

INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION

CRE1
(REGULATION)

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| ADMINISTRATION OF
WORKERS'
COMPENSATION | 1. | Benefits and Risk Management will administer the District's Workers' Compensation program to ensure compliance with Reference (g) and other applicable laws, protect the interest of the District, and serve the interest of District employees. Specific details for the administration of the Workers' Compensation program have been issued in a manual and distributed to all supervisors. See Reference (h). The manual is subject to revisions and updates to ensure compliance with Workers' Compensation and District's policies. |
| GENERAL
INSTRUCTIONS | 2. | An employee who is injured during the performance of his or her duties is eligible for all reasonable and necessary medical treatment related to the injury sustained, and compensation for lost time from work as defined by Reference (h). |
| REPORT OF INJURY | a. | The supervisor of the injured employee must complete or have completed the Employee Injury and Treatment (EIT) Form immediately upon receiving report of an injury. See Reference (i). The supervisor of the injured employee must contact the Third Party Administrator to obtain a claim number serving as a unique identifier of the claim. The claim number is entered on the EIT Form. The EIT Form is faxed to the Workers' and Unemployment Compensation office as a notification of the report of injury. |
| MEDICAL
TREATMENT | b. | The injured employee takes the identification card from the EIT Form to the treating physician. See Reference (j). Following medical treatment, the TWCC 73 is faxed to the Workers' Compensation and Unemployment office. See Reference (h). |
| PHYSICAL
RESTRICTIONS | c. | The treating physician will determine what, if any, physical restriction(s) exist for the injured employee. If the physical restriction(s) do not affect the injured employee's ability to perform his or her duties, the injured employee will return to full-duty status. Should the restriction(s) impede the employee from performing his or her duties, the supervisor may make reasonable modifications to the employee's duties to accommodate the restriction(s). If the duties cannot be modified, reasonable measures will be taken to reassign the injured employee within the department or to another location with duties that do not exceed the employee's physical restriction(s). See References (d) and (e). Based upon business necessity, the position may have to be filled by hiring or reassigning another employee to the position. Wherever applicable, in order to evaluate employee's |

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ability to perform his or her duties following release to duty with some impairment or restrictions, the employee may have to undergo a Demonstrated Abilities Evaluation to ensure safety of the employee and co-workers.

ORIENTATION

3. Orientation of employees concerning workers' compensation is the responsibility of supervisors with assistance from the Workers' and Unemployment Compensation office when necessary.

COORDINATION OF
BENEFITS

4. An injured employee may utilize personal leave when a work-related injury prevents him or her from working; however, the employee will not receive compensation from the District indemnity funds for more than 100 percent of his or her pre-injury salary. If the injured employee elects not to use personal leave during a period when workers' compensation benefits are payable to the employee, the employee must notify his or her immediate supervisor in writing of this decision within 24 hours of loss time. Wherever applicable, in compliance with the Family Medical Leave Act (FMLA), a notice will be given to the injured employee advising the employee of activation of the provisions of the FMLA and commencement of the 12 weeks of FMLA leave. See References (a) and (b). FMLA leave will run concurrently with workers' compensation. To the extent the employee is unable to return to work upon expiration of the FMLA period, the District may either extend the leave period or advise the worker of his or her job status.

Workers' and Unemployment Compensation will notify Payroll of all employees who are being paid workers' compensation indemnity benefits. Payroll ensures that the total gross moneys received by each employee are no more than 100 percent of the individual's pre-injury salary. Payroll deducts a proportionate amount of personal leave from the employee's personal leave balance, except in the case of approved assault leave requests. See Reference (c).

If possible, deduction of the amount of workers' compensation payments will occur before payment of personal leave, but if an overpayment is made, the overpaid amount will be recouped by Payroll. Workers' and Unemployment Compensation will notify Payroll of the date the employee is released to return to work, the inclusive dates of the employee incapacitation, and the total amount of money paid.

FUNDING

5. Funds for the cost of Claims Servicing are obtained from the operating budget according to procedures established for control of the operating budget. Board of Education approval will be obtained for any change in the method of financing the

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payment of losses resulting from workers' compensation claims.

CONSULTATION

6. This regulation has been through consultation (Administrative: April 8, 2009; Instructional: April 7, 2009; Noninstructional: May 12, 2009).

MAINTENANCE
RESPONSIBILITY

7. The chief financial officer, Finance, is responsible for maintenance of this regulation.

REFERENCES:

- (a) Board Policy CRE(LEGAL)
 - (b) Board Policy CRE(LOCAL)
 - (c) Board Policy DEC(LOCAL)
 - (d) Board Policy DK(LOCAL)
 - (e) CRE2(REGULATION)
 - (f) Texas Workers' Compensation Act
 - (g) Supervisors' Guide to Workers' Compensation
 - (h) TWCC 73 – Work Status Report
 - (i) Form – Houston Independent School District Employee Injury and Treatment Form
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