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WORKERS' COMPENSATION AND INJURY PREVENTION 2580

(Revised 12/13)

The purpose of this section is to help Departments meet their responsibilities as employers by: establishing uniform policies to report workers' compensation injuries* timely, to pay benefits promptly, and to return employees to work as soon as possible. Department(s) is defined as departments, agencies, boards, commissions, or other subdivisions of the California State Government

*Injury is described as any injury or disease arising out of employment (Labor Code 3208) which causes disability or need for medical treatment (Labor Code 3208.1).

STATE WORKERS' COMPENSATION 2580.1

(Revised 12/13)

The State Workers' Compensation Program (WCP) in the California Department of Human Resources is responsible for the management of the Master Agreement for workers' compensation claims between State Compensation Insurance Fund (State Fund) and all legally uninsured State Departments. The WCP also provides training and publications, offers guidance and consultation, and reviews legislation.

DEPARTMENT RESPONSIBILITY 2580.2

(Revised 12/13)

Departments shall:

Appoint (at least one) Return to Work Coordinator (RTWC) who will be primarily responsible for managing the department's workers' compensation claims and ensuring injured employees are returned to work as soon as medically feasible.

Choose a medical provider that is part of the State Fund Medical Provider Network (MPN) and can provide immediate treatment in the event of a work-related illness or injury.

Post the chosen provider along with other appropriate notices in conspicuous place(s).

Provide every employee at time of hire or by the end of the first pay period written notice of their rights under the workers' compensation system an opportunity to pre-designate their personal physician to treat the employee in case of a work-related illness or injury.

Establish, implement and maintain written policies for prompt response to and reporting of a work-related illness or injury.

Train all supervisors and managers of their responsibilities in the event of a work-related illness or injury.

Provide the *Workers' Compensation Claim Form* (DWC 1) *& the Notice of Potential Eligibility* (e3301) to the employee within one working day of knowledge of a potential work-related illness or injury.

Submit the *Employers' Report of Occupational Injury or Illness* (e3067) to State Fund within five calendar days of knowledge of an illness or injury.

Authorize first medical treatment at the posted facility or pre-designated physician within one day of receipt of the completed *Claim Form* (DWC 1) or within three days of knowledge of the illness or injury.

Provide transportation or accompany the employee to the first medical appointment.

Ensure payroll is processed properly so the ill or injured employee receives all required benefits timely; see section E300 and E400 of the State Controller's Payroll Procedures Manual (PPM).

Maintain contact with the injured employee and facilitate return to work as soon as possible

VOLUNTEERS **2580.3**
(Revised 12/13)

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. 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.

Departments should contact their State Fund office annually to discuss the status of their volunteers.

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 12/13)

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 departmental procedures.

RESPONSIBILITY OF INJURED EMPLOYEE **2581.1**
(Revised 12/13)

The employee shall:

Read and understand the workers' compensation posters, pamphlets, brochures, and forms provided by the department.

Report all incidents, illnesses, and accidents promptly.

Complete the State Fund e3301 and return to the department to pursue a workers' compensation claim.

Obtain first aid for minor injury.

Seek medical treatment at the posted provider unless a personal physician has been pre-designated in writing (and the physician agreed) before the date of illness or injury.

Provide State Fund and the department with copies of medical notes or reports received from the treating physician. These notes/reports contain information regarding the employee's ability to work including any restrictions which must be considered by the department.

Maintain contact with the department and return to work as soon as it is medically feasible.

Submit medical substantiation for all time lost due to the work-related illness or injury.

RESPONSIBILITY OF EMPLOYER **2581.2**
(Revised 12/13)

The employer 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. Employer includes every person having direction, management, control, or custody of any employment, place of employment, or any employee.

The employer shall:

Assure that first aid is administered for minor injuries or arrange medical treatment by an employer selected physician or the employee's pre-designated physician when necessary. For extreme emergency get the injured to any available doctor, hospital, or public medical service.

