



MEMORANDUM



**DATE:** June 7, 2006  
**TO:** Return-to-Work Coordinators  
**FROM:** Tracy Caldwell  
Workers Compensation Program Trainer  
Benefits Division  
(916) 445-9760; FAX (916) 324-3213  
**SUBJECT:** Equipment Purchases

Periodically we receive so many questions about the same subject that we find it necessary to disseminate the same information to all departments. This e-mail serves such a purpose.

QUESTION: Does equipment purchased by SCIF to accommodate a worker's employment needs as a result of a work related injury belong to the employer or to the injured worker?

EXAMPLE: Mr. Morgan has an accepted claim for carpal tunnel syndrome. He can return to work, but the doctor recommends that his work station be ergonomically evaluated. The evaluator recommends that several items should be purchased to accommodate Mr. Morgan. The department requests that SCIF pay for the ergonomic evaluation and the equipment (chair, key board, and mouse) via the open claim. Later, Mr. Morgan leaves his job (retires, moves to a different job within the same agency, or moves to another agency).

ANSWER: All the equipment purchased by SCIF belongs to the injured worker. He has every right to take the chair, key board and mouse with him. In fact, as it is his personal equipment, he could take it home every night ☺.

VARIABLE: Equipment purchased via a Vocational Rehabilitation Plan specifically for the purpose of retaining the employee as a State employee may belong to the employer and not the injured worker. Ultimately, any dispute would be resolved by the Workers' Compensation Appeals Board. Remember that the VR benefit no longer exists for dates of injury after 12/31/2003, so it is not likely that this variable will occur.

ALTERNATE SOLUTION: Had the employer used their own resources to pay for the ergonomic evaluation and equipment purchases to reasonably accommodate their injured worker, the equipment would belong to the agency and not the injured worker. So, when Mr. Morgan leaves that job, the agency would retain all the equipment it purchased.

CONCLUSION: Per FEHA and ADA, it is the employer's responsibility to reasonably accommodate all employees. While it may seem easier to route these costs through a workers' compensation claim, it may not be the best course of action for the following reasons:

1. Any equipment belongs to the employee and not the agency.
2. Workers' compensation costs increase.
3. Employees are given the message that they have to file a claim to get equipment or services which causes workers' compensation claims to increase.