

**SAM—WORKERS' COMPENSATION**

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**WORKERS' COMPENSATION AND INJURY PREVENTION**

**2580**

(Renumbered from 0480 2/83)

The purpose of this section is to help agencies, managers, and supervisors meet their responsibilities as employers by:

Establishing uniform policies, procedures and forms necessary to reduce occupational injuries and the resultant lost work time by employees; and to promptly provide those benefits that are required through the State Compensation Insurance Fund (SCIF).

**STATE WORKERS' COMPENSATION AND SAFETY PROGRAM**

**2580.1**

(New 6/90)

The State Workers' Compensation and Safety Program in the Department of Personnel Administration is responsible for the management of the State Employee Workers' Compensation Program. In addition to the consulting and information services the Program provides to State agencies, the State Workers' Compensation and Safety Program has the authority and responsibility for conducting State agency reviews of Workers' Compensation and Safety programs to ensure compliance with memoranda of understanding (MOUs), workers' compensation and occupational health and safety laws and rules.

During an on-site review the following areas are surveyed: safety committee, environmental surveys, injury prevention policies, hazardous materials, emergency preparedness training, State Fund communications, claims management, and return-to work policies and procedures.

## SAM – WORKERS' COMPENSATION

### **AGENCY RESPONSIBILITY**

**2580.2**

(Revised 03/02)

Agencies shall:

Establish, implement and maintain written policies for an injury prevention program in accordance with Chapter 1369, Statutes of 1989, and for returning injured employees to work as soon as it is medically feasible in accordance with Executive Order D-48-85 and guidelines for the Injured State Workers' Assistance Program. Copies of these policies shall be forwarded to the State Workers' Compensation and Safety Program, Department of Personnel Administration, 151 S Street, North Building, Suite 400, Sacramento, California, 95814, Telephone (916) 327-4021, CALNET 467-4021.

Allocate funds, time and other resources needed to achieve agency injury prevention goals.

Maintain an occupational health and safety program which includes training in general safe and healthy work practices for all employees and specific instruction on hazards specific to each employee's job in accordance with Chapter 1369, Statutes of 1989.

Inform new State employees of their right to receive Workers' Compensation Benefits.

Appoint Safety and Return-to-Work Coordinator(s).

Encourage and recognize employees who develop safety devices and safe practices in the area in which they work.

Establish procedures to officially recognize employees who have an outstanding record of accident and injury free work performances.

Cooperate with Worker's Compensation and Safety Program reviews conducted by the State Workers' Compensation and Safety Program.

Establish a prompt reporting system for job-related injuries or illnesses.

(Continued)

(Continued)

**AGENCY RESPONSIBILITY****2580.2**

(Revised 03/02)

Provide an injured worker with an Employee's Claim for Workers' Compensation Benefits, SCIF 3301, within one working day of knowledge of injury.

Establish procedures to advise injured employees (or their dependents in event of a death) generally of the benefits to which they may be entitled within 5 working days of a notice of injury or death.

Institute procedures which call for follow-up by supervisors with disabled employees to assure that proper treatment is provided, to assist employees in obtaining a doctor's release to return to temporary limited duty as soon as it is medically feasible and to see that rehabilitation services are furnished when necessary.

Require cooperation at all levels of management in returning disabled employees to work.

Provide for establishment and supervision of an Injured State Worker Assistance Program at appropriate levels to coordinate the rehabilitative/return-to-work process.

Compile and submit to the State Workers' Compensation and Safety Program figures representing the number of hours worked and number of deaths on a semi-annual basis. Annually, agencies will be requested to send a photocopy of the Log and Summary of Occupational Injury and Illness, CAL/OSHA Form 200. This information is used to prepare statistical reports for the Administration, agency secretaries, and department heads.

Compile and submit the Summary Report of State Driver Accidents, Office of Insurance and Risk Management Form INS-68. This annual report must be submitted by February 1 for the preceding calendar year. See SAM Section 0750 et seq., for information, forms, and instructions, contact the Defensive Driver Training Program, Office of Insurance and Risk Management, Department of General Services, 707 Third Street, First Floor, West Sacramento, CA 95605, Telephone (916) 376-5309.

Include all performance appraisals an evaluation of the supervisor's and manager's efforts in injury prevention, loss control, and returning disabled employees to work.

