

Workers' Compensation, Safety, & Loss Control

Module 10

NM Judicial Branch Supervisory Mentorship Program



Administered by the General Services Department Risk Management Division Workers Compensation Bureau

COURSE OUTLINE

MODULES

- 1 – Career Building
- 2 – Supervision, Coaching & Management
- 3 – Communications
- 4 – Staffing, Selection & Interviewing
- 5 – Performance Planning, Development & Evaluation
- 6 – Employee Discipline
- 7 – Personnel Rules Overview
- 8 – Harassment, Including Sexual Harassment, Discrimination & Retaliation Prevention
- 9 – Drug & Alcohol Prevention & Testing
- 10 – Workers' Compensation, Safety and Loss Control



Handouts

- **Facts and FAQs about Workers' Compensation**
- **Notice of Accident or Occupational Disease**
- **Employers First Report of Injury or Illness**
- **New Mexico's Workers' Compensation Administration
Workers' Authorization for Use and Disclosure of Health
Records (HIPPA Compliant)**
- **Benefits Explanation Form**
- **Claims Explanation Form**
- **Doctor's Visit Modified Work Assignment**
- **Importance of the Notice of Accident Form**
- **Workers' Compensation Act Poster**
- **AOC Workers' Compensation Policy**

Training Goals

- **Workers' Compensation Requirements.**
 - What is a workplace injury?
 - Who is covered?
 - Supervisors Role during a Workplace Injury or Illness.
 - Workers' Compensation Forms.
 - Investigation of Incident.
 - The role of FMLA and Workers' Compensation.
 - The employee's return to work.
 - Loss Prevention and Control.
 - Workplace Safety

Please take
the Pre-Test
now.

Please
complete
questions
(1) – (10)



CAUTION CAUTION CAUTION CAUTION CAUTION CAUTION CAUTION CAUTION CAUTION CAUTION

For AOC and COA employees'
workplace injury or illness please
contact, AOC Workers'
Compensation Coordinator
Tyra J. Chavez at 505-819-7380

For all other Judicial Entities please
contact your assigned Workers'
Compensation Coordinator

AOC

Workers' Compensation Policy

“Establishes guidelines for reporting, processing, monitoring and managing workers' compensation claims.”



Required WC Poster

State of New Mexico Workers' Compensation Administration
WORKERS' COMPENSATION ACT

If You Are Injured At Work
Si Se Lastima En El Trabajo

- 1) Notice --** In most cases you must tell your employer about the accident within 15 days, using the Notice of Accident Form.
 - 2) You have the right** to information and assistance from an information specialist known as an Ombudsman at the Workers' Compensation Administration.
 - 3) Claims information --** Contact your employer's Claims Representative.
- 1) Aviso. --** En la mayoría de los casos usted debe de avisarle a su empleador del accidente dentro de los primeros 15 días usando las formas de Aviso de Accidente.
 - 2) Usted tiene el derecho** a información y ayuda contactándose con un especialista en información conocido como "Ombudsman" en la Administración para la Compensación a los Trabajadores.
 - 3) Información acerca de Reclamaciones. --** Contáctese con el representante de reclamaciones de su compañía.

Employer's Insurer / Claims Representative:

Name: _____
Phone #: _____
Address: _____

Note: Employer must fill in this insurer / claims representative information.

YOUR RIGHTS

If you are injured in a work-related accident:

Your employer / insurer must pay all reasonable and necessary medical costs.

You may or may not have the right to choose your health care provider. If your employer / insurer has not given you written instructions about who chooses first, call an ombudsman. In an emergency, get emergency medical care first.

If you are off work for more than 7 days, your employer / insurer must pay wage benefits to partially offset your lost wages.

If you suffer "permanent impairment," you may have the right to receive partial wage benefits for a longer period of time.

Ombudsmen are located at the following offices:

Albuquerque: 1-800-255-7965	Farmington: 1-800-568-7310	Las Cruces: 1-800-870-6826	Las Vegas: 1-800-281-7889	Lovington: 1-800-934-2450	Roswell: 1-866-311-8887	Santa Fe: 1-505-476-7381
1-505-841-6000	1-505-599-9746	1-505-524-6246	1-505-454-9251	1-505-396-3437	1-505-623-3997	

If You Need HELP Call:
Ask for an Ombudsman
Si Usted Necesita Ayuda Llame Al:
Pregunte por un Ombudsman
1-866-WORKOMP (1-866-967-5667)
Visit our website at: www.workerscomp.state.nm.us

For FREE copies of this poster and Notice of Accident Forms call: 1-866-967-5667

USE A NOTICE OF ACCIDENT FORM TO REPORT YOUR ACCIDENT TO YOUR SUPERVISOR

EMPLOYER: You are required by law to post this poster where your employees can read it and to post Notice of Accident forms with it. This poster without Notice of Accident forms does not comply with law. You have other rights and duties under the law.

