



Draft Administrative Rules

28 TAC Chapter 252 (Amended)

July 2025

CHAPTER 252: STATE EMPLOYEES WORKERS' COMPENSATION

Subchapter A: Program Compliance Standards

§252.101. In General

- (a) Each covered entity shall develop, implement, and maintain a formal workers' compensation program designed to ensure compliance with all statutory and administrative requirements of the state employees workers' compensation program.
- (b) The following elements are essential for a covered entity's program to be compliant with this Subchapter—covered entities must:
 - (1) adopt written policies and procedures for workers' compensation claims administration and claims processing;
 - (2) designate at least one worker's compensation claims coordinator in compliance with §252.103 of this Chapter;
 - (3) post all notices required by these Rules, including but not limited to a summary of employees' rights and responsibilities at the time an injury is reported; and
 - (4) timely and fully respond to all requests of the Office.
- (c) In implementing their workers' compensation programs, covered entities shall either:
 - (1) comply with the workers' compensation program guidelines contained in the Texas Enterprise Risk Management guidelines, published by the Office; or
 - (2) comply with other appropriate state or nationally recognized standards.

§252.102. Required Notices

- (a) Each covered entity shall post notices in the workplace to inform employees about worker's compensation coverage. These notices shall be posted in the personnel office, if the covered entity has a personnel office, and in the workplace where each employee is likely to see the notice on a regular basis.
- (b) The text for these notices shall be that provided by the Division and shall be posted in keeping with the Division's relevant rules, located at 28 Texas Administrative Code §110.101.

§252.103. Claims Coordinators

- (a) Each covered entity shall designate at least one claims coordinator and may designate more than one as necessary.

Covered entities shall report to the Office's any change in personnel designated as claims coordinators via designated secure online portal or other approved method(s) designated on the Office's website.

(b) Claims coordinators will serve as liaisons between injured employees and the Office. Claims coordinators' responsibilities include:

- (1) receiving notice of injury from other employees;
- (2) completing and submitting to the Office all forms required of covered entities; and
- (3) maintaining familiarity and compliance with the Claims Coordinator Handbook published by the Office.

§252.104. Agency Policies Regarding Workers' Compensation

(a) No covered entity shall disseminate any personnel policies, guidelines, or instructions at variance with the Texas Workers' Compensation Act or Office rules.

§252.105. Human Immunodeficiency Virus Reporting and Testing Requirements

(a) Pursuant to §85.116(d) Texas Health and Safety Code, the Office adopts by reference the human immunodeficiency virus reporting and testing requirements promulgated by the Division at 28 TAC §122.4.

Subchapter B: Forms and Documentation

§252.201. Construction of References to Documents

- (a) Any reference in this Chapter to a specific document used for a described purpose shall be construed to include the form or forms prescribed for that purpose by the Office and/or the Division as of the time that document is required to be filed.
- (b) Forms referenced in this chapter refer only to the official forms published or authorized by the Office and/or the Division.

§252.202. Employer's First Report of Injury or Illness

- (a) Not later than the fifth calendar day after the employer receives knowledge of:
- (1) a work-related disease, illness or death;
 - (2) medical expenses incurred due to a work-related injury; or
 - (3) an employee's absence from work due to a work-related injury,

the employer's claims coordinator shall complete and file an Employer's First Report of Injury or Illness (DWC Form-001S) Form with the Office via the secure online portal designated by the Office.

- (b) In the event of a serious injury (an injury requiring hospitalization, care in an Intensive Care Unit, medical evacuation, or any other injury deemed serious by the Office) or death, the employer's claims coordinator shall indicate the serious or fatal nature of the injury on DWC Form-001S and shall notify the Office's Director of Claims Operations by telephone or email.

§252.203. Employer's Wage Statement

- (a) Not later than the fifth calendar day after:
 - (1) an employer files DWC Form-001S with the Office,
 - (2) an employee is absent from work due to a work-related incident or injury, or
 - (3) a request from the Office,the employer's claims coordinator shall complete and file an Employer's Wage Statement (DWC Form-003) with the Office via the secure online portal designated by the Office.