The subsequent sections of the Manual establish the applicable policies, procedures, and forms necessary to give uniformity among agencies. Payroll information, including supplementation procedures, is in SAM Sections 8538–8538.61. Each agency must use these procedures and forms; however, different procedures and equivalent forms may be used if approved by the State Workers' Compensation and Safety Program.

**VOLUNTEERS**  
(New 6/90)

**2580.3**

By law, workers' compensation benefits for volunteers are not required. A volunteer who does not receive compensation for his or her work is not entitled to workers' compensation benefits, unless the agency for which the volunteer works chooses to provide these benefits (See Labor Code Section 3363.5).

If workers' compensation benefits are not provided, an injured volunteer may file a tort claim against the State. A tort claim is based on a volunteer being injured by the negligence of the State. This claim must first be filed with the State Board of Control. Then, if necessary, the injured may bring suit against the State. If workers' compensation coverage is provided, it becomes the injured volunteer's "exclusive remedy," and the volunteer may not make a tort claim against the State.

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**BASIC SAFETY TRAINING FOR AGENCY SAFETY COORDINATORS**

**2580.4**

(Revised and renumbered from 2580.2 6/90)

In accordance with Labor Code Section 6400 et seq., and Title 8 of the California Code of Regulations, General Industry Safety Order #3203, the Department of General Services, Office of Insurance and Risk Management, has developed a Basic Safety Training course and has been assigned the responsibility for conducting that course. In accordance with the above Labor and Administrative Codes, successful completion of this course is mandatory for all State Safety Coordinators. Those Safety Coordinators with prior training or experience who wish to challenge this course in lieu of actual participation, may do so by submitting a written application to the Department of General Services, Office of Insurance and Risk Management.

The departmental director is responsible for ensuring that the departmental Safety Coordinator completes the Basic Safety Training Course within one year of the Coordinator's appointment.

**STATE EMPLOYEE WORK INJURIES**

**2581**

(Revised 6/90)

Assigned responsibility is necessary for effective procedures for care and treatment of work-related injuries and injury prevention. The responsibility-action assignment presented here forms the basis for agency procedures.

**RESPONSIBILITY OF INJURED EMPLOYEE**

**2581.1**

(Revised 12/99)

The employee shall:

Report all accidents promptly, but no later than 24 hours after the injury becomes known explaining to the supervisor how the accident occurred.

Complete and sign SCIF 3301.

Obtain first aid for minor injury and return to work.

Accept examination and treatment by physician or facility arranged for by supervisor; unless the employee has notified the agency, prior to the injury that he/she has a personal physician and wishes to go to that physician.

Inform agency of the physician's advice concerning ability to work.

Return to work as soon as it is medically feasible.

Submit Absence and Additional Time Worked Report form, STD. 634, each month.

**RESPONSIBILITY OF SUPERVISOR OF INJURED**

**2581.2**

(Revised 12/99)

The supervisor is responsible for carrying out state and departmental injury prevention policies. In case of injury this responsibility includes initiating action to obtain prompt medical treatment for injured employees. Supervisor includes every person having direction, management, control, or custody of any employment, place of employment, or any employee.

The supervisor shall:

Assure that first aid is administered for minor injuries and determine if employee is able to return to work, or arrange medical treatment by a physician when necessary.

For extreme emergency get the injured to any available doctor, hospital, or public medical service.

Arrange for first treatment by physician, refer to California Workers' Compensation Notice to State Employees form, STD. 621.

Arrange for transportation to doctor's office or to hospital. Use state vehicle, ambulance, taxi, or whatever is appropriate at the time.

(Note: The supervisor or designated representative should accompany the injured to get medical treatment.)

Make a report of action taken and the facts about the accident by completing both sides of Employer's Report of Occupational Injury or Illness form, SCIF 3067 (STATE).

Submit the ORIGINAL and two copies of SCIF 3067 (STATE) to the designated reviewing officer and retain a copy.

Follow-up for injured employee. The supervisor shall:

Maintain contact with injured employee.

Arrange for completion of STD. 634, for payroll purposes.

Discuss return to work with employee, physician, State Compensation Insurance Fund Claims Adjuster, and departmental Return-to-Work Coordinator.

Provide progressive recovery reports to his/her superior until the employee recovers from effects of injury.