New Mexico Workers' Compensation Administration
2410 Centre Avenue, Albuquerque, New Mexico 87106
P.O. Box 27198, Albuquerque, New Mexico 87125-7198

POST FORMS HERE

This poster must be displayed in an area accessible to all employees.

Notice of Accident forms should be attached to the poster and made available to employees.

The poster and forms are FREE & available through the Workers' Compensation Administration website: www.workerscomp.state.nm.us

Required WC Poster

*** If an employer fails to post the required WC Poster the right of the injured worker to notify the employer and make a claim is extended from 15 days to 60 days.**



Required WC Poster

Employer's Insurer / Claims Representative:

Name: _____

Phone #: _____

Address: _____

Note: Employer must fill in this insurer / claims representative information.

**Name: State of New Mexico Risk Management
Division Workers' Compensation Bureau**

Phone#: 505-827-0232 Toll Free: 1-800-510-5093

Address: PO Box 6850 Santa Fe, NM 87502

Examples of Injuries that may typically be covered:

- An employee slipping and falling in the parking lot while coming or going from work.
- When an employee does something like falling while changing a light bulb by standing on their rolling desk chair. **NEVER A GOOD IDEA.**
- WC covers employees who may have had “old” injuries or preexisting health conditions that are exacerbated by a workplace injury or illness.

TOTAL FATAL Work Related Injuries & Illnesses

2022

Total Fatal Injuries: 5,486 – up 5.7% from 2021
Transportation Incidents: 2,066 – up 4.2% from
2021

Slips, Trips, & Falls: 865 – up 1.8% from 2021

**Total Fatal Injuries & Illnesses
for New Mexico: 57**

Four (4) recordable fatal slip, trips, and falls for NM in 2022

Who is not covered by Workers' Comp?

- * Contract employees (covered by THEIR employer).
- * Volunteers (sign an agreement).
- * Individuals employed by others who work in the courts (attorneys, Public Defenders, Sheriffs, etc.)
- * The public or jurors (covered by property insurance).

[ARE YOU COVERED?]

Who is not covered by Workers' Comp?

What if an employee is approved to work from home and is injured?

Are they covered by Workers' Comp?

Yes, the employee can file a claim with Workers' Comp.



Telework employees shall report any job-related injuries that occur in the course and scope of employment while teleworking at the earliest reasonable opportunity but in no event later than 72-hours after injury and pursuant to the NMJB Workers' Compensation Policy.

What do you do if an employee gets hurt at work:

It is OK to:

- * Offer basic first aid.
- * Allow the employee a break.
- * An employee may request to use sick leave and go home.




Initial Visit

- * Up to 4 hours of administrative leave may be used for the initial visit to the designated medical provider for work-related injuries with the approval of the employee's Administrative Authority;
- * Leave must be requested through employee's chain of command.



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If it is an emergency – Call 911

- If it is NOT an emergency (but requires immediate treatment):
 - Medical care first  then paperwork
- The employee chooses where they want to go and who they want to be treated by.
- The employee should be taken by ambulance or arrange transportation with either a friend or family member.
- Another court employee should not be responsible for taking the injured employee for treatment.
- An employee may be able to drive themselves for treatment.
- The State does not have a Contract Medical Provider for workers' compensation injuries/illnesses.

Employee's Timesheet on Day of Injury

If an employee seeks medical treatment the day of the accident the employee may request sick or annual leave. The first 7 calendar days the employee **MUST** use their own time (sick, annual, comp, or LWOP).

What if an employee gets hurt at work and they don't want to file Workers' Comp?



Injuries at Work

What to do when an employee tells you they have been injured at work.

- * Inform your supervisor immediately.
- * The employee should complete a Notice of Accident (NOA) form and submit to your Supervisor & Human Resources.
- * The employee has 15 days from the date of injury to complete and submit the form or their Workers' Compensation Claim may be denied.

Injuries at Work

If the employee refuses to complete and submit a Notice of Accident form and you are aware of the injury or illness, the employer should file the Notice of Accident on behalf of the employee. On the form state that you are aware of the occurrence and it is “For Reporting Purposes Only” on the form.

For AOC and COA employees contact Tyra J. Chavez with AOC-HRD who will complete the NOA on behalf of the employer.

Workers' Compensation Contact



CCMSI began working with the State of New Mexico as the third-party administrator for Workers' Compensation claims on July 1, 2024.

CCMSI: (505) 837-8700
www.ccmsi.com
newmexicoclaims@ccmsi.com

Workers Compensation & Second Job

- * Employee must inform HR of a second Job; (Outside Employment Form must be completed and approved by Admin Authority)
- * Wages from a second job may also be claimed as lost wages on a valid WC Claim.
- * Questions can be directed to HR.



