

# Workers' Compensation Resource Guide

This guide is intended to support individuals and departments across the University of New Mexico with the Workers' Compensation process. Employees, supervisors and managers should refer to *University Administrative Policy (UAP) #3630: Workers' Compensation* to understand the University's policies and practices in relation to Workers' Compensation. This guide is not intended to supersede the policy, but to help departments abide by it. Please refer to the HR representative within your department, your designated Human Resources Consultant, and/or UNM Safety and Risk Services for clarification on appropriate procedures.

# Part 1: Responsibilities of Employee and Supervisor

## Employee's Responsibilities

### *Before an Accident Happens*

- Understand the Workers' Compensation process. Reach out to your supervisor, the designated HR representative within your department, and/or UNM Human Resources if you have questions.
- Report hazards in the workplace to your supervisor and/or UNM Safety & Risk Services (SRS) to prevent on-the-job accidents before anyone suffers an injury.

### *After an Accident Happens*

- Notify your supervisor of the incident immediately.
- If electing to obtain treatment, go to the appropriate location for medical treatment (outlined in Part 2 of this guide and [UAP #3630: Workers' Compensation](#) – Section 3). Complete the [UNM First Report of Accident form](#) and give it to your supervisor as soon as possible.
  - This step is very important. UNM Employee Occupational Health Services (EOHS) cannot provide medical referrals until this step is completed, which may result in delayed medical care. Please complete this step as soon as possible after a work-related accident occurs.
- If not electing to obtain treatment, fill out a [New Mexico Workers' Compensation Notice of Accident Form](#) within 15 days of the incident and submit it to SRS. Inform your supervisor of the incident.
- [Send all medical bills related to the work-related injury or illness to SRS.](#)
- Communicate regularly with your supervisor while you are out due to a work-related injury or illness regarding when you expect to return to work. Provide to your supervisor all necessary documentation from EOHS regarding your ability to return to work with or without limitations.
- Obtain clearance from EOHS. Return to work procedures are outlined in Part 2 of this guide and [UAP #3630: Workers' Compensation](#) – Section 3.
- If applicable, communicate your need for modified duty with your supervisor. Provide documentation verifying your limitations and specifying how your duties may be modified.
- Contact your department HR representative and/or [UNM Human Resources Consultant](#) for questions or additional guidance.

