

# The Workers' Compensation Process

2018

Website: <http://rmi.prep.colostate.edu/workers-compensation/>

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## Website

- Risk Management - <http://rmi.prep.colostate.edu/>
  - Risk Management Reporting Tools:
  - [Workers' Compensation Incident or Claim](#)  
Use this form to report an incident or injury to a CSU employee
  - [Safety Concern/Near Miss Reporting](#)  
Use this form to report safety concerns or near misses on campus.
- Workers Compensation  
<http://rmi.prep.colostate.edu/workers-compensation/>





## WORKERS' COMPENSATION HOME

FILE AN INCIDENT

AUTHORIZED TREATING  
PHYSICIANS

DEPARTMENTAL DESIGNATED  
PERSONS (DDPS)

ELIGIBILITY AND COVERAGE

EMPLOYEE GUIDE

WORKERS' COMPENSATION  
FAQ

FORMS AND POSTINGS

INCIDENT PROCEDURE

INJURY LEAVE AND LOST TIME

INTERNSHIPS

OTHER RESOURCES

OUT OF STATE EMPLOYEES

TEMPORARY MODIFIED DUTY



## WORKERS' COMPENSATION

Workers' Compensation is an exclusive remedy for workplace injuries or illnesses. It provides wage replacement and medical benefits to employees injured in the course and scope of employment.

If you would like to file an incident or injury claim please start [HERE](#).

The Workers' Compensation team works cooperatively with a variety of resources to assist in the prevention of injuries and managing them when they occur. Our goal is to work with our employees, departments and medical providers to maximize recovery and return to work.

Colorado State University has employees throughout the United States and provides workers compensation coverage, as required by the respective state, for employees who are injured in the course and scope of their job.

CSU is self-insured for Colorado Workers Compensation claims and claims are

- Information that will assist departments and employees through the stages of a WC claim
- Up-to-date Forms and Postings (Your old forms will need to be updated)
- Authorized Treating Physician's that can be sorted by County
- Easy Access to reporting Missed Time
- Ease of reporting injuries
- Q&A for common questions that arise during the course of a WC claim



## Is it an Emergency?

### Yes

- ▶ In case of life or limb-threatening emergency call 911 or go immediately to the nearest care facility.
  - ▶ Employee will need to follow up with one of CSU's Authorized Treating Physicians (ATPs)
- ▶ If it is after hours or while traveling, go to the nearest urgent or emergency care facility.

### No

- ▶ Complete a First Report of Injury and seek care with ATP
- ▶ Other instance when Urgent Care or ER maybe appropriate.
  - Exposure
  - X-ray needed
  - ATP has no availability
    - Anything that needs a follow-up visit must be scheduled through the ATP





Employees must provide the initial provider the following billing information:

**Gallagher Bassett (GB)**  
PO Box 2831  
Clinton, IA 52733-2850  
Phone: 800-933-8143  
Fax: (303) 796-9498



Employee must also seek follow-up care through one of CSU's Authorized Treating Physicians (ATPs).



If employee seeks medical treatment outside of CSU's Authorized Treating Physicians, or if ER or Urgent care is obtained and the claim is not deemed work-related, the employee will be responsible for all bills and services.



# TYPES OF REPORTS

## INCIDENT REPORT ONLY

- Serves as a record of an event.
- The report is kept in-house
- The benefit of reporting is, that if an injury that appears minor turns out to be something that needs medical attention 6-8 weeks later, we have a record of the incident.
- Without the record your claim is more likely to be put under investigation

## INCIDENT WITH NEED FOR MEDICAL CARE

- Employee sustains an injury that requires medical attention
- May require time away from work
- May require a period of healing with temporary work restrictions

Anyone can file a claim for consideration for Workers Compensation. Workers' Compensation is to cover accidents that are the result of work duties and happen during the course and scope of your work. Just because something happens or hurts at work doesn't necessarily make it work-related, but may be just part of daily living and/or a personal health issue.

