

Employee Injuries and Local 2881 Support

How L2881 Injured Member Liaisons Can Help You

By Kevan Fox

L2881 Disclaimer: *The content listed here should not be taken as direction from Local 2881 in lieu of a workers compensation attorney. Information has been compiled based on personal experience, information from a work comp attorney, other written material and California state labor laws. This is only an initial source to assist Local 2881 members to start navigating the Workers Compensation processes, with focus on the first 75 days of your work related injury or until you retain an Attorney.*

There's a lot to unpack to try to understand the workers compensation processes. Every injured employee's experience is unique. The process can be very frustrating. We have yet to hear of a happy positive experience regarding work comp injuries. With that said... This is an initial informational starting point while trying to keep it as simple as possible to understand.

If you have a substantial on duty injury and have started the Worker's Compensation process, the worst thing you can do after a substantial on duty injury is to do nothing. Don't let the state and department run your case and make decisions for you. If you are a newer retired member, and develop an injury after retirement such as a cancer or heart condition, Worker's Compensation may still apply to you up to 5 years or possibly more after retirement. It's worth getting a free consultation with a worker compensation attorney.

There are three initial areas that are critical to address and maintain awareness of after a workplace injury occurs. As an injured employee, you need to be active in your injury case.

- Number one is initial medical treatment. Get the treatment started for your injury, and keep copies of ALL of the medical paperwork organized from day one of your injury. Very important..
- Number two is the administrative paperwork and follow through with SCIF, the Department, and any paperwork completed by any physicians treating you.
- Number three, that often gets overlooked for long-term injuries is the emotional support and mental health of an injured employee/ L2881 member. This third step you should take is contacting a union

representative who can help direct you in the initial processes, or at least direct you to someone who can help assist you. It is important that you don't go it alone with a substantial work related injury. It can be mentally and emotionally devastating to an employee if they are unable to return to a firefighting career they love, on top of dealing with the work comp bureaucracy.

Definitions that you will need to know if you sustain a substantial work related injury.

1. SCIF- State Compensation Insurance Fund- The insurance style company that contracts with the state to provide workers compensation services and payments for injured state employee's.
2. RTWC- Return To Work Coordinator- The departments liaisons at the Unit and Region level for all things work comp related. Includes SCIF paperwork and return to work status for an injured employee.
3. Supervisor- An injured employee's direct supervisor. Station Fire Captain, Battalion Chief, Strike Team Leader, Etc. This may include the Unit Administrative Chief.
4. Workers Compensation Attorney - Your legal advocate in all things SCIF related after an injury.
5. SCIF Claims Adjuster- The SCIF person assigned to handle your injury case on behalf of the State of California. Your contact person for all SCIF related questions and paperwork.
6. Injured Member Liaison (IML)- "A Local 2881 Representative" that helps support and direct injured members to navigate their initial work comp process. Can liaison with Unit also.
7. QME- Qualified Medical Exam. Performed by state contracted doctors to evaluate and make determinations and treatments of your injury. (Consult a workers comp attorney)
8. Personnel Specialist- Unit level administration of your time sheets, pay and benefit's info.
9. 4811 time- Labor law policy stating an injured employee may receive full pay, benefits and retirement contributions for up to 52 weeks. Does not need to be used consecutively. Must be used within 5 years.
10. TD- Temporary Disability- Used after 4811 time is used up and equals 2/3rds pay. Must supplement with leave credits for full pay and benefits.

Not eligible for retirement contributions and calculations unless employee pays direct out of pocket to PERS including employer amount.

11. Permanent and Stationary- Term used when an injured employee has reached a plateau in their treatment and recovery and has sustained no further injury.
12. Physical and mental job description/ Essential duties statement- Lists what your job description is and what you're required to do in your job. Injured employee's need a copy of this to provide to their physicians for the CalFire-200 medical treatment/return to work form.

Initial paperwork and forms injured members need to know of...

1. DWC-1- Work Comp injury form filled out by employee to report a work related injury.
2. 3301- Notice of eligibility for an employee's workers compensation benefit's.
3. E3067- Employers Report of Occupational Injury- filled out by Supervisor/ Employer.
4. Notice of claim denial- If you get one of these, call a Work Comp Attorney immediately.
5. Notice of claim acceptance- if you get one of these, call a Work Comp Attorney anyway.
6. **CalFire-200 Medical Treatment /Return to Work form**- Used for each visit to a medical provider to report injury status and work limitation to the department. Must be accompanied by a job description (see #12 above).

After an on duty injury occurs, no matter how insignificant an injury may seem, it is imperative that you complete and keep copies of all of the SCIF and IAPS paperwork. Your supervisor needs to complete this as well as make sure any emergency room paperwork and medical assessment's are initially done. This paperwork will play a key roll if your injury progresses or leads to other consequences beyond the initial injury.