## Supervisor's Responsibilities

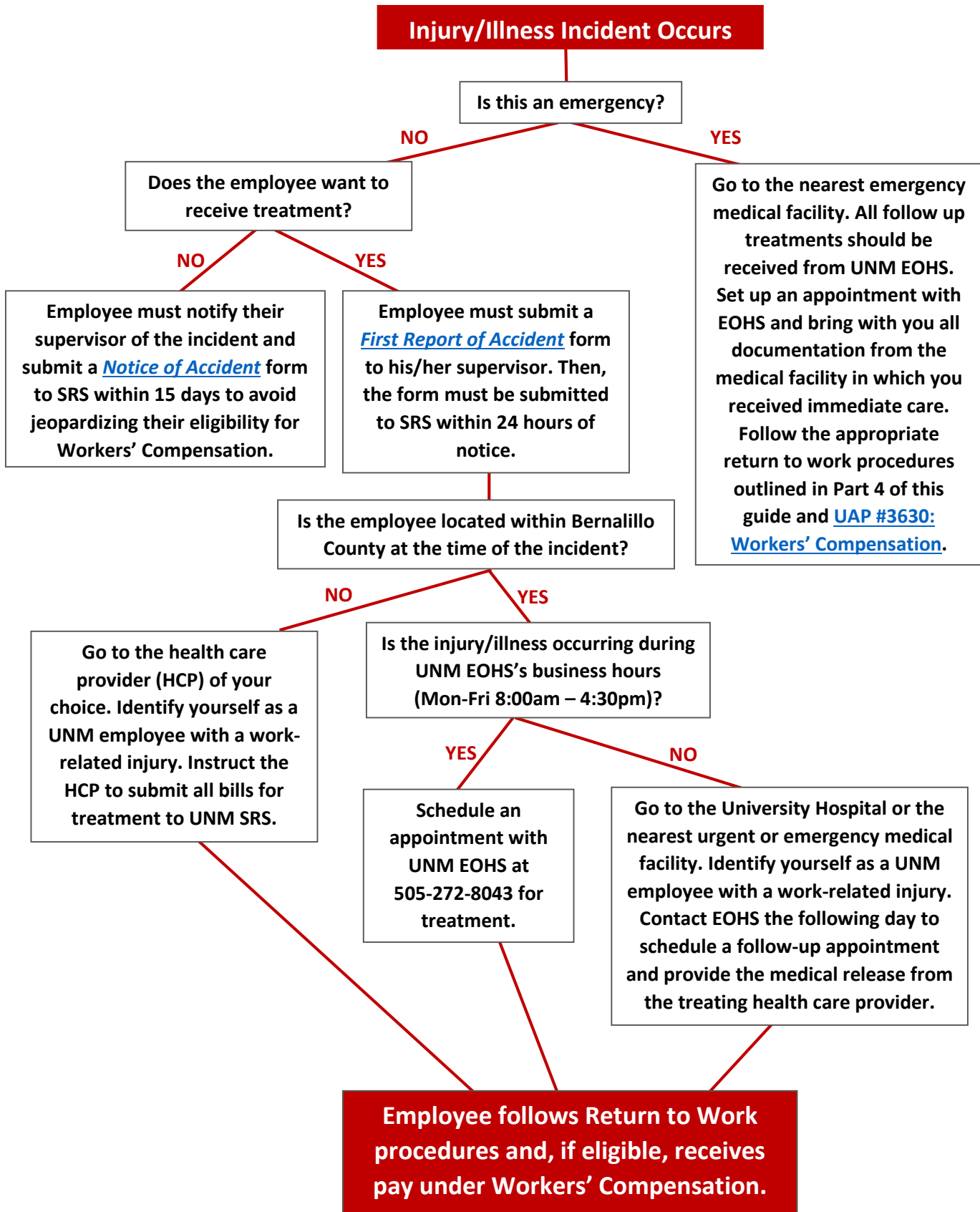
### *Before an Accident Happens*

- Ensure hazards are minimized within the workplace to prevent on-the-job accidents before anyone suffers an injury. Ensure all employees are trained on how to appropriately handle hazards and report work-related illnesses/injuries.
- Ensure employees follow the appropriate procedures listed above and have access to the forms needed, including [UNM First Report of Accident form](#) and [New Mexico Workers' Compensation Notice of Accident Form](#).

## ***After an Accident Happens***

- If the employee elects to receive treatment, ensure the [UNM First Report of Accident form](#) is sent to SRS within 24 hours from the time you are informed of the incident.
- If the employee does not elect to receive treatment, ensure the employee is aware that he/she must submit a [New Mexico Workers' Compensation Notice of Accident Form](#) to SRS within 15 days to avoid jeopardizing their eligibility for Workers' Compensation.
- If the employee leaves the worksite due to a work-related injury, pay the employee for the full day of work on the date of the injury, regardless of the time of day in which the injury occurs.
- If the employee is eligible for [Family Medical Leave \(FML\)](#), notify him/her of their rights to FML after the employee misses three consecutive days of scheduled work due to a work-related injury or illness.
  - To place the employee on FML, issue the [FMLA Designation Rights and Responsibilities Notice for Workers' Compensation](#) and submit a ePAN to UNM Human Resources in order to update the employee's status in Banner.
  - Refer to [UAP #3440: Family and Medical Leave](#) for additional information.
  - Contact your department HR representative and/or your [HR Consultant](#) for more information, as needed.
- If the employee misses more than five days of scheduled work due to a work-related injury or illness, notify UNM Payroll and SRS in writing.
- Do not permit the employee to return to work without clearance from EOHS.
- If the employee is cleared to return to work with restrictions and/or with a disability, have a conversation with the employee about how duties may be modified in order to perform the job.
  - Obtain approval from the appropriate department head for any adjustments granted. Contact your [HR Consultant](#) for guidance on appropriate procedures, including necessary documentation.
- [Consult with your HR Consultant](#) if questions arise about an employee's ability to perform his/her job duties. Also, please contact your HR Consultant if the employee receives notice from EOHS that they have reached Maximum Medical Improvement (MMI).