§252.204. Employer's Supplemental Report of Injury

- (a) Not later than the third calendar day after:
 - (1) the employee becomes unable to work due to a work-related incident or injury,
 - (2) the employee returns to work,
 - (3) the end of any pay period in which the employee had a change in earnings, or
 - (4) the employee dies, resigns, or is terminated,the employer's claims coordinator shall complete and file a Supplemental Report of Injury (DWC Form-006) with the Office via secure online portal designated by the Office.

§252.205. Notification of Additional Information

- (a) Not later than one working day after any change occurs that is not covered by another form (i.e. leave expiration, additional leave is granted or health insurance is suspended), the employer's claims coordinator shall complete and file a Notification of Additional Information Form with the Office via secure online portal designated by the Office.

§252.206. Activation Orders for Texas Military Forces

- (a) For the purposes of this Section:
 - (1) “service member” shall have the definition given at Texas Government Code §437.001(8),
 - (2) “state active duty” shall have the definition given at Texas Government Code §437.001(9), and
 - (3) “state training” shall have the definition given at Texas Government Code §437.001(11).
- (b) If an injured employee is a Texas state military service member engaged in state active duty or state training, the employer’s claims coordinator shall submit the employee’s activation or training orders via secure online portal designated by the Office not later than the fifth calendar day after submitting DWC Form-001S.

§252.207. Employee’s Report of Injury or Illness

- (a) Not later than the fifth calendar day after the employer submits DWC Form-001S to the Office, a covered entity shall ensure that an Employee’s Report of Injury Form is completed by the injured employee and submitted to the Office via mail, facsimile, email, or secure online portal designated by the Office.

§252.208. Health Care Network Acknowledgement

- (a) Not later than the third calendar day after the employer submits DWC Form-001S to the Office, a covered entity shall ensure that a Health Care Network Acknowledgement Form is completed by the injured employee and submitted to the Office via mail, facsimile, email, or secure portal designated by Office.

§252.209. Authorization for Release of Information

- (a) Not later than the fifth calendar day after the employer submits DWC Form-001S to the Office, a covered entity shall ensure that an Authorization for Release of Information Form is completed by the injured employee and submitted to the Office via mail, facsimile, email, or secure online portal designated by the Office.

§252.210. Employee’s Election Regarding Utilization of Leave

- (a) Not later than the fifth calendar day after the employer submits DWC Form-001S to the Office, a covered entity shall ensure

that an Employee's Election Regarding Utilization of Sick and Annual Leave Form is completed by the injured employee and submitted to the Office via mail, facsimile, email or secure online portal designated by the Office.

§252.211. Witness Statements

- (a) Not later than the fifth calendar day after the employer submits DWC Form-001S to the Office, a covered entity shall ensure that a Witness Statement Form is completed by each witness to the injury and submitted to the Office via mail, facsimile, email, or secure online portal designated by the Office.

§252.212. Retention of Documents

- (a) Covered entities shall retain all forms and documents, or copies thereof, described in this Subchapter according to their own retention schedules and/or other retention schedules as required by applicable law.

Subchapter C: Benefits and Adjudication of Claims

§252.301. Liability

- a. The Office is liable for compensation for a claimant's injury to the extent required by the Workers' Compensation Act and other applicable law.
- b. The Office reserves all rights and defenses provided to an employer, self-insurer, or as otherwise provided by applicable law.

§252.302. Exclusivity of Remedy

- (a) Recovery of workers' compensation benefits is the exclusive remedy for state employees' compensable injuries.
- (b) A determination that an injury is non-compensable does not adversely affect the exclusivity described in Subsection (a).

§252.303. Waiting Period

- (a) No workers' compensation income benefits are due for lost time during the first seven calendar days of lost time after a compensable injury.
- (b) If an employee is unable to work for more than 14 calendar days, weekly compensation for the waiting period will be paid retroactively.
- (c) There is no waiting period for the utilization of leave, as described in Subchapter D of this Chapter.

§252.304. Dispute Resolution

- (a) The Office shall comply with all dispute resolution rules and procedures prescribed by the Division, including but not limited to Texas Administrative Code Chapters 140–148.

§252.305. Expedited Processing of Certain Claims by Texas Military Forces

- (a) For the purposes of this Section:
 - (1) “service member” shall have the definition given at Texas Government Code §437.001(8),
 - (2) “serious bodily injury” shall have the definition given at Texas Penal Code §1.07(a)(46), and
 - (3) “state active duty” shall have the definition given at Texas Government Code §437.001(9).
- (b) The Office shall accelerate and give priority to claims for medical benefits by Texas military service members who sustain serious bodily injuries while on state active duty.