Employee chooses their own doctor

- * If an employee seeks medical treatment they can select any Health Care Provider (HCP) they want to go to for treatment. (Note: WC can change HCP w/ or w/o employee's consent after 60 days)
- * Employee must inform HCP that treatment is due to a workplace injury or illness.
- * Employee must provide HCP a WC claim number or their social security number.



Workers' Compensation Healthcare Providers

If you have questions about which healthcare providers accept Workers' Compensation, please contact Workers' Compensation Administration Ombudsman at 1-866-967-5667.



STATE OF NEW MEXICO
Workers' Compensation
Administration

Workers' Compensation Forms

Forms required to process a claim:

- **Notice of Accident or Occupational Disease Disablement**
- **The Employers First Report of Injury or Illness (E1)**
- **Authorization to Release Medical Information**
- **Benefits Explanation Form**
- **Claim Explanation Form**
- **Doctor Visit Form**

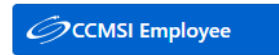
ALL of these forms are available on the Judicial Branch Website.

<https://humanresources.nmcourts.gov/employee-benefits/workers-compensation/>



Workers' Compensation Forms

- * All claims must be submitted to HR, who will then enter the information into the CCMSI secure electronic portal for WC to determine if the employee's injury is covered and to open a claim. The entries into CCMSI's secure electronic portal must be made by the Court's HR Professional.



----- OR -----

All other users must sign in with Email and Password

Email Address

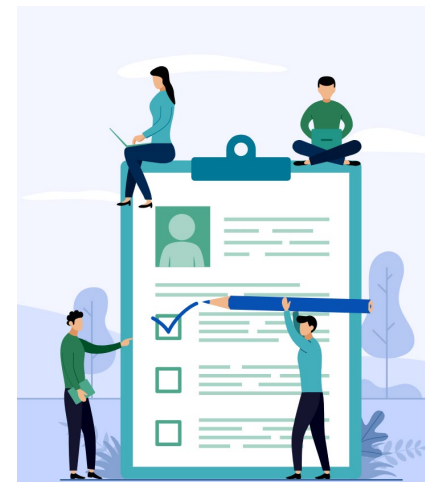
Password

[Forgot your password?](#)



----- OR -----

[I would prefer to use an authenticator app](#)



What is the Benefit?

- ❖ **If approved, Workers' Compensation pays 66.66% of the gross weekly wage up to a cap of \$1,041.79 for 2024 and \$1,093.83 for 2025.**
- ❖ **Employees cannot get paid more than 100% of their earnings while on WC. Employee uses own leave for remaining hours.**

<https://workerscomp.nm.gov/NMWCA-Publications>

Investigation of Incident

The supervisor may participate in the investigation or may be asked to provide information surrounding the workplace incident.

To be prepared, it's recommended to document facts to include the Who, What, When, Where, How and Why.

Please contact your Judicial Entity's Loss Prevention and Control Coordinator.

Q. Who determines if an injury is covered by Workers' Comp?



**A. Employers DO NOT
get to decide if an
injury or illness is
covered by Workers'
Compensation.
Risk Management WC
Bureau determines if
claim is approved.**

What if the Workers' Compensation claim is denied?

Workers who are denied care must establish that the injury occurred at or because of work. A health care provider may be needed to prove the work/injury connection. If a claim is denied, the injured worker can request the insurer provide a written statement on the basis for the denial. Depending on the information in the denial, the worker may want to call an ombudsman or consult with an attorney.

What if the Workers' Compensation claim is denied?

The WCA's Ombudsman Program provides a neutral source of information for workers, employers and other parties.

Ombudsmen will explain how the Workers' Compensation System works



Ombudsman

[om-budz-man]

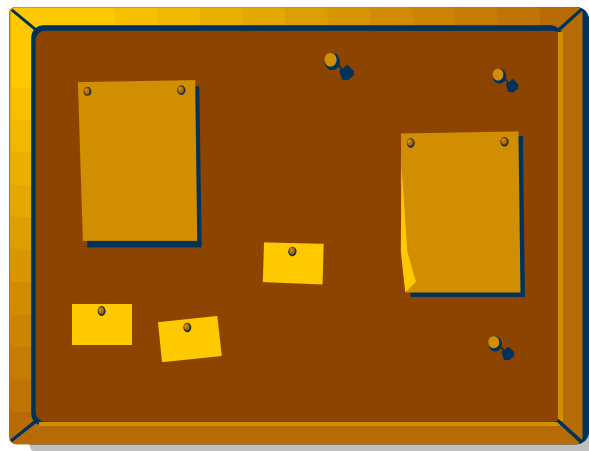
An official who investigates complaints against businesses and public entities.

To contact an Ombudsman:
1-866-967-5667

Why is it important to complete the WC forms?

- * **The Employer's First Report of Injury is necessary to complete the OSHA 300 form, which each court is required to post each calendar year.**

Without your help your court may be unable to comply with the federal law and may not be able to complete and post this report.



