



## **Workers' Compensation Insurance Coverage**

### **Purpose**

The Workers' Compensation Insurance program at Stephen F. Austin State University (SFA) is administered by the University of Texas System. This policy affirms that all employees of the University are covered by Workers' Compensation Insurance in accordance with the Texas Workers' Compensation Act and outlines reporting procedures and responsibilities when an employee sustains an injury or occupational disease in the course and scope of their assigned duties.

### **Persons Affected**

All employees on the payroll of SFA

### **Definitions**

**Workers' Compensation Insurance (WCI):** Workers' Compensation Insurance is a type of insurance specifically designed to provide medical benefits and, in some cases, income benefits payments to SFA employees who suffer injuries or occupational diseases in the course and scope of employment.

**Injury or Occupational Disease:** An injury or illness that happened while the injured employee was performing duties related to their employment (see course and scope). An occupational disease excludes any ordinary disease of life to which the general public is exposed outside of employment, unless that disease is an incident to a compensable injury.

### **Policy**

The Environmental Health, Safety, & Risk Management (EHSRM) Department is responsible for coordinating the SFA WCI program. The safety officer serves as a facilitator between all UT System WCI entities and SFA employees who are injured in their course and scope of their employment. They will submit the necessary forms and make every effort to negotiate modified duty assignments.

All injuries or accidents involving university employees in the course and scope of their assigned duties must be reported to SFA's Department of EHSRM within 24 hours of the incident via the Accident/Injury 24-Hour Report Quick Link located on the EHSRM website to document the event. If filing a claim is necessary, the injured employee, accompanied by their supervisor, will file the required WCI forms with the safety officer at the EHSRM office, 430 E. Austin Street, extension 4514.

The University of Texas System provides funding for SFA's Workers' Compensation Insurance through a self-insurance Workers' Compensation program. The WCI program is administered by UT System through a third-party administrator (TPA), Cannon Cochran Management Services, Inc. (CCMSI). Administering the program includes, receiving, investigating, and making liability determinations on WCI claims; determining the reasonableness and necessity of medical



treatment and services; generating income benefit payments to injured employees when warranted, and medical payments to health care providers. SFA employees in Texas receive Texas-specific WCI coverage through the UT System self-administered plan.

A certified workers' compensation healthcare network (network), IMO Med-Select HCN, is also incorporated into the WCI program. A network is a healthcare delivery system composed of physicians or providers that have been contracted to provide services to injured employees of UT System. Injured employees living within a network service area may be responsible for the medical bill if they choose to seek care outside of the network without prior approval from the network.

Because some states or countries may not accept the self-insured administered plan, SFA faculty and staff who live and work in states other than Texas or who are stationed in another country may require coverage under a separate WCI policy.

Employees who file a workers' compensation claim for an injury that occurred while working from home or at a designated remote work site, must comply with Tex. Gov. Code § 658.010 and have an approved Telecommuting Request and Agreement Form filed with the Human Resources Department.

On-the-job injuries must be reported timely by the injured employee.

- The injured employee must notify supervisory or management personnel about an on-the-job injury not later than the 30th day after the injury occurs (or if the injury is an occupational disease, not later than the 30th day after the employee knew or should have known that the disease might be related to the employment). Failure to report the injury within 30 days of the occurrence of the injury or the manifestation of the occupational disease may result in claim denial.
- Once an injury is reported, the injured employee must file a form DWC-041 with the Division of Workers' Compensation not later than one year after the date of injury (or if the injury is an occupational disease, not later than one year after the employee knew or should have known that the disease was related to the employment).

