# Workers' Compensation Program

## Guide for Managers and Supervisors

The purpose of this guide is to provide supervisors and managers with information related to the Workers' Compensation Program and how it works should an employee become ill or injured during the course of work. The intent is to help you understand your responsibilities to ensure proper procedures are followed and to ensure the required state and federal regulations are met.

This guide is designed to give you the tools needed to navigate issues involving injured employees. If a work-related injury or illness does occur, you are expected to be prepared with at least some basic information, and therefore, it is important to read this guide *before* an injury/illness occurs. You need to know what steps to take and who to contact when responding to emergency and non-emergency situations. This guide contains a quick reference flowchart, detailed steps of how to manage an employee injury, important contacts, campus roles, a workers' compensation overview, missed time from work and wage replacement programs.

# How to Manage a Work-Related Injury

**EMPLOYEE INJURED AT WORK**

## MEDICAL EMERGENCY

- **CALL 911**
- If you were connected with San Marcos emergency services, call **UPD at (760) 750-4567** to ensure coordination and proper notification to SHS
- EMS transports employee to nearest hospital
- Confirm where the ambulance is taking the employee
- Pre-authorization is NOT required for emergency room treatment
- Upon request of the employee call their emergency contact. If they are unable to make the request, call their emergency contact
- If the emergency occurs during regular work hours call the WC Coordinator at (760) 750-4438. Outside work hours notify via email: edikitanan@csusm.edu or leave a voice message

**Manager must complete and return the "CSUSM Employee Accident/ Incident Form" immediately; and no later than 24 hours.**

**If possible, employee to complete and return WC forms (DWC-1 and intake sheet) to WC Coordinator within 24 hours via email, fax or in-person**

Remain in communication with your employee or your employee's emergency contact and relay status to SHS for compliance with mandatory OSHA reporting requirements.

## NON-EMERGENCY Medical Attention Needed

- **Contact Safety, Health, and Sustainability (SHS) at (760) 750-4502.**
- **Contact the WC Coordinator/ OHR at (760) 750-4438**
- Pre-authorization for treatment **IS Required**
- Employee to complete WC forms (DWC-1 and intake sheet) and return them to the WC Coordinator prior to going for treatment, if possible however must be within 24 hours
- WC Coordinator will work directly with the employee to provide authorization for treatment

Transport Options (in order of priority)

- If injured/ill employee is able to drive to the medical facility they will transport themselves
- If unable to drive or expresses concerns about driving, employee's manager (MPP only) or another MPP may transport the employee
- A non-CSUSM employee (friend or family member) may drive the employee
- If none of the above options are available, contact UPD for assistance

**Manager must complete and return the "CSUSM Employee Accident/ Incident Form" by the end of the workday in which the injury/illness occurs; and no later than 24 hours.**

## NON-EMERGENCY Medical Attention NOT Needed

No transport is needed, however if employee wishes to go home and needs a ride, follow Transport Options in column 2 (taking employee home instead of medical facility) if feasible.

**Manager must complete and return the "CSUSM Employee Accident/ Incident Form" by the end of the workday in which the injury/illness occurs; and no later than 24 hours.**

The WC Coordinator will provide the appropriate WC forms to the injured employee to complete and return as instructed to document the incident.

Workers' Comp Coordinator
Ed Dikitanan
Call on Teams
Email: edikitanan@csusm.edu
Phone: (760) 750-4438

Safety, Health & Sustainability
shs@csusm.edu
(760) 750-4502

HR Benefits Office
hrbenefits@csusm.edu
(760) 750-4418

The **CSUSM Employee Accident/Incident Form** is available on Safety, Health & Sustainability's website: https://www.csusm.edu/shs/resources/forms.html

# WHAT TO DO IF AN EMPLOYEE IS INJURED AT WORK

**STEP 1:** DETERMINE LEVEL OF CARE NEEDED

## EMERGENCY

**If it is determined this is not an emergency, provide appropriate First Aid and Proceed to step 2**

First, determine if this is an **EMERGENCY**

Any of the following conditions would be considered an emergency:

- Loss of consciousness, disorientation, lack of coordination, and/or slurred speech (especially following a head injury)
- Severe and/or uncontrollable bleeding
- Partial or full amputation of a digit or limb
- Fracture with deformity and/or bone exposure
- Seizure
- Wheezing or facial swelling associated with an allergic reaction or insect bite/sting (signs of a possible anaphylactic reaction)
- Snake bite (unless it is in a controlled environment such as the vivarium where it can be determined with certainty this is not a venomous snake)
- Chest pain/pressure or unusual shortness of breath lasting more than 3 minutes

THESE ARE GUIDELINES ONLY!