## Part 2: Obtaining Treatment & Reporting Incidents



## Part 3: Timeline for Receiving Workers' Compensation

- **Day of Injury/Illness** → Report the incident within 24 hours if electing to have treatment and within 15 days if not electing to have treatment. If the employee leaves the worksite, they should be paid for the full day of work, regardless of when the incident occurs.
- **First Seven Calendar Days of Absences Due to Work-Related Injury/Illness** → Use sick/annual leave. If leave is exhausted, use leave without pay (LWOP). After 28 calendar days, Workers' Compensation may approve reimbursement of leave used during the seven day waiting period. Supervisors should notify employees of Family Medical Leave rights per [UAP #3440: Family and Medical Leave](#) after three absences.
- **After Seven Days** → If the claim is approved, on the eighth day following the incident Workers' Compensation will pay 2/3 of weekly wage, not exceeding the maximum allowed under the State of New Mexico. Highly compensated employees may receive less than 2/3 weekly wage through Workers' Compensation. Sick and annual leave may be used to account for the time not covered by Workers' Compensation.

### Example of Timeline to Receive Workers' Compensation

*This example depicts a possible scenario for a full-time employee who works Monday – Friday, on an 8 hour a day schedule.*

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Date of incident. Employee paid for full day of work.	Employee calls in and requests sick leave. <b>1</b>	Employee calls in and requests sick leave. <b>2</b>	Employee calls in and requests sick leave. <b>3</b>	Employee calls in and requests sick leave. <a href="#">Dept notifies employee of FML rights.</a> <b>4</b>	University closed. No scheduled work. <b>5</b>
University closed. No scheduled work. <b>6</b>	Employee calls in & requests use of sick leave. SRS & Payroll are notified of absences. <b>7</b>	Employee retroactively receives 2/3 wages from Workers' Compensation and uses sick leave to cover the remaining 1/3 of pay. Department designates Family Medical Leave, if applicable, to run concurrently with Workers' Compensation.				University closed. No scheduled work.
University closed. No scheduled work.	Employee retroactively receives 2/3 wages from Workers' Compensation and uses sick leave to cover the remaining 1/3 of pay. Department designates Family Medical Leave, if applicable, to run concurrently with Workers' Compensation.				Employee returns to work. Workers' Comp and FML end.	

**Legend:**

Orange = Day of incident

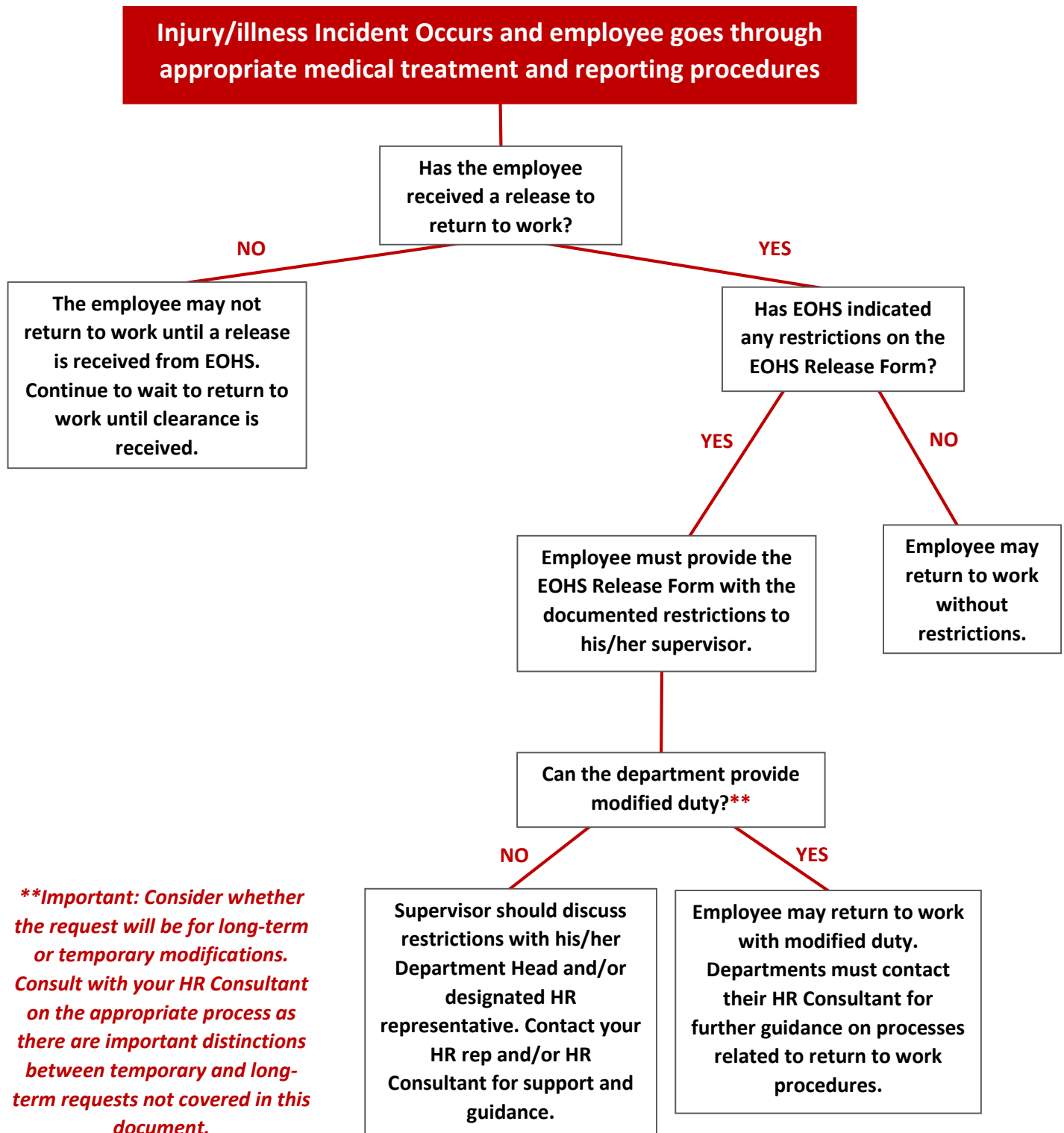
Blue = Out of the office due to the incident, using sick/annual/LWOP