In accordance with Texas Labor Code Sec. 503.041, employees unable to work due to a workers' compensation injury, have the option to use their accrued sick and/or annual leave before receiving income benefits. If the employee chooses not to use any accrued sick or annual leave or has previously exhausted all leave, the employee's status will be leave without pay (LWOP). Once an employee's status is LWOP, the employee must submit a written request to the university president for a leave of absence (LOA). See SFA HOP 03-503 Leaves of Absence and Miscellaneous Leave. FMLA leave runs concurrently with leave taken for a workers' compensation injury. Human Resources shall be notified by the employee's department director, supervisor, manager or departmental designee of the employee's paid or unpaid leave for further instructions to submit the required FMLA support documentation.

SFA supports a return-to-work program which ensures employees' safe transition back to work as soon as medically possible following an injury or illness. In the event of a disabling work injury, the program provides opportunities for offering the employee a temporary assignment in which



the employee's regular position is modified. Employees shall not return to full duty work without a work release from the Workers' Compensation doctor removing all modified-duty restrictions.

SFA complies with UT System Policy UTS 185 Injury Leave for Peace Officers.

### **Procedures For Reporting A Work-Related Injury or Occupational Disease**

#### **A. Employee and Supervisor Responsibilities.**

##### **1. Minor injuries:**

- a. All work-related injuries, accidents and occupational diseases, regardless of the severity, must be reported by the employee to his or her supervisor or someone in a management position immediately after occurrence.
- b. The supervisor will report the injury to the Environmental Health, Safety, and Risk Management office by filling out a "Accident/Injury 24-hour Quick link report" located on the EHSRM website, [www.sfasu.edu/safety](http://www.sfasu.edu/safety).
- c. If the injury is minor and no medical treatment is required, it will be categorized as an incident-only report.
- d. If medical treatment is needed, a claim must be filed and the injured employee and his/her supervisor must come to the EHSRM Department to fill out the required claim forms and receive worker's compensation information and instructions.
  - i. If the injury is of the nature that treatment is urgent, the employee and supervisor can go to the approved workers' compensation clinic and may file a claim immediately after receiving medical treatment from the WCI doctor.
- e. For follow-up medical treatment: If the employee lives within a network service area and needs treatment, the injured employee must obtain healthcare from a WCI network provider. You may go to your own doctor only if your doctor takes workers' compensation and is a WCI network provider. (If you choose to go to a doctor that doesn't take worker's compensation, then you will be responsible to pay for the medical treatment with your own funds and insurance.)
- f. You will be sent to an urgent care facility for medical treatment and a drug/alcohol test will be conducted following the accident as required by the University's Drug and Alcohol Testing policy.
- g. Once the safety officer files the claim you will be contacted by an assigned CCMSI adjuster who will receive, investigate, and make liability determinations on WCI claims. The adjuster will help facilitate claim related medical treatment and services, generate income benefit payments to injured employees when warranted and medical payment to health care providers.

##### **2. Serious injuries:**

- a. For life-threatening emergencies, call 911 and get a first responder immediately to the scene. Otherwise, you should seek care from the nearest urgent care facility or hospital ER. However, follow-up care must be received from a network provider.



The WCI provider will coordinate all medical care and make referrals for diagnostic testing or specialist appointments.

- b. Supervisors will follow the first responders to the hospital ER to help check-in the employee and provide any details and information to the hospital ER admitting desk.
- c. Supervisors should, if possible, ask for a drug/alcohol test to be performed on the injured employee to help with the accident investigation as required under the Drug and Alcohol Testing policy. (Note: If the first responders suspect drug or alcohol use, they will usually perform the tests or request a drug/alcohol test be given)
- d. As soon as possible the supervisor will contact the EHSRM Department to report the injury and relay the status of the employee and if necessary, connect with the employee's emergency contact.
- e. The supervisor will also fill out an "Accident/Injury 24-Hour Quick Link report" located on the EHSRM website at [www.sfasu.edu/safety](http://www.sfasu.edu/safety).
- f. If the employee is mobile after they have received medical treatment and have been released by the hospital, they will come to the EHSRM Department, along with their supervisor and fill out the workers' compensation claim forms. Otherwise see (g) below.
- g. The safety officer will come to the hospital and start the claim process there. If the employee is unconscious or injured to the extent that the employee is unable to understand and follow the claims process, then the claim should be started by proxy with the employee's authorized emergency contact.
- h. For follow-up medical treatment: If the employee lives within a network service area and needs treatment, the injured employee must obtain healthcare from a WCI network provider. You may go to your own doctor only if your doctor takes workers' compensation and is a WCI network provider. (If you choose to go to a doctor that doesn't take worker's compensation, then you will be responsible to pay for the medical treatment with your own funds and insurance.)
- i. Once the safety officer files the claim you will be contacted by an assigned CCMSI adjuster who will receive, investigate, and make liability determinations on WCI claims. The adjuster will help facilitate claim related medical treatment and services, generate income benefit payments to injured employees when warranted and medical payment to health care providers.

