



# Judicial Council of California

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## REPORT TO THE JUDICIAL COUNCIL

*Item No.: 25-021*

For business meeting on April 25, 2025

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**Title**

Judicial Branch Administration: Judicial  
Branch Workers' Compensation Program

**Report Type**

Action Required

**Effective Date**

April 25, 2025

**Rules, Forms, Standards, or Statutes Affected**

None

**Date of Report**

March 27, 2025

**Recommended by**

Judicial Branch Workers' Compensation  
Program Advisory Committee  
Shelby Wineinger, Chair

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### Executive Summary

The Judicial Branch Workers' Compensation Program Advisory Committee recommends approval of the workers' compensation cost allocation of \$18.45 million for the trial courts and \$1.28 million for the state judiciary for fiscal year 2025–26 to cover the cost of claims for next fiscal year while maintaining a positive fund balance. The committee also recommends revising the current nurse triage process to include clinical consultation as a benefit for its membership.

### Recommendation

The Judicial Branch Workers' Compensation Program Advisory Committee recommends that the Judicial Council, effective April 25, 2025:

1. Approve the fiscal year 2025–26 workers' compensation cost allocation of \$18.45 million for participating trial courts and \$1.28 million for the state judiciary; and
2. Approve the revision of the Judicial Branch Workers' Compensation Program's nurse triage process to include clinical consultation as a one-year pilot program and a benefit to its members.

## Relevant Previous Council Action

At its meeting on May 17, 2024, the Judicial Council approved the Judicial Branch Workers' Compensation Program (JBWCP) premium for fiscal year (FY) 2024–25 for participating members.

## Analysis/Rationale

### **Approve the workers' compensation cost allocation for FY 2025–26 (recommendation 1)**

The JBWCP is a self-funded program. Each member pays a share of the cost of the recommended workers' compensation premium allocation. The actuarial calculation considers the past three years of claims experience and payroll for its members and projects the funding necessary to cover the cost of all claims for the upcoming fiscal year. The JBWCP's actuary develops the premiums necessary to cover these costs based on a 70 percent confidence level. The premium allocation is then split across the membership based on each court's claims experience and history of payroll.

This year, the committee is recommending \$18.45 million for the trial courts<sup>1</sup> and \$1.28 million for the state judiciary<sup>2</sup> for FY 2025–26 premiums, representing a premium increase of approximately 4.66 percent and 2.40 percent, respectively. (See Links A and B.) Although the JBWCP continues to see better-than-expected claim development and relatively flat claim severity, the overall premium increases are tied to payroll increases across the membership based on an actuarial analysis that considers merit salary increases, the filling of vacancies, and information regarding the annual cost-of-living adjustment factors determined by the Bureau of Labor Statistics in the Department of Labor.

Approving the proposal for the premium allocation is essential for maintaining the financial stability of the JBWCP. It will help prevent any deficit issues and ensure a positive fiscal impact in the upcoming fiscal year. It is crucial to support the JBWCP's financial health and sustainability in (1) covering all upcoming workers' compensation claim costs, and (2) preventing any financial challenges that may lead to falling into deficit.

If the Judicial Council approves the proposed workers' compensation premium allocation for FY 2025–26, the JBWCP will be funded at the appropriate level to continue covering the cost of claims while maintaining a positive fund balance.

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<sup>1</sup> All trial courts other than the Superior Court of Los Angeles County participate in the JBWCP. The trial court cost allocation is for trial court staff from the participating superior courts. Superior court judges are included as members under the state judiciary.

<sup>2</sup> The state judiciary cost allocation is for staff at the Supreme Court of California, Courts of Appeal, Habeas Corpus Resource Center, Commission on Judicial Performance, the Judicial Council of California, and all judges and justices.

**Approve the proposed clinical consultation one-year pilot program (recommendation 2)**

The committee recommends revising the current nurse triage process to utilize the clinical consultation services provided by the JBWCP's third-party administrator, Sedgwick. This will allow qualified nursing professionals to manage and coordinate the health-care needs of employees who have sustained work-related injuries and illnesses at the time of injury and *before* filing a claim.

The nurse triage specialists act as intermediaries between the employer and health-care providers to help direct the appropriate level of medical treatment to the employee. This system of early intervention and guidance would directly support injured workers and help reduce unnecessary physician visits and lost work time, resulting in reduced workers' compensation costs for the court and the JBWCP.

Currently, the JBWCP conducts a *post*-claim triage, providing an assessment nurse *after* the claim is reported. During the initial contact with the injured worker, the claims examiner offers the option to speak with an assessment nurse. If the injured worker accepts, the assessment nurse will contact them and serve as their advocate. The process helps reduce uncertainty by setting expectations regarding recovery and return to work, addressing questions, educating the employee about treatment, and identifying any issues that could delay recovery or return to work. However, because this process happens after the claim is filed, the assessment nurse does not impact reducing claim frequency for the court.

