

Returning an Injured State Employee to State Service:

A Guide for Vocational Rehabilitation and Injured State Workers

Important Note: While every effort has been made to provide accurate information, this guide does not take the place of California laws and regulations or collective bargaining agreements.

TABLE OF CONTENTS

- ▣ [Vision](#)
- ▣ [Mission](#)
- ▣ [Publication Purpose](#)
- ▣ [Vocational Rehabilitation Services](#)
 - ▣ [Mandatory Evaluation](#)
 - ▣ [Participation](#)
 - ▣ [Return to State Service Plans](#)
 - ▣ [Inmates](#)
- ▣ [Master Agreement for the Adjustment of State Cases](#)
 - ▣ [Department of Personnel Administration Responsibilities](#)
 - ▣ [State Fund's Responsibilities](#)
 - ▣ [Employer Responsibilities](#)
 - ▣ [Qualified Rehabilitation Representative Responsibilities](#)
 - ▣ [Injured Employee Responsibilities](#)
- ▣ [Benefits](#)
 - ▣ [Waiting Periods](#)
 - ▣ [Industrial Disability Leave \(IDL\)](#)
 - ▣ [Industrial Disability Leave with Supplementation \(IDL/S\)](#)
 - ▣ [Enhanced Industrial Disability Leave \(EIDL\)](#)
 - ▣ [Labor Code Section 4800/4800.5 Time](#)
 - ▣ [Temporary Disability \(TD\)](#)
 - ▣ [Vocational Rehabilitation Maintenance Allowance \(VRMA\)](#)
- ▣ [Resources on How to Find a State Job](#)
 - ▣ [Vacancy Announcements](#)
 - ▣ [Capitol Weekly](#)
 - ▣ [California State Personnel Board](#)
 - ▣ [State Restriction on Appointments List](#)
 - ▣ [General Re-employment List](#)
 - ▣ [Examination Process & Eligibility Lists - Open or Promotional](#)
 - ▣ [Injured State Workers' Assistance Program](#)
 - ▣ [Limited Examination and Appointment Program](#)

- ▣ Other Components
 - ▣ Medical Demotion or Transfer
 - ▣ Medical Termination
 - ▣ Disability Retirement
 - ▣ Industrial Disability Retirement
 - ▣ Reasonable Accommodation

- ▣ Exhibits
 - ▣ Bargaining Units
 - ▣ Chart of State and Federal Laws

VISION

The State recognizes that experienced employees who are motivated to effectively serve the public are a valuable and prized asset to the State.

MISSION

To restore each injured State employee to a productive and useful place in the community, with a priority placed on returning injured State employees to productive employment with the State.

PUBLICATION PURPOSE

Returning an Injured State Employee to State Service has been developed to provide information and resources to assist the user in identifying options that will most likely result in the return of an injured State employee to productive employment with the State.

VOCATIONAL REHABILITATION SERVICES

For State employees who cannot return to their usual and customary position, even with modifications, vocational rehabilitation benefits are available. It is advantageous for both the State and employees if qualified injured workers are retained as active employees rather than ending their careers with the State prematurely.

In general, vocational rehabilitation is handled in the same manner for both public and private sector employees. The State may provide a vocational rehabilitation plan to any employee who becomes disabled on an industrial basis and needs a permanent work change. The aggregate cost of vocational skill training offered through the plan is limited to a maximum of \$16,000. Generally, an injured worker is paid Vocational Rehabilitation Maintenance Allowance (VRMA), which is less than Temporary Disability (TD) payments but greater than the employee would receive from Permanent Disability (PD) payments. It is critical to understand the overall structure of State civil service and how the benefits of State service impact the management of the vocational rehabilitation client.

Mandatory Evaluation - State employees in Bargaining Units 1, 4, 15, 18, and 20 who become eligible for vocational rehabilitation under Labor Code 139. 5 on or after January 1, 1993, are subject to an evaluation to determine the type of State employment that can be performed. The evaluation shall include vocational rehabilitation when deemed appropriate based upon a medical evaluation and previous experience.

Participation - The provision of Industrial Disability Leave (IDL) benefits, where applicable, shall be contingent on the employee's agreement to cooperate and participate in a reasonable and appropriate vocational rehabilitation plan. Should an eligible employee refuse to participate in the provision of vocational rehabilitation services while receiving IDL, IDL will terminate.

Return to State Service Plans - According to Labor Code Section 139. 5(g), a job offer within State service to an eligible State employee in Bargaining Units 1, 4, 15, 18, and 20 at the same or similar salary, and at the same or similar geographic location, is a prima facie offer of the vocational rehabilitation benefit. In summary, an offer of another job in State service constitutes a bona fide rehabilitation plan under the law and is the preferred method of placing injured State employees. Refusal of the job offer would terminate the injured worker's right to IDL benefits.

Inmates - Inmates of State penal or correctional institutions injured while engaged in assigned work or employment may be eligible for vocational rehabilitation if otherwise qualified. For cases with a date of injury on or after January 1, 1995, vocational rehabilitation services are limited to direct placement only.

MASTER AGREEMENT FOR THE ADJUSTMENT OF STATE CASES

The State Compensation Insurance Fund (State Fund) extends workers' compensation coverage to State agencies by means of either a regular policy of insurance or through the "Master Agreement," which is a contract between State Fund and the State of California providing for claims adjusting and legal services. Certain State departments purchase a policy for some operations and receive services under the Master Agreement for others. Most of the State cases adjusted by State Fund are presently adjusted under the Master Agreement.