IF EVER IN DOUBT, TREAT THE SITUATION AS AN EMERGENCY AND

**CALL 911**

## If this is an emergency or anything requiring paramedic/ambulance:

➡ **Call 911 or University Police** at (760) 750-4567

*NOTE: **911** from a **campus phone** will take you to UPD; 911 from a cell phone will also likely take you to UPD, depending on your exact location and your carrier, but may take you to San Marcos emergency response, which is fine. If you reach San Marcos, give them the information, and then you should ALSO call UPD to let them know, as they can help the outside responders get to the correct location on campus.*

➡ UPD will initiate emergency services as necessary and notify Safety, Health & Sustainability.

➡ Remain in communication with the employee (if possible) or the employee's emergency contact* and report updates to Safety, Health, & Sustainability (SHS) as soon as possible at (760) 750-4502.
**Employee emergency contact information is available in PeopleSoft: My HR Resources/Manager Resources/Personnel Information.*

Notify the WC Coordinator via Teams or by calling (760) 750-4438. If outside business hours send a notification email to (edikitanan@csusm.edu ) or leave a voice message at (760) 750-4438, the appropriate paperwork will be handled the next business day. Alternate contact: hrbenefits@csusm.edu / (760) 750-4418.

**- Proceed to Step 3 -**

## NON-EMERGENCY

**If it is determined to be a non-emergency and it's during regular business hours, provide appropriate First Aid and continue with Step 2**

### **STEP 2:** CONTACT WC COORDINATOR & ARRANGE FOR TRANSPORTATION

- Contact Edward Dikitanan, Workers' Compensation Coordinator, via Teams or by calling (760) 750-4438. If Edward is not available, please call (760) 750-4418 to be connected to the appropriate person who can act on his behalf.
- Injuries requiring medical care, the WC Coordinator will authorize and coordinate medical treatment for the employee with one of the contracted campus occupational medical care providers.

Important; Prior authorization for treatment is required for non-emergency injuries or illnesses. Please do not send the employee to any medical facility without the direction of the Workers' Compensation Coordinator. Written authorization for treatment will be provided to the employee along with instructions and necessary claim paperwork.

### **STEP 3:** COMPLETE AND SUBMIT PAPERWORK

- The **EMPLOYEE** will be provided with a "Work Comp Claim Form" (DWC-1) and an "Employee Intake Form" which are to be completed and returned to the WC Coordinator prior to going for treatment if possible, or within 24 hours.
  - WC Claim Form (DWC-1): https://adobesigndynamicworkflow.csusm.edu/hr_benefits
  - Employee Intake Form: https://www.csusm.edu/hr/wc/documents/wc_ee_intake_2025.pdf
- The **EMPLOYEE'S SUPERVISOR OR MANAGER** is required to complete the CSUSM Employee Accident Incident Form immediately at the time of the incident or knowledge of the incident. Must be within 24 hours.

The **CSUSM Employee Accident/Incident Form** is available on Safety, Health & Sustainability's website: https://www.csusm.edu/shs/resources/forms.html

## AFTER HOURS CARE

### Emergency

**Dial 911** and/or go to the nearest emergency treatment facility.

**To ensure SHS is properly notified, call UPD at (760) 750-4567 as mandatory OSHA reporting requirements must be met.**

Notify the WC Coordinator via email (hrbenefits@csusm.edu ) or leave a voice message at (760) 750-4418, the appropriate paperwork will be handled the next business day.

**Main Campus – After Hours Care:**
Kaiser On-The-Job; After-Hours/Urgent Care
400 Craven Road
Building 3, 1st Floor
San Marcos, CA 92078
(833) 242-8500
Monday – Friday, 5 p.m. to 8 p.m.; Saturday and Sunday, 9 a.m. to 5 p.m.