# INCIDENT FLOW

1. File a Workers' Compensation report  
<http://rmi.prep.colostate.edu/workers-compensation>

2. Upon submission, employee and Designated Departmental Person (DDP) will receive:

- a. Incident packet
- b. Summary of Report
- c. ATP Guide

3. The event may be investigated

- For prevention
- To gather additional information

Anyone can file the claim  
the Employee,  
the Supervisor,  
the Departmental person,  
A Co-worker

Review the report  
and respond with  
any corrections  
within 5 days

If asked to complete  
investigative questions  
please do so and return to  
WC ASAP.  
Call Kenda with any  
concerns

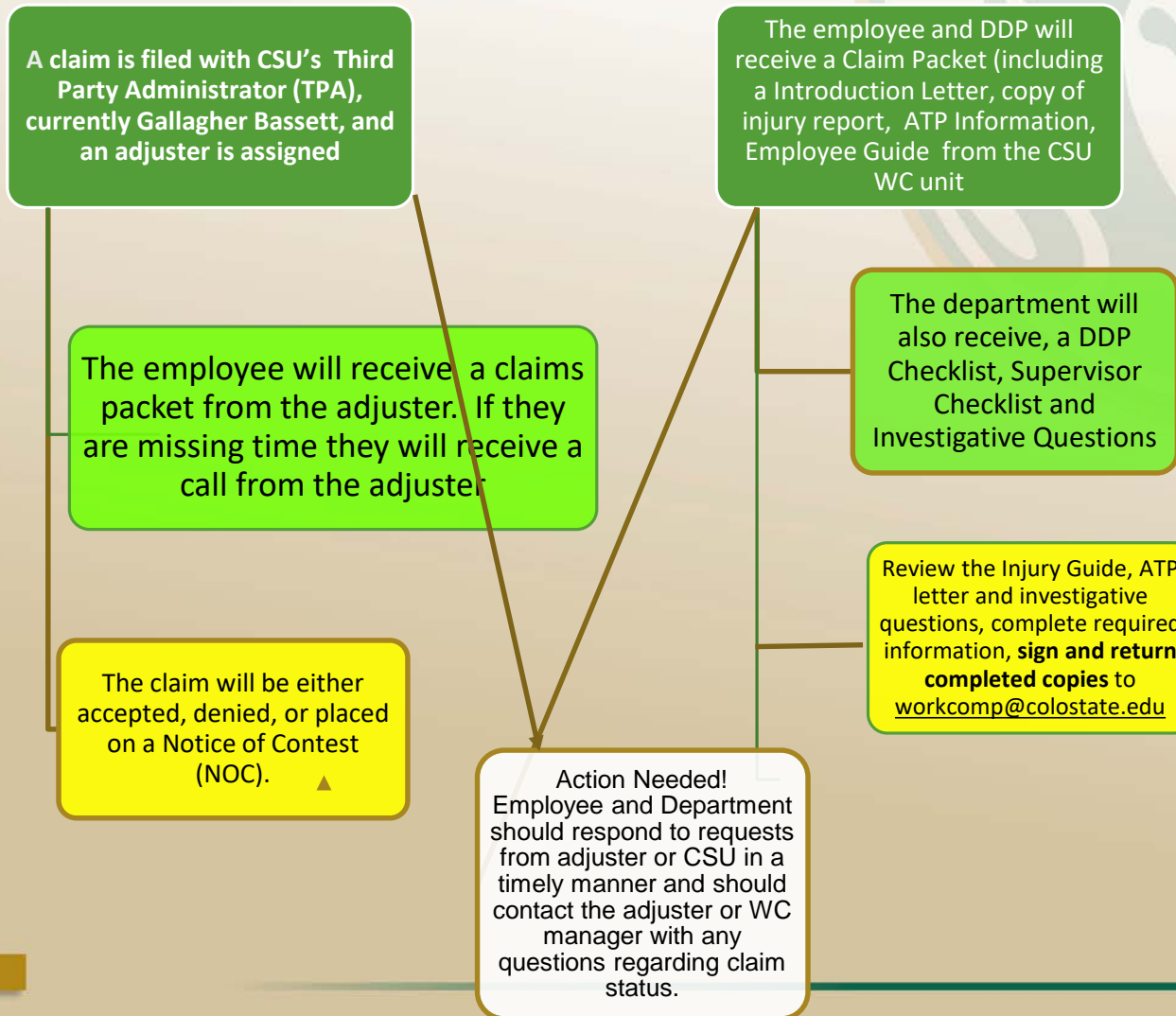
- Make sure that the employee's phone number, current mailing and e-mail address are correct.
- Unless different information is provided on the First Report of Injury, all communications will be sent to your CSU e-mail and contact information provided by HR (i.e. home address)

**At this point, if  
medical care  
is not sought,  
the incident  
remains a  
record only.  
No further  
action  
is required**





# Medical Treatment is Needed





## Accepted

- Claim is deemed compensable
- Employee will be compensated for injury and lost time, if appropriate.



