

Workers' Compensation Program Frequently Asked Questions



Risk Management Office: 209.468.3370

Who decides if my claim is accepted or denied?

- The County's third-party administrator (TPA) for workers' compensation is responsible for managing the County's claims.
- The TPA determines the compensability of a claim.
- Please be aware that in some instances it could take the TPA up to 90 days to determine the compensability of a claim.

Does workers' comp have a waiting period?

- Yes, 3 days.

What does workers' comp cover?

- If you have an approved claim, workers' compensation benefits may include:
- Reasonable medical care
- Temporary Disability (TD), Temporary Partial Disability (TPD), Permanent Disability (PD)
- Labor Code 4850—specific to Safety Members only

How much does workers' comp pay?

- Workers' compensation pays approximately 2/3 of an employee's gross wages. However, because there are maximums in the amount that workers' compensation is able to pay, there may be instances when an employee could receive less than 2/3.

I need to see a doctor for my work related injury. Where can I go?

- You may go to any physician or medical provider of your choice. BUT, you must be certain that your chosen medical provider takes workers' compensation insurance.

My doctor has taken me off work. What do I do?

- You must obtain a doctor's note that specifies your work status (off work, full duty, or return to work with restrictions.)
- Make sure that physical and/or mental restrictions are specified.
- Provide a copy of that work status to your department supervisor or manager.
- Complete any documentation your department requires.
- Request that your doctor/medical provider fax a copy to San Joaquin County, Risk Management Office. Fax (209) 953-7330

I have several medical appointments that I need to attend. What happens to the time I'm losing from work?

- Workers' compensation does not cover your lost time for routine medical appointments.
- You will have to utilize your accruals in order to receive pay for your time off from work.
- Follow your department's standard protocol for requesting time off from work.

Do I need to provide notes and updates to my department?

- Yes. You are expected to maintain communication with your supervisor or manager with regards to your work status.

How do I return to work?

- Once your medical provider releases you back to work, you need to provide a doctor's note to your supervisor or manager. The doctor's note must specify your work status--full duty or return to work with restrictions.
- If restrictions need consideration, be sure that your medical provider specifies the physical and/or mental restrictions and the duration date of the restrictions.
- Coordinate with your supervisor or manager on a return-to-work date.

What if my doctor has given me work restrictions, what do I do?

- Once your medical provider releases you back to work with restrictions, you need to provide a doctor's note to your supervisor or manager.
- Your department will need time to determine if a temporary light duty assignment can be provided that will comply with your medical provider's restrictions.
- Coordinate with your supervisor or manager on a return-to-work date.
- If your department is not able to accommodate your temporary restrictions, you will be placed on a workers' compensation related leave of absence and may be eligible for TD or 4850 benefits.

Who do I give my disability or work slips to at work? HR or my supervisor?

- You must maintain communication with your department.
- Provide your doctor’s notes to your supervisor or manager as you receive them from your medical provider.
- Do not assume that your doctor’s office will fax notes to the County. Doctor’s Offices are very busy and cannot guarantee that work slips will be faxed to the employer.

Who do I inform when I am being taken off work? HR or my Supervisor?

- You must maintain communication with your department.
- Inform your supervisor or manager directly of your work status and be sure to submit a note written by your medical provider that supports your current work status.
- Follow standard department protocols.

I know I can use my accruals while I’m out on work comp. I have been using my sick leave, what happens to that time? Will I be reimbursed? Who do I call or talk to about it?

- If you have an approved workers’ comp claim, you will receive partial reimbursement of your accruals.
- Call the Risk Management Office for more details and assistance.

What happens to my accruals and seniority, while I am out on a workers’ comp related absence?

- Your seniority is not affected and will continue to accrue even in your absence.
- Your accruals are not affected and will continue to accrue even in your absence.

What about my retirement benefits, are those affected?

- You must get paid from general payroll in order for your retirement contributions to be deducted from your check.
- If you are using your accruals while you are out on a workers’ comp related absence, your retirement contributions will be deducted from your use of accruals.
- If you are not utilizing your accruals and only receiving workers’ comp pay, your normal contributions are not being taken out and you will have to make arrangements with Retirement to buy back the time.

When should I expect my workers' comp check?

- If you have an approved claim and you have been approved to receive TD or 4850 benefits, you will be paid every two weeks.
- If you have elected to receive TD pay only (without use of your accruals), your workers' comp check will be mailed to your mailing address. Because the County has no control over the US Postal Service, please be aware there are no guarantees that you will receive your check on payday Fridays.
- Do anticipate a slight delay with the first work comp pay.
- For more information, please contact the Risk Management Office

Can I collect workers' comp pay if I am also receiving State Disability payments?

- No. Workers' compensation pay and State Disability (SDI) pay cannot run concurrently.
- If you have any overlapping periods of payment, you may be responsible for overpayments made by each agency.

Am I covered under the Family Medical Leave Act (FMLA), while I am out on a workers' comp related absence?

- Yes. In fact, workers' compensation related absences and FMLA are ran concurrently.
- If you are a Safety Member, FMLA is started after LC 4850 ends.

I normally receive automatic deposit for my payroll checks. When the County pays me for my workers' compensation check, will my automatic deposit continue?

- If you are using your accruals with your workers' comp pay, you will receive a regular paycheck from the County and your direct deposit will continue.
- If you are receiving workers' comp pay only (without accruals), you will be mailed a check to your mailing address on file. (Make sure your mailing address is current.)
- If you have need to file a change, you will have to file for a Change of Address with the Auditor's Office by completing a W-2 form.

Will my regular salary continue while I am off work?

- You have the option of using your accruals to receive regular wages while you are out on a workers' comp related absence.

How do I know "how much time" I have on the "books"? Who do I talk to about that?

- Please call your department's payroll or personnel unit.

Will my medical benefits continue while I am off work?

- Please be aware that effective March 2012, an employee cost-share for medical benefits was implemented. In order to keep medical benefits active, while you are out on a work comp related absence, this cost-share portion must be paid. To obtain more details on your cost-share, please contact the HR Benefits Unit at (209) 468-9987.
- If you have dependents on your health benefits, you may continue dependent coverage by using your accruals.

I'm still off work, but my TD benefits ended. Now what?

- Contact the HR Benefits immediately. If you are no longer receiving TD benefits, but are not able to return to work, your medical benefits can be affected, maybe even terminated unless you make arrangements.
- Consider using your accruals or arranging over-the-counter payments for your coverage with the Benefits Unit of Human Resources to continue your coverage. The Benefits Unit can be reached at (209) 468-9987.

The workers' comp process is confusing. Who can I call for assistance?

- Contact the County's Risk Management office with any general questions on workers' compensation and how workers' compensation coordinates with County processes. Risk Management can be reached at (209) 468-3370 or email at sjcriskmgmt@sjgov.org
- If you have specific questions about your claim, you may call your claims examiner.
- You may also contact an Information and Assistance Officer with the Workers' Compensation Appeals Board (WCAB). The Stockton WCAB can be reached at (209) 948-7980.

****Please be aware****

Any person who makes or causes to be made any knowingly false or fraudulent material statement or material representation for the purpose of obtaining or denying workers' compensation benefits or payment is guilty of a felony. (State of CA, Dept of Industrial Relations, Form DWC-1)