Kaiser Permanente San Marcos Medical Center – Emergency Department
360 Rush Drive, 1st Floor
San Marcos, CA 92078
(833) 574-2273

Palomar Medical Center Escondido - Emergency Department
2185 Citracado Parkway
Escondido, CA 92029
(442) 281-5000

Palomar Medical Center Poway - Emergency Department
15615 Pomerado Road
Poway, CA 92064
(858) 613-4000

**Temecula – After Hours Care:**
Temecula 24 Hour Urgent Care
41715 Winchester Rd, Suite 101
Temecula, CA 92590
(951) 308-4451

If the contracted Urgent Care facility is not open, or the employee is off-site, the employee may go to any urgent care facility or emergency room. The employee should advise the medical facility's staff that the visit is due to a work-related injury, the treating facility will contact our WC Coordinator. In general, the employee will not be billed for services. If the employee is asked to make a payment at the time of treatment, receipts should be retained for reimbursement through the WC claim process.

*Important; Complete the required CSUSM Employee Accident/Incident Form immediately and submit as instructed to do so on the form. Our WC Coordinator will follow up the next business day to complete necessary Workers' Comp claim paperwork. The **CSUSM Employee Accident/Incident Form** is available on Safety, Health &Sustainability's website: https://www.csusm.edu/shs/resources/forms.html*

| IMPORTANT CONTACTS | | |
|---|---|---|
| Emergency | **911** | |
| University Police | (760) 750-4567 | |
| Workers' Comp Coordinator | (760) 750-4438 | edikitanan@csusm.edu |
| Office of Human Resources | (760) 750-4418 | hrbenefits@csusm.edu |
| Safety, Health & Sustainability | (760) 750-4502 | shs@csusm.edu |
| Ergonomics Program Coordinator | (760) 750-4502 | ergonomics@csusm.edu |

## CAMPUS ROLES

When a work-related injury or illness occurs, there are multiple roles involved to ensure care for our employee and to address safety concerns. It's important to understand these roles and as manager your cooperation and communication is a critical component.

Manager Role: Every employee who experiences a workplace injury/illness deserves a personalized approach to assist them with recovery and their return to work. As a manager your role sets the tone for the employee's experience. Understanding the basics of the program, the individuals involved, and the necessary steps allows you to engage with the employee with confidence and aids in alleviating employee concerns.

Safety, Health, and Sustainability (SHS) Role: The SHS team is dedicated to providing a safe and healthy campus environment. SHS adheres to a robust Injury & Illness Prevention Program and as part of this program regulatory requirements must be met requiring prompt reporting of incidents. The SHS team conducts thorough investigations of reported incidents.

The Office of Human Resources Role: The Office of Human Resources (OHR) will manage Workers' Compensation cases offering guidance for employees and managers. The Workers' Compensation Coordinator (WCC) will advise on the process and the benefits to which the injured employee may be entitled. The WCC is also responsible for assisting injured employees in returning to work as soon as medically feasible which may include discussions related to the availability of transitional duty (e.g., light duty), or the ability to temporarily modify the employee's usual and customary job.

## WORKERS' COMPENSATION OVERVIEW

### Workers' Compensation Defined

Workers' compensation (more commonly referred to as "Workers' Comp," and abbreviated as "WC" in this guide) provides remedy to employees who suffer an injury or illness arising out of the course of their employment. Workers' comp provides payment of reasonable and necessary medical expenses and compensation for lost wages (as applicable; usually 2/3 of regular pay) if an employee becomes injured or ill due to a work-related accident or situation. Under Workers' Comp law, employees are entitled to receive prompt and appropriate medical care and compensation for lost wages (under most circumstances – see "When an Injury is Not Covered" section for exceptions) if they are injured on the job, and regardless of who is at fault.

### Individuals Covered by the Campus Workers' Comp Program

- Faculty and staff employed by the University (Stateside, CSU Corp or Foundation)
- Student assistants if the injury occurs while they are working ("on the clock")
- Recognized and registered campus volunteers
- Certain students in professional programs (education, nursing, allied health, etc.) at placement sites where WC has been negotiated as part of our placement contract through Procurement.