Arrange for treatment with the employer selected physician or medical facility within the Medical Provider Network (MPN) or with the employee's pre-designated personal physician or medical group.

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

(Note: The employer or designated representative can accompany the employee to get medical treatment.)

Provide the ill/injured employee with the Workers' Compensation Claim Form & Notice of Potential Eligibility form (DWC 1 /e3301) if medical treatment other than first aid was required or the illness or injury results in lost time. The SCIF e3301 must be provided to the injured employee within one working day of the department's notification an illness or injury has occurred.

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 e3067 (STATE).

Submit SCIF e3067 (STATE) to State Fund.

The employer shall:

Maintain contact with injured employee.

Arrange for completion of Absence and Additional Time Worked Report STD. 634 or equivalent form, for payroll purposes.

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

Forward all medical documentation to the departmental Return-to-Work Coordinator.

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RESPONSIBILITY OF EMPLOYER **2581.2** (Cont. 1)
(Revised 12/13)

The employer 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 e3067 (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 e3067 (STATE) for completeness of data.

Submit SCIF e3067 (STATE) and SCIF e3301 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 e3067 (STATE) outlining the facts as they are known and request further investigation by State Compensation Insurance Fund.

EMPLOYER'S REPORT OF OCCUPATIONAL INJURY OR ILLNESS
SCIF E3067 (STATE) FORM **2581.3**
(Revised 12/13)

State Fund must receive the employer's report within five calendar days of the employer's knowledge or notification that a work-related injury or illness has occurred. The form must be submitted in the following situations:

- A work-related injury or illness results in lost time beyond the date of injury or medical treatment beyond first aid;
- An employee presents a doctor's note stating an injury or illness is or may be work related;

  or
- A completed *Claim Form* (DWC 1) is received from either the employee, their doctor, their attorney or State Fund

For instructions on how to complete and submit this report, please see the publication Workers' Compensation Claim Kit, Instructions for Completing the Forms Required to Report a Work-Related Injury or Illness on the California Department of Human Resources website: http://www.calhr.ca.gov/Documents/claim-kit.pdf

WHERE TO SEND SCIF E3067 AND E3301 (STATE) FORMS **2581.4**
(Revised 12/13)

Departments shall submit the Employer's Report of Occupational Injury of Illness form, SCIF e3067 (STATE) to State Fund within five calendar days of the employer's date of knowledge of the illness, injury or death. First reports of injury may be submitted via the Electronic First Report of Injury (EFROI) which is accessed through State Fund Online. EFROI is preferred however faxes to the customer service center are also acceptable. If the injury is serious, the Department may call the assigned State Contract Services office directly.

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

CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH ACT 2581.5
(Revised 12/13)

Additional work injury and illness reporting and recording is required by the California Occupational Safety and Health Act (CAL/OSHA). Information may be found at the Division of Occupational Safety and Health (Cal/OSHA), Department of Industrial Relations website at http://www.dir.ca.gov/.

NOTICES TO INJURED EMPLOYEES REGARDING THEIR CHOICE TO SUPPLEMENT 2581.6
(Revised 12/13)

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

MEDICAL TREATMENT 2582
(Revised 12/13)

It is state policy to provide all necessary and reasonable medical treatment to an employee who suffers an injury or illness on the job. Each department by law, must post in a conspicuous location frequented by employees a Notice to Employees poster (English e13913) (Spanish e13914). This notice informs an employee of his or her right to receive medical treatment in the event of a work-related illness or injury and of his or her right to pre-designate a personal physician. The notice shall list the contact information for the hospital and physician the department has selected to provide treatment in the event of a work-related illness or injury.

Departments must also post the Guide to the State Fund Medical Provider Network (MPN) for State of California Employees brochure (e13174) in close proximity to this notice. The State Fund MPN is a selected network of physicians and other medical service providers who provide treatment to workers injured on the job.

FIRST AID KITS (REVISED 3/96) **2582.1**

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

The California Department of Human Resources 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.