Workers' Compensation

“The Administrative Office of the Courts may not propose disciplinary action for an employee filing for Workers' Compensation Benefits.”





WC & FMLA

- **The employee’s WC injury may be considered as a “serious health condition” for FMLA purposes as long as it meets the following key criteria:**
 - Inpatient Care (overnight at a hospital...) or;
 - Incapacity lasting 3 consecutive full calendar days with treatment by a health care provider 2 or more times or one treatment with a continued regimen of treatment/therapy.
- When an employee has a WC claim and their injury is serious enough to meet the above criteria the employer will designate FMLA (as long as the employee meets the remaining FMLA criteria).

Annual Leave Donations (5.15 & 19.15)

- * Per the NMJBPR to be eligible for Annual Leave Donations, the employee **cannot** be receiving Workers' Compensation Benefits.



Employee's Return to Work

BEFORE the employee returns to work they must provide their supervisor and HR a written doctor's release which clearly states any work restrictions.

- If the employee has any restrictions the doctor must clearly indicate those restrictions in writing (based on the job description).
- If no restrictions the employee will resume regular job duties.
- The court may or may not have work available that accommodates the employee's restrictions, if accommodations are not possible contact HR.



Fraudulent Workers' Compensation Claims

“Employees who report a false claim and/or falsify required documents under this policy are subject to disciplinary action up to and including termination.”



Let's Review Your Pre-Test Answers





SAFETY FIRST

Avoid harmful UV rays

What is Loss Prevention and Control (LPC)?

The Risk Management State Loss Prevention and Control Program requires that each state agency establish a plan and initiatives to prevent insurable losses. Each Judicial Entity shall develop a Loss Prevention and Control Committee to comply with this rule.

LPC Committee Initiatives should include:

- Appointment of Loss Control Coordinator
- Appointment of Committee Members
- Self-Inspection Audits
- Incident and Loss Investigation
- Claims Analysis (Loss Run Reports)
- Education and Training
- Claims Management (job related injury or illness)
- Safety Initiatives

LPC Plan

Each agency shall submit a plan and committee appointments to their assigned State Loss Control Manager.



Slips, Trips, and Falls



According to the U.S. Department of Labor, slips, trips and falls are the most common occupational accident.



What are some causes of Slips, Trips, and Falls?

Slips, Trips, and Falls

TOTAL

**FATAL Work Related Injuries &
Illnesses Due to **Slips, Trips, And Falls****

2022

Unites States: 865

New Mexico: 4

Slips, Trips, and Falls



How can we prevent
Slips, Trips, and Falls in
the workplace?

Preventing Slips, Trips, and Falls

- All work areas should be kept clean
- Practice Good Housekeeping
- Floors should be clean and dry, free of cords, boxes, papers, etc.
- Aisles, hallways shall be clear of any obstructions
- Consider your footwear for the work environment and outside conditions
- Use signs to draw attention to possible hazards

Use of State Vehicle

Defensive Driving Training

- * Prior to operating any state vehicle, an employee must complete a 6-hour National Safety Council certified Defensive Driving Course (DDC).
- After which, employees are required to attend a 4-hour refresher course every four years. It is the employees responsibility to ensure their defensive driving certificate is up to date.
- * The class fee is paid by the Employer.
- * Employees should provide HR with a copy of their Defensive Driving Certificate for their file.

For a schedule of Defensive Driving Courses, visit:
<http://www.state.nm.us/gsd/defensdriving.html>

Driving with Electronics

Applies to all Judicial Branch Employees

- * New Mexico Judicial Branch restricts the use of all electronic devices to “Hands Free” operation while driving a motor vehicle.
- * Cannot take a state vehicle out of the state without GSD & Fiscal Services Divisions written permission.
- * Violations of this policy may result in disciplinary action.



Defensive Driving Tips

Safe Driving Tips:

- * Obey all traffic laws and drive vehicles safely and defensively at all times.
- * Do not drink alcohol and drive.
- * Do not speed.
- * Avoid distractions.
- * Don't drive drowsy.
- * Wear your seat belt at all times.
- * Don't follow other vehicles too closely.
- * Watch out for other drivers.



Winter Driving Tips

SEVERE WEATHER DRIVING: **DOs** & **DON'Ts**



DO SLOW DOWN



DON'T USE HANDHELD DEVICES



DO WEAR YOUR SEAT BELT



DON'T USE CRUISE CONTROL



DO FILL YOUR GAS TANK



DON'T DRIVE UNLESS NECESSARY



DO KNOW IF YOU HAVE ANTI-LOCK BRAKES



DON'T DRIVE UNDER THE INFLUENCE

**Please complete Section IV.
of the Workbook; Small
Group Progress Questions
(1) – (6)**



Questions?

