

About Workers' Compensation . . .

- **What is it?**

Workers' Compensation is a state-regulated insurance program that pays reasonable and necessary medical costs if you have a compensable on-the-job injury. Under workers' compensation law, an injury or illness is covered, without regard to fault, if it was sustained in the course and scope of employment, while furthering or carrying on the employer's business. This includes injuries sustained during work-related travel. Injuries are not covered if they were the result of the employee's horseplay, willful criminal acts or self-injury, intoxication from drugs or alcohol, voluntary participation in an off-duty recreational activity (even if on district property), a third party's criminal act if directed against the employee for a personal reason unrelated to work or acts of God.

- **When am I required to report an injury?**

ALL employees are mandated to report on-the-job injuries to the Risk Management Department within 24 business hours **whether you intend to seek medical attention or not**, should be reported to your supervisor by the conclusion of the workday. The affected school or department must then report all on-the-job injuries to the Risk Management Department. Medical providers verify injuries with Risk Management **prior** to providing treatment, thus proper and timely reporting is essential.

- **Why would I want to see a doctor on the Irving ISD Workers' Compensation Preferred Provider List?**

No initial out-of-pocket expense; quality medical care; convenient locations; usually no appointment is necessary; and you still have the right to a doctor of your choice at a later date. However, you may initially choose to see a doctor of your choice as long as they accept workers' compensation patients. Personal insurance does not pay for treatment as a result of an on-the-job injury. If an injury is not reported properly – that is considered insurance fraud.

- **How much does Workers' Compensation (WC) pay if I am unable to work?**

Workers' compensation typically will replace 70% or 75% of your lost wages, depending on hourly rate (however, that can vary further in relation to the state cap of the average weekly wage), if the injury causes you to be unable to work for more than seven (7) calendar days (as supported by medical documentation). An employee becomes eligible for WC income benefits on the eighth day of disability. No benefit is paid for the initial 7-calendar day (5 work days/2 weekend days) waiting period unless your disability extends for 15- calendar days or longer.

- **How does being off work affect my paycheck from Irving ISD?**

If you are unable to work, Board Policy (CRE-legal and local, DEC-legal and local) allows you to choose to use any available local/state leave days to supplement your workers' compensation income benefits. If you have exhausted all of your leave days or elect not to use them, you will be docked your full daily rate (including the initial 7- calendar day waiting period), but you will receive WC income benefits as specified in the previous bullet. The combination of using local/state days and receiving WC income benefits may not exceed 100% of your regular pre-injury salary.

FAQ- FREQUENTLY ASKED QUESTIONS

- **After the seventh day of absence, the Irving ISD self-insured workers' compensation fund will pay me 70-75% of my average weekly wage, subject to the maximum and minimum amounts established by law. Will I receive any other income?**

If you have accrued leave days, you may choose to use these to help offset your balance.

- **How am I paid for my first seven days off work due to my work-related injury?**
According to the Texas Department of Insurance, Division of Workers' Compensation (DWC) regulations, the Irving Independent School District does not pay injured workers for the first seven days off work. However, you may choose to use your accrued leave for the first seven days as explained in IISD board policy CRE (LEGAL).

Example, if John Doe was injured on 11/30/17 and his first day out was 12/01/17, the District will pay John Doe from 12/01/17 through 12/7/17 using the employee's accumulated sick leave pay. If he does not have any sick leave days to use, he will be docked for those seven absences. If Mr. Doe is still out on the 8th day from his date of injury, he has a choice to make. He may either continue using any available sick leave days to be paid in full from the District, OR, he could choose to be paid Workers' Comp TIBs from 12/08/17 onward.

- **What is an offset?**
According to IISD Board policy CRE (LEGAL), you may choose to receive accrued leave in an amount equal to the difference in the weekly workers' compensation benefits and the salary you were receiving before the injury, with a proportionate deduction in your accrued leave balance. For example, if you are receiving 75% from the workers' compensation fund, you can have 1/4th of a leave day deducted from your leave balance. The object is to receive the same amount you received prior to your injury.
- **Why do I have to use my own local/state days when I was injured at work?**
Workers' Compensation income benefits are regulated by the State of Texas including the maximum amount, and when benefits begin. Since Irving ISD operates on tax dollars (public funds), the District can only pay employees for official workdays/hours or if they exchange a state or personal day for their absence (whatever the reason).
- **I need to go to a follow-up doctor's appointment and/or physical therapy. Are my absences covered by Workers' Compensation?**
No. Workers' Compensation benefits are not paid for time off needed to attend follow-up care (i.e. physical therapy, doctor re-checks, etc.). Most workers' compensation medical providers have hours to accommodate an after-work appointment. Any absences taken from work (full or half day) are either deducted from your accrued leave days, or docked, depending on the option you selected on the Employee First Report of Injury/Illness form. It is a good idea to try to get an appointment before or after work, if possible. You might also be able to just take off thirty minutes to one hour earlier and arrange to make up your time or use comp time to cover it. Speak with your principal or supervisor to discuss what is the best option for you and your school or department. If you expect many absences, you should contact the Benefits Department to request intermittent FMLA.
- **Does Irving ISD have a company doctor?**
No.

