

North Orange County Regional Occupational Program

ROP E 4161.11 (a)

WORKERS' COMPENSATION BENEFITS

California's no-fault compensation law was passed by the State Legislature over 75 years ago to guarantee prompt, automatic benefits to employees who sustain an on-the-job injury or illness. With few exceptions, almost every employee in the State is protected by Workers' Compensation. The State of California supervises both the amount of benefits available under Workers' Compensation and the distribution of all payments.

NORTH ORANGE COUNTY ROP WORKERS' COMPENSATION PROGRAM

The ROP is a member of the North Orange County Workers' Compensation JPA, and along with its other member districts, Keenan & Associates administers the program to insure that all workers' compensation benefits are paid to injured employees in accordance with State regulations. For information, call Keenan & Associates at 1-800-654-8102, x-3704.

The ROP wants you to know that its greatest concern is to see that you receive the best possible medical care and attention available so that your recovery is rapid and complete.

HOW TO CLAIM BENEFITS

Report your injury to your supervisor immediately. Your supervisor will give you a claim form to describe the injury or illness -- what, where, when and how it happened. Complete the form and return it to your supervisor as soon as possible. Enough information should be included to insure that necessary reports can be completed and arrangement made for medical treatment.

Prompt reporting is important. Benefits cannot be provided until the ROP knows about the injury or illness. In addition to the Supervisor's Report of Injury, a state required form *DWC-1 Employees Claim for Benefits* must be provided to the employee within 24 hours of a reported injury. Employees must sign the *Acknowledgment of Receipt of DWC Form 1*.

WHAT ARE THE BENEFITS?

California's Workers' Compensation guarantees injured employees five kinds of benefits:

- Medical care
- Temporary disability payment to replace lost wages
- Permanent disability
- Rehabilitation Services
- Death Benefit to eligible dependents

MEDICAL BENEFITS

The ROP will pay for all necessary doctor bills, hospital costs, x-rays, medications, crutches, etc., required to treat a work related injury or illness. If you require treatment in addition to first aid, you will be referred to a doctor. The physician will send bills and reports directly to the Assistant Superintendent, Business Services Office. Should a bill be sent to you, please forward it to the Assistant Superintendent, Business Services Office.

You are entitled to be treated by your own personal physician if you have notified the ROP of the doctor's name and address in writing before the injury or illness. "Personal physician" means your regular physician or surgeon who has previously directed your medical treatment and who retains your medical records and history.

If for any reason you want to change doctors, contact the Assistant Superintendent, Business Services Office for the names of other doctors and specialists. If you desire, thirty days after reporting your injury or illness, you can choose your own doctor within a reasonable geographic area. This change must be reported in writing to the Assistant Superintendent, Business Services.

HOW MUCH ARE THE PAYMENTS FOR LOST WAGES?

Workers are paid for lost wages should a work related injury or illness result in a physician approved absence from work. The amount paid is generally 2/3 of an average weekly wage up to a maximum amount set by the state, presently \$490.00 for temporary disability, is set by law and can be changed only by state action. The temporary disability payments are tax-free. There are no deductions for state or federal taxes, social security or medicare. Payments are mailed every 14 days until the treating physician releases the employee to work. An employee does not qualify for temporary disability for the first three days of physician-approved absence. However, if a worker is hospitalized as an in-patient or unable to work for more than 14 days, payments will be made for the first three days.

In addition to state mandated temporary disability levels, employees covered under the Education Code are provided temporary disability "supplements" for a maximum of 60 work days. This supplement is referred to as salary continuation and provides a regular paycheck to the injured worker during absence due to a work-related injury and/or illness. Temporary disability payments are paid to the employee through the regular paycheck during this period and the ROP is reimbursed from the ROP's self-insured Workers' Compensation fund for the disability payments.

VOCATIONAL REHABILITATION

If you are unable to return to your usual job duties due to your work -incurred injury or illness, you may be entitled to vocational rehabilitation benefits. While you are enrolled in a rehabilitation plan approved by the State of California, the total cost of services and temporary disability is paid by the ROP. Services may include either modifying your old job, finding you another job with the ROP, or training you for a new job with another employer.

PERMANENT DISABILITY

Additional payments may be made for a permanent handicap such as the amputation of a finger or loss of sight, even though you may be able to return to full employment. The number of permanent disability payments is based on a state schedule and takes into account factors such as age, occupation at the time of injury or illness and the nature of the permanent handicap. The determination of the nature and extent of permanent disability is made by State of California Workers' Compensation Board.

DEATH BENEFITS

In the event of a work related death, eligible dependents will be entitled to benefits as determined by the State of California.

WHAT IF THERE ARE QUESTIONS?

Misunderstanding and even errors sometimes do occur, but most can be cleared up by a telephone call. Should you have questions, contact the Assistant Superintendent, Business Services Office at 502-5810 or 502-5811.

For additional information, telephone the office of the State Division of Workers' Compensation, Office of Benefit Assistance and Enforcement. The office is listed in the State Government Offices pages in the front of the white pages of the telephone book under "Industrial Relations Department." Their help is available free of charge to explain your rights, resolve problems and provide other information.

If the problem still cannot be resolved, you may file an application with the Workers' Compensation Appeals Board. That is the State agency responsible for handling disputes. The Appeals Board is a court of law. You can represent yourself or you may want to hire an attorney. If you do, the fee will be deducted from any benefits awarded by the Appeals Board. If it is necessary to go to the Appeals Board to resolve your claim, you must file within one year from the date of the injury or illness, or one year from the date of your last medical treatment. Waiting longer could mean losing your right to benefits.

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