Subchapter D: Utilization of Leave

252.401. Utilization of Leave

- (a) In administering workers’ compensation benefits, the Office shall comply with all applicable leave utilization laws, rules, and regulations, including those located in Texas Labor Code Chapter 501.

Subchapter E: Subrogation, Recovery, and Restitution

§252.501. Utilization of Funds

- (a) All monies recovered by the Office by way of subrogation, recovery, and restitution related to a workers’ compensation claim shall be used for the payment of workers’ compensation benefits.
- (b) To facilitate the requirement of Subsection (a) of this Section, all monies recovered by the Office by way of subrogation, recovery, and restitution related to a workers’ compensation claim shall be deposited into the state workers’ compensation appropriation.

Subchapter F: Return to Work

§252.601. Return-to-Work Program Requirements

- (a) Each covered entity shall develop, implement, and maintain a Return-to-Work Program designed to assist employees who sustain compensable injuries in returning to work.
- (b) The policy objectives of each covered entity's Return-to-Work Program should be to:
 - (1) make every reasonable effort to provide suitable temporary alternative employment to employees who are temporarily unable to perform their normal duties as a consequence of injury or illness,
 - (2) attempt to accommodate employees who become permanently unable to perform duties of their former positions, and
 - (3) make every reasonable effort to locate suitable alternative employment where accommodation is not possible.

§252.603. Return-to-Work Coordinators

- (a) Covered entities' shall designate a return-to-work coordinator. If a return-to-work coordinator has not been designated, the claims coordinator shall serve in that role.
- (b) When undertaking return-to-work duties for a worker's compensation claim, each coordinator's responsibilities include:
 - (1) completing a Return-to-Work Policy and a Description of Injured Employee's Employment (DWC Form-074) and submitting them to the injured employee's treating doctor,
 - (2) directing an injured employee's treating doctor to complete and submit a Texas Workers' Compensation Work Status Report (DWC Form-073) and providing any necessary information to the treating doctor, and
 - (3) collaborating with the Office's return-to-work services described in §252.504 of this Subchapter.

§252.604. Return-to-Work Services

- (a) The Office shall provide return-to-work coordination services to covered entities, including:
 - (1) assistance in identifying the physical demands of an injured employee's position;
 - (2) assistance in aligning job requirements with the functional capacity of an injured employee;
 - (3) assistance in identifying appropriate services for an injured employee; and

- (4) case management to coordinate the efforts of the employer, treating doctor, and injured employee to promote the employee's return-to-work, including by establishing a time frame for each case.

§252.605. Bona Fide Offer of Employment

- (a) After receiving a completed Texas Workers' Compensation Work Status Report (DWC Form-073), an employing agency may extend to the injured employee an offer of modified duty. Such an offer shall be submitted to the injured employee in compliance with Division's rule(s) for a Bona Fide Offer of Employment and provide a copy to the Office.
- (b) The Office may evaluate an offer of modified duty for compliance with Subsection (a) of this Section and all other relevant statutory and regulatory provisions.

§252.606. Return-to-Work Report

- (a) At the Office's written request, a covered entity shall provide information as to the existence or absence of return-to-work opportunities available to an injured employee through the covered entity's Return-to-Work Program. Such information shall be provided to the Office, the injured employee, and the employee's treating doctor if known to the covered entity.
- (b) If return-to-work opportunities exist through the covered entity's Return-to-Work program, that entity shall provide the Office, the injured employee, and the employee's treating doctor with:
 - (1) contact information for the entity's designated Return-to-Work coordinator; and
 - (2) all other information and assistance necessary to assess return-to-work options.
- (c) This Section does not limit the abilities of the injured employee, a doctor, or the Division to request the same information of any covered entity.

§252.607. Data Collection and Analysis

- (a) The Office may collect data on lost time and return-to-work outcomes from each covered entity.
- (b) Upon analyzing lost time and return-to-work data, the Office may prescribe additional training to a covered entity or adjust a covered entity's assessment, described in Chapter 251, Subchapter F, of this Part.

