

Customer Workers Compensation Jurisdictional Resource - California

Issue	Mandatory	What & How	Impact	State Forms
Timely Reporting of Claims	<p>Yes</p> <p>Employer must report a work-related claim to administrator within 1 working day of notice or knowledge of an industrial injury or instances of death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. Section 14300.7 of the California Code Employers must comply with the standards relating to ready availability of medical services and first aid adopted by Occupational Safety and Health Standards Board. First Aid Claims must be reported to insurer within 5 days of knowledge; Within 1 day of receiving notice of the claim, the Employer must provide a claim form to injured worker.</p>	<p>Telephonically:</p> <p>Commercial Accounts: 800.238.6225</p> <p>National Accounts: 800.832.7839</p> <p>Construction Accounts: 877.828.4132</p> <p>Online: www.travelers.com</p>	<p>The sooner the claim is reported, the more accurate the information provided during the investigation will be. This also insures faster communication between the Carrier, injured worker, and medical providers. Failure to provide a claim form timely and report when required could toll the statute of limitations and/or result in claim being found presumptively compensable.</p>	<p>California Form 5020 - First Report of Injury (FROI)</p> <p>California Form 5021 - Doctor's First Report of Occupational Injury (FROI)</p> <p>California Form DIA 510 - Notice of Employee Death</p> <p>California Form DWC 1 - Claim Form & Notice of Potential Eligibility</p> <p>California Form DIA 510 - Notice of Employee Death</p>

Drug Free Workplace	No Drug testing is not mandatory but can support the defense.	Intoxication is an affirmative defense that can be a potential bar to compensability. The employer has the burden to prove that intoxication caused the injury or death. Section 3600 (a)(4) of the California Labor Code	Intoxication does not have to be the sole cause of injury, but it must be proven to be a substantial factor in causing the injury.	N/A
Managed Care Law	No There is no requirement for managed care in California. Employer/Insurer may use the services of a nurse case manger (with the agreement of Claimant, or possibly by Order of Administrative Law Judge.) Employer/Insurer may set up a Medical Provider Network for the provision of medical care. Managed Care is Travelers standard product in CA for all insured customers. Self insureds and fronted must file for their own arrangement.	Eligibility for use of Medical Provider Network set forth under Section 4616-4616.7 of the California Labor Code .	Permits greater control over medical care cost inflation and utilization of medical resources while maximizing outcomes.	N/A
Utilization Review	Yes	Travelers is registered in CA as a UR Agent		
Timely Reporting of Out of Work Status	No Required only by employer's 1st report of injury. There is no	If employee is out of work, this information should be communicated to insurer as soon as possible.	Permits timely payment of benefits where appropriate.	California Form 5020 - First Report of Injury (FROI)

	separate mandatory reporting requirement.			
Timely Reporting of Employee Returning to Work	No	Employer should notify insurer as soon as possible so that temporary-total benefits may be terminated at the appropriate time and so that an offer of modified or alternate work can be timely extended.	Timely reporting prevents overpayment of benefits, and timely offer of modified or alternate work results in a 15% reduction of each remaining payment of permanent disability.	N/A
Bona Fide Job Offers	Voluntary But employers are encouraged to facilitate return to work for injured employees.	If the employer has light duty within work restrictions, an offer should be made as soon as possible in order to mitigate any temporary total disability claim; and following finding of Permanent and Stationary status, written offer of modified, alternate, or regular work should be made to mitigate any PD, for injuries on or after 1/1/05. The insurer may serve the offer of work on behalf of the employer.	Mitigates the employer's exposure for payment of indemnity benefits if they are able to accommodate an injured worker's light duty restrictions on temporary basis; also mitigates PD exposure if permanent modified or alternate work is timely offered, as well as mitigating exposure for Supplemental Job Displacement Vouchers.	California Form DWC-AD 10133.53 - Notice of Offer of Modified or Alternative Work California Form DWC-AD 10118 - Notice of Offer of Regular Work
Wage Statement	No	Travelers sends a Travelers wage statement form to the employer on all lost time claims.	Failure to provide proof of wages can result in Employer paying indemnity at maximum rates and creates potential overpayment of benefits.	N/A
Posting of Notices	Yes A state-approved notice must be posted in a conspicuous location frequented by employees during the	Failure to post or to provide notice as required in this rule can subject employer to fines and to loss of control over medical.	Avoids administrative penalties, and employees are more likely to report claims quickly. This enables the investigation to begin sooner, for medical costs to be	Notice to Employees Poster Section 9881.1 of the California Code or Employer may create one

	hours of the workday. It must be in both English and Spanish. Mandatory Contents are set forth in Section 9881 of the California Code .		better controlled, and increases the chances for a better outcome.	that meets posting requirements set forth by Administrative Director and discussed in Section 3550 of the California Labor Code . California Workers Compensation Poster
Reporting First Aid Claim	Yes	Required to report to insurer by Department of Labor Statistics & Research (DLSR) within 5 days of knowledge.	The sooner the claim is reported, the more accurate the information provided during the investigation will be. This also insures faster communication between the Carrier, injured worker, and medical providers. Failure to file this report when required could toll the statute of limitations.	California Form 5020 - First Report of Injury (FROI) California Form 5021 - Doctor's First Report of Occupational Injury (FROI)
Forms	Yes	Within one working day of knowledge of claim, must provide California Form DWC 1 - Claim Form & Notice of Potential Eligibility to injured worker. Required to report to insurer by Dept. of Labor Statistics & Research (DLSR) within 5 days of knowledge.	The statute of limitations will be tolled until the applicant is provided with the California Form DWC 1 - Claim Form & Notice of Potential Eligibility . There are also fines and potential penalties for failure to file the appropriate forms.	California Form DWC 1 - Claim Form & Notice of Potential Eligibility
Maintain Copy of All Injuries	Yes	Every employer shall file an employer's first report of occupational injury or illness which results in lost time beyond the date of such injury or illness or	Fines and potential penalties for failure to comply.	California Form 5020 - First Report of Injury (FROI)

		which requires medical treatment beyond first aid with their insurance carrier. "Lost time" means absence from work for a full day or shift beyond the date of the injury or illness.		
Can an Employee be discharged based on filing a WC claim?	No	Section 132a of the California Labor Code prohibits an employer from discharging, threatening to discharge, or discriminating against any employee because he or she has filed or made know their intent to a claim for compensation.	Potential misdemeanor conviction and employee's compensation is increased by one-half, not to exceed \$10,000. Employee is also entitled to reinstatement and lost wages and work benefits caused by the discriminatory action. This is a non-insurable exposure.	N/A
Can Employee Pay Into WC Premium?	No	Section 3751 (a) of the California Labor Code prohibits an employer from obtaining premiums directly or indirectly from an employee for the cost of workers compensation insurance.	The employer can be charged with a misdemeanor for violating this subdivision.	N/A
Can Employee Waive Right to Compensation ?	No	An employee cannot opt out of the workers compensation system unless there is a carve-out based on a collective bargaining agreement Section 3201.5 of the California Labor Code or the IW is a Federal employee.	The employer can be charged with a felony for discouraging an injured worker for pursuing a claim. Insurance Code Section 1871.4 (a)(4) & (b)	N/A

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