Department of Personnel Administration Responsibilities

The Department of Personnel Administration's (DPA) Workers' Compensation and Safety Program (WCSP) is responsible for managing the States Workers' Compensation Program.

The role and responsibilities of the DPA shall include but are not limited to:

- **The Department of Personnel Administration (DPA) shall work with State Fund and the departments to ensure that employees are returned to work in the most expeditious manner.**
- **DPA, in conjunction with State Fund, will provide training to the Return to Work Coordinators (RTWC) on finding alternative positions for injured workers.**
- **DPA shall provide guidelines to the departments on assisting injured workers' return to work.**
- **DPA shall monitor departments and State Fund for compliance with applicable laws, regulations, executive orders, and policies and procedures.**
- **DPA, with the assistance and cooperation of State Fund vocational rehabilitation staff, will develop training materials for vocational rehabilitation counselors on returning state employee back to State service. The training material will be developed within 6 months of the inception of this agreement.**

State Fund's Responsibilities

State Fund utilizes in-house Vocational Rehabilitation Coordinators (VRC) to oversee the provision of vocational rehabilitation benefits to injured workers. Once the injured worker has been determined to be medically eligible, has been offered vocational rehabilitation services, and has requested services, the VRC, in conjunction with the employee, or the injured worker's attorney, if represented, decide on an Agreed Qualified Rehabilitation Representative (QRR). **Preferential consideration will be given to QRR's who have experience in returning injured State employees to State service.**

The QRR agreement will be confirmed in writing and will give details as to what services will be provided. The VRC continues to oversee the provision of vocational rehabilitation benefits, including plan authorization and dispute resolution. The VRC is available to assist the QRR with efforts to return State employees to State service.

The role and responsibilities of State Fund shall include but are not limited to:

- State Fund shall be responsible for ensuring the provision of vocational rehabilitation benefits when an injured worker is entitled to those benefits. State Fund shall provide these benefits in accordance with the Labor Code and the Regulations set forth by the Division of Workers' Compensation.
- State Fund shall find out from the department whether a modified or alternative position is available. If a position is not available and the employee is, or is presumed to be, a qualified injured worker (QIW), State Fund will refer the employee for vocational rehabilitation services.
- The State Fund VRC will give written notice to the department when an employee becomes, or is presumed to be, a QIW and will provide the medical limitations to the RTWC to facilitate the search for an alternative position.
- The State Fund VRC will consult with the RTWC during the development phase of a plan and prior to agreeing to a plan. **State Fund will give first consideration to a viable vocational rehabilitation plan that returns the injured worker to State service.**
- Copies of all Rehabilitation Unit (RU) Forms, vendor reports, and Decisions and Orders from the Rehabilitation Unit will be sent to the RTWC by the State Fund VRC at the department's request.
- State Fund's VRC will make the determination that a proposed plan should be approved, if the department does not have an alternative job available for the employee. **State Fund will give first priority to viable vocational rehabilitation plans that provide the injured worker with the skills needed to return to State service.**
- **State Fund will attempt to utilize a QRR who (1) has experience and/or has been trained on the process for obtaining and maintaining a job in State service, and (2) has a working knowledge of the Americans with Disabilities Act, the Fair Employment and Housing Act, and the process of reasonable accommodation.**
- State Fund shall notify the RTWC when paying expenses outside the vocational rehabilitation cap or when authorizing retroactive benefits

Employer Responsibilities

Each State department is required to designate a Return-to-Work Coordinator (RTWC), Departmental Claims Coordinator (DCC), or departmental designee who is responsible for

facilitating the early return to work of the department's injured employees. This individual is also responsible for monitoring the administration of a department's workers' compensation claims and case management. In the event an employee becomes disabled and cannot perform the duties of his or her usual and customary position, it is typically the RTWC's role to help the injured worker with identifying any viable employment available in the department.

The role and responsibilities of the employer departments shall include but are not limited to:

- Comply with the applicable Sections of the Government Code, Labor Code, California Code of Regulations, and Executive Order D-48-85 regarding returning employees to work and **actively seek employment opportunities for employees who become disabled.**
- Identify the RTWC or departmental designee who is responsible for assisting the injured worker in returning to work.
- Identify the classification(s) for which the injured worker qualifies and that fit within provided work restrictions.
- Provide the injured worker with information regarding the Injured State Workers' Assistance Program (ISWAP). If the injured worker would like to participate in ISWAP, submit an application for the ISWAP listing up to six classifications.
- Conduct a job search of all vacant departmental positions fitting both the injured worker qualifications and work restrictions.
- Notify the QRR if a position is located and send a job analysis or description to the QRR for submission to the primary treating physician for review and comment prior to placing the injured worker in the position.
- Work cooperatively with the QRR in locating a position within the originating department.
- The RTWC or departmental designee shall provide information to State Fund that could impact plan selection or development within 10 calendar days of receiving State Fund's notice that the injured worker has accepted vocational rehabilitation. This information should include but is not limited to the availability of modified or alternate work, requested job descriptions, or other information required by the Division of Workers' Compensation.
- The RTWC or departmental designee shall express in writing (e-mail, FAX or letter) any concerns about the proposed goal within 15 calendar days of receiving notice of the plan.
- The RTWC or departmental designee shall cooperate with the State Fund VRC and the QRR when the need arises for a job analysis or related purposes.

