

Q & A: About Attorneys

Choose carefully. If you hire an attorney and then later want to switch, it may be difficult to find another attorney to take your case. In your first meeting, see how well the attorney and his or her staff communicate with you. Choose one with experience in workers' compensation, preferably one who is certified by the State Bar of California as a workers' compensation specialist.

Q. When do I need an attorney?

A. ASDCE recommends hiring an attorney because the laws and procedures in workers' compensation are complicated. You may need an attorney if you believe your employer or the claims administrator is treating you unfairly or withholding benefits; or you have a permanent disability that limits you or causes pain; or you're not sure how to proceed with your case, and no one else can help.

Q. How can an attorney help me?

- A. The job of a workers compensation attorney is to:
- Protect your rights & be your advocate
 - Plan a strategy for your case to obtain all the benefits owed to you
 - Gather information to support your claim
 - Keep track of timelines and deadlines
 - Represent you in hearings before a workers' compensation judge
 - Tell you about additional claims and benefits that may be available
 - Keep up with the latest laws and regulations

Q. How are attorneys paid?

A. Most applicants' attorneys provide one free consultation. If you hire an attorney, you don't pay right away. Instead, the attorney's fee is taken out of some of your benefits later. The fee is usually 9 percent to 15 percent of your final permanent disability settlement or award. A workers' compensation judge must approve the fee. Note: Often applicants' attorneys will not take cases where the worker does not have a permanent disability.

Q. What are possible drawbacks of hiring an attorney?

A. The attorney's fee will be taken out of your benefits. Also, other people involved in your case may be allowed to speak only with your attorney on important matters, and cannot speak directly with you.

Learn More...About Your Rights & Benefits

Learn more about workers' compensation. The laws and procedures in workers' compensation are complicated. What applies to another injured worker may not apply to you. Learn what your rights are.

Resources & Links:

A Guidebook for Injured Workers

Worker's Compensation in California
CA Department of Industrial Relations (DIR)
Posted on ASDCE.ORG, Member Resources

CA Department of Industrial Relations (DIR):
Workers Compensation
<http://www.dir.ca.gov/dwc/>

San Diego Division of Workers' Compensation
Information & Assistance Unit
(619) 767-2082
7575 Metropolitan Drive, Suite 202
SAN DIEGO, 92108-4424

Cal/OSHA

<https://www.dir.ca.gov/dosh/>

The Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, protects workers from health and safety hazards on the job in almost every workplace in California through its research and standards, enforcement, and consultation programs.

Support Services

COSD Employee Assistance Program

To contact Anthem EAP
Please call toll-free at 888-777-6665
or go to www.anthemead.com
Enter your company code: County of San Diego

The Association of San Diego County Employees

Worker's Compensation Benefits

- What To Do if You Get Injured on the Job?
- How to Predesignate Your Physician
- Tips to Keep Your Claim on Track
- Q & A About Attorneys
- Learn More: Resources & Links

ASDCE.ORG

Workers Compensation Info

References to Legal Services

Phone: 877-92-ASDCE
877-922-7323

Email: info@asdce.org

References to Legal Services:

State Bar of California

Phone: 1-415-538-2120
www.calbar.ca.gov
www.californiaspecialist.org

California Applicants' Attorneys Association

Phone: 1-800-648-3132 within California
www.caaa.org

The San Diego County Bar Association

Lawyer Referral and Information Service
Phone: (619) 231-8585/(800) 464-1529
www.sdcbba.org

What Do I Do if I Get Injured on the Job?

EMERGENCIES

If it is a medical emergency always seek treatment at the nearest emergency facility or call 911 and make sure to tell the health care provider that your injury or illness is job-related.

REPORT THE INJURY TO YOUR SUPERVISOR

Reporting promptly to your supervisor helps prevent problems and delays in receiving benefits, including getting the medical care you may need.

