



ADMINISTRATIVE PROCEDURE

CATEGORY: **Support Services, Safety Program**

SUBJECT: **Mandatory Reports for Employee Injury**

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing investigation, reporting, and medical treatment for work-related injuries or illnesses, including cases of assault (a threat with ability to carry it out, but no physical contact) and battery (actual physical contact); and benefits available under workers' compensation laws.
2. **Related Procedures:**
 - Injury/illness emergencies – staff, students or visitors EP 07
 - Group Health Insurance..... 7122
 - Industrial accident and illness leave 7131

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: G-2000, G-3000, I-1350; Education Code sections 35021, 44043, 44984, 45192, 51768, 51769, 72401.
2. **Amount of Compensation:** Workers' compensation temporary disability benefits when added to industrial accident leave benefits shall not exceed an employee's normal salary (Education Code sections 44043, 44984).
3. **Mandatory Reports:** Reporting of work-related injuries and/or illnesses is mandated by workers' compensation law and California Occupational Safety and Health Administration (CalOSHA) regulations.
 - a. Workers' compensation law requires that the District immediately send to the State of California specific information electronically for every work-related injury/illness that results in lost time beyond the day of injury or requires medical treatment other than first aid.
 - b. "Supervisor's Report of Injury/Illness, Form 78" (E.1., Attachment) must be completed on *all* injuries.
 - c. Workers' Compensation Claim Form (DWC-1) (E.2.) must be provided within twenty-four (24) hours of knowledge of *any* work-related injury or illness.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Risk Management Department.
2. **Definitions**

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- a. **Personal physician:** For the purposes of this procedure, **personal physician** shall refer to an employee's regular physician/surgeon who previously has directed the medical treatment of that employee and who retains the employee's medical records, including his/her medical history. Additionally, in accordance with Chapter 5 of Division 2 of the Business & Professions Code, chiropractors and acupuncturists may not be considered pre-designated treating physicians.
 - b. **Contracted legal services:** Non-district legal services under contract.
3. **Emergency Medical Care.** SEE EMERGENCY PROCEDURES HANDBOOK. Principal/department head has primary responsibility for immediate attention to the physical condition and care of an ill or injured employee, but any responsible employee may act when circumstances warrant.
 4. **Mandatory Reports.** Reports must be filed by principal, department head, or immediate supervisor on all work-related injuries/illnesses involving employees, certain categories of volunteer workers, and students who receive food or money for their services (e.g., student cafeteria helper).
 5. **Completion of Reports.** Prompt and accurate reporting of work-related injuries and/or illnesses is mandated. *All blank spaces must be completed and check-off boxes marked before submitting forms. Failure to accurately or promptly report accidents will delay payment of benefits to which employees may be entitled, and may subject the District to state imposed penalties.*
 6. **Medical Billings.** The school district contracts with a third party administrator for processing workers' compensation claims. Physicians and hospitals providing care should be advised to send all bills to the District's current workers' compensation claims administrator, whose contact information can be found on the Risk Management website and on all mandated postings at district work sites. Physicians and hospitals may not charge more than fees scheduled in the Official Medical Fee Schedule (OMFS) promulgated by the Division of Workers' Compensation administrative director.
 7. **Medical Provider Network (MPN).** A group of physicians, medical treatment centers, and hospitals authorized to treat employees.
 8. **Authorized Medical Care.** As provided by workers' compensation law, San Diego Unified School District and its contracted third party administrator for workers' compensation claims, reserve the right to determine who shall treat an injured employee.

Employees are required to notify the District's third party administrator for workers' compensation claims if they desire to request a change in treating physician within the Medical Provider Network (MPN).

Exception: If an employee has notified the Risk Management Department, *prior to date of injury and in writing*, that he/she has a personal physician (C.2), the employee shall have the right to be treated by the named physician from the date of injury. The Pre-Designation of Physician form is available on the Risk Management Department's website.

