



MIDWESTERN STATE UNIVERSITY

Operating Policies & Procedures Manual

University Operating Policy/Procedure (OP) OP 52.60: Workers' Compensation

Approval Authority:	President
Policy Type:	University Policy and Procedure
Policy Owner:	Vice President for Administration and Finance
Responsible Office:	Associate Vice President for Facilities Services Business Manager of Facilities Services
Next Scheduled Review:	05/01/2023

I. Policy Statement

Workers' Compensation provides medical treatment, income and other benefits to workers who are injured or acquire an occupational disease on the job. University employees with injuries arising out of and in the course and scope of employment may be entitled to coverage by the State Office of Risk Management (SORM).

II. Reason for Policy

The purpose of this policy is to establish procedure for administration of the Workers' Compensation Insurance in coordination with the investigation and analysis programs that are needed to promote prevention of work-related accidents, injuries, and illnesses. This policy and its implementation will be in conformance with the policies and guidelines of the State Office of Risk Management, the Texas Department of Insurance/Division of Workers' Compensation (TDI/DWC), and collaborating policies of Midwestern State University ("MSU" or "University").

III. Application of Policy

Workers' Compensation Insurance (WCI) is regulated by the state of Texas and provides medical benefits and income indemnity for injuries and occupational illnesses that arise within the course and scope of employment. This program covers all University employees whose names appear on the payroll, including student employees.

IV. Definitions

WCI – Workers’ Compensation Insurance, provides medical benefits and income indemnity for injuries and occupational illnesses that arise within the course and scope of employment.

SORM – State Office of Risk Management, the agency directly responsible for administering the program for state employees.

TDI/DWC – Texas Department of Insurance/Division of Workers’ Compensation, promulgates rules and regulations governing WCI.

Workers’ Comp Claims Coordinator - The point of contact for all workers’ compensation claims and the interface between the employee, supervisor or administrator, and SORM. This person can be contacted in the department of Facilities Services.

Work Status Report - A form used to inform SORM, the University, and injured employee of the nature of any injury or illness including any physical limitations or work restrictions as they relate to the injured employee’s ability to work. It is completed by the attending physician.

V. Procedures and Responsibilities

A. Supervisor’s Responsibilities

All supervisors with managerial authority over employees’ job duties shall provide the following assistance, as appropriate, when work-related accidents, injuries, or occupational illnesses occur.

1. Call the Workers Compensation Claims Coordinator in Facilities Services and verbally report the injury or incident as soon as possible. **Facilities Services must be notified before the close of business the next working day following the injury or illness.**
2. If requested by Facilities Services, complete a Supervisors Investigation form and provide any relevant information regarding the employee’s injury or illness.

B. Employee Responsibilities

Employees are required to report immediately to a departmental supervisor all on-the-job accidents, injuries, or occupational illnesses, regardless of whether medical expenses were incurred or time away from work was involved. Failure to report your injury or illness within 30 days from the date of injury may result in your claim being denied.

1. Employees should notify his or her supervisor or call the Workers’ Compensation Claims Coordinator in Facilities Services and verbally report the injury or incident as soon as possible.

2. If medical treatment is sought, employees must complete the following forms and submit them to Facilities Services. The Workers Compensation Claims Coordinator can assist the employee in locating a physician that treats workers compensation patients. Medical expenses resulting from a work related injury **cannot** be submitted to an employee's personal health insurance carrier.
 - a) [Employee's Report of Injury](#) (SORM-29)
 - b) [Authorization for Release of Information](#) (SORM-16)
 - c) [Witness Statement](#) (SORM-74)
 - d) [Employee's Election Regarding Utilization of Sick and Annual Leave form](#) (SORM-80)
3. Employees should obtain a copy of the Work Status Report completed by the attending physician and submit to the Workers Compensation Claims Coordinator.
4. Employees must notify the Workers Compensation Claims Coordinator of any sick leave, vacation leave, or leave without pay used due to a workers' compensation injury or illness. This includes leave time used for doctor's appointments associated with the reported injury or illness.

All related forms and attachments are available online on the MSU Forms Library website at https://forms.msutexas.edu/library/tblFormLibrary_list.asp

C. The Workers' Compensation Claims Coordinator's Responsibilities:

The Workers' Compensation claims coordinator is the point of contact for all workers' compensation claims and is the interface between the employee, supervisor, administrator, and SORM. The claims coordinator assists employees in properly applying for benefits and coordinates reporting to SORM as outlined below.

1. Assist the injured employee in obtaining medical care, if needed.
2. Within one working day following notification, complete and submit the [Employer's First Report of Injury of Illness \(DWC-1S\)](#), if necessary, to SORM.
3. Meet with the employee and ensure that all necessary forms have been completed and signed.
4. Submit to SORM the various forms required to complete the WCI claim as described in SORM [Workers' Compensation Claims Coordinator Handbook](#).
5. Review the physicians Work Status Report with the employee's supervisor to determine if the employee is physically restricted or can return to work, according to the MSU Return to Work policy.
6. Submit to Human Resources the appropriate forms notifying them of the employee's use of leave and work status.