Green = Out due to incident, using 2/3 Workers Comp and 1/3 sick/annual/LWOP

Yellow = Returns to work after following appropriate Return to Work procedures

*Refer to UAP #3630: Workers' Compensation*

## Part 4: Return to Work Procedures



## Part 5: Frequently Asked Questions

### *Common Employee Questions*

- What if an accident occurs and I am not injured or ill, should I still report it?
  - Some injuries and illnesses do not become evident until some time has passed following an incident. Employees are encouraged to report all work-related accidents to avoid jeopardizing their rights to Workers' Compensation. This also ensures the University is made aware of workplace hazards and can address those hazards appropriately. When in doubt, report it!
- Are part-time, student, and/or contract employees covered by Workers' Compensation?
  - Per [UAP #3630](#), workers' compensation "covers any person receiving a salary or wage from and acting in the service of the University." Therefore, paid part-time, student, and contracted workers are generally covered by the Workers' Compensation policy. However, not all of the content covered in this document will apply to individuals who are not full-time staff employees.
- The documentation requires my Social Security Number (SSN). What can I do if I feel uncomfortable providing it?
  - While the University of New Mexico typically does not collect an employee's SSN, the SSN is required on the Workers' Compensation documents per the State of New Mexico. This will aid the State in identifying the injured/ill individual.
  - If the employee is uncomfortable providing his/her SSN to the State, the employee is advised to at the very least provide the last four digits (ex: XXX-XX-1234). The State will require the employee to provide their full SSN in order to complete their review of the Workers' Compensation claim. The employee may elect to provide their full SSN directly to the State.
- I am unsure how to fill in some of the boxes on the required documentation. What do I do?
  - Fill out as much as possible on the form. If you are unsure of how to answer a question, contact UNM Safety & Risk Services at 505-277-2753 for assistance.
- My supervisor is unavailable to sign my [First Report of Accident form](#). What do I do?
  - Obtain a signature from the next level supervisor, if necessary. SRS will not be able to process the form without supervisory signature.
- Do I have to miss seven consecutive days of work before I can become eligible for Workers' Compensation?
  - No. The dates do not have to be consecutive, nor do the absences have to occur immediately following the incident. If the dates are consecutive, the dates are counted by calendar days.