**RESPONSIBILITY OF REVIEWING OFFICER**

**2581.3**

(Revised 12/99)

Reviewing officer shall:

Go to the scene of the accident and collect data to reconstruct the circumstance of the accident, if appropriate.

Question witnesses and others who have knowledge of the injury.

Review the Supervisors Section of SCIF 3067 (STATE), to:

Assure adequate information has been recorded for injury prevention.

Make initial determination if injury is work-related or not.

Identify responsibilities for training-instructions and supervisory follow-up.

Reconcile questions and problems raised by either the supervisor or the employee.

Initiate injury prevention changes that will minimize the potential of recurrence of a similar accident.

Process the form in accordance with agency safety plan.

Review SCIF 3067 (STATE) for completeness of data.

Submit SCIF 3067 (STATE) and SCIF 3301 as soon as possible, but no later than five (5) days after notification of employees work injury or death. If there is a question or doubt about the injury or illness being job-related, the supervisor shall attach a memorandum to SCIF 3067 (STATE) outlining the facts as they are known and request further investigation by State Compensation Insurance Fund.

**PREPARATION AND USE OF SCIF 3067 (STATE) FORM**

**2581.4**

(Revised 12/99)

Before SCIF can pay medical expenses or verify temporary disability, it must have a completed Employer's Report of Occupational Injury or Illness, SCIF 3067 (STATE). The California Occupational Safety and Health Act requires you to report within five days every job-related injury or occupational disease. Submit SCIF 3067 (STATE), in duplicate. A delay in employee benefits could result from late reporting. Automatic penalties will be assessed for late reporting as well. It is not necessary to submit SCIF 3067 (STATE) for occurrences that require only self-administered first aid.

However, SCIF 3067, (STATE) must be submitted when the employee requires more medical care than first aid, or the employee's disability lasts beyond the day of injury. The original becomes the basis for the SCIF's claim file. The duplicate is forwarded by SCIF to the Division of Labor Statistics and Research, Department of Industrial Relations, as required by law. SCIF 3067, (STATE) may be obtained from your departmental safety officer or by calling the nearest SCIF office listed in the State of California Telephone Directory, under the Department of Industrial Relations. Your personnel office may also have blank SCIF 3067 (STATE).

Agencies shall authorize designated individuals to sign SCIF 3067 (STATE). It is not necessary to inform SCIF of those who are so authorized. The person authorized to sign the form is responsible for the accuracy of all information. This form is state management's report of the incident to SCIF and is considered confidential. If later it is discovered that any information provided was inaccurate, this must be reported to the SCIF.

Someone other than a supervisor to the injured person should fill out the SCIF 3067 (STATE). The form shall not be completed by the injured employee, and **UNDER NO CIRCUMSTANCES IS THE INJURED EMPLOYEE TO SIGN THE SCIF 3067 (STATE)**. It is important that questionable facts about the alleged circumstances of injury or death be reported to the SCIF office so that they may make whatever special investigation is necessary. Additional information on a claim should be communicated to the SCIF office by separate memorandum, or by use of the Supplemental Information Regarding Work Disability form, SCIF 3068.

It is important that the correct agency payroll code, as used in the uniform state payroll system or the Workers' Compensation Insurance policy number be shown in part 1A of the form. The policy number instead of the agency payroll code is used whenever the injured employee is paid from funds covered by a Workers' Compensation Insurance policy.

**WHERE TO SEND SCIF 3067 AND 3301 (STATE) FORMS**

**2581.5**

(Revised 12/99)

On the back of the Employer's Report of Occupational Injury of Illness form, SCIF 3067 (STATE), you will find the mailing address of all State Compensation Insurance Fund (SCIF) offices. Send SCIF 3067 and 3301 (STATE) to the office which services the county in which the injured resides. If you don't know which SCIF office to send the SCIF 3067 (STATE) to, contact any SCIF Office and explain the circumstances; they will tell you where to send the form. Telephone numbers of SCIF offices are listed in the State of California Telephone Directory under the Department of Industrial Relations.

**SUPPLEMENTAL INFORMATION TO SCIF**

**2581.6**

(Revised 12/99)

Supplemental Information Regarding Work Disability form, SCIF 3068, continues to fulfill many of its original purposes and, in addition, will assist your agency in some of the transactions arising out of Industrial Disability Leave. See SAM Section 2583.11 for a brief description of this benefit. See Sections 428–434 of the Personnel Transactions Manual for detailed information about Industrial Disability Leave as well as instructions for the use of Parts I and II of the SCIF 3068.