### Individuals Not Covered by the Campus Workers' Comp Program

- Contract employees
- Consultants (unless they are a W-2 employee of the University)
- Unpaid student interns (interning on or off-campus)
- Student employees who are injured during a time they are not working ("off the clock")
- Employees who are injured outside of work (unless on official, recognized University business)

### Benefits Provided

- Medical care and treatment for their injury (including ambulance if needed)
- Wage replacement (partial or full) for lost work time (subject to 3-day wait period, if applicable)
    - Any missed time on the date of injury will be regular paid time through the employee's paycheck
    - Subsequent time missed after the initial injury date will be paid at either 2/3 pay or full pay (see "Missing Work and Wage Replacement Programs" section for details).

### When an Injury is Not Covered

There are certain circumstances under which an injury may not be covered under workers' comp. Generally, an injury will NOT be considered work-related for workers' compensation purposes if:

- It occurs off-site during an unpaid lunch break. Work-related lunch functions, and unpaid lunch breaks that occur *on* campus are generally covered.
- It occurs during the employee's regular commute to/from work. Until the employee enters campus grounds (or other designated work site) and after the employee leaves campus grounds (or other designated work site), they are not covered by workers' comp (unless on work-related travel or a work-related task).
- The injury is sustained while the employee is intoxicated or under the influence of illegal drugs.
- The injury is sustained during voluntary participation in off-duty recreational or social activities.
- The injury is s result of "horseplay" or similar intentional activity. The injury is purposely self-inflicted.
- The injury is sustained by an employee who assaults or is involved in activities intended to injure another person. An employee victim of such an incident would be covered.
- The injury is sustained during the commission of a crime.

*Questions regarding injuries covered under workers' comp should be directed to the campus Workers' Comp Coordinator.*

## THIRD-PARTY ADMINISTRATOR (TPA)

The CSU is contracted with a third-party administrator, Sedgwick CMS, for workers' compensation. Interpretation of applicable law, administration of claim and benefit determination are managed by Sedgwick.

Our dedicated claims examiner is **Ms. Randi Wilson**
Within a few days of and employee filing a workers' compensation claim, the claims examiner will contact the injured employee. In your role as manager or supervisor, the claims examiner may contact you as well to discuss the details of the work-related injury/illness. This is both standard procedure and a necessary step in processing the claim. Please be sure to cooperate to ensure maximum and timely benefits.

## MISSING WORK AND WAGE REPLACEMENT PROGRAMS

If under workers' compensation, the treating physician medically certifies the employee as being unable to work for any period past the initial injury date and the claim is accepted by our Third-Party Administrator (TPA), Sedgwick CMS, Industrial Disability Leave (IDL) or Temporary Disability (TD) benefits may be available as wage replacement for missed time.

### Industrial Disability Leave (IDL)

Most CSUSM employees fall under this category. If an employee is an active member of CalPERS, they are generally eligible to receive Industrial Disability Leave (IDL) benefits in lieu of Workers' Compensation Temporary Disability (TD) benefits. For the first twenty-two workdays of disability (following a three-day waiting period, if applicable), the employee will be paid an amount equal to their full pay. If the disability continues, IDL will pay two-thirds of gross pay for a period not to exceed a total of fifty-two weeks within two years. IDL is paid through the campus payroll department.

### IDL with Sick Leave Supplementation

Following the initial full-pay period (first 22 workdays), an employee may be eligible to supplement IDL benefits with accrued sick leave credits, provided sufficient hours are available. Total benefits and supplementation cannot exceed the employee's regular salary.

### Temporary Disability (TD)

Temporary Disability (TD) is part of the Workers' Comp program paid by Sedgwick directly to the employee. Temporary Disability is not paid through the campus payroll office. The compensation level is determined by law and is generally two-thirds of the disabled employee's wages. This benefit stops when the treating physician releases the disabled employee for work or states that the disability has reached a point of maximum improvement.

Temporary Disability is eligible for sick leave supplementation, provided sufficient hours are available. Total benefits and supplementation cannot exceed regular salary.

### Waiting Period

The waiting period is the same for both IDL and TD which is three calendar days after the date of injury. On the date of injury, the disabled employee shall be compensated regular pay. The waiting period may begin on the day following the injury or later. Absences from scheduled work during the waiting period are to be charged against appropriate leave balances.

The waiting period is waived under the following circumstances:

- disabled because of a criminal act of violence against the injured; or
- immediately hospitalized; or
- hospitalized later because of the disability; or
- disabled for more than fourteen calendar days.

In these instances, eligibility for IDL or TD benefit payments become effective from the first day of injury. Furthermore, the waiting period need not be consecutive; partial days of absence relating to the disability shall be accumulated to full days towards the waiting period.

