

Sam Houston State University
A Member of The Texas State University System

Finance & Operations Human Resources Policy B-2
Workers' Compensation Insurance and Return to Work Program

SUBJECT: Workers' Compensation Insurance and Return To Work Program

PURPOSE: To provide comprehensive, proactive and effective medical and indemnity benefits and assistance returning to work to eligible state employees that suffer an occupational illness, disease or injury that arises out of and in the course and scope of employment.

POLICY: It is the policy of Sam Houston State University to provide, in a manner that does not discriminate, workers' compensation benefits and a return to work program for all employees in accordance with state statutes and federal regulations including the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA), to ensure just compensation and maximum productive recovery of injured employees.

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1. The Texas Workers' Compensation Act

- a. The Employer Liability Act established the Texas Workers' Compensation System. The intent of the law is to protect and benefit the employee by providing speedy, simple, effective, and inexpensive relief, without regard to the fault of the employer, the employee, or third parties.
- b. The State of Texas is self-insured, and administers the state's workers' compensation system. All claims are filed with and processed by the State.

2. Eligibility

- a. All university state employees including full-time, part-time, temporary, and student employees are eligible to file claims.
- b. Generally speaking, a state employee is a person who is in the service of the state. However, the following people are not considered employees of the state for purposes of workers' compensation: independent contractors, visitors, volunteers, members of the state military forces, persons covered by federal workers' compensation, prisoners and clients or patients of a state institution or agency.
- c. Unless an employee notifies his or her employer within five (5) days of beginning employment that they do not desire to be covered by workers' compensation, and prefers instead to keep the common-law right to recover damages for personal injury or death, then workers' compensation is the employee's exclusive remedy for an on-the-job injury.
- d. To receive workers' compensation payment, a state employee must suffer an occupational illness, disease, or injury in the course and scope of employment on or after their first official duty date as provided in the Texas Workers' Compensation Act.

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3. Benefits

Texas Workers' Compensation provides for both medical expenses and for time lost from work due to an on-the-job injury. Benefits are paid in accordance with formulas established by the Texas Workers' Compensation Act as amended. In fatal cases beneficiaries are entitled to compensation.

4. Employee's Responsibility

- a. Immediately report or notify the supervisor or department head of any on-the-job injury or occupational disease/illness. The employee notice should be within thirty (30) days.
- b. Employees should inform their health care provider that their injury/illness or disease may be covered by workers' compensation and provide their claim number, which is provided directly to the employee from the state, after filing their initial claim.
- c. The employee must receive approval in advance from the state for surgery and any other special pre-authorization treatments.
- d. It is the employee's responsibility to report his/her recovery progress and the date expected for returning to work or intermittent leave requirements to their department head and the Human Resources Department. A Return To Work Status Form from the University Return to Work Program packet or a detailed doctor's note indicating their fitness to work should be submitted to the employer after each visit to the treating physician. Failure to comply with reporting requirements can be considered job abandonment, and result in termination.

5. Employer's Responsibility

- a. When an on-the-job injury occurs, provide aid immediately to the injured party. If the injury is serious, get medical help as quickly as possible. Call an ambulance if necessary. If the injury is minor, report it to the supervisor who will assist in determining whether first aid or medical aid is required. The SHSU Health Center should be used for all minor medical assistance, and to the extent possible for all non-life-threatening injuries/occupational illnesses.
- b. Administer workers' compensation claims in accordance with the procedures prescribed by the State Office of Risk Management.
- c. Advise employees of workers' compensation eligibility and the workers' compensation return to work program during the new employee orientation sessions.
- d. Promote a safe and accident free environment; disseminate information relating to accident prevention; give prompt attention to the elimination of unsafe conditions or safety hazards; adhere to safety policies and regulations of the University and State of Texas; and ensure that procedures are instituted to report all workers' compensation incidences through the employee's supervisor, department, University Safety Officer and Human Resources Department.

6. Drug Free and Safe Workplace Responsibility

In order to comply as a federal contract employer with the Drug Free Workplace laws; to foster a safe workplace in accordance with state Workers' Compensation Risk Management Directives; to maintain the workplace security as required by the Texas Education Security Sensitive Positions Code; and, to satisfy the Department of Transportation Safety Sensitive Driver regulations the following responsible, employer practices shall be without discrimination, bias, or civil rights infringement, and be standardly applied to all employees and investigations:

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- a. All injured employees with lost time or medical expenses shall be subject to a drug screening by the attending physician/facility at the employer/state expense.
- b. The University Safety Officer when notified of a workers' compensation injury or potentially unsafe work activity or site shall conduct, with full authority and cooperation of all involved employees, parties, witnesses and relevant supervisors, a safety investigation.

7. Return To Work Program

It is the policy of Sam Houston State University to provide a return to work program as a means to return employees to meaningful, productive employment following injury or illness. When an employee is not physically capable of returning to full duty within seven (7) days of the date of injury or illness, the supervisor should contact the Human Resources Department to establish, when practical, a return to work plan in compliance with the guidelines issued by the Risk Management Division of the Texas Workers' Compensation Commission. Reference: "Risk Management for State Agencies", Volume III, Section One, Chapter 5. This return to work program shall not be construed as recognition that any employee who participates in the program has a disability as defined by the Americans with Disabilities Act.

8. Claim Filing Procedures and Forms

Contact the area Human Resources Representative in the Human Resources Department for claim filing procedures and forms.

9. Safety and Risk Management Follow-Up

Employees and their immediate supervisors that have been involved in a workers' compensation incident, should and are strongly encouraged to contact the University Safety Office to arrange for safety assessment, education and training. This is a pro-active measure intended to assist and protect the employee, supervisor and University by bringing about the awareness of risk management and safety issues.

Reviewed by: David L. White, Interim Director of Human Resources – 02/01/2009
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