- The RTWC or departmental designee shall be available upon request to attend Division of Workers' Compensation Rehabilitation Unit proceedings (e.g., formal conferences, trials)

Qualified Rehabilitation Representative Responsibilities

State Fund requires that each Qualified Rehabilitation Representative (QRR) have on file with the Risk Management Department of State Compensation Insurance Fund a current certificate (or memorandum) of insurance showing professional liability of at least \$1 million per occurrence and \$3 million in aggregate. The role and responsibilities of the agreed-upon QRR shall include but are not limited to:

- Clarify and identify the injured worker's medical work restrictions (mental or physical) as contained in the medical record.
- Identify limitations that may affect successful return to suitable gainful employment.
- Clarify with the employer the work restrictions provided by the State Fund VRC to facilitate a departmental search of available vacant positions for which the injured worker qualifies and which fit within documented work restrictions.
- Identify/clarify with the RTWC the job classifications for which the injured worker is qualified to reinstate or transfer to and which fit within the injured worker's work restrictions.
- Prior to placing the injured worker in a vacant position, send the job analysis or description to the primary treating physician for review and approval.
- Provide a list of the potential job classifications to the employer to assist in the interdepartmental search.
- Provide the injured worker with information regarding the ISWAP. If the injured worker would like to participate in ISWAP, notify the RTWC to initiate the process.
- Help the injured worker develop a resume and complete the California State Government Examination/Employment Application (Std. 678).
- Assist the injured worker in a job search utilizing all available resources.
- If the injured worker is required to interview for a position outside the original department, counsel him or her on interviewing skills.
- If a position is located in the original department, notify the employer designee and State Fund VRC immediately

Injured Employee Responsibilities

The roles and responsibilities of the State employee should include but are not limited to:

- Work cooperatively with both the QRR and the employer to identify, locate, and obtain suitable gainful employment.
- Provide any medical documentation outlining current or permanent work restrictions.
- Fully participate in developing and completing a vocational rehabilitation plan.

BENEFITS

The State offers a variety of disability benefits through the workers' compensation program, including:

- Industrial Disability Leave;
- Enhanced Industrial Disability Leave;
- Labor Code Section 4800/4800. 5 Time;
- Temporary Disability; and
- Vocational Rehabilitation Maintenance Allowance.

Waiting Periods

There is a three calendar day (or 24-hour) waiting period before most employees experiencing disability begin receiving benefits. The waiting period need not be consecutive days. Partial days of absence for doctor appointments or authorized periods of disability may be accumulated to full days and charged to the 24-hour waiting period. For State employees, the **waiting period is waived** if the employee is hospitalized, **or if the injury was caused by a criminal act of violence**, or if the **employee is disabled more than 14 calendar days**, or if the **Section 4800/4800. 5 benefits are paid**.

Industrial Disability Leave (IDL)

IDL is a salary continuation program specifically designed as an alternative benefit to the workers' compensation TD benefit. IDL payments are available only to active members of the **Public Employees Retirement System (PERS)** or the **State Teachers' Retirement System (STRS)** in lieu of TD payments.

State officers and employees, whether or not members of such systems, who are employees of the Legislature and not members of the civil service are eligible for IDL. Seasonal, limited term, on-call, emergency, intermittent, substitute or other irregular basis employees are excluded from PERS membership, and from receiving IDL, until they have been employed for 1,000 hours in any given fiscal year.

- The IDL salary continuation program is significantly better than the standard TD benefit. IDL is available to employees for 52 weeks within a two-year period, beginning on first day of disability.
- IDL payments are based on the employee's full net pay (the employee's gross salary minus federal and state taxes, OASDI/Medicare, Retirement, and voluntary deductions) for the first 22 working days of disability, and

- After the first 22 working days of disability, IDL is calculated at two-thirds of the employee's gross pay less PERS contributions and voluntary deductions.
- Basic IDL is non-taxable.
- The employee continues to earn vacation and sick leave.
- Health care contributions continue.
- Benefits may be reduced by Social Security.

State employees who qualify for IDL payments may continue to receive IDL while participating in a rehabilitation program, even though they may be medically permanent and stationary (P&S). If receiving IDL while medically P&S and participating in vocational rehabilitation, up to \$246 per week of IDL may be credited against the \$16,000 cap (for cases with dates of injury on or after 1-1-94). **During periods of vocational rehabilitation interruption/non-participation, IDL terminates if the injured worker becomes P&S.**

State employees who enter rehabilitation two years or more after the first day of disability, retired State employees, and workers separated from State service would not be entitled to IDL. However, they would be entitled to Vocational Rehabilitation Maintenance Allowance (VRMA) benefits.

An employee's eligibility for IDL ends if:

- The employee is no longer an active member of PERS/STRS due to separation or retirement;
- The employee refuses to participate in a vocational rehabilitation program if one is offered;
- IDL benefits are exhausted or the time limit is exceeded; or
- State Fund determines, based on all available information, that the employee is no longer disabled from working due to the work-related injury or illness

Industrial Disability Leave with Supplementation (IDL/S)

All excluded employees and rank and file employees in all Bargaining Units (except Bargaining Unit 5) can supplement IDL payments with accrued leave credits up to the amount of their normal net pay. Employees may choose to supplement less time, but once the level of supplementation is selected it may not be increased. However, an employee may decrease the supplementation amount or terminate supplementation at any point, but changes will be made on a prospective basis only. Supplementation levels cannot include fractions of an hour.