9. **Eligibility for Compensation and Leave**

- a. All paid district employees, student cafeteria helpers who receive food or money as payment for services, vocational work experience or occupational training students, and unsalaried volunteers (board approved) *who perform services on a regular basis*, are eligible for workers' compensation benefits. Benefits vary and may include:
 - (1) Medical, surgical, and hospital expenses.
 - (2) Temporary disability benefits.
 - (3) Permanent disability benefits.
 - (4) Death benefit.
 - (5) Burial expense benefit.
 - (6) Mileage and transportation expenses.
- b. **Disability benefits.** Benefits begin after the third calendar day of disability, exclusive of day of injury. If disability exceeds fourteen (14) days, the first three (3) days are paid retroactively; however, if hospitalization is required, disability benefits begin immediately upon hospitalization.
- c. **Compensation.** Workers' compensation payments may be subject to deduction for retirement system contribution, but income taxes and social security deductions are levied only on earnings (B.2).
- d. **Residential limitation.** An employee receiving workers' compensation benefits may lose those benefits if he/she leaves the State of California without authorization of the Board of Education.

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10. **Group Medical, Dental, and Basic Life Coverage.** If an employee's paid service ceases as a result of an on-the-job illness or injury, *and* he/she is on a district approved unpaid leave of absence and is receiving workers' temporary disability payments, the employee's group medical, dental, and basic life coverage are continued provided he/she continues to make contributions, if required, to the Benefits Department.
- a. Coverage terminates on any of the following dates, whichever comes first:
- (1) End of the month in which resolution of the workers' compensation claim is approved by the Workers' Compensation Appeals Board.
 - (2) End of the month in which employee's temporary disability payments cease.
 - (3) End of the 12th month following last date of paid service.
 - (4) End of the month in which employment with the District is terminated (i.e., resignation, retirement, death).
- b. Medical or dental expenses payable by workers' compensation or similar benefit programs will not be paid by the District's group benefit plans.

D. IMPLEMENTATION

1. **Employee, Volunteer, or Student Worker**
- a. Immediately informs principal/department head of injury, illness, assault or battery that occurs on the job. If employee is disabled, any staff member who knows details of the injury may file this notification.
 - b. Obtains necessary medical care from nearest authorized occupational medical facility or personal physician (if pre-authorized); informs physician and/or hospital that bills should be sent to the District's third party workers' compensation claims administrator.
 - c. Sends itemized bills or receipts for miscellaneous items such as prescriptions for reimbursement (the physician or hospital should send bills directly) to the District's third party workers' compensation claims administrator.
 - d. Completes "Industrial Accident Leave Benefits Applications" form (E.3.) if eligible for industrial accident leave (refer to Procedure 7131). Advises the District's workers' compensation third party claims administrator when injury results in lost time beyond three days.

- e. Notifies District of any permanent disability and has physician provide certification if that occurs.

2. **Immediate Supervisor**

- a. Promptly provides or obtains necessary first aid.
- b. Sends employee to nearest occupational medical facility, if necessary. The names and addresses of facilities are posted at each site.
- c. Takes employee to nearest emergency facility, or calls paramedic/ambulance (911) in the event of life- or limb-threatening emergency.
- d. Investigates *every* work-related injury or illness immediately upon occurrence; advises the Risk Management Department with name, location and nature of injury by completing the "Supervisor's Report of Injury/Illness, Form 78" and ***immediately faxing or emailing*** to the Risk Management Department at (858) 627-7353. It is not up to the supervisor to determine liability, but to report *all* claims.
- e. **After** faxing/emailing form to the Risk Management Department, give form to principal/department head for signature.

