

CSBA Sample

Administrative Regulation

All Personnel

AR 4157.1(a)

4257.1

WORK-RELATED INJURIES

4357.1

~~The Governing Board desires to provide its~~ In order to provide medical benefits, temporary or permanent disability benefits, wage replacement, retraining or skill enhancement, and/or death benefits in the event that an employee becomes injured or ill in the course of employment, the district shall provide all employees with insurance and workers' compensation benefits in accordance with law. The Superintendent or designee shall develop an efficient claims handling process that in order to reduces costs and facilitates employee recovery.

(cf. 3320 - Claims and Actions Against the District)

(cf. 4032 - Reasonable Accommodation)

(cf. 4113.4/4213.4/4313.4 - Temporary Modified/Light-Duty Assignment)

(cf. 4154/4254/4354 - Health and Welfare Benefits)

(cf. 4157/4257/4357 - Employee Safety)

(cf. 4157.2/4257.2/4357.2 - Ergonomics)

(cf. 4161.11/4261.11/4361.11 - Industrial Accident/Illness Leave)

Note: Pursuant to Labor Code 6409.1, the district must file a report concerning any work-related injury within five days of learning of the injury and mail or fax the form to the district's insurer.

An employee shall report any work related injury or illness to his/her supervisor as soon as practicable. Upon learning of an injury, a supervisor shall promptly report the incident to the Superintendent or designee and the insurance carrier as appropriate. [MOVED DOWN]

Note: As amended by AB 749 (Ch. 6, Statutes of 2002), Labor Code 3550-3551 requires the district to give employees information about workers' compensation benefits at the time of hire and again once an injury occurs. AB 749 sets forth additional requirements, developed by the state Commission on Health and Safety on Workers' Compensation, to be included on the notice effective January 1, 2003. Most insurance carriers provide a brochure for this purpose or one can be obtained from the state Division of Workers' Compensation.

Pursuant to Labor Code 5401, the district must give or send by first-class mail an employee claim form to an injured employee within one working day of finding out about the on-the-job injury. The insurance carrier will supply the district with forms for this purpose.

The Superintendent or designee shall ensure that notify every new employee, at the time of hire or by the end of the first pay period, is notified of his/her right to receive workers' compensation benefits if injured at work and that injured employees are given notice of rights in accordance with law. (Labor Code 3551; 8 CCR 15596)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

AR 4157.1(b)

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WORK-RELATED INJURIES (continued)

Note: Labor Code 3550-3553 and 8 CCR 15996 require employers to post a notice in a conspicuous place giving employees information on the district's workers' compensation benefits, including information as to where to get medical care for work injuries. Labor Code 3550 provides that failure to post this notice is a misdemeanor and may result in civil penalty. Most insurers provide a sample posting notice.

The Superintendent or designee shall ensure that notifications regarding workers' compensation are posted in accordance with law. In addition, a notice regarding workers' compensation benefits shall be posted in a conspicuous location frequented by employees, where the notice may be easily read during the workday. (Labor Code 3550)

In the event that an employee is injured or becomes ill in the course of employment, he/she shall report the An employee shall report any work-related injury or illness to his/her supervisor the Superintendent or designee as soon as practicable.

Within one working day of receiving notice or knowledge of any injury to an employee in the course of employment, the Superintendent or designee shall provide a claim form and notice of potential eligibility for workers' compensation benefits to the employee or, in the case of the employee's death, to his/her dependents. The claim form and notice shall be provided personally or by first class mail. (Labor Code 5401)

The Superintendent or designee shall additionally ensure that any employee who is a victim of a crime that occurred at the place of employment is given written notice personally or by first class mail within one working day of the crime, or when the district reasonably should have known of the crime, that the employee is eligible for workers' compensation benefits for injuries, including psychiatric injuries, that may have resulted from the crime. (Labor Code 3553)

Note: Pursuant to Labor Code 3550, 3551, and 5401, all employee notices described above (i.e., the notice provided to all employees at the time of hire, the notice that must be posted in a conspicuous place, and the notice and claim form provided when an employee is injured) must be in a form prescribed by the California Department of Industrial Relations (DIR) Division of Workers' Compensation (DWC). These notices are available on the DWC's web site or through the district's insurer. For districts that employ Spanish-speaking employees, the information must be made available in English and Spanish.

The Superintendent or designee shall ensure that all employee notices described above are in the form prescribed by the Department of Industrial Relations (DIR), Division of Workers Compensation.

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WORK-RELATED INJURIES (continued)

Note: Pursuant to Labor Code 6409.1, the district must file a report concerning any work-related injury within five days of learning of the injury and mail or fax the form to the district's insurer injury or illness which has, or is alleged to have, arisen out of and in the course of employment. The report is required to be filed with the DIR or, if the district is insured through a third party insurer, with the insurer. The district should select the option below that corresponds to the manner in which it insures for workers' compensation.

OPTION 1: (Districts insured for workers' compensation through a third party insurer)

Upon learning of an a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, a supervisor the Superintendent or designee shall promptly report the incident to the Superintendent or designee and the district's insurance carrier within five days after obtaining knowledge of the injury or illness, as appropriate. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death must be filed with the insurance carrier within five days after being notified of or learning about the death. (Labor Code 6409.1)

OPTION 2: (Districts insured for workers' compensation through self insurance)

Upon learning of a work-related injury or illness, or injury or illness alleged to have arisen out of and in the course of employment, the Superintendent or designee shall report the incident to the DIR within five days after obtaining knowledge of the injury or illness. If a subsequent death arises as a result of the reported injury or illness, an amended report indicating the death must be filed with the DIR within five days after being notified of or learning about the death. (Labor Code 6409.1)

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Note: The following paragraph is for use by districts that selected either Option 1 or 2 above.

In addition, in every case involving death or serious injury or illness, the Superintendent or designee shall immediately make a report by telephone or email to the Division of Occupational Safety and Health. (Labor Code 6409.1)

Legal Reference: (see next page)

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WORK-RELATED INJURIES (continued)

Legal Reference:

EDUCATION CODE

44984 Industrial accident and illness leaves, certificated employees

45192 Industrial accident and illness leaves, classified employees

LABOR CODE

3200-4855 Workers' compensation, especially:

3550-3553 Employee notice

3600-3605 Conditions of liability

3760 Report of injury to insurer

4600 Provision of medical and hospital treatment by employer

4906 Disclosures and statements

5400-5413 Notice of injury or death

6409.1 Reports

CODE OF REGULATIONS, TITLE 8

15596 Notice of employee rights

Management Resources:

DEPARTMENT OF INDUSTRIAL RELATIONS PUBLICATIONS

A Guidebook for Injured Workers, 2016

Notice to Employees -- Injuries Caused by Work

Time of Hire Pamphlet

Workers' Compensation Claim Form (DWC 1) & Notice of Potential Eligibility

WEB SITES

California Department of Industrial Relations, Division of Occupational Safety and Health:

<http://www.dir.ca.gov/dosh>

California Department of Industrial Relations, Division of Workers Compensation:

<http://www.dir.ca.gov/dwc>

| [\(Attachment D\) Use CSBA Sample with Revisions](#)

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Policy Reference UPDATE Service

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