It is not required that you complete the SCIF 3068 to inform SCIF of changes that occur. If you prefer to use some other means of communication, including the telephone, do so. Supplies of the SCIF 3068 may be ordered from your nearest SCIF district office.

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**OTHER REPORTING REQUIREMENTS FOR JOB-RELATED INJURIES, ILLNESSES AND DEATHS**

**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT**

**2581.62**

(Revised 12/99)

Additional work injury and illness reporting and recording is required by the California Occupational Safety and Health Act (CAL/OSHA). Generally, all job-related injuries and illnesses must be posted on CAL/OSHA Form 200, Log and Summary of Occupational Injury and Illnesses. A separate copy of Employer's Report of Occupational Injury or Illness, SCIF 3067 (STATE) is to be kept with the log for all entries and CAL/OSHA Form 200 is to be completed and posted by February 1st of each year. Specific CAL/OSHA reporting and recording information can be obtained by requesting the booklet entitled "Recordkeeping and Reporting Requirements under CAL/OSHA" from the Division of Labor Statistics and Research, Department of Industrial Relations.

If the work injury or illness to be reported results in death or causes an employee to be hospitalized for more than 24 hours, to lose any member of the body, or to suffer any serious permanent disfigurement, the CAL/OSHA act requires employers to notify immediately by telephone or telegraph the Division of Occupational Safety and Health, Department of Industrial Relations. This immediate notification is in addition to sending the SCIF 3067 (STATE) to SCIF.

Telephone numbers of the Occupational Safety and Health Divisions are in the State of California Telephone Directory under Department of Industrial Relations, and also may be found on the CAL/OSHA poster "Safety and Health Protection on the Job."

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**NOTICES TO INJURED EMPLOYEES REGARDING THEIR CHOICE OF BENEFITS**

**2581.9**

(Revised 12/99)

In order to assist employees in selecting the proper disability benefit, state departmental personnel offices shall provide the employees with the Industrial Disability Benefits Information form, STD. 619, and the Benefits Option Selection Sheet form, STD. 618. Departments must complete the reverse of STD. 618, and send both forms to the employee within 15 days of the date SCIF accepts the claim.

**MEDICAL TREATMENT**  
(Revised 12/99)

**2582**

It is state policy to provide all necessary and reasonable medical treatment for employee injuries that are caused by the performance of official duties. Each agency must post a complete STD. 621, at state offices and places of state work.

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### **FIRST AID KITS (REVISED 3/96)**

**2582.1**

First aid kits must be provided and readily available to all employees.

The Department of Personnel Administration defines and identifies first aid supplies and requests compliance with the guidelines presented.

First Aid: That assistance provided the sick or injured before medical help is available but only with the express purposes of controlling loss of blood, sustaining breathing, and reducing the effects of shock. Suitably trained personnel are highly recommended. Medical diagnosis, treatment, and provision of medicines or drugs (aspirin included) are not appropriate.

These supplies have been approved by a consulting physician, as required by General Industry Safety Orders, Section 3400:

#### Item

Sterile gauze pads 4"  
Roller gauze 1"  
Paper of adhesive tape 1/2"  
Triangular bandage  
Sterile package of band-aids 1"  
Sterile compress bandage 3"  
Elastic bandage 3"  
Sting swabs  
Soap cloths  
Container (sealable plastic bag with fairly heavy wall, metal or plastic box.)

All other first aid supplies determined by agencies to be necessary for their operations, will need to be approved by a consulting physician.

(Code reference: Section 3400, Title 8, Chapter 4, California Code of Regulations. Although there may be other codes involved, the above list of supplies was developed in conjunction with Department of Industrial Relations and the Department of Health Services and are considered appropriate for standardized kits.)

Agencies may contact the Office of Risk & Insurance Management's first Aid/CPR Coordinator for assistance in training personnel in first aid/cardiopulmonary resuscitation.