## Denied

- Claim is deemed not work-related.
- Employee will not be compensated for injury, medical bills, or lost time.



## Notice of Contest

- Claim hasn't been accepted or was denied as future investigation is needed.
- NOC could be result of more info needed.
- A NOC will affect benefits until resolved.



- ▶ Notice of Contest (NOC) – Claim hasn't been accepted or was denied as further investigation is needed.
  - ▶ If an employee receives a NOC it is very important to read the NOC carefully. TYPICALLY the claim is on NOC because something needs to be done.
  - ▶ Sometimes something as simple as the employee not calling the adjuster to complete the first report of injury investigation can cause a NOC.
  
- ▶ If a NOC is filed, the following benefits are affected:
  - ▶ No wage replacement/injury leave benefits are provided
  - ▶ If NOC is not resolved within 30 days, modified duty will be discontinued.
  - ▶ CSU will cover basic ATP medical care but will not authorize surgeries or other treatments during a NOC
  - ▶ Claim can be referred to CSU's outside attorney for assistance in obtaining information.



- Upon seeing an Authorized Treating Physician (ATP) or returning from emergency/urgent care, the employee needs to provide a work status report to their supervisor.
  - Employee is expected to provide a work status report to supervisor after each ATP visit
- The work status report will outline any restrictions the employee has upon returning to work.
- The employee should review and discuss medical status, work restrictions and ability to perform duties.
  - **Communication is key**



The employee's work status report will detail the manner in which the employee can return to work following their injury.

### Return Without Restrictions

- Employee continues to perform their normal work duties.
- If employee has difficulties, they should return to their Authorized Treating Physician (ATP).

### Return With Restrictions

- Supervisor works with employee to determine if employee can perform job duties within restrictions.
- If employee is unable to perform normal job duties, they will be assigned modified duty.







- Employee can be assigned modified duty within their department or in another department
  - It can be split between departments
- Employee will receive their regular wages for the hours they work
- It can be full-time or part-time.
- Hours don't have to be within their normal work hours.
- Employees who are offered TMD and decline jeopardize wage replacement benefits and CSU Injury leave benefits if they are eligible for them.



## If The Department Doesn't Have Work For The Injured Employee...

- ▶ Supervisor needs to inform WC of status at 970-491-4832, 970-491-6745 and/or email Kenda [Kweigang@colostate.edu](mailto:Kweigang@colostate.edu) or [workcomp@colostate.edu](mailto:workcomp@colostate.edu).
- ▶ Employee should be directed to RM office, 141 General Services Building for a temporary modified duty placement.
- ▶ The Employee and Supervisor should stay in contact and address return to work regularly.



## Steps to take for setting up TMD

- Refer to modified duty section on website: <http://rmi.prep.colostate.edu/workers-compensation/tmd/>
- Ensure tasks are within the restrictions outlined by physician (contact WC manager if you need assistance)
- Complete temporary modified duty (TMD) job offer letter. A template is available at Forms: <http://rmi.prep.colostate.edu/workers-compensation/forms/>
- Supervisor and employee review and sign Employee Injury Guide (if not previously completed), whether or not they will be returning to home department. The Employee Injury Guide is available on-line at: <http://rmi.prep.colostate.edu/workers-compensation/forms/> (The timesheet is also available on this site)
- Send copies of both to Kenda Weigang at [workcomp@colostate.edu](mailto:workcomp@colostate.edu). Or bring by: 143 General Services Building.
- Weekly time sheets must be completed
- Funding is available to cover the cost of TMD when the signed TMD letter is received by the WC office, and timesheets are submitted on a weekly basis.



There are **TWO** types of injury benefits for State Employees who are injured on the job and have a **COMPENSABLE** work injury.

**1. *Benefits as outlined in the Workers' Compensation Act/Statutes for Colorado:***

- **Provision for medical treatment**
- **Wage replacement benefits for lost time**  
In Colorado this benefit is 66.66% of the average weekly wage for the injured worker for time missed in accordance to statute
- **Employees outside of Colorado are paid in accordance to that state's WC statutes**



**2. Colorado State University provides an Injury Leave Benefit in the form of Wage Continuation for eligible employees, as outlined in the HR manual, has a Wage Continuation Benefit for eligible employees who**

- Have a **compensable** claim under the Workers' Compensation Act.
- Their injury was not caused by willful misconduct or a safety violation.