3. **Principal/Department Head**

- a. Reviews and signs "Supervisor's Report of Injury/Illness, Form 78" and forwards completed and signed form to the Risk Management Department via school mail.
- b. Assumes primary responsibility for contacting the employee; provides advice or refers employee to others regarding:
 - (1) Emergency medical care (see Emergency Procedures Handbook).
 - (2) Mandatory Report ("Supervisor's Report of Injury/Illness, Form 78"), available on the Risk Management Department's website.
 - (3) Benefits from workers' compensation, including amounts and residential limitations (B.2 and C.8).
 - (4) Leave allowances (C.8).
 - (5) Return to duty.

- (6) **Insurance.** Employee liability coverage (Procedure 7180); personal property damage or loss (Procedure 2660); medical, dental, and life insurance (C.9).
- (7) **Legal protection and counsel.** Provided by the Legal Services Office within the limits of staff time available (Procedure 1705). This includes legal counsel on assaults by students, parents or others.

4. **Payroll and Benefits Department**

- a. Coordinates payment of benefits and release of final warrants, as appropriate.
- b. Notifies appropriate retirement system in event of employee's death.

5. **Risk Management Department**

- a. Reviews all accident reports for completeness; requests additional information from principal/department head, when necessary.
- b. Provides injured/ill employee with "Workers' Compensation Claim Form" (DWC-1)
- c. Enters information from "Supervisor's Report of Injury/Illness, Form 78" into the third party workers' compensation claims administrator's on-line system for workers' compensation claims to develop an Employer's Report of Occupational Injury/Illness (Form 5020) and keeps a copy for file.
- d. Reviews third party workers' compensation claims administrator's files as appropriate, pertaining to litigated and problem claims; reviews and implements the District's workers' compensation program.
- e. Notifies CalOSHA of any serious injury/illness to employee(s) if not already communicated by employee's site/supervisor.
- f. In case of work-related death, notifies:
 - (1) Division of Labor Statistics and Research, by telephone within 24 hours; if there is no surviving spouse or minor child, notifies claims adjustor on "Notice of Employee's Death" form.
 - (2) Nearest office of area director, California Occupational Safety and Health Administration, by telephone within six (6) hours.

6. The District's Third Party Administrator for Workers' Compensation Claims

- a. Receives online Supervisor's Report of Injury/Illness Form 78 and copy of "Employer's Report of Occupational Injury or Illness" (Form 5020); sets up claim file.
- b. Forwards information electronically to the State of California.
- c. Receives medical bills and reports; determines if injury or illness is compensable under workers' compensation laws; arranges for additional medical examinations and/or outside investigation, when appropriate.
- d. Coordinates with contracted legal services and the Risk Management Department, in the administration of claims.
- e. Prepares drafts for payment of medical bills and indemnity payments; makes weekly delivery to the Accounts Payable Department, of all drafts and a summary of drafts; sends copies of summary to Payroll Department.
- f. Submits monthly statements for services to the Risk Management Department.

7. Payroll Department

- a. Receives all temporary disability benefit Vouchers from the third party workers' compensation claims administrator; audits dates covered against time sheet data submitted by employee's school or department.
- b. Computes and prepares payroll adjustment forms necessary to exclude disability benefits from state, federal, and social security taxes.
- c. Maintains records necessary for compliance with Procedure 7131 covering industrial accident leave.

8. **Contracted legal service** receives litigated claims from the third party workers' compensation claims administrator; works with the third party claims administrator and the Risk Management Department, in handling these claims.

E. FORMS AND AUXILIARY REFERENCES

1. Supervisor's Report of Injury/Illness, Form 78 (Attachment) or Risk Management Department website
2. Workers' Compensation Claim Form (DWC1) is sent to the employee by the Risk Management Department

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EFFECTIVE: **1-29-62**

REVISED: **12-5-12**

3. Industrial Accident Leave Benefits Application.
4. Pre-Designation of Physician form available on the Risk Management Department's website.

F. REPORTS AND RECORDS

G. APPROVED BY



General Counsel, Legal Services
As to form and legality

H. ISSUED BY



Chief of Staff