*Refer to UAP #3630: Workers' Compensation*

- Typically, a Workers' Compensation Claims Adjustor looks to see if the employee has missed 40 hours of work due to a work-related injury/illness.
- I am a full-time employee and I work 8 hours a day. How do I report my Workers' Compensation time versus my sick/annual leave while I am absent due to a work-related illness or injury?
  - Because Workers' Compensation covers 2/3 time, an employee may report 5.33 hours of Workers' Comp time and 2.67 hours of sick leave, annual leave or leave without pay to account for an 8 hour day. Refer to your department timekeeper for all questions regarding appropriate paperwork for reporting your time. Any time entry questions should be referred to UNM Payroll.
  - If your pay exceeds the maximum allowed under the State of New Mexico, Workers' Compensation will adjust payments accordingly. For this reason, you may receive less than 2/3 wages from Workers' Compensation. If this applies to you, you may also use additional sick or annual leave to account for time not covered by Workers' Compensation. Minimums and maximum salary levels are published on the [State of NM Workers' Compensation Administration website](#).
- Do I have to use my leave to account for the hours/pay not covered by Workers' Compensation?
  - No. It is optional for employees to use sick or annual leave to account for hours/pay not covered by Workers' Compensation. Many employees elect to use sick/annual leave in order to obtain pay equivalent to their regular paychecks.
  - If an employee chooses not to use sick or annual leave, the department should email UNM Payroll regarding the employee's request to not use their leave.
  - The use of sick leave, annual leave, and leave without pay is subject to the policies covering each type of leave. These policies include UAP [#3410](#), [#3400](#), [#3420](#), respectively.
- Who do I send my medical bills to while I am on leave due to a work-related injury?
  - Send bills to UNM Safety & Risk Services at MSC07 4100, 1 University of New Mexico, Albuquerque, NM 87131.
- Under what conditions may I see a health care provider (HCP) outside of EOHS without jeopardizing my eligibility for Workers' Compensation?
  - If there is an emergency or if the injury/illness occurs at a time or place in which the employee cannot obtain care from EOHS, the employee may obtain immediate medical treatment from urgent care or the HCP of their choice. These options are outlined in Part 2 of this document.
  - If the employee is referred to a health care provider by EOHS, the employee may receive treatment from another provider. However, the employee must receive final clearance to return to work from UNM EOHS.
  - If the employee wants to obtain treatment from a HCP of their choice, he/she may request approval from their Workers' Compensation Claims Adjustor after sixty days of care is received from UNM EOHS.

*Refer to UAP #3630: Workers' Compensation*



- What is the appropriate process for obtaining care from a HCP outside of EOHS?
  - Bring a copy of the [Return to Work form](#) with you to your appointment. Ensure the HCP indicates the date you may return to work and any specific restrictions needed.
  - Schedule an appointment with EOHS at 505-272-8043. Bring your [Return to Work form](#) with you to UNM EOHS to provide additional information to the EOHS care provider. The health care professional(s) at EOHS will provide you clearance to return to work, if he/she deems that you are able to return to work.

### ***Common Supervisor/Department Questions***

- I just found out that my employee has been absent from work due to a work-related injury, but I had no idea an incident had occurred. What should I do now?
  - Contact the employee to get more information about the incident. Advise the employee on the appropriate procedures for reporting the incident, obtaining medical treatment and returning to work found in Parts 2 and 4 of this guide, as well as [UAP #3630](#).
  - Secondly, minimize hazards to the extent possible and consult with UNM Safety and Risk Services (SRS) on how to do so. UNM SRS can be reached at 505-277-2753.
  - Lastly, if the employee has missed work due to the work related injury, contact SRS and Payroll.
- My employee was injured within the first fifteen minutes of their shift and left the work site for the rest of the day to obtain medical treatment. How do I pay the employee?
  - If the employee leaves the work site, he/she should be paid for the full day of work, regardless of the time the employee was injured or became ill. Report the time as Leave with Pay (Pay Code: 300) and note that the leave is due to a work-related incident.
- What if the employee, for any reason, cannot complete the necessary documentation?
  - If the employee is incapacitated or otherwise unable to fill out [the First Report of Accident form](#), the supervisor may fill out the form to the best of his or her ability.
- Does the employee have to go on [Family Medical Leave \(FML\)](#) while on Workers' Compensation?
  - Yes. Family Medical Leave and Workers' Compensation run together. The supervisor must properly notify the employee in writing that the leave will be counted as FML and an ePAN must be sent to UNM Human Resources. Departments are encouraged to [utilize the resources available through UNM HR](#) to track FML use.
  - If the employee is not eligible for FML or they have exhausted their available FML balances, then FML will not be designated with Workers' Compensation.
  - Supervisors and Managers should contact their designated HR representative within their department and/or their [HR Consultant](#) for assistance with FML.
  - Refer to [UAP #3440: Family and Medical Leave](#) for more information.