NON-EMERGENCY MEDICAL CARE

For non-emergency medical care an injured employee must go to any U.S. Health Works unless they have predesignated a physician prior to the injury. U.S. Health Works specializes in occupational medicine and is familiar with the reporting practices required to meet state requirements. If it is a medical emergency always seek medical treatment at the nearest emergency facility.

DID YOUR INJURY OR ILLNESS DEVELOP OVER

TIME? If your injury or illness developed over time, report it to your supervisor as soon as you learn or believe it was caused by your job.

PAID INJURY LEAVE & LIGHT DUTY

Contact ASDCE to discuss your contract agreement (MOA) regarding paid injury leave and light duty assignment. ASDCE will refer you to legal services, tell you about other benefits, help negotiate changes needed in your job, help protect you from job discrimination, and help seek redress if a physician or medical facility tries to bill you if they know the injury is or may be work-related, which is illegal.

Phone: 877-92-ASDCE
877-922-7323
Email: info@asdce.org

How to Predesignate Your Physician

Predesignate Your Personal Physician ASDCE recommends that you predesignate your personal physician before a job related injury so that you can go directly to your personal Medical Doctor (M.D.), Doctor of Osteopathic Medicine (D.O.) or Medical Group and continue treating with that Doctor instead of being forced to go to the occupational medical clinic.

Without Predesignating Your Physician, the County will refer you to their occupational medical clinic, US Health Works and control your care for the first 30 days after your injury. After that, you can go to any doctor, or a chiropractor too. If you refuse to go to the employer's clinic and go to your own doctor, you will not be entitled to receive workers' compensation benefits during the first 30 days.

Predesignate Your Physician Prior to Injury! If you elect to predesignate your Doctor this must be done prior to the injury. If you change physicians, complete and sign a new form, have your new physician sign it and send it in again.

1. Fill out, complete and sign a **Predesignation of Personal Physician Form DWC Form 9783**. Then, get your personal physician to sign it.
2. Forms are available on the County's Intranet Website, DHR Risk Management, Workers Compensation and at **www.ASDCE.ORG**
3. ASDCE recommends that you send the completed and signed form as soon as possible by **County Mail or USPS Mail or by FAX to:**

County of San Diego
Department of Human Resources
Risk Management Attn: Worker's Comp.
5530 Overland Avenue, Suite 210
San Diego, CA 92123

Mail Stop O226

Fax: (619) 236-8485

Email: DHR_WCOMP.FGG@sdcounty.ca.gov

Phone: (858) 694-3800

IMPORTANT: After sending in the form, call Risk Management to confirm they received it, and that your doctor is on file as your predesignated physician !

Tips To Keep Your Claim On Track

The Injured Employee Must File Claim Form DWC-1

Benefits can't start until the claims administrator knows of the injury, so complete the DWC-1 form and file it with your employer as soon as possible.

By State law, the County as your employer, must provide, personally or by first class mail, a Workers' Compensation Claim Form (DWC-1) and a notice of potential eligibility for benefits (NOPE) to the injured employee, **within one working day of receiving notice or knowledge of injury or illness which results in lost time beyond the date of injury or illness or which results in medical treatment beyond first aid.**

30 Day Timeline If the County of San Diego does not learn about your injury within 30 days this prevents the County of San Diego as your employer from fully investigating your injury and you could lose your right to receive workers' compensation benefits.

Keep Your Claim on Track

You will probably fill out and receive many forms and other papers. Keep your claim on track by keeping good records, keep copies of everything, including envelopes showing postmarks! Keep notes of all discussions you have with the people involved in your claim. Meet the deadlines involved with your claim. Keep records and receipts for any out-of-pocket expenses that workers' compensation could cover (*like prescriptions or travel costs to medical appointments*).

Keep Track of Your Medical Condition and how it affects your ability to work.

Request in Writing that the claims administrator give you copies of all medical reports and other documents.

Print & Save Your Payroll Advice & Timesheets before and after your injury showing your income, the dates you worked, and when you were off work.