On February 14, 2025, the committee convened to discuss and develop a one-year pilot clinical consultation program. During the pilot, when an injury is reported *and before* the claim is filed, the injured worker will have the option to speak with a nurse for medical assistance. The intent of this *pre*-claim triage is to immediately address minor injuries and determine if a claim is necessary. Other pooled workers' compensation programs that have implemented similar processes have experienced a reduction in their claim frequency. This is a benefit to the injured worker, the court, and the JBWCP.

If approved, the cost of clinical consultation is estimated to be lower than the current nurse assessment process. Currently, the nurse assessment is charged to the JBWCP as an hourly rate of \$135 per hour. The cost for clinical consultation is \$90 per triage phone call, regardless of duration. After the one-year pilot program, the committee will evaluate the results and determine the next steps.

**Policy implications**

The proposal has no policy implications.

**Comments**

This proposal was not circulated for public comment. However, the recommendations were considered at meetings that were open to the public, and no public comments were received. The committee and staff had also presented this proposal to the clerk/executive officers of the Supreme Court and Courts of Appeal, as well as members of the Court Executives Advisory

Committee. Staff received a comment regarding the potential increase in court staff workload related to the new clinical consultation process.

While the clinical consultation service itself is optional for injured workers, courts will need to provide information about the service to employees when they report an injury. This additional step could potentially add to staff responsibilities.

This potential increase in workload stems from the need to inform injured workers about the availability of the clinical consultation service. Courts will need to integrate this information into their existing injury reporting procedures. This may involve:

- **Updating existing paperwork:** Workers' compensation informational packets and related documents may need to be revised to include information about the clinical consultation service, including contact information and instructions on how to access it.
- **Training staff:** Court staff responsible for processing injury reports will need to be trained on the new process, including how to explain the service to injured workers and answer any questions they may have.
- **Developing communication materials:** Courts may choose to develop additional materials, such as flyers or brochures, to inform employees about the clinical consultation service.

To mitigate the potential increase in court staff workload, the following solutions are proposed:

- **Information delivery:** The JBWCP will develop standardized language and materials that courts can use to inform employees about the clinical consultation service. This will ensure consistency and reduce the burden on individual courts to create their own materials. These materials will be readily available in digital format for easy access and distribution.
- **Training and support:** The JBWCP will provide training and ongoing support to court staff on the new process. This will include webinars, online resources, and direct access to JBWCP staff for questions and assistance.
- **Phased rollout and evaluation:** The pilot program will allow for a phased rollout of the clinical consultation service, giving courts time to adjust their procedures and identify any potential issues. The JBWCP will also conduct an evaluation of the pilot program, including gathering feedback from courts on the impact on staff workload. This feedback will be used to refine the process and develop further solutions as needed.

By implementing these solutions, the JBWCP aims to minimize the impact of the new clinical consultation service on court staff workload while ensuring that injured workers have access to this valuable resource.

### **Alternatives considered**

If the Judicial Council does not agree with the recommended allocation, JBWCP staff will work with the actuary to reevaluate the premium allocation to determine another funding level. During this time, the burden of claims cost will fall on the JBWCP's fund balance. The JBWCP, however, will risk its solvency and its ability to cover the cost of claims.

The committee had also considered the option not to approve the one-year pilot of the clinical consultation pilot program benefiting the members. If the Judicial Council does not agree with the one-year pilot program, JBWCP staff will work with the third-party administrator to determine another means to reduce the frequency of workers' compensation claims and costs for the JBWCP.

### **Fiscal and Operational Impacts**

The proposed allocation ultimately sees an increase across the JBWCP of 4.51 percent. The premiums for FY 2024–25 at a 70 percent confidence level were approximately \$17.63 million for trial court members and \$1.25 million for state judiciary members. The proposed premium allocation for FY 2025–26 will have a fiscal impact of \$18.45 million for trial court members and \$1.28 million for state judiciary members.

There is no projected fiscal impact on revising the nurse triage process to include clinical consultation. Currently, the JBWCP utilizes an assessment nurse, which incurs a cost of roughly \$45,000 annually. Clinical consultation is less expensive at \$90 per call versus \$135 per hour for an assessment nurse. Clinical consultation should also have a positive impact on reducing the number of claims filed, which benefits the injured worker, the court, and the JBWCP.

### **Attachments and Links**

1. Link A: *Workers' Compensation Fiscal Year 2025–26 Premium: Trial Courts*,  
[https://courts.ca.gov/system/files/file/trial\\_courts\\_2025-26\\_draft\\_premium.pdf](https://courts.ca.gov/system/files/file/trial_courts_2025-26_draft_premium.pdf)
2. Link B: *Workers' Compensation Fiscal Year 2025–26 Premium: State Judiciary*,  
[https://courts.ca.gov/system/files/file/judiciary\\_2025-26\\_draft\\_premium.pdf](https://courts.ca.gov/system/files/file/judiciary_2025-26_draft_premium.pdf)