

# Workers' Compensation Frequently Asked Questions



Risk Management Email: [sjcriskmgmt@sjgov.org](mailto:sjcriskmgmt@sjgov.org)  
Risk Management Office: 209.468.3370

## GENERAL INFORMATION

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### **I just filed a workers' comp claim, what should I expect?**

- You will receive an email from Risk Management acknowledging receipt of your claim. This email will contain a copy of this FAQ as well as a First Fill card. The First Fill card is your temporary prescription card.
- You should also expect to receive a call from the County's third-party administrator (TPA) to obtain information on your claim.

### **Who decides if my claim is accepted or denied?**

- The County's TPA for workers' compensation claims is responsible for managing the County's workers' compensation 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.
- At times final determination may take longer than 90 days if a Qualified Medical Evaluation (QME) process is needed.

### **Who is the TPA for San Joaquin County's workers' compensation claims?**

- Intercare Holdings Insurance Services

### **Does workers' comp have a waiting period?**

- Yes, 3 days.

### **What does workers' comp cover?**

- If you have an accepted 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

## MEDICAL TREATMENT/APPOINTMENTS

### **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.
- Here is a link to a starter list of local providers: [Occupational Medicine Clinics](#)

### **I received treatment and the doctor prescribed medication. Is the cost of my prescriptions covered?**

- The cost of prescription is typically covered under the claim, but there are prescriptions that are denied as determined by a utilization review process.
- If you have out-of-pocket expenses for a prescription that you would like reviewed for reimbursement, a copy of your receipt can be emailed to [sjcriskmgmt@sjgov.org](mailto:sjcriskmgmt@sjgov.org). Risk Management staff can forward the receipt to the TPA.

### **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.)
- Provide a copy of the work status note to your department supervisor or manager.
- Complete any leave of absence paperwork your department requires.
- For work comp purposes – you will also need to complete a Form 29.
- Request that your doctor/medical provider fax or email a copy of the note to San Joaquin County, Risk Management Office.
  - Fax (209) 953-7330
  - Email: [sjcriskmgmt@sjgov.org](mailto:sjcriskmgmt@sjgov.org)

### **What do I do when I am being taken off work?**

- Update your supervisor or manager and provide a copy of your off work note to your supervisor or manager
- Update your Claims Examiner
- Complete any leave of absence paperwork at your department
- Complete a Form 29

### **What is a Form 29 and do I have to complete it?**

- The Form 29 is important. It provides information that you need to review to understand your options.

- The Form 29 is used to document your option of accrual usage while you are off work related to a work comp injury/illness. This is important for the Department to be able to process your timesheet while you are off work.
- Yes, we strongly recommend that the Form 29 is completed especially if you are off work due to a work related injury/illness.

### **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.
- 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

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### **I'm back to work, but 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 from work 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.

## **WORKER'S COMPENSATION PAY**

### **How much does workers' comp pay?**

- Temporary Disability (TD) 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.

### **When should I expect my workers' comp check?**

- If you have an approved claim and approved to receive TD/TPD or 4850 benefits, you will be paid every two weeks.
- If you have elected to receive TD pay only, your workers' comp check will be mailed to your mailing address. Make sure your address in the system is current.
- 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 TD check.
- For more information, please contact the Risk Management Office

### **Can TD checks be direct deposited?**

- No. There is no direct deposit option for TD checks.
- TD checks are mailed to your mailing address on file.
- Make sure your mailing address is current.
- If you have need to file an address change, please 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.
- If you do not have accruals or elect to receive TD pay only, TD is approximately 2/3 of gross wages.

## **USING YOUR ACCRUALS**

### **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 and lost time benefits have been approved by the TPA, you will receive partial reimbursement of your accruals.
- Time reimbursement is approximately 2/3 rate (same as TD).
- You cannot make more than 100% of your wages.
- Call the Risk Management Office for more details and assistance (209) 468-3370.

### **What are my time use options under the County's work comp process?**

- 0 hours
- 32 hours per payperiod (SEIU members only)
- 41 hours per payperiod
- 80 hours per payperiod
- If you do not have enough hours to meet the minimum use of either 32 hours (for SEIU) or 41 hours per payperiod, the default is 0 hours.

### **How do I know "how much time" I have? Who do I talk to about that?**

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

## **BENEFITS: HEALTH INSURANCE/RETIREMENT/SENIORITY/ACCRUALS**

### **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.
- Your accruals (sick and vacation) are not affected and will continue to accrue.

### **What about my retirement benefits, are those affected?**

- It can be. Retirement contributions are deducted through the payroll process.
  - If you are using your accruals while you off work on a workers' comp related absence, your retirement contributions will be deducted from your use of accruals. Retirement contributions are prorated according to the number of accruals used.
  - If you are receiving TD or TPD only (no use of accruals) – deductions, including retirement contributions, cannot be taken out.
    - We would encourage contact be made with the Retirement Office to inquire about buy-back of time while off work. Retirement can be reached at 209-468-2163.

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### **Will my medical benefits continue while I am off work?**

- In order to keep health insurance coverage active, your cost-share of the insurance cost must be paid.
- To obtain more details on your cost-share and/or continuance of dependent coverage, please contact the HR Benefits Unit at (209) 468-9987.

### **I'm only receiving TD pay. What happens to my health insurance coverage?**

- If you need to continue health insurance coverage while you are off work, you must make payment arrangements with HR, Benefits Unit. Please contact Benefits at (209) 468-9987 for more information.
- If you do not pay your cost-share of your health insurance, your coverage will terminate.

### **My health insurance coverage terminated while I was off work. I am now getting ready to return to work. What happens to my health insurance coverage?**

- Your coverage will resume once you are back on payroll working at least 41 hours per pay period.
- If you made alternative arrangements for health insurance while you were off work, please contact the HR, Benefits Unit to review/discuss your insurance status. (209) 468-9987.

## STATE DISABILITY/FMLA/CFRA

### **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) and the California Family Rights Act (CFRA), while I am out on a workers' comp related absence?**

- It depends.
- A leave of absence--whether work related or not, goes through a standard review process.
- Workers' compensation related absences meet the terms of a "serious condition" specified under FMLA/CFRA.
- If an employee qualifies for FMLA/CFRA, the entitlement will be administered.
- If an employee does not qualify for FMLA/CFRA, the leave of absence will be considered a personal/medical leave.
- LC 4850 is an exception to FMLA/CFRA

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## RETURNING TO WORK

### **How do I return to work?**

- Your department will need a release from your medical provider.
- 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 your medical provider specifies the physical and/or mental restrictions and the duration date of the restrictions.
- Expect that your department will need time to review your note before they can make a decision.
- If your restrictions can be accommodated, your department supervisor or manager will contact you. Coordinate a return-to-work date with your supervisor or manager.
- If your department is not able to accommodate your restrictions, you will either continue or be placed on a leave of absence.

- If the department is not able to accommodate your work restrictions, you may be eligible for TD or 4850 benefits (depending on your job classification.)

### **I'm still off work, but my TD pay has ended. What do I do?**

- Continue to provide your work status updates to your department and comply with any required paperwork
- Use your accruals to receive pay while you are off work.
- If you need health insurance coverage – contact HR, Benefits at (209) 468-9987.
- If you do not have accruals, consider applying for SDI benefits. Because TD pay is ended, there is no concurrent pay issue.

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## **CONTACT INFORMATION**

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

- Contact the County's Risk Management office with any general workers' compensation process questions. Risk Management can be reached at (209) 468-3370 or email at [sjcriskmgmt@sjgov.org](mailto: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). 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)*