

# Step-by-Step through a Workers' Compensation Claim

The Fund is committed to helping members comply with state-established legal requirements for employers, providing expert claims service, and ensuring appropriate payment for medical care.

We also work with you to return your employees to productive work.

## Before the claim is filed

### Step 1: Texas Employer Rights & Responsibilities

The Texas Department of Insurance (TDI) Division of Workers' Compensation (DWC) publishes many documents for employers. Please review their Employer Rights and Responsibilities but disregard the information about the Notice to New Employees and the right to reject coverage. Employees of political subdivisions, such as public education entities, have mandatory coverage.

### Step 2: New Employee Notice

The New Employee Notice is written specifically for political subdivisions, such as school districts and other education organizations and is available in both English and Spanish.

### Step 3: Required WC Postings

- Must be posted in English and in Spanish
- Must be hung in Human Resources (if there is such an office) or in Administration and in all buildings to ensure all employees have access to this information
- The language can't be changed or the postings sizes reduced.

*Your required WC Postings:*

- Notice 6 (Notice to Employees Concerning Workers' Compensation in Texas)
  - Office of Employee Counsel
  - Medical Alliance
- If you employ police or security officers, post Notice 9 (Notice Regarding Certain Work-Related Communicable Diseases) in your Human Resources/Administration and where the police/security personnel report.
- If you have an active construction site, post Notice 8 (Required Workers' Compensation Coverage) in Human Resources/Administration and on the construction site.

### Step 4 Employee Notice of Alliance Requirements

Members must ensure all employees receive information about the Alliance. Consider including the information on your Intranet and in your Employee Handbook. (English) (Spanish)

### Step 5 Record of Injuries

Employers must keep a record of every on-the-job injury or illness reported or of which you have knowledge. The record must be kept for five years from the last day of the year in which it occurred. The record of injuries must be made available to DWC within five business days of a request. Rule 120.1 of the Texas Labor Code explains the information required for the Record of Injuries.

*Please remember:*

Report an injury when an employee reports it to anyone in management or to a person to whom it is reasonable for them report. This can include administration, principals and assistant principals, safety or risk management personnel, nurses, and secretaries.

## Responding to an injury

### Step 6 First Report of Injury (On line, DWC-1)

- Members **must submit a First Report of Injury within eight days** of notice of a work-related injury or illness that results in:
  - More than one day of lost time
  - An occupational disease/illness (a disease or illness which was caused by or aggravated by their employment)
  - Death of an employee while at work
  - Employee seeking medical care
- The best way to report an injury is online at [tasbrmf.org/Member-Service-Center/Report-a-Claim.aspx](https://tasbrmf.org/Member-Service-Center/Report-a-Claim.aspx).

You may also complete a DWC-1 First Report of Injury and submit by e-mail : [rms.inbox@tasb.org](mailto:rms.inbox@tasb.org) or fax: 800.580.6720.

**Employers must provide a copy of the First Report of Injury to the injured employee.**

The following forms are also part of the First Report of Injury Process:

### Step 7 Employee Rights & Responsibilities

Employers must provide a copy of the Employee Rights & Responsibilities to the injured worker along with the First Report of Injury. (English) (Spanish) (Chinese) (Vietnamese) (Korean)

### Step 8 Medical Alliance Acknowledgement

The Fund has a partnership with the Workers' Compensation Alliance (the Alliance) to manage injured employees' medical treatment. Find a provider In your area by visiting their website at [www.pswca.org](http://www.pswca.org).

Employees should sign the Notice of Alliance Requirements (English) (Spanish) at hire; however, please have an injured employee sign another acknowledgement at the time of their Injury.

### Step 9 First Fill Progressive Medical Card

All members should have a Progressive Medical temporary "First Fill" form to give to an injured employee to take to their initial medical treatment. The First Fill form will allow your employee to have his initial prescriptions filled without a co-pay or waiting for further authorization. Members may contact Laura Romaine, *WC program consultant*, at [laura.romaine@tasb.org](mailto:laura.romaine@tasb.org) or 800.482.7276, ext. 8402 for a First Fill form.

### Step 10 Election of Benefits (Use of Available Leave)

Employees must notify their employer of any absence or leave taken due to a work-related injury. The employee must elect whether they wish to use their available leave. Members should check their leave policy to determine if they are an Offsetting or Non-Offsetting District, and have injured employees complete and sign the correct Leave Election Form:

- **Offsetting** (English) (Spanish)—Employee's will use full leave days available to pay for the waiting period, and their remaining leave will be used in increments to make up the difference between their Temporary Income Benefit rate and their normal salary.

