

***Workers' Compensation
Handbook
2017***

Welcome to the Brownsville Independent School District – Workers Compensation Program.

Brownsville ISD is committed to your health and safety at the workplace. The BISD Workers' Compensation Program has been created to provide you with quality medical care and assist you in returning to work promptly and safely.

The District considers the safety of its children, employees, and visitors a top priority. Any employee who is injured or sustains a debilitating illness while on duty shall report the injury or illness on a timely basis at the time of the occurrence to his or her supervisor, regardless of whether medical care is necessary.

Accident prevention and loss control is the responsibility of each District employee, to the same extent that responsibility is given in the performance of regular duties. Employees at all levels shall strive to maintain a safe work environment. All employees shall make every effort to be observant and report potential injury risk areas.

The Workers' Compensation Handbook was developed to assist employees when a work-related accident, injury, or illness occurs.

Since August 1, 2013, the District adopted a Workers Compensation Section 504 Health Care Panel in accordance with Section 504.053(b) (2) of the Texas Labor Code. The District is committed to promoting a safe and healthy work environment. The program will consist of a selective provider panel of treating physicians, providers and medical specialists, all who are committed to providing you with the best medical care should a work-related illness or injury occur. Except in the case of an emergency, you will be required to obtain medical care from our 504 Provider Panel. Employees choosing workers compensation benefits may only visit a health care provider approved by the District, properly credentialed and listed on the District approved Provider Panel list.

The medical directory is available online at: <http://texasbisd.wixsite.com/employeebenefits>. Please note that the employee has the absolute right to select his or her treating doctor out of the healthcare providers that are members of the 504 Program. If the employee decides to visit a healthcare provider outside the medical directory, he/she will be responsible for the medical treatment. Section 413.014 subsection (c) & (d) "carrier" is not liable for those specific treatments and services requiring preauthorization unless preauthorization is sought by the claimant or health care provider and either obtained from the insurance "carrier" or ordered by TDI.

TriStar Managed Care (TMC) is BISD's Third Party Administrator (TPA). All workers' compensation claims shall be administered by TriStar in accordance with the Texas Workers' Compensation Act and the Rules of the Division of Worker's Compensation.

Information, Instructions and Employee Rights and Obligations

The District's Role:

The District, in an effort to assist the Division of Worker's Compensation in its obligation to communicate, document, and monitor employees claiming benefits, and maintain statistical and other information necessary to detect practices or patterns of conduct by employees on leave [Chapter 414], desires the injured employee, his or her supervisor, the treating physician, and the Employee Benefits Department to communicate effectively after an injury and document any occurrence throughout the recovery process.

A return-to-work (RTW) program provides a mechanism for the District to encourage employees to return to work as soon as possible after injury or illness. Upon a physician's clearance of an employee to return to work, it is the District's desire to assist employees to return to work as soon as medically possible and to assist them in performing essential job functions

Employees with temporary medical restrictions are eligible for transitional work if they are expected to progress in their recovery from a work injury or illness and require temporary, short-term modification of their job duties.

Transitional duty assignments will be granted with an evaluation by a physician or a state-appointed doctor, accompanied with an acknowledgment form of the Texas Workers' Compensation Work Status Report outlining clear instructions regarding the employee's restrictions and or limitations

The District strives to plan and provide reasonable accommodations to permit employees to transition back to work safely, free from unnecessary pain and discomfort. If the employee is unable to perform regular duties, the District shall explore other assignments that will allow the employee to stay within the limitations set by the treating physician. If there are several tasks that the employee cannot perform, the District shall make an effort to create a reasonable accommodation.

The Employee's Role:

The employee shall report the injury or illness on a timely basis at the time of the occurrence to his or her supervisor, regardless of whether medical care is necessary. A supervisor shall complete the ***First Report of Injury or Illness Report*** and review report with employee. Both the supervisor and the injured employee must sign report. The injured employee must read the Labor Code and sign as an acknowledgment.

The **Employee's Statement** must be completed and signed by the injured employee. Again, the Labor Code must be signed. Both forms should be email the Employee Benefits Department (at workerscomp@bisd.us) upon completion of the ***First Report of Injury or Illness and Employee's Statement*** as noted on the form(s) allowing the Employee Benefits Department ample time to comply with the Texas Department of Insurance's requirement. Statute 409.005 (Notice) – "the

report must be made not later than the eighth day". A copy of the report of injury shall be provided by the Supervisor / Safety Coordinator.

TriStar will provide a summary of the employee's rights and responsibilities under the Texas Labor Code, a medical release form that must be signed and returned to the assigned adjuster. The employee must provide the name and address of the health care provider(s) (i.e., physicians, physical therapy facilities, hospitals, etc.) that have treated the employee within the past five (5) years from date of injury or illness.

When visiting the medical provided, the injured employee will be provided with a Work Status Report (DWC-73) before leaving the doctor's office. Employee must submit a copy of said report (DWC-73) to his/her supervisor and the HR Department.

An employee absent from duty because of a job-related illness or injury will be assigned to Family and Medical Leave or Temporary Disability Leave, if applicable. Forms are located on Human Resource Department web page.

After a District employee has been absent the first seven working days due to an occupational injury or illness, the employee shall consult with his or her supervisor daily to communicate his or her condition. Subsequently, the employee shall maintain routine con-tact as required by the supervisor.

An employee choosing to use paid leave will not receive workers' compensation weekly income benefits until all paid leave is exhausted or to the extent that paid leave does not equal the pre-illness or injury wage. If the use of paid leave is not elected, then the employee will only receive workers' compensation wage benefits for any absence resulting from work-related illness or injury, which may not equal his or her pre-illness or injury wage.

Upon depletion of paid leave benefits, expiration of family and medical leave, and temporary disability leave, as applicable, the employee receiving workers' compensation wage benefits will be offered health benefits under COBRA.

A District employee commits an administrative violation if the employee:

1. Makes a false or misleading statement;
2. Misrepresents or conceals a material fact;
3. Fabricates, alters, conceals, or destroys a document; or
4. Takes or withholds benefits, fees advances, or expenses in excess of the amounts authorized by the District [Chapter 415 Texas Workers' Compensation Act].

An offense is committed if the employee's intent is to obtain workers' compensation insurance coverage for himself, herself, or another; knowingly or intentionally makes a false statement; or misrepresents, conceals, or destroys a document related to a workers' compensation claim. The District may seek to prosecute such an offense, considered a Class A misdemeanor with jail time.

[Chapter 415 and 418] Failure to adhere to this policy may result in disciplinary action up to and including termination of employment with demand for restitution.

Summary:

The worker's compensation process is a legal proceeding.

The documents filled out by the supervisor / safety coordinator can be subpoenaed by the claimant's attorney, BISD's attorney, or the Department of Insurance (WC division). Accuracy in documentation is to the utmost importance when filling out the forms. These forms are considered governmental records.

Any witnesses and the supervisor / safety coordinator can be called in by the claimant's attorney, BISD's attorney, or the Department of Insurance (WC division) to clarify any issues during a contested case hearing proceeding in front of a state judge.

All parties involved in a workers' compensation claim (ei. claimant, witnesses if any, supervisor / safety coordinators), must cooperate in a workers' compensation investigation in order to determine compensability of the injury, liability for the injury and the accrual of benefits.

Additional information can be found in the Brownsville Independent School District Employee Handbook and Policy CRE (Legal & Regulation)