### Delay in Determination

Under certain circumstances, additional time is necessary for the TPA to determine if an employee's disability is work-related. During this period and with the coordination of Human Resources, the employee will be placed on leave during which appropriate leave balances will be utilized. Employees with insufficient leave balances may apply for Nonindustrial Disability Insurance (NDI). Upon the exhaustion of all leave credits and NDI (if applicable), the employee will be placed on leave without pay status until a determination is reached.

If it is determined that the disability is work-related and the employee is eligible for IDL or TD, appropriate adjustments will be made to the employee's leave balances in accordance with the procedures of the particular program selected by the employee (IDL or TD).

## RETURNING EMPLOYEES TO WORK

### Facilitating Return to Regular Work

Bringing employees back to work as soon as it is medically feasible is good for a variety of reasons. Actively involved employees make stronger (and often faster) recoveries, keep the work force intact, and help to control WC claims costs. Our TPA (Sedgwick) will assist in return-to-work efforts by keeping in touch with the treating physicians and letting the doctors know that the CSU is committed to providing modified work when possible. The injured employee should be made aware of their obligation to keep the campus informed of their work status and their ability to perform full or modified duties.

### Release to Full Duty

- When an employee is released by their physician to resume regular work duties, the employee should provide a Work Status Report or doctor's note to their supervisor.
- Work Status Report must also be provided to the WC Coordinator.

### Release to Modified Work Duties

Employees are instructed to collect an updated work status report at each WC medical appointment. The work status report should be returned to the WCC the same day it is received for review. Failure to comply with this may result in a delayed return to work as adequate time is necessary to review and discuss the modified duties with the employee's manager. If your employee submits the work status report directly to you, please ensure a copy is forwarded to the WCC.

"Modified duty" can fall into one or more of the following categories:

- Modified Work – temporarily changing, transferring, or eliminating specific job duties within the employee's regular job to accommodate the temporary work restrictions.
- Alternative Work Assignments – Offering the employee a different position temporarily (within his or her regular department or another department) to accommodate the temporary work restrictions.
- Reduced or Modified Hours – Offering less than full-time work and/or a modified schedule temporarily to accommodate the temporary work restrictions.

If an employee is returned to work with restrictions identified by the treating physician;

- The WC Coordinator will discuss the restrictions with the employee's manager to determine if accommodations can be made.
- CSU system-wide is committed to a "Return to Work" program and managers are required to make reasonable efforts to accommodate the work restrictions and return the employee to modified duty whenever possible and practical.

### Missed Time for Workers' Compensation Medical Appointments

An employee's initial medical evaluation (at the onset of your work-related injury/illness) does not require the use of personal leave balances, the employee will receive regular salary for that day.
For all appointments after the initial medical evaluation, the employee's personal leave balances must be used to cover missed time. Employees are expected to notify their supervisor (MPP) in advance to coordinate the necessary time off to attend workers' compensation medical appointments. Employees must track and report their absences according to department practice.

### Maintain Confidentiality

It is important to remember that information related to an employee's workplace injury or illness may contain details specific to health and therefore must be maintained in a manner to protect the employee's privacy and confidentiality. Details of the injury/illness are utilized for the purpose of occupational safety and health.

### Appeal Process

If at any time, a disabled employee has complaints about the IDL actions taken, the employee may seek to remedy them through the appeal process. The employee shall first notify the Workers' Compensation Coordinator (WCC) of any complaint in writing within thirty days of its origin. If the WCC cannot resolve the complaint, the employee may appeal to the Workers' Compensation Appeal Board. There are certain time limits during which appeals may be filed; therefore, appeals should be filed as soon as possible.

## PREVENTION PROGRAMS, TRAINING AND REPORTING UNSAFE CONDITIONS

Safety, Health, and Sustainability is dedicated to serving the university by identifying and eliminating hazards to provide a safe and secure environment on campus. Training and prevention programs play an important part and are available to all employees. As a manager your role is vital in helping to maintain a safe working environment by familiarizing yourself with the campus injury/illness prevention program and available trainings.