For on duty injuries that will require substantial time off work and are complicated in nature such as torn ligament's, back injuries, knee and shoulder injuries, heart attack, cancer, Etc. We highly recommended you consult a Workers Compensation Attorney that specializes in Safety Personnel. (See L2881 website for current list of Work Comp Attorneys). An industrial work related injury can be

complicated and has time sensitive paperwork that must be returned and filled out correctly or your case could be delayed or in a worse case~ denied. Don't take the chance. Get help and remain engaged in YOUR treatment procedure's and paperwork.

A note about consulting a Workers Compensation Attorney.

Initial consultations with a California based Workers Compensation Attorney are usually free of charge. Under the California Labor code, Workers Compensation Attorney's fee's are taken out of the over all monetary award at the conclusion of your case. Their fee is generally 15%, that is set by law. You don't pay out of pocket. It is in California Labor Code that as an injured employee, you are entitled to attorney representation for your case if you so choose. You need to be aware though that if you retain an Attorney that accepts your case, it is going to slow down the work comp process even more. This is because all communications from SCIF and associated reports, schedules, or information will run through your Attorney first and then to you. This can delay treatments considerably over time, but will ensure that you are protected and treated appropriately.

Lastly, if you sustain a substantial work related injury or develop a presumptive illness, get a consultation with a Work Comp Attorney as soon as possible. It will be worth it in the long run.

I'm injured and now off work... what do I do?

Note -The California Labor Code, regarding work related injuries, states that injured workers are entitled to reasonably necessary medical treatment to cure or relieve an injured workers injury.

Note -Additionally, injured CalFire employee's are now entitled to 4811 time,(formerly IDL), that allow full paid leave for up to 12 months for an on duty work related injury.

1. Get treatment. Go to the hospital ASAP and get medically evaluated. Under California law, a work related injury is paid for, there are no co-pays, and there is a 10,000 dollar buffer from SCIF to pay for initial evaluation and treatment. **Important note:** It is very important that the Doctor treating you understands what your job duties require you to do at work. For a firefighter that means fire attack and extended heavy duty physical

labor. Their medical evaluations need to ensure your work limitations are detailed explanation's that can be understood easily on the CalFire-200 form.

2. Make sure your Supervisor fills out ALL of the department's IAPS and workers compensation paperwork and submits them. Be sure to keep copies of all paperwork. Start a file system. You will need it.

3. Print out a copy of your current time sheet ASAP. I cant over stress how important this is. This captures proof of your leave balance's, current pay and when your IDL will start. This also assures the department doesn't inappropriately misuse use your leave balance's for your work related injury. This has happened. 4811 time, formerly IDL, with full pay should be used for your time off work. You the employee get to choose which leave credits to use first, not the department personnel clerk. Use Holidays, PLP days, and Vacation.. Use sick leave last as it equates to state time when converted.

4. When you get home, call your Chapter Local 2881 representative(s) and let them know you have been injured and are off work. They can provide support and help direct you with questions. They can also help monitor your situation as time progresses in your treatment.

5. Depending on your injury, meaning if it is a substantial injury that will require you to be off work for a considerable amount of time for recovery and treatment, you should get a initial consultation with a Workers Compensation Attorney right away. We highly recommend an attorney that specializes in "Safety Personnel" like Firefighters and Law Enforcement. See the L2881 list of recommended attorney's.

6. Contact your unit's "Return To Work Coordinator" soon after your injury. They will need copies of your SCIF paperwork and initial medical treatment information for payment and processing of your injury case. Cal Fire requires that a Form 200 (Medical Treatment/Return to Work) be filled out by your treating physician along with a " Cal Fire physical and mental job description" so the physician can make an initial determination for your medical limitations for return to work purposes. Example: Lower back injury- medical limitation- no lifting, bending or prolonged sitting for three weeks. The department will require a signed 200 for every one of your medical visits. Have them on hand accompanied by your written job description before your appointments. Have the doctor fill it out and give it

to you before you leave the office visit. Send a copy to the Return to Work Coordinator. Contact your union rep/ liaison for more info if needed.

Things you should NOT do when you're off work with a work related injury.