TREATMENT BY A PHYSICIAN **2582.2**

(Revised 12/13)

Notice to State Employee form, e13913, provides the name of the chosen medical provider who is in the Medical Provider Network (MPN) for the department. The department is required to post the notice in a place accessible to employees. The name of the MPN for your department will be listed on the bottom of the poster). The MPN is a group of health care providers which includes a mix of doctors specializing in work-related injuries and doctors with expertise in general areas of medicine. Employees covered by an MPN will have their workers' compensation medical needs taken care of by doctors in the network unless they pre-designated their personal doctor and did so before their injury happened. State Compensation Insurance Fund (State Fund) will assist in locating these physicians.

Departments are responsible for getting the injured person to a physician for the first treatment. The medical report 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. After the first treatment by a physician, State Fund will follow-up on further treatment and recovery of the injured.

CHANGING PHYSICIANS **2582.3**
(Revised 12/13)

If an employee has not notified the department that he/she wishes to be treated by a personal physician, the department has the right to direct the employee's medical treatment. After the initial medical evaluation with an MPN doctor an employee has the right to choose another primary treating physician or subsequent physician from the State Fund MPN.

TEMPORARY DISABILITY **2583.1**
(Revised 12/13)

Employees who are unable to work due to the effects of their work related illness or injury are entitled to a temporary disability (TD) benefit. Any time lost on the date of injury is paid as *Administrative Time Off (ATO). TD benefits commence after the employee has served a three day waiting period. The waiting period is waived if the employee is temporarily disabled for more than 14 days, is hospitalized, or the injury was a criminal act of violence against the employee.

TD benefits are paid directly to the injured employee by State Fund. The TD benefit is 2/3 of the employee's average weekly wage, subject to the minimum and maximum benefit amounts in place for the date of injury.

Employees may choose to supplement their TD payments with available leave credits to make up the difference between the TD benefit and their normal take home salary. TD payments are not taxable, but supplementation is taxed at the employee's normal rate. The employee continues to receive full service credit, leave accruals, and merit salary adjustments. No contributions to CalPERS/CalSTRS are made from TD payments.

TD benefits cease when the employee is no longer temporarily totally disabled or the statutory limit is reached.

Industrial Disability Leave will be paid in lieu of temporary disability for all eligible employees. See SAM Section 2583.11.

*ATO is a form of paid administrative leave status initiated by appointing authorities.

INDUSTRIAL DISABILITY LEAVE **2583.11**
(Revised 12/13)

Industrial Disability Leave (IDL) is paid in lieu of Temporary Disability (TD) to State employees who are members of the Public Employees' Retirement System (PERS) or the State Teachers' Retirement System (STRS).

Like TD, IDL 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. Only one waiting period is served per claim.

IDL benefits are payable for a maximum of 52 weeks of payments within a two-year period beginning on the first day of disability. Time lost on the date of injury is paid as ATO.

IDL payments are based on the employee's current wages. For the first 22 work days, the employee receives the full net salary, thereafter IDL payments are 2/3 of the gross salary. Employees may choose to supplement their reduced IDL payments with available leave credits up to their normal take home salary.

TEMPORARY PARTIAL DISABILITY **2583.12**
(Revised 12/13)

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 the maximum rate set by law in any calendar week. Contact your local State Fund office for assistance.

PERMANENT DISABILITY **2583.20**
(Revised 12/13)

When the insured'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.

AUDITS—WORKERS' COMPENSATION BENEFITS **2584**
(Revised 12/13)

Departments 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 and 8780.1.

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.

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(Continued)
TOXIC CHEMICAL SAFETY ORDER REQUIREMENTS **2590.1** (Cont. 1)
(Revised 03/02)

- 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 form 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.

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.

ASBESTOS NOTIFICATION TO EMPLOYEES 2591

(Revised 3/14)

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 Real Estate Services Division (RESD) will advise departments in leased space when they have knowledge of the presence of asbestos in the building.

Statutory Authority

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

Major Policies

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.

In agency-owned buildings, the agency is responsible for Asbestos Notification to Employees. It is suggested that the building manager 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.

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.