Please view available resources:

Safety, Health, and Sustainability: https://www.csusm.edu/shs/
Trainings: https://www.csusm.edu/shs/training/index.html
*Custom programs can often be designed to meet a department's specific needs.*

### Reporting Unsafe Conditions – Your Rights and Responsibilities

All employees have a right to report unsafe conditions and concerns without fear of reprisal. It is illegal for an employer to take any adverse action against an employee in response to exercising his/her right to report safety hazards or concerns.

As a manager, you have a **DUTY** to report unsafe conditions and safety concerns. Please contact Safety, Health & Sustainability Services at (760) 750-4502 if you are aware of any unsafe conditions or safety concerns.

There is also an on-line form available for use by employees/supervisors/managers who wish to provide a safety suggestion or report an unsafe workplace condition or practice. Although the form can be submitted anonymously, it is always helpful to have contact information so that a Safety Specialist can follow up if there are questions or more detail is needed.

Report a Safety Concern online form: https://www.csusm.edu/shs/

CSUSM will investigate all reports of unsafe conditions (as is required by the Injury and Illness Prevention Program Standard 8 CCR 3203) and advise the employee who provided the information (unless the concern is submitted anonymously) and/or the workers in the affected area.

## FREQUENTLY ASKED QUESITONS

**What if an employee is injured at an off-site location?**
If an employee is injured at an off-site location in the course of a work-related activity, follow the standard procedure outlined in this guide.

**If an employee is injured while traveling on university business, are they covered by Workers' Comp?**
Yes, any time an employee is working on university business they are covered under Workers' Compensation. Faculty members on sabbatical require additional information for a determination to be made.

**What if the employee tells me the injury is work-related but does not want to file a WC claim?** An employee has the right to decline filing a Workers' Compensation claim. However, you as the manager are still required to notify the employee of their right to file a WC claim, and we as the employer are required to provide the DWC-1 claim form to the employee. Therefore, you must notify the Workers' Comp Coordinator and complete the required "Initial Investigation Report" noting that the employee is refusing treatment.

**Should I go the hospital with my employee?** If an employee is injured severely enough to require ambulance transport and/or ER treatment, it would be best if a manager met the employee at the hospital. Do not ride in the ambulance with the employee – you should drive your own vehicle to ensure you have transportation back. Being in the ER can be intimidating and scary, the employee may appreciate someone being there, at least until a family member arrives. If the employee is stable enough where transportation by ambulance is not necessary and prefers to be taken by car, an MPP is allowed to transport the employee to the hospital.

**What if an MPP is not available to drive the employee to the clinic or hospital?** If the department MPP is not available, any other MPP on campus is allowed to transport the employee. If an MPP is no available, contact Safety, Health & Sustainability (x4502) for assistance. UPD officers are also permitted to transport employees if necessary. Whatever the circumstance, please make every effort to ensure the employee is comfortable does not feel as if the situation is a burden.

**Should I call the employee's family?** Ask the employee if they would like you to notify a family member or friend, if so, you may contact that individual. In the case of an emergency, you should still ask the employee first before contacting family or the emergency contact. If the employee is not able to respond or appears not to be coherent enough to make that decision, you should notify either UPD (x4567) or Office of Human Resources (x4418), providing the general nature of the injury, the employee's condition if known, and where the employee is being treated. Emergency contact information is available in PeopleSoft: My HR Resources > Manager Resources > Personnel Information

**What if the employee is obviously injured but refuses to go to the doctor?** Other than in a true medical emergency in which the employee is unconscious or in an impaired state, we cannot force an employee to seek medical care. We can strongly advise that we feel it is in their best interest to be treated, but it is ultimately their decision. If you are unsure of the seriousness and feel it may require emergency treatment, it is recommended you still call 911, and let the employee refuse the paramedics' treatment or advice. You are not expected to determine the appropriate care and should always err on the side of caution.

We are still required to provide the necessary notification to the employee when an injury occurs regardless of their decision to seek treatment. Therefore, you must still complete the "Initial Investigation Report" and note on the report that the employee refused treatment.

**What if an employee is hesitant to be treated because they are concerned the injury will be determined not to be work-related?** Workers' Compensation will cover the initial treatment (up to the first 90 days and/or the 1st $10,000), even if it is later determined not to be work-related. We don't want employees worrying about who will pay for the ambulance cost if they need to get emergency treatment, so please assure them that fear of the bills should not be a concern at this time, as it will be covered whether it is determined a WC claim or not.

