

**Department of Personnel Administration
Memorandum**

TO: Personnel Management Liaisons (PML)

SUBJECT: Workers' Compensation – ATO for Medical/Legal Appointments	REFERENCE NUMBER: 2012-015
DATE ISSUED: 06/13/2012	SUPERSEDES:

This memorandum should be forwarded to:

**Personnel Officers
Personnel Transactions Supervisors
Return-to-Work Coordinators**

FROM: Department of Personnel Administration
Benefits Division

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When in the course of a workers' compensation claim, an employee is asked to attend a medical-legal evaluation pursuant to Labor Code 4060, 4061 or 4062 with an Independent Medical Evaluator such as a Qualified Medical Evaluator (QME), or an Agreed Medical Evaluator (AME), the employee should be placed on Administrative Time Off (ATO) for any time lost from work.

Labor Code 4600(e)(1) states:

When at the request of the employer, the employer's insurer, the administrative director, the appeals board, or a workers' compensation administrative law judge, the employee submits to examination by a physician, he or she shall be entitled to receive, in addition to all other benefits herein provided, all reasonable expenses of transportation, meals, and lodging incident to reporting for the examination, together with one day of temporary disability indemnity for each day of wages lost in submitting to the examination.

State Compensation Insurance Fund (State Fund) will provide the reasonable transportation, meal and lodging expenses, but will not pay temporary disability indemnity.

If the above referenced medical-legal evaluation causes the employee to miss time from work, the hiring authority will grant ATO.

If the employee is already absent from work and receiving workers' compensation temporary disability benefits such as Industrial Disability Leave (IDL), Enhanced IDL, 4800 time, 4800.5 time, or checks from State Fund, those payments continue, and there is no need to interrupt those benefits to grant ATO.

This memo is intended to promote consistency among all State agencies.

If you need further information, please contact Tracy Caldwell.

/s/Greg Beatty

Greg Beatty
Division Chief