- DO NOT do things that will exacerbate your injury! Sounds logical right? Don't try to be the tuff guy or gal and "work through the pain" by hiking, running, riding motorcycles, going fishing, whatever. Listen to your doctor's recommendations. Additionally, if you have a work related injury that the state is paying for, remember this... Fraudging the state for a fake work related injury is a felony. You will be fired, and likely prosecuted. Be cautious. Getting caught by an investigator water skiing with a documented shoulder injury will not bode well for you.
- Don't let a supervisor or anyone in the department push you into coming back to early. Technically the RTW Coordinator is your contact person in the Unit using the CalFire 200's you are turning in from your physician's evaluations. That's all they need to know. Over zealous managers should not use shaming, or belligerent harassment to push you to come back. Don't tolerate that. They are not doctors. Immediately contact your L2881 reps if this happens. They are NOT allowed to harass injured employee's in any way. That doesn't mean a supervisor can't call and check in on your well being once in a while. Good supervisors should! However, don't discuss details of your case with them. It could be used against you.
- Don't procrastinate in completing required paperwork, or asking for help to understand something you're not sure of. Be proactive. This is where an attorney can really help you with the SCIF paperwork and SCIF doctors. Your Local 2881 Representatives can initially help guide you with the idiosyncrasies of our internal department requirements. So can the RTW coordinators. Turn in your CalFire 200's to them and they are happy.
- Don't let depression and anxiety push you around. This is a hard one, especially for active Firefighters who love their careers. A debilitating injury combined with being unable work can be very depressing and mentally and emotionally destructive. It's common for injured employee's to experience this. The Employee Assistance Program is available with mental health counseling assistance if needed. Life goes on and fire season happens.. so an injured employee's support mechanism, friends, and feelings of worthiness

can be absent and thus depression starts. Get help... and offer to help to others that are injured with peer support.

- Don't openly discuss your case or medical condition with supervisors, other employee's or mutual co workers. There is a circle of trust regarding privacy surrounding our union representative's handling your case and your Lawyer if you have one. There are laws in place (HIPPA) protecting your privacy and medical information. Your info is shared between you, your lawyer and medical providers. Your medical info will also be collected by SCIF as well for payments, tracking and treatment approval purposes.

Other things injured members and retiree's should know.

Presumptive Illnesses for Public Safety Employee's.

These are written into the California Labor Code for causation recognition of illnesses that many public safety personnel end up with that are caused by employee exposures during the course of their jobs and/or careers. These disease's are considered presumptively acquired during the course of their employment in the public safety field. List provided by California Professional Firefighters, and covers all CalFire Firefighters.

- Post-Traumatic Stress Injury (PTSI) Presumption
[Labor Code §3212.15 & FAQ](#)
- Bio-Chemical Exposures Presumption
[Labor Code §3212.85 & FAQ](#)
- Heart, Hernia, and Pneumonia Presumption
[Labor Code §3212. & FAQ](#)
- Cancer Presumption
[Labor Code §3212.1 & FAQ](#)
- Tuberculosis Presumption
[Labor Code §3212.6 & FAQ](#)
- Blood-Borne Infectious Disease and Methicillin-Resistant Staphylococcus Aureus (MRSA) Presumption
[Labor Code §3212.8 & FAQ](#)
- Meningitis Presumption
[Labor Code §3212.9 & FAQ](#)

PERS and Disability Retirement.

If you're close to retirement and sustain a substantial work related disability, you should start looking into the options for a PERS disability retirement. This is where an Attorney can really help you. Some but not all Work Comp Attorney's are versed in CalPERS disability retirement procedure's. Be aware...The Attorney's that are will charge extra out of your pocket to file the disability case claim for you with PERS. It is not cheap. Additionally, PERS does their own investigative evaluations of your SCIF medical disability records and case to determine your eligibility for a disability retirement. If you qualify and are awarded a disability retirement through Cal PERS, your retirement income is 50% tax free. This can really bennefit someone who's forced to retire early due to an injury and wont have a decent monthly retirement income. To be vested and qualify with Cal PERS, you must have 5 years or more of state service credit. To learn more, go to the Cal PERS website and also visit the Local 2881 retirement information page for links and descriptions if this may seem like an option.

CalFire Local 2881 Injured Member Liaison Committee members.

If you are a L2881 member and have questions regarding an on duty injury, you can call one of our Injured Member Liaison committee members near you for assistance. You can also call any of your local L2881 Chapter officers for assistance and direction.

Chair - Kevan Fox: (707)499-2801. Cdfcaptfox@aol.com.

North Bay/ Nor Cal - Doug Jones: (530)518-8198. Djones@cwo.com

Sothern Cal- Kathleen McGowan: (707)322-6701. Tikamcgowan@gmail.com

Central Cal/ Bay Area South- Josh Shifrin: (310)487-9145. Jshifrin@l2881.org

North Cal/ Sac Valley- Jennifer Corning: (707)235-5706. Miss_Smith79@yahoo.com

Workers Comp Attorney/ Committee Advisor- Jason Wells- (877)840-5353. www.wellswellslaw.com