**Can I take disciplinary action against an employee who files multiple/repeated WC claims?** No, it is illegal to take adverse action against an employee for filing a WC claim (unless it is fraudulent), regardless of how many claims an employee may file. It is permitted, however, to take disciplinary action against an employee for the behaviors that led to the injury if there was a breach of policy or safety protocol. This is a delicate issue, so please work with HR and the WC Coordinator if you feel disciplinary action is warranted.

**Am I responsible for getting the employee home or back to campus when they are done with their Urgent Care or Emergency Room visit?** If an employee is not able to drive and does not have a family member or friend to help with transport, it is the responsibility the University to assist the employee in whatever way needed to get them home or back to work. If all other options are exhausted, the employee can take a cab or a ride share service and be reimbursed if they hold on to the receipt.

**What if the employee is cleared by the physician to return to work but wishes to stay out longer?** If an employee is cleared to go back to work, they are no longer eligible for WC wage replacement benefits, and are expected to return to work. Arrangements may be made to take extra time off under sick or vacation benefits as they would at any other time, but this is subject to the manager's approval and the availability of accruals. If leave is exhausted and/or the manager does not approve the extra time off due to operational reasons, it would be considered job abandonment if the employee did not return and would be subject to disciplinary action up to and including termination, based on the terms of any applicable collective bargaining agreement.

**Why are follow-up medical appointments not paid time?** Workers' Comp is not intended to provide *full and complete* compensation and coverage of a worker's injury, but rather to represent a compromise between the interests of employees and those of the employer. As such, it has been determined by the courts that, in exchange for the blanket coverage provided by Workers' Comp (without any regard to fault), the employee must bear some of the burden, including being uncompensated for follow- up medical appointments, just as would be the case for any other personal medical appointment. The employee is eligible to use any accrued sick, vacation, or personal leave to cover the time missed for medical appointments.

**An employee isn't injured but feels ill all the time and thinks it might be caused by the something at work. What should I do?** Refer the employee to the WC Coordinator (x4438) to discuss the situation. Together they will determine the next steps.

**Who determines the benefits an employee is eligible for and whether the injury or illness is work-related?** Employees will be provided the opportunity to seek a medical evaluation (covered by the WC program), even if the employee/employer is unsure if it is work-related. The treating physician and our third-party administrator will work together to make the determination as to whether the injury or illness is work-related. The employee will not be responsible for any costs incurred (up to first $10,000 and first 90 days), even if it is determined not to be work-related. If the determination is made that it is not work-related, any costs the employee incurs for treatment after being notified that the WC claim is denied will be the employee's responsibility (through regular medical insurance or out of pocket payment).

**What if an employee doesn't agree with the determination regarding the injury or illness?** The employee has the option to appeal the decision. They can discuss with the claims adjuster how this process works. The information on how to appeal a claim is provided to the employee any time a claim is fully or partially denied.

**Will an employee still be covered if they were injured while not following proper safety protocol?** Yes, workers compensation is a "no fault" system, therefore injuries are covered even if the employee was breaking policy or protocol. There are some exceptions to this rule – please see page 3 for the list of exceptions. An employee can, however, be subject to disciplinary action for the behaviors that led to the injury if there was a breach of policy or safety protocol. This is a delicate issue, so please work with OHR and the WC Coordinator if you feel disciplinary action is warranted.

## ADDITIONAL RESOURCES AND FORMS

**Employee WC Claim Form (DWC-1; completed by employee):**
https://adobesigndynamicworkflow.csusm.edu/hr_benefits

**Employee WC Claim – Intake Sheet (completed by employee):**
https://www.csusm.edu/hr/wc/documents/wc_ee_intake_2025.pdf

**Supervisor/Manager Reporting requirement:**
The **CSUSM Employee Accident/Incident Form** is available on Safety, Health & Sustainability's website:
https://www.csusm.edu/shs/resources/forms.html

**Workplace Injury – Instructions for Employee:**
Our WC Coordinator will provide instructions to employees, also available here for your reference:
https://www.csusm.edu/hr/wc/documents/wc_employee_instructions_03.2024.pdf

CSUSM Industrial Disability Leave: https://www.csusm.edu/hr/benefits/disability/industrial-disability-leave.html

Division of Workers' Compensation: http://www.dir.ca.gov/dwc/