



# *Los Angeles County* **Sheriff's Department**



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## The Workers' Compensation Process

Department members may request to file a workers' compensation injury/illness claim at any time and for any reason. By law, regardless of the circumstances, the unit of assignment is required to take the report; however, to receive workers' compensation benefits, there must be a nexus of the injury/illness to employment. This nexus is determined by the Department's third party administrator, York Risk Services Group (York) or through civil litigation. It is critical that an Employee Injury/Illness Master Form Packet be completed and a comprehensive investigation into the injury/illness is accomplished in a timely manner. The complexity of the workers' compensation process influences many employees to seek legal representation. That is a decision each employee should weigh carefully.

IHSU is available to assist employees throughout the life of a claim. Many times, IHSU can work to resolve issues in a timely manner due to their direct contact with claims' examiners at York. Whether an employee chooses to seek legal representation or assistance through IHSU, the access to treatments and medical professionals remains the same.

There is a common misperception regarding York's role in approving or denying medical treatments. For clarification, York manages and administers workers' compensation claims and benefits. They also ensure medical providers are paid. Corvel Corporation (Corvel) is the Department's medical management provider. Corvel is a group of medical professionals who determine whether the treatment requested is appropriate under American College of Occupational and Environmental Medicine (ACOEM) Guidelines. When a physician submits a request for treatment, York will forward the request to Corvel, who will then approve or deny treatment based on medical necessity.

Often, claims are placed on delay or temporary denial. These designations indicate either the claim is pending medical evidence to support the claim, or the claim is pending evaluation by a Qualified Medical Examiner or Approved Medical Examiner. If Department members are placed "temporary totally disabled" by their primary treating physician and the claim has not yet been accepted, the Department members must utilize their own time variance. If and when the claim is substantiated and accepted, IHSU can assist the employee in obtaining Labor Code (4850), or Payroll Code (231), pay benefits as well as full restoration of their personal time. These benefits are collectively known as salary continuation. Sworn personnel are entitled to one year of 100% tax free benefits under Labor Code 4850, up to five years from the date of injury. Payroll Code 231 entitles professional staff to 70% of their salary tax free, up to one year from the date of injury. If a disability will extend beyond one year, the Department member, whether sworn or professional staff, will be entitled to "State Rate Disability" benefit at two-thirds of their salary tax free. At this time, the Department members have the option to supplement the remaining one-third with the time on their books, which is taxable. This type of benefit can be used for up to 12 months.



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Throughout the process, IHSU will reach out to the Department members via telephone and home visits. Interactive process meetings also take place to explore the possibility of reasonable accommodations. IHSU can help find modified positions within Department members' units, Divisions or Department-wide, allowing a work environment suitable for an employee's medical limitations. Working modified assignments along with the judicious use of paid benefits can help ensure an employee does not experience a loss of pay through the extended process of evaluation, diagnoses, corrective medical procedure, rehabilitation, and recovery. IHSU assists employees in each stage, monitoring benefits and variance balances along the way.

Employees will eventually be declared Permanent and Stationary (P&S), having reached their Maximum Medical Improvement (MMI). This simply means recovery has plateaued, and further medical treatments will not improve the employee's medical condition. At this designation, salary continuation or State Rate Disability benefits cease immediately. An interactive process meeting will take place between the injured Department member, their unit representative, and a representative from IHSU to explore the best possible option for our Department member. If no permanent work restrictions are imposed or permanent work restrictions do not directly preclude the employee from performing the essential functions of their position, the Department member can return to their usual and customary duties. If restrictions are imposed that directly preclude the employee from performing the essential functions or their job, or the Department member indicates he/she is unable to perform the essential job functions of his/her position, alternative options are discussed including regular retirement, service and non-service connected disability retirement, and reclassification with disability salary supplement. Sworn employees electing to continue their career in a non-sworn capacity through salary supplement retain their safety retirement and may be eligible for a continued license to carry a concealed weapon (CCW).

All forms of medical retirements currently average 12 to 16 months for LACERA to process. Personnel have the option to work in a temporary modified duty assignment pending LACERA's decision, should their medical condition allow. Department members may only remain off work with a valid medical slip placing them temporary totally disabled. For those unable to return in any capacity, that are not receiving worker's compensation pay, and have exhausted all their accrued time, there are long term disability benefits available. Sworn may apply through the Peace Officer's Relief Fund (PORF). These benefits can begin after 90 consecutive days of disability. Professional staff can apply through Sedgwick, and these benefits will begin after 6 consecutive months of disability.

As previously mentioned, the workers' compensation process is complex. Whether Department members choose the litigation route or not, IHSU is always available to assist employees. Each day, we work closely with attorneys, physicians, York, Corvel, and Operations staffs, to ensure we support and facilitate the well-being of our Department members.