Wage continuation provides full pay for up to 90 occurrences (whole day increments regardless of the actual hours absent during an entered date).

Example:

- |  |               |
|--|---------------|
| 1. Employee is taken off work for a week (5 days)  | = 5 instances |
| 2. Employee works only 4 hours/day for the next week   | = 5 instances |
| 3. Employee is working full time the following week, but has a dr. appt. on Tue and one on Thursday, ea. appt. that lasts 2.5 hours incl. travel time and employee works before and after the appointment. | = 2 instances |

Injury Leave is paid to cover the employee's wages, provided:

The wage replacement benefit paid from the Workers' Comp carrier, which is 2/3 (66.66 %) of the employee's regular wage in Colorado, is assigned to CSU. CSU makes up the difference to cover the employee's normal wage.





# Injury Benefits for Hourly Employees

- ❑ The first day of injury is not covered.
- ❑ Any time taken off prior to seeing a physician is not covered under lost time.
- ❑ Time to attend medical appointments is not reimbursed by Workers' Comp.
- ❑ Hourly employees are not covered under CSU's Wage Continuation Benefit.
  
- ❑ Under Colorado Statute, the first three work shifts/24 hours (cumulative) of missed time is not paid under Workers' Compensation. The first three work shifts will be the employee's own time.
  - However, this time still needs to be reported as missed time due to injury to the department and the WC office along with corresponding documentation. This will allow for tracking of the waiting period. Missed time after the waiting period is paid by the adjuster in accordance to the statute.
  - An employee may receive reimbursement for the first three work shifts, if time missed exceeds 80 scheduled work hours.
  
- ❑ Please turn in any lost time missed from work, for which the employee was taken off work by a medical provider or in the event there was no work available within the restrictions prescribed by the WC physician. This can be done by completing an injury time sheet <http://rmi.prep.colostate.edu/workers-compensation/lost-time/>
  - Once a claim is deemed compensable, missed time will be approved by the WC department and processed through Gallagher Bassett. Lost time exceeding the first three work shifts (cumulative) will be paid directly to the employee at a rate of 66.66% for time missed in Colorado
  
- ❑ TIME FOR HOURLY EMPLOYEES NEEDS TO BE TURNED IN ON A REGULAR BASIS FOR THE HOURS THEY WOULD NORMALLY BE WORKING
  
- ❑ Hourly employees are paid off the average hours they worked for the last 6-12 months and not just what they were scheduled for at the time of injury



- The first day of injury is not covered under Workers' Compensation guidelines.
  - CSU Administrative leave is granted on the first day provided an employee seeks medical attention that day.
- Under Colorado Statute, the first 24 hours (cumulative) of missed time are not paid under Workers' Compensation. During your first 24 hours, you will take your own personal leave time. However, you still need to report the time missed as injury leave to your department and CSU WC OFFICE and provide medical documentation for tracking purposes.
  - Your leave time for the first approved 24 hours will be returned to if you miss more than 80 approved hours.
- Report any lost time, for which the employee is taken off work by a medical provider or in the event no work was/is available within the restrictions outlined by the WC physician. Employees need to make sure that their supervisor or departmental payroll person receives this information on a weekly basis. This may be done by completing an injury time sheet  
<http://rmi.prep.colostate.edu/workers-compensation/lost-time/>



# Injury Leave State Classified and AP cont.

- ❑ CSU has a **Wage Continuation Benefit** for eligible employees who
  - Have a **compensable** claim under the Workers' Compensation Act.
  - Their injury was not caused by willful misconduct or a safety violation
- ❑ Wage continuation provides full pay for up to 90 occurrences (an occurrence can be a whole day missed or just an hour missed for a doctor's appointment, or leaving work a few minutes early.) Injury Leave is paid to cover the employee's wages provided:
  - The wage replacement benefit paid from the WC carrier which is 2/3rds (66.66%) of the employee's regular wage is assigned to CSU. Then CSU makes up the difference to cover the employee's normal wage.

