

weeks of disability have elapsed (whichever comes first). At that time, you may become eligible for Impairment Income Benefits and/or Supplemental Income Benefits may become available. Lifetime Income Benefits and Death Benefits may also be available in some cases.

As a state employee, when you apply for workers' compensation benefits you may choose to use accrued eligible leave before collecting workers' compensation benefits. If you elect to use your leave, you will continue to draw your full salary for the duration of your leave (workers' compensation benefits are less than full salary). Contact your agency claims coordinator for information on this election.

What are my legal rights?

The Labor Code and the DWC Rules govern the rights and responsibilities of the employee, employer, and the carrier and provide remedies in case of a dispute. As an employee:

- You are entitled to necessary medical care provided by a conveniently located doctor and hospital at a reasonable cost.
- You are entitled to an initial choice of doctors. You may make a request to change your doctor by contacting the DWC. A referral by your doctor to another doctor does not count as a second choice.
- You may be entitled to income benefits if you are unable to retain or obtain employment as a result of your injury.
- You may be entitled to partial compensation if an injury permits you to work, but at less than your regular wages.
- You may hire an attorney to represent you, if you so choose.

- You may get free advice from an Office of Injured Employee Council ombudsman by calling (800) 252-7031 or, if in Austin, (512) 933-1899. The ombudsman will handle all grievances and complaints arising from claims, and may recommend solutions to problems.

You may request that the DWC arrange a benefit review conference with you, a SORM representative, and the Workers' Compensation Division if there is a dispute about your claim.

Where can I get more information?

If you have questions about an injury or a claim, contact your agency's claims coordinator. You may contact the SORM claims adjuster assigned to your case if you need information that is not available from your claims coordinator.

State Office of Risk Management

P.O. Box 13777

Austin, Texas, 78711-3777

Telephone: (512) 475-1440

Toll-free: (877) 445-0006

If you have other questions regarding your claim, you should contact:

Texas Department of Insurance

Division of Workers' Compensation

7551 Metro Center Drive, Suite 100

Austin, TX 78744-1609

Telephone: (800) 252-7031 or (512) 804-4000

or the DWC office in your area

Workers' Compensation Benefits for State Employees





WORKERS' COMPENSATION BENEFITS FOR STATE EMPLOYEES

What is the State Employees Workers' Compensation Program?

The State Employees' Workers' Compensation Program pays for medical treatment and lost wages for state workers who are injured or become ill as a result of their work. Coverage is provided at no cost and employees are not required to sign-up for this coverage.

The State Office of Risk Management (SORM) serves as the state's insurance carrier for this benefit. The program generally provides coverage to persons in the service of the State of Texas whether by hire, election, appointment or as employees of Community Supervision and Corrections Departments.

Employees of the University of Texas System, Texas A&M University System, and the Texas Department of Transportation are covered by different programs and are specifically excluded from the State Employees Program.

What is covered by workers' compensation?

The Workers' Compensation Act covers on-the-job injuries that occur in the course and scope of employment and that result in damage or harm to the body. It also covers occupational diseases directly caused by exposure in the workplace. It can provide:

- Payment of doctor bills, hospital, medicine, ambulance, and other reasonable and necessary medical care;

- Weekly income benefits in the event income is lost as a result of your injury;
- Impairment Income Benefits for loss of wage earning capacity and Supplemental Income Benefits to supplement reduced earnings;
- Lifetime Income Benefits for certain severe injuries specified by state law;
- Payments prescribed by state law to qualified persons if the employee dies as the result of a covered injury.

Weekly income payments are based on your average weekly wage during the 13 weeks prior to the injury. Maximum and minimum payments are established by statute, and while payments are almost always less than your full regular wages, your benefits are generally not subject to income tax.

Compensation payments are exempt from all liens except those for attorney fees, court-ordered child support, and recovery of state costs.

Your workers' compensation benefits are a no-fault type of insurance. Therefore, it is not necessary to prove anyone was at fault for your injury in order to file a claim for state benefits. However, if a responsible third party caused your injury or illness, the state may recover its costs from the proceeds of any filed lawsuit.

How do I file a claim for workers' compensation?

If you have an injury on the job, notify your supervisor, personnel office or agency claims coordinator immediately. You may lose coverage if your injury is not reported within 30 days after the injury occurs. The claims coordinator will submit the required forms to our office. If you cannot contact your supervisor, personnel office, or claims coordinator, please call us directly at (512) 475-1440. Your claims coordinator will complete a Notice of Injury form, send the original to our office, and send a copy to you.

When you receive a copy of this form, make sure it includes the following information:

1. Your name, address, and telephone number;
2. The date, time, and place the injury occurred;
3. A description of the circumstances and the nature of the injury;
4. The names of any witnesses;
5. The name and address of your health care provider; and
6. The name of the person (if any) acting on your behalf in filing the claim.

After receiving the Notice of Injury, our office will assign an adjuster to process your claim. You should contact the adjuster if you need information that is not available from your claims coordinator.

Ask your doctor to promptly file a medical report on your injury or illness with the State Office of Risk Management, P.O. Box 13777, Austin, Texas, 78711-3777. The doctor's bills may not be paid until a report of your condition is filed.

You must file a claim with the Texas Department of Insurance's Division of Workers' Compensation (DWC) within one year of your injury. You must do so in order to preserve your legal rights in the event there is a dispute over benefits.

DWC will send you the proper form for filing. The Division's address is 7551 Metro Center Drive, Suite 100, Austin, TX 78744-1609, (512) 804-4000, or you may contact your nearest DWC field office.

How are benefits paid?

You must have more than seven days of lost time due to the injury before income benefits can be paid. Temporary Income Benefits may be paid for time lost from work beginning with the eighth day of disability. Benefits will be paid for the first seven days (the waiting period) if your disability continues for more than 14 days. These benefits can continue until maximum medical improvement has been reached or 104