#### B. After medical treatment

- a. As an injured employee you are required to follow all medical instructions and restrictions the doctor has prescribed including follow-up care:
  - i. You will need a work release or work restriction form from your workers' compensation doctor for you to give to your supervisor and a copy to the EHSRM Department. This form should be given to you each time you have an appointment; you will not be released for full work duties without this form.



- ii. The form is called a Work Status Report (DWC-073) and it details the restrictions and limitations of the work duties that can be performed by an injured employee. This form will be the basis of the Bona Fide Offer of Employment (BFOE) you will receive if there is a modified-duty work available.
- iii. If you have been put on restrictive duties, then you will need to work out the task details with your supervisor and Human Resources in accordance with your job description. Once the amended job duties have been outlined you will receive a BFOE if modified-duty is available. Not all departments offer modified-duty and not all job descriptions allow for any kind of physical limitations.
- iv. Once you receive your BFOE, you will either accept the terms or reject the terms. You should understand if you reject the terms of a BFOE, it may impact your Workers' Compensation benefits.
- v. This BFOE will be valid until the workers' compensation doctor modifies the restrictions at which time availability of accommodations will be reassessed. If the accommodations are available, another BFOE will be made.
- vi. If no modified-duty assignment is available and you choose to utilize your sick time, you will be on sick leave until all accrued sick leave is exhausted. Upon exhaustion of your sick leave, you will be provided an opportunity to use some or all of other leave available. When your option is to no longer use available leave you will be eligible for WCI income benefits. Benefits consists of a weekly check at a reduction of approximately 30-35% of your regular pay for full-time employees and 40% reduction for those who work part-time to help you get through the downtime until you can return to work. Please note the weekly benefit amount is subject to a statutory minimum and maximum payment.
- vii. If you elected not to use any sick or vacation time and no modified-duty assignment is available, you will be eligible for WCI benefits. However, no compensation accrues during the first seven days of absence from work due to the injury. If the disability continues for two weeks, the waiting period then becomes payable provided the employee was not in a paid leave status for that time. There is a seven-day waiting period before temporary income benefits (TIBs) can be paid, should the disability extend to the 14th day after the first day of disability, the carrier will then issue a TIBs payment for the waiting period.

### **Related Statutes or Regulations, Rules, Policies, or Standards**

Tex. Lab. Code Ch. 409, 501  
Tex. Gov't Code § 661.909

Regents' *Rules and Regulations*, Rule 30202, Employee Benefits

UTS 185 Injury Leave for Peace Officers



SFA HOP 05-505 Drug and Alcohol Testing  
SFA HOP 03-217 Telecommuting Arrangements for Staff Employees  
SFA HOP 03-501 Family and Medical Leave  
SFA HOP 03-503 Leaves of Absence and Miscellaneous Leave

### **Responsible Executive**

Vice President for Finance and Administration  
Director of Environmental Health, Safety, and Risk Management

### **Forms**

Division of Workers' Compensation Form 041 (DWC-041)  
Work Status Report (DWC-073)  
Accident/Injury 24-Hour Quick Link Report

### **Revision History**

September 1, 2023 (original)