FAQ- FREQUENTLY ASKED QUESTIONS

- **If an employee is missing intermittent periods of time from work, how often must a Texas Workers' Compensation Commission Work Status Report (Form 73) be submitted to the employer/supervisor?**

A new form should be submitted each time the employee returns to work after having lost time from work and/or each time the employee, after returning to work, experiences an additional day or days of disability as a result of the injury. This is to be completed by the medical provider.

- **How is payment for my health care premiums affected when I miss work due to a workers' compensation injury?**

If your regular paycheck is not large enough or you do not receive a regular paycheck to deduct some or all of your health care premiums, the Benefits Department will send you a bill for the amount due. If you do not make the payment within the 30-day window, the coverage is terminated.

- **Why does Irving ISD promote working safely?**

An on-the-job injury disrupts your job routine, interrupts your personal life, can adversely affect your health, and could reduce your income.

- **What to do if I receive an invoice for an injury that was treated under Workers' Compensation?**

Invoices should be sent to the TRISTAR claims examiner immediately. Send to:

Paula Scales
TRISTAR Risk Management
Office: 214-492-5600 Ext.2822
Fax: 214-492-5691

- **What if my doctor says I can go back to work, but I don't think I can?**

If your employer makes you a bona fide offer of employment, and you choose not to take the offer, you may lose your Temporary Income Benefits.

- **What exactly is a bona fide offer of employment?**

It is an employer's letter offering modified or alternate work to an employee within his/her medical restrictions.

- **Does leave and workers' comp provide an employee with the same level of job protection?**

Leave provides full or partial pay and rights to be restored to the same or equivalent position. Specific rights are dependent upon the type of leave.

In contrast, workers' compensation does not provide leave benefits or job restoration rights. An employer can fill the position of an injured employee on a case-by-case basis because of a business necessity. Workers' comp is an indemnity plan that provides injured employees with necessary medical treatment and, in some cases, income replacement benefits. Income benefits include:

- Temporary Income Benefits (TIBS)
- Impairment Income Benefits (IIBS)
- Supplemental Income Benefits (SIBS)
- Lifetime Income Benefits (LIBS)

FAQ- FREQUENTLY ASKED QUESTIONS

- **Do I qualify for TIBs payments?**

You become eligible for Temporary Income Benefits (TIBs) after you miss more than seven (7) days from work. An employee becomes eligible on the eighth (8th) day that a work-related injury caused the employee to lose all their usual pay.

An employee is allowed to use their state personal business days to supplement their workers' compensation TIBs until those state personal business days are exhausted. The law governing Texas workers' compensation benefits is *Workers' Compensation Reform - House Bill 79th Texas Legislature, Regular Session, 2005.*

- **Are TRS contributions deducted from my Temporary Income Benefits check?**

No. TRS contributions are only paid when you are receiving a payroll (salary) check. Workers' compensation payments may be considered to determine creditable service and/or creditable compensation. You may contact TRS and request a TRS 22W form.

- **What happens to my benefits if I go back to work?**

If you are receiving Temporary Income Benefits, your weekly benefit check may be suspended while you are working, or reduced, depending on what actual wages you earn. If you return to work and later your doctor takes you back off work, your checks may be restored, if you are still eligible.* Your medical benefits continue, as long as it is for reasonable and necessary treatment that is related to the injury.

- **Once I have received all benefits from workers' compensation and still cannot return to my job, are there any other resources available to me?**

You are always welcome to apply for other vacant positions within the school district to see if you might be able to do other work.

- **What if an employee attempts to obtain workers' compensation benefits to which he or she is not entitled?**

An employee who attempts to obtain workers' compensation benefits to which he or she is not entitled should be warned that there are serious penalties for making false or misleading statements, misrepresenting or concealing material facts, and/or fabricating, altering or concealing documents in order to obtain workers' compensation benefits. Monetary penalties may be assessed against an employee by the Texas Workers' Compensation Commission for any of these deceptive actions. Additionally, it is a criminal offense (up to a second-degree felony, depending on the dollar amount involved) to knowingly commit any of the above listed acts in an attempt to wrongfully obtain workers' compensation benefits.

*You are eligible for Temporary Income Benefits as long as you have disability and have not reached Maximum Medical Improvement (MMI)