



Oakland Police Department Medical Unit

Workers' Compensation Carve-out

Provisions of workers' compensation reform legislation, implemented through Labor Code Sections 3201.5 and 3201.7, allow employers and unions to form a labor management alternative workers' compensation program, also known as a carve-out. Carve-out programs allow employers and unions to create their own alternative for workers' compensation benefit delivery and dispute resolution under a collective bargaining agreement.

Frequently asked questions (FAQ) about the Worker's Compensation Carveout process for Oakland Police Officers' Association (OPOA) members is outlined below:

1. What is the role of the Medical Unit in the workers' compensation carve-out process?

The Medical Unit manages the workers' compensation program; processes and tracks all injury reports; maintains medical files; administers payroll for injured sworn and professional staff; coordinates disability retirements; manages the transitional assignment program that returns injured workers to limited duty; tracks Family and Medical Leave Act (FMLA) requests; schedules ergonomic workplace evaluations; and acts as a liaison between the workers' compensation vendor, the City's Risk Management Department and the Oakland Police Department (OPD). Under the carve-out, the role of the Medical Unit remains the same.

2. What is the role of the new member advocate in this system?

The member advocate, who is an expert in the workers' compensation system, is someone the member can trust. The goal of the member advocate is to provide information on correct workers' compensation processes and to assist in speeding up the timeline for resolving workers' compensation issues. The member advocate will also ensure the member receives benefits to which he/she is entitled and will explain the options available to the member. Contact information for the member advocate is listed at the conclusion of this informational sheet.

3. How will the carve-out reduce litigation?

The member advocate will assist with resolving claims in a timelier manner, and if necessary, will work with a mediator (third neutral party agreed to by management and the OPOA) to resolve the members claims. If the member advocate is unable to resolve the claim directly or by working with a mediator, the member advocate will work with an arbitrator in resolving the members claim to reduce or eliminate the need for litigation.

4. How does the carve-out affect my “4850” benefits?

“4850” refers to Labor Code 4850, which provides up to one-year of leave of absence at full pay, without tax deductions, for police officers, firefighters and other safety personnel when temporarily disabled due to an industrial injury. The carve-out does not affect your 4850 benefits.

5. What is the benefit of using a pre-designated treater?

A pre-designated treater is a treating physician agreed to by both the OPOA and management and is familiar with the workers’ compensation carve-out process, as opposed to a treater that is assigned to you who may not be familiar with the process. You do not have to use a pre-designated treater and are free to choose a treater of your choice. The Medical Unit and the OPOA can provide you with a list of approved pre-designated treaters.

6. Will I still be required to see Concentra for my initial appointment?

Concentra is the default provider for initial evaluations; however, you will have the ability to select from a list of different providers when you make initial contact with CarivaCare (Injury Care Direct- 1-877-247-5431).

For additional information not covered in the FAQ, please contact the OPD Medical Unit at 510-238-7197.

Contact information for the member advocate is:

