



## CITY OF SAN RAFAEL POLICIES AND PROCEDURES

Subject:	Workers' Compensation Benefits Policy
Resolution No.	N/A
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Approved By:	Ken Nordhoff, City Manager

### **WORKERS' COMPENSATION BENEFITS POLICY**

**PURPOSE:**

The purpose of this policy is to provide employees with an overview of how the City's workers' compensation program operates.

**RESPONSIBILITY:**

The administration of Workers' Compensation benefits is the responsibility of the Employee Benefits Analyst in the Human Resources Department and questions should be referred to same. Questions and/or clarification of this policy should be directed to the Human Resources Department.

**REFERENCES:**

Applicable California Labor Codes.

**DEFINITIONS:**

**Who is Covered?**

In general, regular, part-time and temporary employees of the City are covered, as well as elected and appointed paid public officials. Volunteers are also covered under the city's program.

**What Is Covered?**

There must be a connection between the injury and the employment or, under certain circumstances, considered as part of the employment. Not all injuries at work are considered to be work related. For example, injuries caused by intoxication or intentionally self-inflicted are not deemed to be work related.

The "eligible injuries" covered includes bodily harm, the occurrence and aggravation of occupational diseases, mental disturbances, damage to artificial parts of the body, dentures or medical braces and damage to eye glasses and hearing aids if incident to a disabling injury. Damage to clothing and other personal property is not covered.

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### **POLICY:**

The City of San Rafael is a legally self-insured employer for purposes of Workers' Compensation Insurance. Benefits derived from Workers' Compensation Insurance will be in accordance with California State Law and may exceed minimum State benefit requirements if approved by the City Council.

### **PROCEDURE:**

#### **A. Compensation Benefits**

Compensation benefits consist of: (1) payments for disability, both temporary and permanent; (2) medical, hospital and allied treatment; (3) death benefits and burial allowances to dependents; and (4) costs to be retrained into a new occupation.

Temporary disability payments (TD) are made when a physician reports an employee is unable to perform their job duties and the City cannot accommodate any restrictions. The employee is not entitled to TD for the first 3 days of disability unless the employee is hospitalized as an in-patient, or off for more than 14 days. TD is set by State law and is based on potential wages lost (full or partial) due to the injury. It is approximately two-thirds of full salary with state-mandated minimums and maximums. The City, however, augments regular employees' disability payments to bring them to full salary. Compensation leave payments shall not exceed the employees' regular full pay for the first three (3) calendar months and three-fourths (3/4) of the regular full pay for the following six (6) calendar months. Thereafter, employees receive TD. There is a maximum of 104 weeks of eligibility for TD from the first day the employee is off work. When the maximum recovery is achieved, the employee is considered permanent and stationary, and temporary disability ends. If an industrial injury results in a permanent disability that causes a significant handicap in performing work, the injured employee is entitled to permanent disability benefits. The amount is based upon the degree of disability, the type of injury and the employee's age and occupation.

*Public Safety personnel (Police and Fire):* Compensation leave payments are governed by Labor Code Section 4850. Labor Code Section 4850 provides generally that employees who sustain an industrial injury which precludes them from working are eligible to receive full salary for a period of up to one year during the period of such a disability. Also included are presumptions as to causes of certain diseases and special death benefits and disability retirement allowances under the Public Retirement Law.

#### **B. Medical Treatment**

The employee is entitled to all reasonable required medical care and incidental costs. This includes medical treatment, testing, medication, therapy as well as transportation cost.

#### **C. Control of Medical Treatment**

During the first 30 days, unless a predesignated form is on file with the Human Resources Department, the City has the right to control and direct treatment. After 30 days, the employee may change treatment to a physician or chiropractor of his/her own choice, or at a facility of his/her own choice within a reasonable geographic area. The City must be notified of the proposed change. (The employee, of course, may at any time provide at his/her own expense, a consulting physician or any attending physician desired.) Prior to an injury an employee has the right to pre-designate their

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family doctor as the physician that treats their industrial injuries. The pre-designation steps are included in this Workers' Compensation Manual.

### **D. Review of Compensation Claims by the WCAB**

In general, the WCAB has jurisdiction over contested Workers' Compensation matters. Various time limitations apply to the filing of claims before the WCAB.

### **E. Notice to the City**

Employees should report all known, or even suspected, work-related injuries to their supervisors as soon as possible. All appropriate forms should be completed. Any subsequent flare-ups, or aggravation of any injury, should also be reported to the supervisor.

### **F. Payments and Bills**

Medical bills are paid directly by the City through its third-party administrator. Compensation checks are processed by Payroll in the Finance Department and available at the same time an employee normally would receive a paycheck. TD checks will be sent by the workers' compensation administrator every 14 days.

The City of San Rafael has created this manual and provided training to all departmental personnel. The manual is also available to all employees on the City's Intranet.

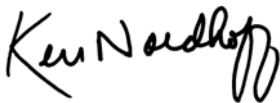
### **G. Questions**

Questions on the above should be referred to the City's Employee Benefits Analyst in the Human Resources Department, or the nearest office of the State Division of Industrial Accidents, listed in the white pages of the telephone book under "California - State of". The State Division of Industrial Accidents maintains offices both in San Jose and in San Francisco.

### **ATTACHMENTS:**

- Industrial Injury Medical Panel
- Predesignation of Personal Physician
- Statement to the Treating Physician
- Workers' Compensation Claim Form (DWC 1)
- Employer's Report of Occupational Injury or Illness Form (DLSR 5020)
- Workers' Compensation Frequently Asked Questions

### **APPROVED BY:**



9/17/2007

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**Ken Nordhoff, City Manager**

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**Date**