## SAM – WORKERS' COMPENSATION

### **TREATMENT BY A PHYSICIAN (REVISED 3/96)**

**2582.2**

Notice to State Employee form, STD. 621, provides for a listing of physicians who will accept Workers' Compensation cases. The agency is required to provide the names, addresses, and phone numbers of physicians in the vicinity of the place of employment. State Compensation Insurance Fund (SCIF) will assist in locating these physicians.

Supervisors are responsible for getting the injured person to a physician for the first treatment. The supervisor must have the physician's estimate of the employee's limitations, an estimate of when the employee can return to work, and the schedule of treatment for the recovery period. Such information can be obtained from the physician, SCIF Adjuster, or the employee. After the first treatment by a physician, SCIF will follow-up on further treatment and recovery of the injured.

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**CHANGING PHYSICIANS (REVISED 3/96)**

**2582.3**

If an employee has not notified the agency that he/she wishes to be treated by a personal physician, the department has the right to direct the employee's medical treatment. If during this period the employee desires to change physicians, the employee should contact SCIF to see if a change can be accomplished. After 30 days if treatment continues, the injured worker, with certain reasonable limitations, can choose whatever physician or facility is desired. The employee must notify SCIF of the name and address of the physician or facility selected.

## SAM – WORKERS' COMPENSATION

### **ALTERNATIVE METHODS OF TREATMENT (RENUMBERED FROM 0482.4 2/83)**

**2582.4**

Section 3209.7 of the California Labor Code permits treatment of injuries under the Workers' Compensation law by forms of therapy, treatment or healing practice other than medical methods when agreed upon voluntarily in writing by the employee and employer.

When an employee indicates he/she wishes to enter into such an agreement, he/she must complete Agreement Concerning Treatment for Industrial Injuries, DWC Form 710, since this is the only form of agreement approved by the Division of Workers' Compensation, Department of Industrial Relations. The form must be completed and signed in triplicate. One copy will be retained by the employee and one copy will be retained by the employing agency. The last copy should be sent to the State Compensation Insurance Fund and the SCIF office should be informed when such agreements are terminated.

The State Compensation Insurance Fund recognizes these agreements but reserves the right to request the evaluation and/or treatment by a medical doctor or hospital if warranted. Each case will be evaluated individually by SCIF. Refusal by the employee to comply with the requested evaluation and/or treatment may jeopardize his/her benefits.

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**HOSPITAL AND AMBULANCE SERVICE (RENUMBERED FROM 0482.5 2/83)**

**2582.5**

Notice to State Employees form, STD. 621, must contain ambulance and hospital listings for emergency use. All other ambulance service and hospital arrangements will be made as directed by the physician or State Compensation Insurance Fund.

## SAM – WORKERS' COMPENSATION

### **TEMPORARY DISABILITY (REVISED 6/90)**

**2583.1**

Temporary disability is a benefit payable if a job-related injury or illness results in an inability to work for more than 3 calendar days. In cases where hospitalization is required, the employee is disabled as a result of a criminal act of violence or, the loss of time exceeds 14 days, temporary disability is paid for the first three days. The waiting period starts the first day following the date of injury. No charge is made for absence on the day of injury.

The waiting period need not consist of consecutive days. Portions of days of absence for doctor's appointments or because the employee is unable to work subsequent to date of injury may be accumulated to full days and charged to the waiting period.

Most disabled state employees qualify for Industrial Disability Leave. See SAM Section 2583.11. Industrial Disability Leave may be paid in lieu of temporary disability. In many cases the disabled, state employee will be able to choose between Industrial Disability Leave or temporary disability with or without supplementation by their leave credits. Those disabled employees who qualify for and choose temporary disability are allowed to use any accrued sick leave, vacation time, or excess time credits to make up the difference between the temporary disability payments and normal salary. (Government Code Section 19863.) The maximum weekly temporary disability payment is \$266 for injuries occurring on or after January 1, 1990.

Hours lost subsequent to a full work release for such things as routine doctor's appointments or therapy may not be accumulated and reported to the State Fund as full days lost for purposes of temporary disability. However, under certain conditions, employees may qualify for temporary partial disability payments. See SAM Section 2583.12.

The benefit normally ceases when the employee returns to work or the medical condition has stabilized. See SAM Section 2583.10 for an exception to this rule.