- IDL/S is taxable.

- The employee must elect the type of IDL benefit desired within 15 calendar days of the first notice of eligibility for workers' compensation benefits. The election period commences on the date that the department informs the employee that he or she is eligible for Workers' Compensation benefits. Employees who fail to make an election will receive IDL without supplementation and will forfeit the right to supplementation at any future time.

Enhanced Industrial Disability Leave (EIDL)

EIDL is an augmentation to the IDL program that provides "full net pay" for an eligible employee for up to one year. Currently, employees in Bargaining Units 1, 3, 4, 6, 7, 8, 11, 12, 13, 15, 16, 17, 18, 19, 20, and excluded employees are eligible for this benefit if they suffer a qualifying illness or injury. To qualify for EIDL benefits, the injured employee must be temporarily disabled as a result of an injury incurred in the official performance of his or her duties. Such injury must be a physical injury that has been directly and specifically caused by:

- Assault by an inmate, ward, or parolee under the jurisdiction of the California Department of Corrections or the California Youth Authority;
- Responding to, returning from, or fighting an active fire;
- Criminal act of violence against a peace officer who was performing in the line of duty (a criminal act of violence is an act which would constitute a misdemeanor or felony if pursued to conviction);
- A domestic animal while the peace officer was performing in the line of duty;
- Assault by a resident, inmate, patient, client, or student under the Department of Developmental Services, Department of Mental Health, Department of Veterans' Affairs, or Department of Education;
- An injury incurred while at a crime scene and while performing the official duties of a Department of Justice - Bureau of Forensic Services Crime Scene Responder;
- Assault while performing the duties of the classifications of Inspectors, Department of Consumer Affairs and Program Representative, and Bureau of Automotive Repair; or
- Involvement in an automobile accident while performing a driving examination, or as a result of a criminal act of violence while performing the duties of a Department of Motor Vehicle Licensing Registration Examiner.

Full IDL is paid for the first 22 working days of disability. If the employee is unable to return to work on the 23rd day, EIDL will begin and the employee will receive full pay for the duration of the eligibility period. EIDL shall not be applied to either presumptive, stress-related disabilities or a disability having mental origins. **Eligibility is determined solely by the department's director or designee.**

Labor Code Section 4800/4800.5 Time

Labor Code Section 4800/4800. 5 Time is a special benefit available only to eligible safety officers. It provides up to one year (from date of disability) of full pay for injuries received in the line of duty. It excludes disabilities that are the result of cumulative trauma or cumulative injuries. The disability must result from a single injury arising out of and in the course of his or her duties. State Safety Officers include:

- California Highway Patrol personnel engaged primarily in active law enforcement ;
- Department of Justice personnel primarily engaged in investigative law enforcement activities;
- University of California Police Officers whose principal duties are law enforcement; and
- University of California Firefighters who are full-time, salaried, non-probationary, and primarily engaged in fire fighting and prevention.

California Highway Patrol and Department of Justice employees entitled to "4800 Time" benefits may continue to receive full salary while involved in rehabilitation for a period of one year, or until termination of employment by resignation, retirement, or dismissal, even if medically permanent and stationary. Unlike IDL, **credit against the \$16,000 cap on vocational rehabilitation is not allowed.** If "4800 Time" benefits expire during rehabilitation, the injured worker is entitled to VRTD or maintenance allowance for the remainder of rehabilitation.

Temporary Disability (TD)

TD payments are made to State employees who are **not covered under IDL** and employees who **remain disabled after IDL benefits have been exhausted** or the IDL **eligibility period has elapsed**. At present, only employees in Bargaining Units 2, 5, and 21 may elect TD instead of IDL for the first 52 weeks within a two-year period after the injury.

TD is based on two-thirds of gross pay at the time of injury. Currently, the maximum weekly benefit is \$490. TD payments start with the fourth day of approved absence from work once the injury or illness has been accepted as industrial.

- TD payments may be supplemented by accumulated sick leave, vacation, and overtime credits up to the amount of full salary.
- The employee must pay the employee's full premium to the provider for health care coverage.
- The employee continues to receive vacation and sick leave.
- Retirement contributions are voluntarily paid by the employee.

Vocational Rehabilitation Maintenance Allowance (VRMA)

Under current law, an injured employee may supplement VRMA benefits with PD benefits, where available. PD benefits cannot be coordinated or offset by the employer. An employee may also elect additional supplementation with available leave credits through his or her employer. Supplementation with leave credits combined with VRMA shall not exceed the employee's full pay less mandatory withholdings.

RESOURCES ON HOW TO FIND A STATE JOB

People find their first State job in various ways, but their second, and their third are usually found via vacancy announcements. To find positions internally within the employing department, vacancy announcements are often the best resource. However, vacancy announcements are not the only resource available to find a job in State service. The possibilities are nearly endless, with more than 225,000 jobs and 4,000 occupations in State service. Hiring departments have various options available to fill a vacant position including the State Restriction of Appointments List (SROA), Re-employment Lists, Limited Examination Appointment Program (LEAP), Employment Opportunity Transfers (EOT), Training and Development Assignments (T&D), Open or Promotional Eligibility Lists, Transfers, and Mandatory and Permissive Reinstatements. Additionally, there are various avenues to attract candidates utilizing the State Personnel Board's online Vacant Positions Database, Vacancy Announcements, the Capitol Weekly, newspaper ads, and job fairs.

