California Fractional HR COMPLIANCE-FIRST · STATEWIDE

CALIFORNIA LEAVE · STEP BY STEP

Work Injury or Illness — *Step by Step*

Every employer. There is no leave statute of its own: Labor Code §132a bars retaliation, FEHA requires accommodation, and CFRA/FMLA apply if the injury is a serious health condition. Workers' comp pays temporary disability — two-thirds of average weekly wage, up to 104 weeks within 5 years.

IS THE JOB PROTECTED?

No leave law of its own. Three protections at once: Labor Code §132a bars retaliation at every employer, throughout; CFRA holds the job for up to 12 weeks (5+ employees; FMLA runs with it at 50+ within 75 miles) only if the injury is a serious health condition, the employee is eligible, and the employer designates it; FEHA accommodation (5+) has no fixed end date.

IS ANYTHING REPLACING THE PAY?

Workers' comp temporary disability, through the employer's insurance, not SDI: two-thirds of average weekly wage, $264.61–$1,764.11 a week for injuries in 2026, after a 3-day wait. Up to 104 weeks within 5 years.

DOCUMENT OR ACTION	WHO → TO WHOM	WHEN	NOTE
1 Before any injury			
"Notice to Employees" poster DWC 7 · Get it: DWC poster (PDF)	**Employer → Workplace**	Keep it posted in a conspicuous place.	Without it, the employee may go to their own doctor.
Written Notice to New Employees Get it: DWC Time of Hire Notice (PDF)	**Employer → New hire**	At hire, or by the end of the first pay period.	
2 The injury is reported			
Injury report	**Employee → Employer**	Within 30 days.	The employer's knowledge of the injury, from any source, counts as notice.
Claim form and Notice of Potential Eligibility DWC 1 · Get it: DWC 1 (PDF)	**Employer → Employee**	Within one working day of learning of the injury.	Required when the injury causes lost time beyond the shift or treatment beyond first aid.
Serious injury report Get it: Cal/OSHA: how to report	**Employer → Cal/OSHA**	Immediately — no later than 8 hours after the employer knew or, with diligent inquiry, would have known.	Inpatient hospitalization, amputation, loss of an eye, serious permanent disfigurement, or death. By phone or email.
3 The claim form comes back			
Completed claim form DWC 1	**Employee → Employer**	Right away; there is no fixed deadline.	The employee keeps a copy.
Employer's section and a dated copy DWC 1	**Employer → Employee and claims administrator**	Within one working day of receiving it.	
Medical treatment	**Employer → Claims administrator**	Within one working day after the claim form is filed: up to $10,000 is authorized until the claim is accepted or denied.	
Employer's Report of Occupational Injury or Illness Form 5020 · Get it: Form 5020 (PDF)	**Employer → Insurer**	Within 5 days of knowledge.	DWC suggests sending it with the claim form.
4 The doctor and the claims administrator			
Doctor's First Report Form 5021 · Get it: Form 5021 (PDF)	**Treating physician → Insurer**	Within 5 days after the first exam.	
First disability payment, or a delay notice	**Claims administrator → Employee**	Within 14 days of the employer's knowledge of the injury and the disability.	Then every two weeks, up to 104 weeks within 5 years. The first 3 days are unpaid unless the employee is admitted to the hospital as an inpatient or off more than 14 days.
Accept or deny	**Claims administrator → Employee**	Within 90 days of the claim form, or the claim is presumed compensable.	
5 Throughout			
No retaliation Lab. Code §132a	**Employer**	Don't punish or fire a worker for a job injury, for filing a claim, or for testifying in a co-worker's case.	Every employer. It doesn't end at week 12, and it doesn't end with the claim.
CFRA / FMLA designation	**Employer → Employee**	Within 5 business days, in writing, if the injury is a serious health condition and the employee is eligible.	Up to 12 weeks, running with the comp absence. CFRA at 5+ employees; FMLA at 50+ within 75 miles; 12 months of service and 1,250 hours.
Accommodation and the interactive process FEHA	**Employer**	The day a work restriction comes back, the interactive process starts. No fixed end date; case by case.	5+ employees. Run it alongside the claim, not after the claim closes.

OFFICIAL FORMS dir.ca.gov/dwc/forms.html · dir.ca.gov/dosh/report-accident-or-injury.html

THE FULL TRAINING **Work Injury or Illness** — one injury, two lanes, on one calendar: the employer's clocks, the pay, and the three job protections. Five minutes, free: calfractionalhr.com/work-injury

Starting framework, not legal advice — verify current figures before acting. Temporary disability figures are for injuries in 2026 ($264.61 to $1,764.11 a week). Sources: Labor Code §§132a, 3550–3551, 3700, 4650–4656, 5400–5402, 6409–6409.1; 8 CCR §§330, 342, 9812, 9880–9881, 10138–10140, 14001, 14003; DIR Release 2025-116. For executives and managers — not company policy.

NOT LEGAL ADVICE
CURRENT AS OF 11.09.2026
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