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**VOCATIONAL REHABILITATION TEMPORARY DISABILITY (REVISED 6/90)**

**2583.10**

Under Labor Code Section 139.5 a qualified injured employee enrolled in and approved vocational rehabilitation program shall continue to receive temporary disability benefits, or Industrial Disability Leave, or for injuries on or after January 1, 1990, a vocational rehabilitation maintenance benefit, if appropriate, even though his/her medical condition has stabilized. For further information on this benefit contact your local State Compensation Insurance Fund office.

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### **INDUSTRIAL DISABILITY LEAVE (REVISED 6/90)**

**2583.11**

Industrial Disability Leave (IDL) is a benefit available to legislative employees and members of the Public Employees' Retirement System (PERS) or the State Teachers' Retirement System (STRS) in lieu of Workers' Compensation Temporary Disability (WCTD) benefits (Government Code Sections 19869–19877.1). Disabled employees shall not be placed on Industrial Disability Leave for any period of time during which the gross amount of Industrial Disability Leave payments is less than Workers' Compensation Temporary Disability without supplementation.

Industrial Disability Leave is subject to a three-day waiting period which is waived if the employee is hospitalized, disabled as a result of a criminal act of violence, or disabled more than 14 calendar days. Any fraction of a day paid on Industrial Disability Leave is counted as a full calendar day on Industrial Disability Leave.

The amount of Industrial Disability Leave varies and is limited to 52 weeks of payments (365 calendar days) within a two-year period beginning on the first day of disability. Payments for the first 22 working days of disability shall be in the amount of the employee's full pay, less voluntary deductions and withholding for Federal and State income taxes and OASDI. Thereafter, the payments shall be two-thirds gross pay less voluntary deductions for up to an additional 11 months. No leave credits are used. The employee continues to receive full credit, such as sick leave, vacation, and merit salary adjustments. Contributions to PERS/STRS shall be deducted from all Industrial Disability Leave benefit payments in the amount based on full pay. Industrial Disability Leave payments are not reported as wages on Form W-2.

The State Compensation Insurance Fund will use Temporary Disability Verification of State Employees, SCIF Form 3290, to verify the period of temporary disability. For detailed information on the personnel and payroll processing of Industrial Disability Leave, refer to the Personnel Transactions Manual Sections 428–434 and the Payroll Procedures Manual Section 45.

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### **TEMPORARY PARTIAL DISABILITY (REVISED 6/90)**

**2583.12**

Employees released by their treating physician to part-time work qualify for temporary partial disability payments under certain conditions. The payments are calculated by State Fund on a weekly basis under the concept of "wage loss" (Labor Code 4654). The employee is entitled to two-thirds of a weekly loss of wages if the gross wage (based upon the actual hours worked) is less than the normal gross wage and falls below, for injuries happening on or after January 1, 1990, \$399 in any calendar week. Contact your local SCIF office for assistance.

## **SAM—WORKERS' COMPENSATION**

### **PERMANENT DISABILITY (REVISED 10/84)**

**2583.20**

When the injured's condition has stabilized (the treating physician says it will get no better nor worse), the employee may be entitled to permanent disability payments.

Permanent disability payments are due if there are lasting effects from the job-related injury or illness. Permanent disability payments are not supplemented with leave credits.

If an employee is released from temporary disability compensation and starts receiving permanent disability compensation, then he/she may still be able to return to work at his/her prior position. This decision is based upon the medical restrictions placed upon the individual by the treating physician in the final report. If an employee receiving permanent disability is not able to return to work, the department is required to initiate one of the actions outlined in Government Code 19991.4.

## **SAM—WORKERS' COMPENSATION**

### **AUDITS—WORKERS' COMPENSATION BENEFITS (RENUMBERED FROM 9484 2/83)**

**2584**

Agencies will reconcile billings submitted by the State Compensation Insurance Fund for proper charges against funds or policies of insurance, as well as credits and debits of temporary disability benefits. By memorandum, State agencies will keep State Compensation Insurance Fund informed of discrepancies. See SAM Sections 8780, 8780.1, and 8780.2.

