fumes.
- *Aggravation* - A pre-existing condition or non-work-related condition aggravated by an occupational injury or disease. The employer provides medical treatment until the employee returns to the pre-injury status of the pre-existing condition.

WHEN AM I COVERED BY WORKERS' COMPENSATION?

Generally, Workers' Compensation coverage begins the first minute you are on the job and continues any time you are officially on the job performing a service for the University as an employee or official volunteer.

Workers' Compensation does not provide coverage for injuries that occur during the normal commute to or from work; that occur during an unpaid mealtime; that result from recreational activities; that result from substance abuse or intoxication; or that result from starting a physical fight or engaging in horseplay.

WHAT SHOULD I DO IF I'M INJURED ON THE JOB?

Immediately report your injury to your supervisor. Your supervisor will make arrangements for you to see a doctor if necessary. You will be sent to a [UC Merced designated Occupational Medical Facility](#) for treatment. If you want to be treated by your own doctor, you must fill out the [Pre-Designation of Physician](#) form in advance and have it on file with the Workers' Compensation Office.

You and your supervisor need to complete the [Incident Report Form](#) and email the form to the Workers' Compensation Office at riskservices@ucmerced.edu.

You or your supervisor should call the Workers' Compensation Office to report the incident 209-228-4705. After hours or weekends call 1-877-682-7778.

WHAT ARE MY RESPONSIBILITIES?

1. Fill out the forms given to you by your supervisor.
2. Forward any disability or work status slips from your doctor to your supervisor and keep your supervisor up to date about your progress.
3. Keep track of any time you are away from work.
4. Participate in your recovery.
5. Advise your supervisor when your doctor releases you to return to work either as fully recovered or able to participate in the Transitional Work Program (TWP).
6. Keep all pertinent documents for your records.

WHO WILL DECIDE IF MY CLAIM IS ACCEPTED?

The Workers' Compensation Office coordinates all decisions concerning claims with Sedgwick CMS (Claims Management Services), the company contracted to administer all Workers' Compensation Claims for the UC campuses.

WHEN IS A DECISION MADE ABOUT MY CLAIM?

Within 14 days after filing a workers' compensation claim, Sedgwick CMS will notify you of your claim's status. Your claim will be accepted, denied, or delayed.

If the injury or illness clearly arises from your employment it will be accepted. If it clearly does not, it will be denied. If the administrator needs more time to gather information, the claim is delayed. The administrator may gather additional information by talking directly with you, with your supervisor or colleagues, or by asking your consent to review your medical records. The administrator will notify you by letter when a decision will be made.

WHAT WILL MY COST BE FOR WORKERS' COMPENSATION BENEFITS?

There is no charge to you if your claim is accepted. Medical care approved by Sedgwick CMS will be covered at no cost to you.

HOW DO I KEEP TRACK OF TIME I HAVE MISSED FROM WORK?

An absence on the day of the injury or illness should be counted as administrative leave with pay. Time lost after the day of injury or illness is covered by your accrued sick leave. Regardless of whether your claim is accepted, delayed, or denied, this should be recorded on your time card as *sick leave with a notation of "WC"* to indicate the time lost is due to a work-related injury or illness.

ARE THERE ANY BENEFITS THAT I QUALIFY FOR WHILE MY CLAIM IS BEING EVALUATED?

If Sedgwick CMS delays a decision on your claim in order to gather additional information, you may be eligible to apply for *non-industrial disability benefits* in the event you run out of sick time before the status of the claim is decided. Contact the Benefits Office in Human Resources at benefits@ucmerced.edu or (209) 228-2363 further information and assistance.

WHAT SUPPLEMENTAL BENEFITS DOES UC PROVIDE?

When you are off work due to a work-related injury, UC provides supplemental benefits in addition to the state-mandated benefits.

WHAT ARE MY STATE-MANDATED BENEFITS WHEN MY CLAIM IS ACCEPTED?

When your claim is accepted, Sedgwick CMS will notify you by mail. A determination will be made regarding your eligibility for Workers' Compensation benefits. Eligibility for each of these five benefits is described below:

1. **Medical coverage:** All authorized medical treatment for the work-related injury/illness that is required to cure or relieve the injury will be paid. Additionally, you will be reimbursed for transportation expenses incurred to obtain treatment.
2. **Temporary disability:** If your treating physician determines that you are temporarily unable to work, and your claim is accepted, you are eligible to receive part of your lost wages in the form of temporary disability payments. Sedgwick CMS will mail these disability checks to you at your home address. The amount paid is approximately two-thirds of your weekly salary up to a maximum amount determined by the State of California. Eligibility begins the fourth day you are unable to work. The three day waiting period is waived if you are hospitalized or disabled for more than 14 days, in which case your eligibility begins on the first day after your injury.
3. **Permanent Disability:** If your injury or illness has been determined by a physician to have caused a permanent disability, you might be eligible for compensation even if you return to your job. A disability is considered permanent after an employee has reached maximum medical improvement or his or her condition has been stationary for a reasonable period of time. The term you will hear is "permanent and stationary." Having a permanent disability does not necessarily mean you cannot return to your job. It simply means that ability to compete in the open labor market may be reduced. The Workers' Compensation Office and Human Resources Benefits Office can explain this further.
4. **Vocational Rehabilitation:** If you cannot return to your regular job duties as a result of a work related injury, the Accommodations Consultant will counsel you on various options. These may include modification of the work site, a modification of your current duties when it is possible, or, if appropriate, a formal training program and placement assistance into a different type of work. Contact the Accommodations Consultant in Human Resources at (209) 228-2468 for further information and assistance.
5. **Death benefit:** In the event that you die as a result of a work-related injury, money is payable to your designated beneficiaries.

HOW WILL MY RETURN TO WORK BE COORDINATED?

Your treating physician will work with you, along with UCM's Accommodations Consultant, and Sedgwick CMS. Even if you are not fully recovered you may be able to return to work part-time, or return to modified duties. While working with modifications, you will be participating in the Transitional Work Program (TWP).

WHAT HAPPENS IF MY CLAIM IS DENIED?

If your claim is denied, Sedgwick CMS will mail a letter to your home explaining why it was denied, and a copy of this letter will also be mailed to the Workers' Compensation Office, and your supervisor will be notified. This letter must be sent no later than 90 days after your claim is first filed. In most cases, you will hear sooner than that.

If your claim is denied, your accrued leave balances may be used to cover any time lost from work. Use of vacation hours to cover lost time is optional. If you are receiving other disability benefits, such as benefits from Liberty Mutual, these may

continue. Contact the Benefits Office in Human Resources at benefits@ucmerced.edu or (209) 228-2363 for further information and assistance.

WHAT APPEAL PROCESS DO I HAVE IF I DISAGREE WITH THE DENIAL OF MY CLAIM?

If you disagree with the denial of your claim, you can enter the Dispute Resolution Process. The Workers' Compensation Office can explain the process. You can also hire an attorney who will represent you or you can use the state's free information service by calling 1-800-736-7401. The matter may go to the Workers' Compensation Appeals Board (WCAB), the state agency which functions as a court of law in workers' compensation disputes. Your attorney will represent you at the WCAB or you may represent yourself.

If you decide to go to the Appeals Board, it is necessary to do so within one year from the date of denial of the injury claim, or one year from the date of your last medical treatment.

CAN I LOSE MY JOB BECAUSE OF A WORK COMP INJURY?

No, the law prohibits discriminating against you or discharging you from your job because you have been injured and need to file a workers' compensation claim.