## Parameters for Wage Continuation:

- ❑ Only time to and from appointments (actual travel time, up to 30 minutes each way in town) or time taken off work by the medical provider is covered.
  - If an employee takes more time than required for an appointment, this time will not be covered under injury leave.
  - If the employee leaves for an appointment and doesn't return to work when there is work time left in the day, the employee will not get Wage Continuation Benefits from the time they leave work. (the time will be their own leave)
- ❑ Please note that injured employees, eligible for on the job injury leave, who work a modified work schedule will be converted to a 5-day work week for purposes of calculating on the job injury leave, when in an off work status. For example, employees who normally work four ten hour days will be converted to a five day/eight-hour work schedule.
- ❑ For those injured employees, eligible for on the job injury leave, who have part time work schedules, the on the job injury leave benefit shall be pro-rated accordingly.
- ❑ If an employee is offered work and fails to return to work they will lose the Wage continuation benefit
- ❑ At the end of the Wage Continuation Benefit (after 90 occurrences), the employee is placed in a "Make Whole Status." This is the point where the employee receives a check from the insurance carrier for 2/3 (66.66%) their average weekly wage and they can use their leave balances to cover the other 1/3 to make "whole" their check.
- ❑ Time away from work for medical appointments are no longer covered for wage replacement benefits.



## **Permanent Employees (CSU injury leave eligible)**

- First day of injury is counted as administrative leave provided that medical treatment is sought the same day as injury.
- No missed time is counted until medical attention is sought
- The next 24 hours is employees own time
- If the employee is off more than 80 hours the first 24 hours will be credited back to the employee
- Provided benefits outlined in workers compensation statute.
- Additional benefits provided by CSU benefits package to eligible employees. Includes full salary replacement under injury leave policy for 90 occurrences.

## **Hourly and Employees who aren't injury leave benefitted.**

First three missed work shifts due to injury are not paid but must be reported.

- Day of injury is not covered under Workers' Comp
- The 3 work shifts are given back to employee if they miss more than 80 approved hours.
- Missed time for medical appointments is not covered
- Payment for approved lost time is paid and 66 2/3 of Average weekly wage and paid directly to employee from carrier or TPA

<https://rmi.prep.colostate.edu/wp-content/uploads/sites/4/2015/04/ON-THE-JOB-INJURY-LEAVE-BENEFITS.pdf>



- ▶ Employees are expected to report lost time weekly to their supervisor.
- ▶ The Department should utilize the “ COLORADO STATE UNIVERSITY - WEEKLY Workers' Comp Time Sheet”.  
Available at  
<http://rmi.prep.colostate.edu/workers-compensation/lost-time/>.

Employees/Supervisors must turn in WC time sheets weekly to the WC department and their departmental DDP/payroll.

- ▶ We ask that the time be submitted no later than Tuesday of each week, with medical documentation of appointments attached.
- ▶ If lost time is not reported in a timely manner, CSU might receive a penalty from the Division of Workers' Compensation. If the delay in reporting is due to the departments' delay, the penalty is likely to be passed back to the department.

**MAKE SURE YOU TRACK MISSED TIME FOR ALL EMPLOYEES, EVEN HOURLIES, WHO HAVE BEEN TAKEN OFF SCHEDULE DUE TO INJURY**





To enter authorized missed time, please visit: <http://rmi.prep.colostate.edu/workers-compensation/lost-time/>.

Please remember that no compensation or wage replacement is granted without report of lost/missed time

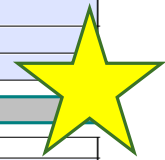
Please note that the form doesn't play nice with all web browsers. Internet Explorer is it's preferred browser if you want to submit it online.

**Colorado State University - Workers' Compensation Timesheet**

<b>First Name</b>				<b>Last Name</b>				<b>Normal Hours Worked</b>		
<b>Home Dept.</b>								<b>Date of Injury</b>		
<b>Week Start Date (Monday)</b>				<b>Hours Scheduled per Day</b>			<b>Days Scheduled this Week</b>			
<b>Hours Worked</b>				<b>Hours Missed from Work</b>						
<b>Date</b>	<b>Time In</b>	<b>Time Out</b>	<b>Total Hours Worked</b>	<b>Medical Appt</b>	<b>No Work w/in Restrictions</b>	<b>Taken Off by Physician</b>	<b>Leave w/out Pay</b>	<b>Annual Leave</b>	<b>Sick Leave</b>	<b>Total Hours Missed</b>
Total Worked				Total Missed						
				Total Hours Scheduled			Actual Week Total			

