

Workers' Compensation Benefits at a Glance

Overview

Workers' Compensation is a "no fault" system designed to provide medical care and disability benefits for employees injured in the course and scope of their employment without creating an adversarial relationship between the employer and employee. The objective of the system is to return employees to their pre-injury status as quickly and safely as possible. Various types of benefits are available, depending on the temporary and permanent effects of the injury or illness.

Medical Treatment

Medical care will be provided to treat the effects of an industrial injury or illness. For authorized treatment that clearly results from the injury or illness, payment will be made directly to the medical provider in accordance with the California Workers' Compensation Medical Fee Schedule and any available Preferred Provider Organization (PPO) agreements. LWP will resolve any billing questions directly with the medical provider. Neither the employee nor the employer will be responsible for any portion of the medical bills. In California, employers have the right to direct employees to a particular medical provider for the first 30 days of treatment, provided the employee has not predesignated his personal physician prior to the injury. In cases where a Medical Provider Network (MPN) has been implemented, the medical control is maintained for the life of the claim.

Temporary Disability Benefits

If an employee is unable to work for a period of time following the injury, temporary disability benefits are available to offset lost salary. Temporary total disability is designed to replace salary during the recovery period. It is paid at the rate of 2/3 of the employee's average weekly wage, subject to a statutory minimum and maximum rate. These benefits begin after a three-day waiting period (which is waived if the employee is hospitalized or disabled for more than 14 days) and will continue until either the employee is released to work, or the employee has reached maximum medical improvement. The first payment is due no later than 14 days of the employer's knowledge of the injury and disability. In some cases, the employee may be released for modified or alternative work. If the employee is unable to work full time hours while on modified duty, they may be eligible for wage loss benefits (temporary partial disability).

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Permanent Disability

Once the employee's condition has reached maximum medical improvement, a physician will determine if the injury resulted in any permanent limitations or work restrictions. If the physician assigns any whole person impairment, the employee will be eligible for permanent partial disability benefits. If the employee is not able to return to work for the employer, we are required to advance permanent disability prior to case resolution. In very serious cases, when an employee is unable to return to any form of work, they may be awarded permanent total disability benefits which would continue for the employee's lifetime.

Lifetime Medical

In some cases, employees will receive awards for lifetime medical care related to their workers' compensation injury. The employee will not be responsible for payment of that treatment, unless the benefit is resolved as part of a lump sum Compromise and Release settlement.

Death Benefits

If an employee dies as the result of an industrial injury or illness, the employee's dependents are entitled to death and burial benefits. Dependents, as defined by law, must prove dependency. In the absence of dependents, the benefit will be payable to the State of California.