Vacancy Announcements

Vacancy announcements are departmental notices that list internal job vacancies. There is no standardized process for listing or printing vacancy announcements (e.g., blue flyers or goldenrod job announcements). It is recommended that you contact the personnel office within the department you are interested in working for to find out how its vacancy announcements are posted. Many departments will issue weekly vacancy announcements and post them on departmental bulletin boards or in the personnel office. To apply for a internal or promotional job vacancy, applicants must already have State civil service eligibility.

Capitol Weekly

The Capitol Weekly newspaper includes a section listing State employment opportunities and open examinations. It is issued on a weekly basis, with new issues distributed every Monday. The current price per issue is \$3. 95; a full-year subscription is \$59, which includes access to the Capitol Weekly Web site located at www.capitolweekly.com. The Web site lists available jobs and exams by department, entry date, and job title.

For subscription information, call (877) 969-2100 or (916) 444-7665 between 8:00 a. m. and 5:00 p. m. Phone orders can be placed using credit cards only. You may also subscribe by sending a check or money order along with your name and mailing address to Capitol Weekly, 980 Ninth Street, Suite 175, Sacramento, CA 95814. Capitol Weekly also offers:

- "How to Get a State Job" seminars - \$45. 00. Call (916) 444-7665 for details.
- "How to Get a State Job" book - \$24. Call (916) 444-7665 for details

California State Personnel Board

The California State Personnel Board (SPB) is located at 801 Capitol Mall, Sacramento, CA 95814. The office provides a variety of tools and resources for people seeking a State civil service job or State employees who want to transfer or reinstate to a new position. The following tools and resources are available:

- Computer terminals, located in the lobby, to access to the SPB Web site between 8:00 a.m. and 5:00 p.m. Monday through Friday.
- Open and promotional examination bulletins posted at www.jobs.spb.ca.gov/bulletinsrd.cfm.
- Copies of SPB forms and brochures, including the State Application form STD - 678

The Internet address for the SPB is www.spb.ca.gov. This site provides a variety of information and tools useful in placing State employees.

On-line State Application form (STD - 678)

You can get the official State Application form (STD - 678) at www.spb.ca.gov/jobsrd.cfm. There are several versions of the application available:

- On-line Application (secure database)
- Form Flow Application (save the data to a disk)
- Adobe Acrobat application (for printing form, but not for saving data)

Other SPB forms and brochures can be downloaded and printed from the following Web site address: www.spb.ca.gov/svcgen/formsrd.cfm

Web-based Vacant Positions Database

The Web-based Vacant Positions Database (WVPOS) provided by SPB is a searchable online database consisting of departments' job vacancies. Departments are not required to utilize WVPOS, so it is not an exhaustive list of State vacancies. It is accessed at www.spb.ca.gov/wvpos/.

You also can contact a testing department directly for a current vacancy announcement. Links to departments are located at www.spb.ca.gov/jobsgen/demplrd.cfm, or you can get a listing of departmental testing offices at www.spb.ca.gov/jobsgen/formsrd.cfm. If the injured worker is not a current or former State employee, he or she must first take an exam to obtain list eligibility prior to applying for a vacancy.

Examinations

You can access the exam/email/eNotify section of the SPB Web site at www.spb.ca.gov/jobsrd.cfm. From this location, you can link to different sites that will provide access to the following:

- Search for open State examinations;
- Apply online to take an examination;
- Take an online examination for a wide array of classifications;
- Retrieve exam results; and

- Sign up for the eNotify system, which allows you to enter your email address to be notified (via email) when vacancies for specific classes are added to WVPOS.

Transfer Determination Calculator

Under SPB Rules 430-433, a State employee may transfer from one job class to another if the levels of duties, responsibility, and salary of the two classes are substantially the same and the classes are not in the same series. It is not necessary to meet the education and experience requirements, but you must have any required license, certificate, credential, etc. The transfer must not constitute a promotion, and the State may establish policy to limit transfers to certain classes. You can access additional information regarding transfers at www.spb.ca.gov/vposrd.cfm.

The Transfer Determination Calculator is an online tool for determining the classifications an employee may transfer into based on rate of pay only. You can access the Transfer Determination Calculator at www.spb.ca.gov/transferrd.cfm. The employee is still required to meet the minimum qualifications and perform the essential functions of the classification. To access class specifications online, log on to www.spb.ca.gov/wwwcplrd.cfm.

There are a variety of other tools and resources available on the SPB Web site. Please take the time to explore the wide range of public service employment opportunities available to you.

State Restriction on Appointments List

State departments are subject to Department of Personnel Administration policies and procedures, including State Restriction on Appointments (SROA). Prior to filling a position, departments must "clear" the SROA list. Any eligible candidate whose name appears on the list must be interviewed and considered for appointment. Hiring authorities must give preference to individuals on the SROA list who meet the eligibility requirements of the vacant position. The list is composed primarily of employees who have been laid off from State service and who have mandatory reinstatement rights.