**EMPLOYEE TOXIC EXPOSURE RECORDS (REVISED 6/90)**

2590

All employers, including the State, are required to comply with the CAL/OSHA safety orders. General Industry Safety Order (GISO) Section 3204, (Title 8, California Code of Regulations) became effective April 1, 1981, and it requires the following:

- If employer creates, obtains, or has access to records of exposure or medical records of employees exposed to toxic substances or harmful physical agents, then the employer must maintain the records for the length of employment of the employee plus 30 years;
- The employer must make these records available to employees, their representatives or the Division of Occupational Safety and Health (DOSH) without cost, within 15 days of a request;

**WARNING: DO NOT RELEASE EMPLOYEE MEDICAL RECORDS TO UNAUTHORIZED THIRD PERSONS.** If in doubt contact your legal office, the State Personnel Board Office of Information Practice or the Department of General Services, Office of Insurance and Risk Management.

- Requests for these records must be made in writing by the employee. If the employee designates a representative to obtain the records then the employee must provide a written authorization form. A sample authorization form is contained in GISO 3204;
- If the employee requests the information, and if in the opinion of the physician representing the employer the employee may be harmed by that information, then the information may be withheld from the employee. But in no event can the information be withheld from the employee's designated representative. See 8 CCR 3204 (e) (2) (B) 4 and 5.
- Care must be taken when releasing records to a requesting employee or a designated employee representative. If the records contain any information identifying another employee (e.g., by name, address, social security number, payroll number, age, height, weight, race, sex, date of initial employment, job title, etc.) the employer shall assure that personal identifiers are removed before access to the records is provided to the requesting employee or designated representative. If the employer can demonstrate that removal of personal identifiers from an analysis is not feasible, access to the personally identifiable portions of the analysis need not be provided. See 8 CCR 3204 (e) (2) (C) 2.

**TOXIC CHEMICAL SAFETY ORDER REQUIREMENTS**

**2590.1**

(Revised 03/02)

In order to comply with the safety order, the following statewide policy is established:

- The director of each department shall designate an individual to be responsible for employee toxic exposure records. It is suggested that the departmental Safety Coordinator, Return-to-Work coordinator or the Personnel Officer be designated.
- For purposes of GISO No. 3204, the State of California is deemed to be one employer, exclusive of the employees of the Regents of the University of California.
- Employee toxic exposure records shall be retained by the employing State agency until the employee transfers to another state agency or until the employee separates from State service. Departments may, at any time store retained records at the Department of General Services' State Records Center (SRC). The department must include the toxic exposure records in their Departmental Records Retention Schedule. See your Departmental Records Management Coordinator. Whenever toxic exposure records are sent to the State Records Center, a copy of the Records Transfer List must be placed in the employee's personnel file.
- Upon transfer to another state agency, the toxic exposure records shall be transferred to the new agency. Any toxic exposure records at the State Records Center shall be retrieved and sent to the new agency.
- Upon separation from state service, for whatever cause, the toxic exposure records shall be sent to the State Records Center, as custodian. These records must be kept for 30 years after state employment ends. See SAM Section 1670. The record shall remain the property of the agency transferring the document to State Records Center.
- The departmental designee shall develop and establish procedures for the orderly filing, retention, flagging, and retrieval of employee toxic exposure records.
- Every state agency shall post notices in conspicuous places, stating where employee toxic exposure records are kept and who is responsible for maintaining and providing access to these records. CAL/OSHA Form S-11, Access to Medical and Exposure Records, can be used to meet this requirement. A supply of these forms may be obtained from the nearest CAL/OSHA Office.
- Environmental or workplace monitoring or measurement records which affect more than one state agency or more than one employee shall be retained by each safety coordinator, or other departmental designee, of the affected state agencies, and a copy of such records shall be sent to the Office of Risk and Insurance Management, Department of General Services. The Office of Risk and Insurance Management shall store its copy at the State Records Center for the prescribed time. If you have any questions contact the Office of Risk and Insurance Management, at (916) 376-5285 or CALNET 480-5285.