*Refer to UAP #3630: Workers' Compensation*

- I have an employee returning to work with restrictions and I cannot provide modified duty. What do I do?
  - Contact your [HR Consultant](#) for guidance. Your HR Consultant can advise you on the resources available if you are unable to modify duties.
  
- I have an employee returning to work with restrictions and I can provide modified duty. Do I have to do anything else?
  - Contact your [HR Consultant](#) for guidance. Your HR Consultant will provide you with the appropriate paperwork to use when approving modified duty. Please note that there are important distinctions between temporary and long-term modifications. Do not proceed with providing modified duty, even if temporary, without contacting your HR Consultant.
  
- My employee received a release from EOHS that says he/she has reached MMI on it. What does that mean?
  - MMI stands for Maximum Medical Improvement. This means that the employee's condition may improve naturally over time; however, further medical interventions may not be effective in improving the employee's condition immediately. The employee may or may not have restrictions indicated on the form. Work with the employee to determine if any modifications are needed to his/her duty. Contact your [HR Consultant](#) for further assistance.

## Additional Resources

### *UNM Departments*

#### **Employee Occupational Health Services**

Family Practice Center, 2300 Tucker NE, Room 232

Hours of Operation: Monday – Friday, 8:00am – 4:30pm, Tuesday 9:00am – 4:30pm

Phone: 505-272-8043

Website: <http://medicine.unm.edu/programs-and-centers/coehp/>

#### **Human Resources**

1700 Lomas Blvd NE, Albuquerque, NM 87131

Phone: 505-277-2013

Email: [HRPR@unm.edu](mailto:HRPR@unm.edu)

Website: <http://hr.unm.edu>

#### **Payroll**

1700 Lomas Blvd NE, Albuquerque, NM 87131

Window Service Hours: Monday – Friday, 10:00am – 2:00pm

Phone: 505-277-2353

Email: [pay@unm.edu](mailto:pay@unm.edu)

Website: <http://payroll.unm.edu>

#### **Safety & Risk Services**

MSC07 4100, 1 University of New Mexico, Albuquerque, NM 87131

Phone: 505-277-2753

Email: [srsweb@unm.edu](mailto:srsweb@unm.edu)

Website: <http://srs.unm.edu>

### *Policies to Review*

Go to <http://policy.unm.edu> to review the following:

- UAP #3630: Workers' Compensation
- UAP #3440: Family and Medical Leave
- UAP #3400: Annual Leave
- UAP #3410: Sick Leave
- UAP #3420: Leave Without Pay

### *Websites*

#### **Managers and Supervisors**

Forms and letters related to Workers' Compensation can be found

at <https://hr.unm.edu/workers-comp-manager>. This site will also connect you to the HR

Consultant from UNM Human Resources - Client Services who can assist you with the Workers' Compensation process.

### **Employees & Departments**

The Workers' Compensation Association (WCA) of the State of New Mexico provides several informational guides and answers to questions online at <http://www.workerscomp.state.nm.us/>

### **Helpful Links**

- Family Medical Leave Forms, Information and Resources: <https://hr.unm.edu/benefits/fmla>
- Find Your HR Consultant portal: [https://www8.unm.edu/apex\\_ods/f?p=145:1](https://www8.unm.edu/apex_ods/f?p=145:1)
- NM Workers' Compensation Notice of Accident Form: <http://www.workerscomp.state.nm.us/pdf/noa.pdf>
- NM Workers' Compensation Minimums and Maximums for coverage: [http://www.workerscomp.state.nm.us/pdf/aww\\_table.pdf](http://www.workerscomp.state.nm.us/pdf/aww_table.pdf)
- UNM First Report of Accident Form: <http://srs.unm.edu/risk-services/media/docs/e1www.pdf>