The Workers' Compensation Claims Coordinator must comply with all rules enacted by SORM, as well as those of the Division of Workers' Compensation. The Workers' Compensation Claims Coordinator will establish and maintain an incident or injury file on each case.

D. Return to Work

The Work Status Report from the attending physician will be used to determine if an employee can return to work, with restrictions, if such job is available, or without restrictions. Refer to https://msutexas.edu/human-resources/policy/3.3-employee-policies/3.345-Return_to_Work.asp for more information on returning to work.

E. Recovery of Workers' Compensation Benefits

Recovery of workers' compensation benefits is the exclusive remedy of an employee covered by the workers' compensation insurance coverage. For the death of an employee as a result of a work related injury, the employee's surviving legal beneficiary may be eligible for these remedies. The Texas Labor Code does not authorize a cause of action or damages against the State, a state agency, or the university beyond the actions and damages authorized by Chapter 101 of the Texas Civil Practice and Remedies Code.

F. Employer's Rights and Responsibilities

The University is entitled to certain rights under the Texas Workers' Compensation Act. These rights include the following:

1. The right to be present at all administrative proceedings relating to an employee's claim;
2. The right to present relevant evidence relating to an employee's claim at any proceeding;
3. The right to report suspected fraud;
4. The right to contest the compensability of an injury if the insurance carrier accepts liability for the payment of benefits;
5. The right to receive notice, after making a written request to the insurance carrier of:
 - a) A proposal to settle a claim; or
 - b) An administrative or judicial proceeding relating to the resolution of a claim; and
6. The right to contest the failure of the insurance carrier to provide accident prevention services.

VI. Related Statutes, Rules, Policies, Forms, and Websites

Related Statutes, Rules and Regulations:

Texas Workers' Compensation Act: Texas Labor Code, Title 5

- Benefits

WCI benefits are legislated by the Texas Workers' Compensation Act. The TDI/DWC promulgates rules and regulations governing WCI, and SORM adjudicates claims for benefits made by state employees, including employees of Midwestern State University.

Texas Civil Practice and Remedies Code Chapter 101

Related Websites:

Workers Compensation Benefits for State Employees Brochure:

<https://www.sorm.state.tx.us/wp-content/uploads/2017/06/sormworkerscomptribold.pdf>

SORM forms for employee filing a claim:

<https://www.sorm.state.tx.us/claims-operations/claims-coordinator-resources>

or available on MSU Forms Library website at

https://forms.msutexas.edu/library/tblFormLibrary_list.asp

More information about injured employee rights and responsibilities and dispute resolution can be found here:

<https://www.tdi.texas.gov/wc/employee/index.html>

Related MSU Policies:

OP 52.44: Return to Work

Related Forms:

[Authorization for Release of Information](#) (SORM-16)

[Employee's Election Regarding Utilization of Sick and Annual Leave form](#) (SORM-80)

[Employer's First Report of Injury of Illness \(DWC-1S\)](#)

[Employee's Report of Injury](#) (SORM-29)

[Witness Statement](#) (SORM-74)

[Workers' Compensation Claims Coordinator Handbook](#) (SORM)

VII. Responsible Office(s)

Contact: Associate Vice President for Facilities Services

Phone: 940-397-4648

E-mail: AVPFS@msutexas.edu

Contact: Business Manager, Facilities Services

Phone: 940-397-4649

E-mail: BusinessMgrFS@msutexas.edu

VIII. History

- 00/00/0000: MSU Policy 3.336 (Workers' Compensation is adopted by the MSU Board of Regents as MSU Policy and Procedure 3.336).
- 08/04/2006: Revised by_.
- 05/06/2021: Completely revised the former policy. Adopted and approved by the Board of Regents as MSU Policy and Procedure 34.12: Workers' Compensation.

~~3.336 Business Affairs & Finance~~

WORKERS' COMPENSATION

Date Adopted/Most Recent Revision: 08/04/2006

~~A. General~~

~~All employees (whether they are full-time, part-time, faculty, staff, or student) are covered by Workers' Compensation for job-related injury or illness.~~

~~B. Reporting Requirements~~

~~Any job-related injury or illness of such a nature that results in medical treatment, medicine costs, hospital costs, doctor bills, and/or time off from work should be reported as soon as possible to the Environmental Safety Coordinator by the employee or the employee's supervisor. Such illness or accident must be reported within thirty (30) days of the accident or evidence of illness.~~

~~C. Extent of Coverage~~

~~Workers' Compensation generally covers 100% of medical and medicine costs incurred as a result of job-related injury or illness. Workers' Compensation also partially compensates the employee for wages lost as a result of such injury or illness. Further information is available through the Office of the Environmental Safety Coordinator.~~