

Volume V - Human Resources Policies

REVISIONS

Policy Name:	WORKERS' COMPENSATION INSURANCE
Policy Number:	V.A.11.03
Effective Date:	9-1-05
Policy Steward:	Georgia Thomas, M. D.

Scope of Policy Changes:

- Sept. 8, 2005- Updated leave references applicable to reflect required changes from House Bill 7 (79th Legislature) as it relates to the first seven days of Workers' Compensation and WCI Income Benefits as it is related to educational and non-educational employees.

WORKERS' COMPENSATION INSURANCE POLICY

- PURPOSE** The purpose of this policy is to outline benefits for eligible employees who sustain a compensable injury or occupational illness at work.
- POLICY STATEMENT** It is the policy of The University of Texas M. D. Anderson Cancer Center to offer workers' compensation insurance to eligible employees who sustain a compensable injury or occupational illness occurring in the course and scope of their employment.
- SCOPE** This policy applies to all employees regardless of status or classification, to include faculty and educational appointees paid by the institution.
- DEFINITIONS** **Workers' compensation insurance (WCI)** - (as it pertains to this policy) is a form of insurance designed to provide medical benefits and, in some circumstances, income benefits to employees who sustain a compensable injury or occupational illness at work. *Workers' compensation insurance is not health insurance, nor does it provide compensation for damage to or loss of personal property.*
- Compensable injury** - an injury that arises out of, and in the course and scope of, employment.
- Injury** - damage or harm to the physical structure of the body and those diseases or infections naturally resulting from the damage or harm. Ordinary diseases of life are not covered under workers' compensation insurance.

Course and scope of employment - an activity that relates to and originates in the business, of the employer and is performed by an employee while engaged in conducting the business of the employer.

Non-compensable injury - if the injury:

- Occurred while the employee was intoxicated;
- Was caused by the employee's willful attempt to injure himself / herself or to unlawfully injure another person;
- Was caused by the employee's inappropriate behavior (e.g., horseplay);
- Arose out of a third party act intended to injure the employee because of a personal reason and not because of the employee's employment;
- Arose out of voluntary participation in a recreational, social, or athletic activity not a part of the employee's work-related duties; or
- Arose out of an act of God, unless the employment exposes the employee to a greater risk of such injury than the general public.

WORKERS' COMPENSATION INSURANCE PROCEDURE

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| Reporting an Injury | 1. If an employee is injured at work, the employee or observer must notify the employee's manager immediately |
| Documentation | 2. The manager and employee fill out an Employee Accident Report Form (pdf) . |
| | 3. The manager hand delivers (TMC 1.1300) or faxes (713-745-7164) the report to Employee Health (EH) within 24 hours. If faxed, the original report must be received in EH within five (5) days of the injury. |
| Treatment | 4. The employee may be seen in EH (TMC 1.1300), in the Emergency Center (EC) (R1.1145), or by a physician of choice who accepts workers' compensation insurance. |


NOTE: EH will provide case management for all compensable claims to assist in timely and appropriate medical care. Managers should use EH as an advisor on any questions related to the Workers' Compensation Insurance Program.

5. The manager must call EH during normal business hours and the EC for all other times.
6. Employees who work at Science Park campuses should contact the EH nurse on campus for specific procedures.

Referrals

7. If the EC or EH provide primary care, the physician at the EC or EH may choose to refer an injured employee to a specialist.
NOTE: Employees have the right to choose a physician who accepts workers' compensation insurance.

Notification

8. The employee must provide a Work Status Report (TWCC 73) from their physician to their manager and EH on the day of treatment or the following business day. The employee must comply the Attendance Policy, V.A.6.01, , and departmental attendance guidelines.

First 7 Days

9. In case of incapacity from work, the employee or manager should notify EH on the first day.
If the employee is taken off work by a health care provider on the day of injury, the employee receives full pay for that day.
The employee may take the first seven (7) days as leave without pay or may use PTE (Paid Time-Employee Illness) for the first sixteen hours followed by EIE (Extended Illness Employee), per House Bill 7 (79th Legislature). An employee using such benefits receives full pay during the first seven (7) days if accrued leave is available. EH notifies payroll and the employee's department. The department originates the applicable JDUF.
Compensable injuries are not eligible for Reduced Salary Paid Leave benefits.
Educational appointees may take the first seven (7) days as leave without pay or may use any applicable accrued benefits of educational sick leave and/or annual leave. An employee using such benefits receives full pay during the

first seven (7) days if accrued leave is available. EH notifies payroll and the employee's department. The department originates the applicable eJDUF.


WCI Income Benefits


10. WCI compensation benefits are paid in accordance with the Texas Department of Insurance (TDI), Division of Workers' Compensation guidelines.
11. If the employee has chosen leave without pay for the first seven (7) days and has remained off work in excess of 14 days, he/she is paid a rate in accordance with the Division (TDI) guidelines for the first seven (7) days.
12. After the first 7-days, the employee must notify EH Workers' Compensation Specialist of one of the following choices:
 - a. Be placed immediately on WCI, Temporary Income Benefits (TIBS) or;
 - b. Continue to use accrued EIE (Extended Illness Employee) benefits until such leave is exhausted.

If EIE (Extended Illness Employee) has been exhausted, the employee must notify EH Workers' Compensation Specialist of one of the following choices:

- a. Use a predetermined amount of other earned accrued leave.
Be placed on TIBS (Temporary Income Benefits).
- b.

- Family Medical** 13. When the injury is one that meets the criteria for a serious

Leave health condition, the manager designates the time off as Family and Medical Leave (FML) on the fourth (4th) day of absence. The manager will send an FML Inquiry Letter. The employee's FML 12-week leave entitlement will run concurrently with the workers compensation absence. (See Family and Medical Leave Policy , V.A.6.06.)

Modified Duty 14. Modified duty may be available for employees who are unable to perform the essential functions of their position but are able to perform some type of work. (See Modified Duty Policy, , V.A.11.04.)

Recurrence of Injury 15. The employee must immediately report a recurrence of any problem related to the original compensable injury or occupational illness to EH.

REFERENCES:

Texas Labor Code, Section 503.041 (2005)

Revisions/Reviews:

Date	Name	Title
9-12-05	E. Frenzel	Asst. Director, Employee Health and Well-being
9-13-05	K. Close	Manager, Benefits

Approvals:

	Date	Name	Title
HR Policy Steward		G. Thomas, MD	Director, Employee Health and Well-being
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