**NOTE: Time off work MUST be documented by a medical note in order to be paid through injury leave. Please attach lost time documentation to this report and turn into Risk Management and Designated Departmental Person (DDP) WEEKLY, no later than Tuesday of each week. Submit via email: [workcomp@colostate.edu](mailto:workcomp@colostate.edu) or by fax: 970-491-4804. THIS REPORT IS NOT A SUBSTITUTE FOR OTHER DEPARTMENT REQUIRED FORMS.**

<b>Next Medical Appointment(s)</b>					
<b>Employee Signature</b>				<b>Date:</b>	
<b>Supervisor Signature</b>				<b>Date:</b>	
<b>Click Here to Submit Completed Timesheet to CSU Workers' Compensation</b>					
<b>INTERNAL USE ONLY</b>					
<b>Risk Management Signature</b>				<b>Date:</b>	
<b>Date Sent to DDP and Initials</b>		<b>Notes</b>			



## Injury Leave is not granted when:

- ▶ A determination is made that the injury or illness was caused by willful misconduct of the employee or by willful disobedience of reasonable rules and regulations, resulting in reduction of compensation payments.
- ▶ The physician determines the injury is not work-related.
- ▶ The claim is placed on a Notice of Contest, regardless of reason, until it is deemed compensable
  - ▶ It is important that this is followed and the employee cooperates with TPA to get needed information so that a determination of benefits is made ASAP.
  - ▶ Until the claim is accepted, the employee will need to use their own time.
- ▶ Employee is at Maximum Medical Improvement (MMI), or released from care
- ▶ Employee returns to the doctor for maintenance treatment following MMI (maximum medical improvement) this is on their own time versus injury leave



# Injury information to Remember

Colorado State University

- ▶ Unless an injured worker is taken off work by one of CSU's Authorized Treating Physicians (ATP), the employee is expected to continue to work. After reviewing work status report, employee may continue to work in the department, performing work within their physical abilities or might temporarily be placed elsewhere within the CSU system.
- ▶ If employee is released to return to work, whether modified duty or full duty, and chooses not to return to work, the employee may jeopardize injury wage replacement benefits. Any time taken would be personal leave.
- ▶ An employee shouldn't be sent home because of complaints of pain. Instead they should return to the physician if they don't think they can complete job tasks. If an employee does not wish to see the doctor, related time missed from work will be annual, sick or leave without pay.



- ▶ Employees are expected to report to work before and after medical appointments, when scheduled during working hours, in order to be paid for the day and for appointment time. We encourage you to make appointments before or after your work shift.
- ▶ In order to be paid for time missed from work due to your injury, you must turn in lost time to your supervisor or department's payroll person, **along with medical documentation for the missed time**. Without documentation from the medical provider that you attended an appointment or were taken off work, you will not be granted paid injury leave.



- ❖ Workers Compensation Benefits
- ❖ Short Term Disability
- ❖ FLMA

Can run concurrent with each other

Please make sure you are working with Benefits/HR to implement each of these when appropriate.

Please notify WC ASAP if employee is reaching Short Term Disability  
WC and STD offset each other  
Injured Worker isn't to receive more than 100% of their normal salary – and overpayments will be taken back





A claim can be closed for a number of reasons:

Maximum Medical Improvement  
(Full Duty)

Maximum Medical Improvement  
(Permanent Restrictions)

Non Compliance with Care



- ▶ Once an employee has reached maximum medical improvement (MMI) and is released from medical care, they will either have a full duty release or be given permanent restrictions. The employee must contact their supervisor and provide them with a copy of the final physician's report immediately.
- ▶ Employees that are placed at MMI for failure to comply with medical treatment should not be allowed to return to work without adequate medical treatment and evaluation of abilities.
- ▶ An employee who reaches MMI without a full duty release should not be allowed to return to work until the appropriate departmental staff are consulted, along with Human Resources and the Workers' Compensation team, to assess the employee's ability to perform the essential functions of their job.



- What happens after a claim is closed?
  - Final Admission is filed with the Division of Workers Compensation
    - Employee has 30 days to contest Final Admission.
  - Depending on the claim, the employee may get an impairment rating and compensation for their injury



Please reference Risk Management's website periodically for additional information AND updated information

<http://rmi.prep.colostate.edu/workers-compensation/h>

*Remember ... Risk Management is here to assist you*

