

On-Duty Injuries

1032.1 PURPOSE AND SCOPE

The purpose of this policy is to assist the Fresno County Fire Protection District in accurately reporting work-related illnesses and injuries and managing workers' compensation costs. The policy also provides District members with information concerning California state-mandated workers' compensation benefits and assistance to members who are either injured or develop a work-related illness as a result of their employment (8 CCR 9880).

Nothing in this policy is intended to confer any rights greater than those provided by state workers' compensation laws.

1032.1.1 DEFINITIONS

Definitions related to this policy include:

Permanent and stationary - The status of an injured member whose medical condition has reached maximum medical improvement.

Permanent disability - The status of an injured member who is permanently disabled.

Temporary disability - The status of an injured member who is unable to return to work because the member has not yet achieved a permanent and stationary status.

Third-party administrator - An entity responsible for adjusting workers' compensation claims on behalf of an employer.

Work-related injury - Any injury or disease arising out of employment or occurring in the course of employment duties (Labor Code § 3208); includes the contraction of a communicable disease (Labor Code § 5500.5).

1032.2 POLICY

It is the policy of the Fresno County Fire Protection District to provide workers' compensation benefits and assistance to all members who incur a work-related illness or injury. The District shall display a notice to employees regarding access to benefits and provide new members with a written notice concerning their rights, benefits and obligations under workers' compensation laws (8 CCR 9880 and 8 CCR 9881).

1032.3 PROCEDURE

Work-related injuries or illnesses incurred by members may be covered by workers' compensation through the Fresno County Fire Protection District. To be considered work-related, the injury or illness must arise from and occur in the course of employment. When authorized by a physician, medical expenses related to the treatment of a work-related injury or illness may include doctor, hospital, surgical, physical therapy, prescription medication or medical equipment. Workers' compensation may pay for wages lost as a result of an injury or illness, provided that absence from work is related to a work injury or illness and is authorized by a physician.

On-Duty Injuries

1032.3.1 MEMBER RESPONSIBILITIES

A member who is injured on the job must immediately report his/her injury to a supervisor or the Administration. Any member who is involved in any accident while on-duty shall report such injury, illness or accident as soon as practicable to his/her supervisor.

An injured member or member who has suffered a work-related illness shall report as soon as practicable to his/her immediate supervisor the medical findings concerning the injury, the extent of any work restrictions and the anticipated duration, if known. In addition, such members are required to promptly submit all medical releases, whether partial or full releases, to a supervisor.

Members should contact the person designated by the District for more information concerning workers' compensation benefits and payment of wages while off-duty due to a work-related injury or illness.

A member may be treated for an on-duty injury or illness by a personal physician that the member pre-designates in writing, prior to the injury or illness. The member may use the optional DWC Form 9783 Pre-designation of Personal Physician for this purpose (8 CCR 9780.1).

Members shall report any near-miss incident to their supervisor as soon as practicable. A near-miss incident is one where a mishap occurs but the member avoids serious injury or illness (e.g., slipping on an uneven surface but not falling).

1032.3.2 SUPERVISOR RESPONSIBILITIES

If injury is life-threatening, Emergency Medical Services (EMS) should begin or be summoned immediately.

If the injury is of a less emergent nature, the supervisor should ensure the member contacts the District-designated occupational medical provider. If the member has a pre-designated personal physician on file, the member may be treated by that physician.

If the injury does not require medical attention, the supervisor shall report the injury. The supervisor shall sign the report and indicate that the member desired no medical attention at the time of the report.

Within 24 hours of notification of an injury, the supervisor shall give the member a DWC-1 Employee's Claim for Workers' Compensation Benefits Form. The supervisor should have the injured member complete the member's portion of the form. If the member is unable to complete the DWC-1, the form may either be sent to the member's home or completed by the supervisor. The supervisor should complete the employer's portion as well.

The supervisor shall ensure that an Employer's Report of Occupational Illness/Injury (Form 5020) is filed with the Department of Industrial Relations within five days of the notice of injury (8 CCR 14004).

Supervisors receiving a report of a near-miss incident should prepare a detailed description of the incident and any recommendations or efforts to mitigate any identified hazards. Supervisors should forward the report to the Administration division.

On-Duty Injuries

1032.3.3 ADMINISTRATION RESPONSIBILITY

The Administration should evaluate the request to return to work and any necessary medical verification and make a determination whether:

- The member may return to work based on the medical documentation provided by the member.
- It is necessary to engage in an interactive process to determine a reasonable accommodation.
- It is necessary and appropriate to send the member to a fitness-for-duty evaluation.

The Administration, in consultation with the appropriate Division Chief will make a recommendation to the Fire Chief or the authorized designee whether the member should be returned to full-duty or modified-duty, and will communicate the decision to the member regarding his/her return to work.

1032.3.4 RETURN TO WORK FOLLOWING INJURY OR ILLNESS

It is the member's responsibility to keep the District informed regarding his/her absence and to immediately advise the person designated by the District when the member believes that he/she will be released to return to work, with or without limitations. If practicable, the member shall provide advance notice of his/her potential return to work. If requested, it is the member's responsibility to provide medical verification.

A summary of steps for returning to work following an injury or illness can be located in the Return to Work Policy.

1032.3.5 TEMPORARY MODIFIED-DUTY ASSIGNMENT

A temporary modified-duty assignment may be available for a member with temporary limitations on his/her ability to perform normal job duties. See the Temporary Modified-Duty Assignments Policy for additional information.

1032.4 SETTLEMENT OF INJURY CLAIMS

Occasionally, a member's work-related injury or illness results from the negligent or wrongful acts of another, for which the member, the District and/or other insurers are entitled to recover civilly. To ensure that the District's interests are protected and that the member has the benefit of the District's experience in these matters, the following procedure shall be followed.

1032.4.1 MEMBER OFFERS TO SETTLE

When a member sustains a work-related injury or illness caused by another person and is then approached by the person or an agent, insurance company or attorney and offered a settlement of claims, that member shall take no action other than to make a written report of this contact to his/her supervisor as soon as possible.

1032.4.2 SETTLEMENT AUTHORIZATION

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to an on-duty injury, the member shall provide the Fire Chief with written notice of the proposed terms of such settlement. In no case shall the member accept a settlement without

Fresno County Fire Protection District

Policy Manual

On-Duty Injuries

first providing such written notice to the Fire Chief. The purpose of such notice is to permit the District to determine whether the offered settlement will affect any claim the District may have regarding payment for damages to equipment or reimbursement for wages against the person who caused the accident or injury and to protect the District's right of subrogation, while ensuring that the member's right to receive compensation for injuries is not affected.