- **Non-Offsetting**—Employee's elected leave time will be used before Temporary Income Benefits will begin.

Employers must complete the DWC-6 (Supplemental Report of Injury) to notify the Fund of the amount of leave to be used. Employers must report leave used due to an on-the-job injury within 10 days. Filing sooner will help prevent over- or underpayment of Temporary Income Benefits.

### Supplemental reporting

#### Step 11 Supplemental Report of Injury (DWC-6)

The DWC-6 is used to alert DWC of changes in a workers' compensation claim. This is a multipurpose form with different due dates. Please note the following uses and requirements for the form:

- **Employee has returned to work**—Due within 3 days. Complete boxes 1-9; 10A; 11-15; 18.
- **Employee has returned to work and has started losing time**—Due within 3 days. Complete boxes 1-9; 10C; 11-14; 15 and/or 16.
- **Employee elects to use leave for waiting period and/or lost time**—File ASAP, within no more than 10 days. Complete boxes 1-9; 10B; 11-14; 15; 21, and complete Post Injury Earnings Worksheet.
- **Employee resigns or is terminated**—Due within 10 days. Complete boxes 1-9; 10D; 11-14; 19.
- **Employee is working partial days or a different job earning different wages on restricted duty**—Due every 10 days. Complete boxes 1-9; 10B; 11-14; 20; 21, and Post Injury Earnings Worksheet.

**The employer must provide a copy of the DWC-6 to the injured employee.**

File a DWC-6 online at [tasbrmf.org](http://tasbrmf.org).

#### Step 12 Wage Statement (DWC-3, DWC-3 SD, DWC-3 ME)

The wage statement is due within 30 days of the earliest from:

- The employee's 8th day of disability
- The date the employer is notified that the employee is entitled to income benefits
- The date of the employee's death due to a compensable injury.

#### Wage Statement Tips

- There are two wage statement forms—one for school districts and one for all other employers in Texas. Go to [tdi.texas.gov/forms/dwc/dwc003sd.pdf](http://tdi.texas.gov/forms/dwc/dwc003sd.pdf) to file a DWC-3 SD Wage Statement for School Districts or go to [tdi.texas.gov/forms/dwc/dwc003wage.pdf](http://tdi.texas.gov/forms/dwc/dwc003wage.pdf) to file a DWC-3 Wage Statement for all other employers in Texas.
- Employers must report wages earned rather than paid.
- The DWC requires employers to give a copy of the wage statement to the injured employee.
- Complete both pecuniary (wages) and non-pecuniary (fringe benefits) areas of the form.
- A Same or Similar Employee has training, experience, skill, and wages comparable to the injured employee and performs comparable tasks in nature and in number of hours.
- A subsequent wage statement must be filed by the 7th day after the employer discontinues providing a non-pecuniary wage that was initially continued after the date of injury.

- *Contract Employees:* Include total amount of contract including any stipends the employee was earning or scheduled to receive and any amount of TRS supplement the employee received in his paycheck. Be sure to include the number of days for current school year.
- *Non-Contract Employees:* SCHOOL DISTRICTS MAY NOT USE PRO-RATED PAY PERIODS. (If employee is paid out over a 12-month period, these are wages paid and may not be used.) Report wages earned in a week. Determine the average daily rate (the amount deducted if employee was absent from work without leave time available) and multiply by the number of days scheduled to work that week.
- You must report the number of hours worked each week, including overtime hours and pay.
- Include any sick or vacation days used during the reporting period, but do not count unpaid holidays, days not scheduled to work, or any leave without pay.
- Reporting periods must be consecutive and may not be adjusted back further than six days from date of injury regardless of whether you pay monthly (4 weeks); biweekly (14 days) or weekly (7 days).
- Annual wages must be completed for all employees. Count the number of days worked each month and multiply that number by the daily rate (remember to watch for changing daily rates). Use full months - from the first to the last day of the month. You must show the 12 months preceding the date of injury, not including the month of the injury.

*For complete training on Workers' Compensation Reporting or assistance in filing any forms please contact Laura Romaine, WC Program Consultant (800)482-7276 ext. 8402 or [laura.romaine@tasb.org](mailto:laura.romaine@tasb.org).*