

WORKERS' COMPENSATION COVERAGE WHILE TRAVELING

County employees are covered under the County's Workers' Compensation policy for all injuries and illnesses arising out of or in the course and scope of their employment. County employees traveling to conferences, meetings, or training sessions at the employer's direction are covered by the workers' compensation law at all times during such travel. Coverage also extends to travel in the nature of mixed business and pleasure if the arrangement is permitted by the employer. Ordinarily, however, coverage is limited to those acts which are reasonably necessary to the sustenance, comfort, and safety of the employee. Should the employee engage in personal activity not contemplated by the employer which results in injury, the activity will be deemed not within the course and scope of his/her employment. Whether a particular activity is deemed to be within the course and scope of his/her employment will vary according to the requirements of the job, acts permitted or condoned by the employer, and customs and usages in the trade or business. With respect to death claims, the cause of the death would have to be determined to be job-related for death benefits to be paid.

FREQUENTLY ASKED QUESTIONS

- 1. What is the insurance that covers County employees when they are on "official business" for the County while they are in travel status? Is it workers' compensation only, or is there a separate policy?*

Answer: Employees are covered under Workers' Compensation while traveling on official County business. Workers' compensation provides medical and indemnity (lost wages) benefits for injuries that occur to an employee while traveling on official business.

- 2. What primary factors of an incident/injury determine eligibility for workers' compensation coverage?*

Answer: The primary "trigger" with workers' compensation to determine compensability is the nature of the incident/injury is whether the incident/accident is considered work-related and within the course and scope of employment. A County employee could be on a work-related trip but conducting a task that is not considered "work-related" and incur an injury. If the task is not considered work-related, the workers' compensation coverage would not apply and benefits would be denied.

- 3. Is there a particular document that triggers workers' compensation coverage for employees traveling in an official County business capacity?*

Answer: Employees traveling on official County business are automatically covered under the County's Workers' Compensation program and does not need to complete a separate enrollment form. In the event a work-related injury is sustained while traveling, the County's Workers' Compensation Claim Form (DWC-1) is used to file a claim for benefits with our workers' compensation third party administrator. As with any claim, the workers' compensation claims adjuster will conduct an investigation to determine compensability. Documentation approving the employee's attendance at the business functions and travel arrangements may be requested as part of the claims investigation.

- 4. Is workers' compensation coverage the same when an organization other than County pays for the travel?*

Answer: With the statutory workers' compensation insurance, the coverage applies to all County employees, regardless of who is funding the travel. As long as the travel is considered approved for official County business and is directly related to their employment, the employee is covered. The workers' compensation coverage only applies to County employees who are on the County payroll.

5. *Is coverage the same for all modes of travel (i.e., use of personal auto, rental car, train, bus, air), and for the travel area/location (in state, out-of-state, or out-of-country)?*

Answer: The statutory workers' compensation coverage applies to all employees while they are conducting any work-related tasks. This includes not only working on-site, but also conducting work-related tasks while traveling via their personal automobile, rental car, train, commercial bus, commercial plane or commercial boat. Workers' compensation also covers employees while they are conducting official County business while out-of-state.

In the event an employee sustains an injury while traveling in their own personal vehicle, it should be noted that only the employee(s) are covered under the statutory workers' compensation insurance. Non-employee passengers in the vehicle, passengers in other vehicles that are involved in the accident, and any injured pedestrians are not covered under the County's workers' compensation policy. Property damage to the employee's personal automobile and/or any third-party property damage are also not covered by any County insurance policy. The employee and/or their personal automobile insurance policy are responsible for responding to those damages, but may be covered under the employee's Memorandum of Understanding.

County insurance policies only provide coverage for third-party injuries and property damage when a County-owned vehicle is in use.

6. *Does workers' compensation coverage apply if an employee takes a personal "side trip" during an official County business trip?*

Answer: The statutory workers' compensation coverage will **not** apply to injuries that occur as a result of personal action. Only if the incident occurs while conducting official County business on the trip, will the workers' compensation coverage apply. However, if the incident occurs during the personal portion of the trip, it would not. This is also the case with a deviation from the official business trip.

For example, if the employee was traveling to City "A" to attend a conference but decided to stop at City "B" to visit a friend and was involved in an accident while in City "B", the workers' compensation claims adjuster would look at the reasonable route to City "A" and then determine if the accident occurred while deviating from that route in order to determine compensability of the injury. The same would apply if the employee was in City "A" attending the conference and after the conference decided to go to a bar and became intoxicated. If the employee then suffered an injury because he/she fell off of a barstool, the injury would be considered non-work related and therefore not compensable, even if the conference was considered official County business. Every claim submitted by an employee for workers' compensation benefits is investigated to determine if the injury and occurrence is compensable as outlined within the California Workers' Compensation Act.

7. *Does the coverage change for International Travel?*

Answer: No. The statutory workers' compensation insurance provides coverage under California jurisdiction for employees while they are involved with out-of-state travel and out of County for County official business.

8. *If an employee does get injured while traveling in an official County business capacity, what next steps does an administrator need to take to ensure the proper insurance coverage is used? What is that insurance?*

Answer: If an employee is injured while traveling, he/she should go to the nearest emergency room and seek medical care. Once his/her condition is stabilized, he/she should contact his/her supervisor to file a Workers' Compensation claim. Upon return to the County, he/she should follow-up with the workers' compensation claims adjuster for follow-up medical care if needed.