## SAM—WORKERS' COMPENSATION

### MATERIAL SAFETY DATA SHEETS

2590.2

(Revised 7/97)

General Industry Safety Order (GISO) #5194 requires the state to make Material Safety Data Sheets (MSDS) and training available to employees prior to assignment in an area where there is a potential for exposure to a hazardous substance. This Safety Order became fully effective and enforceable on February 21, 1983. In order to comply with this Safety Order the following procedures will apply for all state agencies:

- 1) Any and all departments ordering state contract purchase items which have substance on the Director's (DIR) List of Hazardous Substances, will require all vendors (DGS Procurement Division or otherwise), to supply MSDS to their offices. (For DIR list, see Code of Regulations, Section 339.)
- 2) It is the responsibility of each department or agency director to:
  - a) See that employees are trained prior to the assignment in an area where there is a potential for exposure to hazardous substance.
  - b) Establish internal procedures to collate and obtain MSDS on hazardous substance which are purchased either through the DGS Procurement Division or other purchasing systems. Receiving clerks should be advised to follow internal departmental procedures in making the appropriate filing and distribution of the MSDS.
  - c) Establish internal procedures to maintain MSDS and to supply them to employees as needed.
  - d) Confirm that the departmental Safety Coordinator is knowledgeable about General Industry Safety Order #5194 and Material Safety Data Sheets.

## SAM—WORKER'S COMPENSATION

### ASBESTOS NOTIFICATION TO EMPLOYEES (REVISED 6/96)

2591

The purpose of this section is to help agencies, managers, and supervisors meet their responsibilities as employers.

State agencies needing information about the existence of asbestos in DGS buildings should contact the Building Manager. The Division of the State Architect will advise agencies in other state-owned buildings. The Office of Real Estate and Design Services will advise departments in leased space when they have knowledge of the presence of asbestos in the building.

The agency contacts for information relating to asbestos notification to employees are Dan Hood, Division of the State Architect, and Steve Savage, Office of Real Estate and Design Services. For further information contact Marilee Courtright, Office of Buildings and Grounds. (See SAM Section 0030 for contact telephone numbers.)

#### Statutory Authority

Health and Safety Code Section 25915 et seq., mandates asbestos notification to employees.

#### Major Policies

The Division of the State Architect has conducted surveys in state-owned buildings for the presence, location, and condition of asbestos. Additional inspections may have been conducted by other agencies. Reinspections may be conducted by the Division of the State Architect, or may be required to be performed by the occupying state agency pursuant to the Asbestos Hazard Emergency Response Act (AHERA).

State agencies that occupy buildings constructed prior to 1979, and know of the presence of asbestos materials in the building, are required to provide written notification to employees working in the building. Notices are required within 15 days of knowledge and shall then be made annually to all employees.

The head of the state agency is responsible for Asbestos Notification to Employees. It is suggested that the Departmental Asbestos Coordinator be designated by the agency head to carry out this duty.

The state agency that operates or controls the building must deliver a copy of the notification to other departments with employees working in the building. New employees, agencies new to the building, or contractors shall be provided notice within 15 days of commencing work in the building.

Written notice shall include the following information:

1. A description or list of the contents of any survey conducted to determine asbestos-related conditions within the building, and where and when the results of the survey are available.
2. Specific locations identified by the survey or known to the agency where asbestos materials are present.
3. General procedures and handling restrictions to minimize disturbance and exposure to asbestos. Indicate where information can be found when detailed handling instructions are necessary.
4. Results of any bulk sampling analysis or air monitoring conducted for or by the agency, and information describing where the specific data are available.

(Continued)

## **SAM—WORKER'S COMPENSATION**

(Continued)

### **ASBESTOS NOTIFICATION TO EMPLOYEES (REVISED 6/96)**

**2591**

5. Potential health risks or impacts that may result from exposure to asbestos in the building.

If any construction, maintenance, or remodeling is conducted in an area of the building where there is the potential for employees to come into contact with, or to release or disturb, asbestos materials, the state agency, or agent of the owner responsible for the asbestos-related work will be required to post that area with a clear and conspicuous warning. See 2591 Illustration.

All existing asbestos survey and monitoring data, specific to the building, shall be made available to the employees or their representatives upon request. This information shall be kept within the building and be available at times convenient and accessible to employees, and their representatives, for review and photocopying.

# **WARNING SIGN**

**DANGER ASBESTOS**

**CANCER AND LUNG  
DISEASE HAZARD**

**DO NOT DISTURB  
WITHOUT PROPER  
TRAINING AND EQUIPMENT**

The words on signs should be in block letters at least one inch in height with principal strokes of letters of not less than 1/4 inch wide.

Letters should be of such color and design as to be in strong contrast to the background of the sign. Signs should be posted at a sufficient distance from the asbestos work area that employees may read the signs and take necessary precautions before entering the area marked by the signs.