General Reemployment List

The General Reemployment List is comprised of the names of employees who have reinstatement rights - employees who have been medically terminated or demoted who are now able to perform the functions of their last appointed classification.

Examination Process & Eligibility Lists - Open or Promotional

Most State employees find their jobs via the examination process. Entry-level positions are usually filled from lists of candidates who successfully pass an "open" examination. Since the State promotes primarily from within, higher-level positions typically are filled from lists of candidates who successfully pass a "promotional" examination. Once a candidate passes the examination, he or she may be interviewed. The candidate's overall results are compared to other candidates and the candidate is then "ranked" against other applicants. Hiring authorities are limited to the personnel "rule of threes" - the hiring authority can only interview and make offers to individuals who are in the top current 3 ranks. Current civil service employees can only

fill promotional positions. Posting "Blue Flyers" and/or Internal Vacancy Notices can be used to fill entry-level positions or promotional positions.

Announcements for examinations are posted at SPB, 801 Capitol Mall, Sacramento; local California Employment Developmental Department offices; and the personnel office of the testing department. Examinations are also posted on the SPB Web site at jobs.spb.ca.gov/bulletinsrd.cfm. However, not all departments choose to advertise their examinations and/or vacancies on the SPB Web site.

For pre-recorded exam information 24-hours a day, you can contact one of the following telephone numbers:

Los Angeles.....(213) 620-6450
Sacramento.....(916) 445-0538
San Diego.....(619) 237-6163
San Francisco.....(415) 557-7871

To apply for an examination, send a completed State Application form STD- 678 to the address posted on the examination bulletin. You can also apply on-line at www.spb.ca.gov/examstart for a wide range of examinations.

Injured State Workers' Assistance Program

The Injured State Workers' Assistance Program (ISWAP) employment list may be available to employees who have an injury or illness that prevents them from performing their usual and customary work, whether or not the cause is industrial. The ISWAP program is intended to identify employees who are injured and need to be placed within State service and for individuals with disabilities who are interested in applying for State service. The objectives of the program are to:

- Ensure that State employees who incur disabling injuries or illnesses are provided access to the necessary resources and programs to facilitate their return to productive employment;
- Eliminate unnecessary disability leave, vocational rehabilitation costs, disability retirements, and medical terminations; and
- Ensure departmental Return-to-Work Coordinators (RTWC) are knowledgeable about the services available to assist disabled employees, and utilize these services to return disabled employees to productive State employment.

This program also serves as a useful resource for QRRs who help injured employees return to State service.

ISWAP is a voluntary program. An injured employee who is unable to return to work in his or her usual and customary position may submit an application to be placed on the ISWAP list. If an application is submitted, the employee's name will appear on the SROA list for up to one year. The injured employee's name may be placed on up to six job classification lists as deemed appropriate when it is determined that the medical condition is permanent and stationary, and the

employee is unable to return to his or her regular job. When a State department requests a certification order to fill a position, the ISWAP employee names will appear at the bottom of the SROA. The ISWAP employees do not receive preferential hiring consideration. Appointing powers should, however, give consideration to them when making appointments.

The department should advise the QRR regarding State jobs that fall in the salary range of the participant at the time of injury and that may be available in the geographic areas under consideration. Care should be taken to determine that a participant meets the minimum qualifications of education, licensing or legal requirements listed for the class. The minimum qualifications regarding "experience" may be waived. DPA will examine, on a case-by-case basis, any special circumstances that may give justification for exceptions to the educational requirement of the ISWAP programs. It is also important that the jobs being considered are within the restrictions placed on the participant by his or her physician.

To obtain a copy of the ISWAP Guidelines, ISWAP Application, and Statewide Return-to-Work Policy, contact DPA's Workers' Compensation and Safety Program at (916) 445-9760.

Limited Examination and Appointment Program

The Limited Examination and Appointment Program (LEAP) is available to "individuals with a disability" who either:

- Have a physical or mental impairment or medical condition that limits one or more major life activities;
- Has a record or history of such impairment or medical condition; or
- Is regarded as having such an impairment or medical condition.

LEAP placement is limited to a series of job classifications under the general title Limited Examination and Appointment Program Candidate ("Identified Classification"). The LEAP selection process consists of a Readiness Evaluation to establish a referral list of names for departments to use in hiring. Those hired will be appointed first on a temporary basis for a job evaluation. If the candidate successfully performs the duties of the job, he or she will be appointed to the regular civil service classification. The program applies only to classes designated for LEAP, and the candidate must be certified as LEAP-eligible as well as meet the minimum requirements for the identified class. New classes may be added periodically. An individual may apply for as many LEAP Candidate classes as he or she qualifies for, and may continue to participate in the traditional examination process.

To be eligible for a LEAP Candidate class, an individual's disability must be certified by the Department of Rehabilitation as meeting the LEAP standards. Applicants interested in requesting LEAP should contact the nearest Department of Rehabilitation office. Applicants will need to provide medical evidence of their disability.

Announcements of examinations for LEAP Candidate ("Identified Class") are posted at the SPB, Employment Development Department offices, and many organizations serving individuals with disabilities. You can send a self-addressed stamped envelope to SPB to request copies of the

announcements, blank applications, and SPB pamphlets or visit the SPB or its Web page at www.spb.ca.gov.

