

WORKERS' COMPENSATION PROCEDURE

By practicing safety measures, good body mechanics and common sense, many injuries can be avoided. However, if an Employee is injured at work, the following process is followed in order to receive quality medical care, smooth processing of a claim and the assurance that the medical costs will be fully covered if a claim is determined to be work related.

- Report the injury immediately to the school/department secretary or administrator.
- The Employee will be given a claim form (DWC Form 1) to complete; the Employer is also required to complete and submit a form (Form 5020). The forms are returned within 24 hours or as soon as possible. If an Employee is not sure if they are hurt or not, the rule is “when in doubt, report the injury”.
- **If an Employee has completed a physician designation form prior to the injury, he/ she may seek care from this physician.** The physician an Employee designates must be his/her personal physician (one who has their medical history on file). If the Employee does not have a physician designation form on file and wishes to designate a doctor, he/she is to fill out the form and return it to Human Resources. If he/she does not have a designated physician form on file, he/she **must** go to one of the US HealthWorks Clinics.
- US HealthWorks Clinics were selected to provide easily accessible, quality care to injured workers. The doctors and nurses are specifically trained to handle work-related injuries (occupational medicine). There are six locations to choose from.
- Failure to follow the above process may result in non-payment of the Employee's medical expenses and/or delays on the claim.

MODIFIED WORK PROGRAM

WHAT?

The Modified Work Program is an early return-to-work program for those employees who have sustained a compensable work-related injury or illness. Modified Work will enable employees whose medical providers have released them to return to work in a modified capacity. The Modified Work Program allows employees to remain productive and active and earn their regular hourly pay rate.

WHO CAN PARTICIPATE?

Any San Jose Unified School District (SJUSD) employee who meets the following criteria may participate:

- 1) The employee has sustained a work-related injury or illness compensable by Worker's Compensation.
- 2) The employee's medical provider has given a written release to return to work with temporary work restrictions which preclude the employee from doing all or part of their usual job functions.
- 3) The restrictions can be accommodated at either the employee's work location or in another SJUSD department.

WHEN CAN AN EMPLOYEE PARTICIPATE?

An eligible employee may participate in the Modified Work Program up to the maximum of 90 calendar days as long as:

- 1) Recuperation continues to progress.
- 2) The employee is cooperative and follows medical and program guidelines.
- 3) The restrictions/limitations can be accommodated by SJUSD.

HOW CAN AN EMPLOYEE PARTICIPATE?

For an employee to participate, the Modified Work Program Manager must receive from the employee's physician or the Occupational Medicine Clinic, a written release to return to work with modifications. The form must specify work restrictions, employee limitations and physical capabilities – what the employee can or cannot do. It will then be determined if these can be accommodated in their regular work assignment and location. If not, a temporary alternate assignment and/or location will be sought by the Manager.

WHERE DOES AN EMPLOYEE RECEIVE INFORMATION?

The Modified Work Program Manager may arrange for a modified work assignment in any department which has tasks and special projects and can accommodate the work restrictions. The Manager will consider the employee's training skills and experience when making the assignment.

NOTE:

The employee's regular job will be held open for him/her until the medical provider gives a written full medical release to return to his/her job or declared permanent and stationary. In the event an employee is not ready for normal job duties after the job recuperation period of 90 days, the employee will be placed on non-working status.

EMPLOYEE'S RESPONSIBILITY

- 1) Follow all medical advice.
- 2) Adhere to all work restrictions.
- 3) Do all required exercises.
- 4) Keep all medical and therapy appointments. All absences for medical appointments are to be called in to the Absence Reporting System.
- 5) Wear or use any appliances or aides as instructed (i.e. braces or crutches).

It is the employee's responsibility to do everything possible to speed his/her recovery and hasten his/her return to his/her regular job.

PAYROLL

When an employee is participating in the Modified Work Program, all illnesses, therapy and doctor's visits are to be called into the Absence Reporting System as illness or medical appointment (depending on the reason). You do not use Job Injury as a reason.

WHAT HAPPENS NEXT?

For the employee who has recovered:

- 1) Return to his/her usual job.

For the employee who does not have a medical release after the 90-day Modified Work Program:

- 1) The employee will collect from Workers' Compensation benefits and any supplemental pay remaining (100-day differential).
- 2) If differential pay is exhausted, the employee will collect only Workers' Compensation pay until the physician releases the employee to full work duties.
- 3) Updated medical reports must be turned into Workers' Compensation, Human Resources and the employee's department.
- 4) Human Resources and the Supervisor must be notified of a return date for a placement.

For the employee whose disability has become permanent:

- 1) If the employee is able to perform the essential functions of the position with reasonable accommodation of the permanent disability, he/she will return to the regular position.
- 2) Change to an equivalent or alternate job, through Human Resources' normal application, interview and acceptance process.
- 3) Through Workers' Compensation, referral into Vocational Rehabilitation to prepare for suitable gainful employment.

MESSAGE TO DEPARTMENTS

Employees in the Modified Work Program can be assigned temporarily to other locations to perform extra needed tasks for special projects, etc. If your department has extra work that needs to be done please notify Human Resources.

FOR MORE INFORMATION

Contact: Risk Management Department
Telephone: (408) 535-6510
Fax: (408) 297-9849