

Section 3	Human Resources Department	04/01/90	-Originated
Subject 3.11	Workers' Compensation Insurance	02/01/06	-Reviewed w/ changes -Reviewed w/o changes
Policy 3.7.5	Workers' Compensation Insurance		Employee Injury Management-Author

Workers Compensation Insurance

Definitions

For the purpose of this document, the following definitions apply:

Compensable Injury: An injury arising out of, and in the course and scope of employment for which compensation is payable according to law.

Disability: The inability because of a compensable injury to obtain and retain employment at wages equivalent to the pre-injury average weekly wage.

Employee: Every person in the service of UTMB under any appointment or contract of employment whose name appears on the payroll of UTMB.

Injury: Damage or harm to the physical structure of the body and those diseases or infections naturally resulting from the damage or harm. The term also includes occupational diseases.

Maximum Medical Improvement (MMI): Maximum Medical Improvement occurs either on the earliest date after which, based on reasonable medical probability further material recovery from or lasting improvement to an injury can no longer reasonably be anticipated; or at the expiration of 104 weeks from the date on which income benefits begin to accrue.

Occupational Disease: A disease arising out of the performance of, and in the course of, employment that causes damage or harm to the physical structure of the body. The term also includes other diseases or infections that naturally result from the work-related disease. The term does not include an ordinary disease of life to which the general public is exposed, unless that disease of life is the result of an incident related to a compensable injury or occupational disease. The term includes repetitive trauma injuries.

Repetitive Trauma Injury: Damage or harm to the physical structure of the body occurring as a result of repetitious, physically traumatic activities that occur over time and arise out of and in the course and scope of employment.

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**Definitions,
continued**

Temporary Income Benefits: Weekly compensation benefits based on a percentage of the employee's average weekly wage as established by State law. An employee may qualify for temporary income benefits if he or she has a disability as a result of a compensable injury and has not reached maximum medical improvement.

Policy

Workers' Compensation Insurance (WCI) benefits may be payable to UTMB employees who sustain a compensable injury while performing duties within the course and scope of their employment. An employee must report an injury to their employer within 30 days of the date on which the injury occurs or if the injury is an occupational disease when the employee knows or should have known that the injury may have been related to the employment. If an employee is unable to return to full duty after being injured, they must report this fact by telephone (if they are capable of doing so) to their supervisor and to the Employee Injury Management Office (formerly WCI Office) by telephone within 24 hours of becoming aware of their incapacity. The employee's supervisor is to immediately report any such notification to the Employee Injury Management Office.

**Benefits Under
WCI**

Benefits under WCI include all health care reasonably required by the nature of the compensable injury, and if applicable, some type of income benefit for work time lost due to the compensable injury or disease.

Paid Time Off

The injured employee is entitled to paid time off in order to seek medical attention on the date of injury/illness. This paid time off will be reported in the institutional time capture system as WCI (This code may **only be used on the day of the reported injury or disease**). Employees who are disabled from work may be eligible for Leave of Absence (LOA) with Temporary Income Benefits as described below. The Leave of Absence guidelines apply to all employees on LOA.

Employees placed on LOA for a work-related injury/illness must contact the Division of Employee Benefits in the Workforce Compensation & Reporting Department of Correctional Managed Care Regional Human Resources Office concerning their payment of insurance premiums.

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**Temporary
Income Benefits
(TIB)**

An employee with disability as a result of a compensable injury may be entitled to the payment of income benefits. No income benefit accrues during the first seven (7) days of absence from work due to the injury/illness. Eligibility for Temporary Income Benefits (TIBs) arises on the eighth day of disability. The payment of TIBs will be impacted by certain elections that the injured employee makes. Subject to certain requirements a covered employee may elect to use accrued sick leave and accrued annual leave as follows:

1. If an employee elects to use accrued sick leave, the employee will receive his or her regular pay and will not be entitled to income benefits until all accrued sick leave is exhausted.
2. An employee who has exhausted all accrued sick leave may then elect to take all or any number of weeks of his or her accrued paid/annual leave. There is no entitlement to income benefits until the elected amount of paid/annual leave are exhausted.
3. If all accruals are exhausted or the employee makes no election to use accrued leave time, the employee would be placed on leave of absence status (LOA) without pay.

If the employee's incapacity continues for 14 days or longer, TIBs will be paid retroactively for all of the first seven days of incapacity for which the employee received no paid leave.

Note: An employee may not utilize paid leave and receive TIBs. If the employee does not have sufficient accrued paid leave to remain on the UTMB payroll until such time as the TIBs begin, the employee would be placed on Leave of Absence and not receive regular pay or income benefits until the TIBs began to accrue on the eighth day.

NOTE: Loss time due to work- related injuries and illnesses may qualify for coverage under the Family and Medical Leave Act (FMLA) provided the employee meets the eligibility requirements. For questions relating to FMLA, contact the Division of Employee Benefits in the Workforce Compensation & Reporting Department or the Correctional Managed Care Regional Human Resources Office or refer to [IHOP Policy 3.9.10](#).

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Reporting Injuries

The employee, if medically possible and the employee's supervisor should take the following steps to report an injury or occupational disease sustained while on the job.

Responsibility	Action	
Employee	1. Report the injury/disease to your supervisor and Employee Injury Management (formerly WCI) Office within 24 hours. 2. Obtain from your supervisor and complete an Employee Injury Statement Form , as soon as possible 3. Notify the Employee Injury Management Office of any/all related medical care prior to receipt of the care.	
Supervisor	4. Obtain the Employee Injury Statement Form and report all on-the-job injuries/occupational diseases to the Employee Injury Management Office within 24 hours.	
Employee	5. Complete and submit to supervisor the Employee's Injury Statement form completely describing the injury/occupational disease.	
Supervisor	6. Asks employee to request a copy of a completed work status report from his doctor and to return it to the supervisor. Review the Employee Injury Statement Form for completeness, then sign and date the form to acknowledge the date of your first knowledge of the reported injury/occupational disease.	
Supervisor	If...	Then...
	The employee is seeking medical treatment	Return form to employee to have physician complete work certification. Go to step 7 below.
	The employee is not seeking medical treatment	Go to step 9 below.
Employee	7. Is entitled to his or her initial choice of doctor including but not limited to seeking medical care from the Employee Health Clinic, Urgent Care Clinic, Emergency Room or the Unit Infirmary depending on the severity of	

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Employee, continued	<p>the injury/occupational disease.</p> <p>Note: The injured employee is entitled to receive medical care from a doctor chosen from a list of doctors approved by the Texas Department of Insurance – Division of Workers' Compensation.</p>
Physician	<p>8. Complete Part II, <i>Return to Work Certification</i>, which indicates whether the employee may or may not return to work, and work restrictions, if any.</p> <p>Employees who have been instructed by their physician to remain off work in relation to the reported injury/ occupational disease, should contact the Employee Injury Management Office within 24 hours of the time loss. Employees, who are restricted in their activities, may be eligible for modified duty. See IHOP Policy 3.8.5, <i>Temporary Job Modification</i>.</p> <p>Instruct the employee to return the completed form to their supervisor.</p>
Supervisor	<p>9. Upon receipt of a Return to Work Form or a TWCC 73 form that documents an injured employees' work status the Supervisor is to immediately forward such documentation to the Employee Injury Management office.</p>