LEAP appointments are always temporary, not a permanent classification, but the employee gets his or her health benefits the first of the month following the appointment. After the job examination period is completed in LEAP, the candidate transitions into the civil service classification and starts receiving regular State benefits. There is a great deal of flexibility for LEAP Candidates in the hiring process because LEAP classifications are based on the personnel "rule of the list" - they can be picked up and hired by a department if they have a score of 70 or better. Using non-LEAP testing methods, they would have to be in the top three ranks to be interviewed or hired. Many individuals enter State employment through the LEAP program because they know the State of California will promote such individuals with higher educational levels and/or experience to higher-level classifications.

OTHER COMPONENTS

Medical Demotion or Transfer

Medical demotion or transfer is available to the appointing power if an employee is unable to perform the work of his or her present position, but is able to perform the work of another position. Medical demotion or transfer provides an employee with another, more suitable position.

The employee receiving the medical demotion or transfer maintains reinstatement rights to an appropriate vacant position in the same classification, in a comparable classification, or in a lower related classification, if it is determined by SPB that the employee is no longer incapacitated for duty.

Any State employee who is medically unable to perform the work of his or her position, but is able to perform the work of another position, including one of less than full time, is eligible. The employee shall be given written notice of the demotion or transfer at least 15 days prior to the effective date thereof. An employee may appeal a medical demotion or transfer no later than 15 days after service of the notice of medical demotion. The SPB is responsible for the administration of the medical demotion or transfer statute.

Medical Termination

Medical termination is available to the appointing power to terminate the appointment of an employee if he or she is medically unable to perform the duties of his or her appointed position. A medical termination may be appropriate for an employee if the department has medical findings (obtained through a "fitness for duty" or other medically objective examination) that document he or she is unable to perform the work of his or her position. Medical termination provides an employee with mandatory reinstatement rights to an appropriate vacant position in the same classification, in a comparable classification, or in a lower related classification. The mandatory reinstatement is appropriate if determined by SPB that the employee's medical condition has improved enough for him or her to return to duties of the job that he or she held previously.

State employees can be medically terminated if they are medically unable to perform the work of their position and are ineligible to retire for disability or waive that right. The employee shall be given written notice of the termination at least 15 days prior to the effective date thereof. An employee may appeal a medical termination no later than 15 days after service of the notice of medical termination. SPB is responsible for the administration of the medical termination statute.

Disability Retirement

Disability Retirement (DR) is available to State employees who are members of PERS and are no longer able to perform the duties of their current position. DR provides income to employees who experience either a work-related or a non-work-related illness or injury and whose disability is of permanent or uncertain duration. State employees retiring under DR must have five years of credited service if they are in Tier One, or ten years of credited service if they are in Tier Two.

Eligible employees receive a monthly disability allowance payable for as long as the employee is disabled. If the employee is no longer disabled, the employee has mandatory reinstatement rights to an appropriate vacant position in the same classification or in a comparable classification.

There are no restrictions on the number of days an employee with a disability retirement may work for a non-PERS employer. However, the employee may not be employed by any State agency or contracting public agency covered under PERS without reinstating from disability retirement, unless exception is provided under the Retirement Law (contact PERS for information on exceptions). Contact PERS for additional information.

Industrial Disability Retirement

Industrial Disability Retirement (IDR) is available to an eligible safety employee who is a PERS member and is no longer able to perform the duties of his or her current job because of a work-related injury or illness. Miscellaneous and industrial members are also eligible for IDR if the disability is the result of a violent attack by a ward, inmate, or a patient in a forensic hospital. To qualify for IDR, the employee must be substantially incapacitated from performing of his or her job duties. Substantial incapacity must be due to a medical condition of permanent or extended and uncertain duration.

IDR applies to employees in Bargaining Units 1, 4, 15, 18 and 20 only . Pursuant to Government Code Section 139. 5(g), an employee who suffers a qualifying industrial injury or illness and who is permanently unable to perform the duties of his or her current position is eligible to participate in this program. Such employees include:

- Safety members
- Peace officers/firefighter members
- Patrol members
- State industrial members
- Local miscellaneous members whose employers have contracted with PERS to provide industrial disability retirement for their miscellaneous members, and
- Certain State miscellaneous members as specified in the retirement law.

If the employee qualifies for IDR, retirement will be approximately 50% of final compensation (average monthly pay rate earnable over the last three consecutive years unless the member elects a different 36-month period). The employee will receive a monthly retirement allowance for the rest of his or her life or until he or she recovers from the disabling injury or illness. If the employee is no longer disabled, the employee has mandatory reinstatement rights to an appropriate vacant position in the same classification or in a comparable classification.

Reasonable Accommodation

Covered employers are required to make "reasonable accommodation" to enable qualified individuals with a disability (QID) to perform a job. The accommodation that constitutes a reasonable accommodation will be determined on a case-by-case basis. There are certain kinds of accommodations that are required. These include:

- Providing physical access by removing barriers or other means.
- Restructuring the employee's job to remove any nonessential job functions that the QID cannot perform. While an employer is not forced to create "light duty" positions that eliminate essential job functions, the employer cannot deny such a position to a QID if it already exists.
- Reassigning the employee to a vacant position with duties that the employee can perform.
- Modifying employment policies, including work schedules or shift length.
- Acquiring or modifying equipment or devices.

An employer is not required to incur "undue hardship" in providing a reasonable accommodation. As with the concept of "reasonable accommodation," exactly what "undue hardship" means will be determined on a case-by-case basis.

EXHIBITS:

Bargaining Units

There are 21 bargaining units for State employees. All 21 units are listed below with a brief description of the classes of employees in each unit.

Unit #	Employee Classification	Description	Union
1	Professional, Administrative, Financial, And Staff Services	Employees performing administrative, fiscal and analytical functions, such as accounting, planning, personnel, data processing, research and analysis.	California State Employees Association (CSEA)
2	Attorneys And Hearing Officers	Employees practicing law for the State or exercising quasi-judicial job duties within administrative hearings.	California Attorneys, Administrative Law Judges and Hearing Officers in State Employment (CASE)
3	Education And Library	Employees providing educational services in departments with institutional work settings.	California State Employees Association (CSEA)
4	Office And Allied	Employees providing vital support to the primary professional, technical or administrative objectives of each State department or agency.	California State Employees Association (CSEA)
5	Highway Patrol	Employees providing safe and lawful vehicular movement over highways.	California State Employees Association (CSEA)
6	Corrections	Employees providing custody, supervision and treatment of wards and inmates remanded to State custody.	California Correctional Peace Officers Association (CCPOA)
7	Protective Services And Public Safety	Employees protecting State lands and buildings, furnishing emergency services, issuing licenses or permits, arresting individuals violating penal or administrative laws and protecting the public from fraudulent practices and schemes.	California Union of Safety Employees (CAUSE)
8	Firefighter	Employees fighting structural and forest fires.	California Department of Forestry Employees Association (CDF Firefighters)
9	Professional Engineers	Employees providing engineering, design, research, and related analytical information regarding structures, such as highways, bridges, dams and water treatment plants.	Professional Engineers in California Government (PECG)
10	Professional Scientists	Employees engaged in scientific research, testing, design, and analysis in life, earth and environmental sciences.	California Association of Professional Scientists (CAPS)
11	Engineering And Scientific Technicians	Employees utilizing scientific instruments and technology to gather and record data.	California State Employees Association (CSEA)
12	Craft And Maintenance	Employees operating and maintaining State equipment, facilities, buildings, grounds, and roads.	International Union of Operating Engineers (IUOE)

Unit #	Employee Classification	Description	Union
13	Stationary Engineer	Employees maintaining and operating power generation facilities which heat, ventilate and air condition large office buildings and other State facilities.	International Union of Operating Engineers (IUOE)
14	Printing Trades	Employees preparing, composing and printing material for State agencies.	California State Employees Association (CSEA)
15	Allied Services	Employees providing custodial, food and laundry and other basic services to maintain a proper physical environment for State facilities.	California State Employees Association (CSEA)
16	Physicians, Dentists And Podiatrists	Employees comprised of medical staff responsible for diagnosis, evaluation and treatment of patients within State institutions.	Union of American Physicians and Dentists (UAPD)
17	Registered Nurse	Employees involved in educational, preventive and treatment programs associated with State health care.	California State Employees Association (CSEA)
18	Psychiatric Technician	Employees providing psychiatric care for mentally ill and developmentally disabled patients in State-operated facilities.	California Association of Psychiatric Technicians (CAPT)
19	Health And Social Services/Professional	Employees providing evaluation and assessment of client counseling and consultation or client follow-up service of a health, social or employment nature.	American Federation of State, County and Municipal Employees (AFSCME)
20	Medical And Social Services	Employees providing direct and indirect health care and social service support to inmates and other recipients of State social service programs.	California State Employees Association (CSEA)
21	Educational Consultant And Library	Employees in departments with non-institutional work settings that provide educational consulting services and library services, and faculty members at the California Maritime Academy.	California State Employees Association (CSEA)

Chart of State and Federal Laws

Key State and Federal laws concerning injured and disabled workers.

	Provisions and Protections	Covered Employees	Jurisdiction
Workers' Compensation	Mandatory provision of medical care, temporary disability, permanent disability and vocational rehabilitation benefits to employees injured on the job ---prohibits discrimination	All employers	State: Division of Workers' Compensation/Department of Industrial Relations
Americans with Disabilities Act (ADA)	Protects the civil rights of permanently disabled employees - requires employers to provide reasonable accommodation to enable an employee with a disability to perform a job	Employers with 15 or more employees	Federal: Department of Labor/Equal Employment Opportunity Commission
Family and Medical Leave Act (FMLA) and California Family Rights Act	Requires that employers allow employees with serious health conditions, family illness, or new baby to be off work (unpaid) up to 12 weeks, without losing their jobs or their health care benefits	Employers with 50 or more employees	Federal: Department of Labor. State: Department of Fair Employment and Housing
State Disability Insurance (SDI)	Provides up to 52 weeks of benefits to employees who are unable to work due to disability, following a 7-day waiting period	All employers	State: Employment Development Department
Short Term Disability and Long Term Disability Benefits	Voluntary benefit programs can sometimes replace the SDI benefit - definition of disability, amount of benefits, length of benefits and waiting periods determined by policy	Voluntary	Federal: Department of Labor/ERISA
Fair Employment and Housing Act (FEHA)	State program that provides civil rights protections similar to the ADA - provides for a pregnancy disability leave of up to 4 months	Employers with 5 or more employees	State: Department of Fair Employment and Housing

Please consult the specific agency with jurisdiction to understand the employer's responsibilities under these various laws and regulations.