



Policy Title: Workers' Compensation Insurance

Policy Number: BU-PP 446

Date Issued: February 16, 2017

**Responsible Executive: Vice President for
Human Resources**

Date Last Revised: October 20, 2020

Responsible Office: Human Resources

Workers' Compensation Insurance BU-PP 446

Policy Statement

Baylor University (the "University") provides Workers Compensation coverage to its employees. The University is committed to providing a safe and healthy workplace, preventing work-related accidents, and assisting employees in receiving the care and treatment needed to return to work after a workplace injury or illness.

Reason for the Policy

To establish standards and procedures for the administration of the Workers' Compensation program to include the investigation and analysis of injuries and preventative measures to mitigate work-related accidents, injuries, and illnesses. Additionally, this policy outlines the responsibilities of the University, supervisors, and employees as to reporting, receiving treatment, and returning to work.

Individuals/Entities Affected by this Policy

All faculty, staff and student employees

Exclusions

New employees may elect to waive their right to workers' compensation benefits and retain their common law rights if, no later than five (5) days after starting employment with the University, they notify the University in writing that they do not want to be covered by workers' compensation and wish to retain their common law right to recover damages. If employees elect to retain their common law rights, they cannot obtain workers' compensation income or medical benefits for work-related injuries or illnesses.

Related Documents and Forms

University Policies and Documents

- 402 [Vacation Time](#)
- 403 [Sick Time](#)
- 412 [Group Long-Term Disability](#)
- 447 [Return to Work/Fitness for Duty Policy](#)
- 423 [Paid Caregiver Leave](#)
- 045 [Alternate Work Location Policy](#)
- [Environmental Health and Safety Exposure Control Plan](#)

Other Documents

- [Texas Administrative Code, Title 28, Part 2](#)
- [Texas Workers Compensation Act](#)
- [How to Report a Workers Compensation Claim at Baylor University](#)

Forms and Tools

Forms and tools are available through the [Baylor University Insurance Program](#) website.

Definitions

These definitions apply to terms as they are used in this policy.

Americans with Disabilities Act (ADA)	The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act (ADAAA) are federal laws that require employers with 15 or more employees to not discriminate against applicants and individuals with disabilities and, when needed and possible without creating an undue hardship on the University to provide reasonable accommodations to applicants and employees who are qualified for their job, with or without reasonable accommodations, so that they may perform the essential job duties of the position. See BU-PP 415 – Americans with Disabilities Act (ADA)
Benefit	A medical or income payment related to a compensable workplace injury and/or illness.
Bona Fide Offer of Employment	An offer of a Modified Duty position which has restricted duties that are within the position responsibilities, the employee's medical abilities as determined by the employee's treating health care provider, and the University's ability to support the Modified Duty, applicable only to an employee who is returning to work after a workers' compensation injury or related absence.
Claim	A formal request for Workers' Compensation benefits.
Claims Coordinator	An employee in University Compliance and Risk Services who is responsible for receiving the notice of work related injury or occupational disease and serves as a liaison between the injured employee, campus partners, the healthcare provider, and the insurance carrier.
Compensable Injury	Damage or harm to the physical structure of the body sustained in the course and scope of employment, or disease arising out of and in the course and scope of employment. It does not include an ordinary disease of life to which the general public is exposed (Ex: Cold, Flu, etc..) unless allowed by state law.

2. Workers' Compensation Insurance (BU-PP 446)

Course and Scope of Employment	An action or activity of an employee while performing their job duties and essential functions on behalf of the University.
Employee	A person who is employed by the University in a full-time, part-time, or temporary capacity to include all faculty, staff, and student employees.
Family Medical Leave Act (FMLA)	The Family and Medical Leave Act (FMLA) entitles eligible employees with up to 12 weeks of unpaid, job-protected leave per year, under certain circumstances. It also requires that their group health benefits be maintained during the leave. See BU-PP 408 – Family and Medical Leave Act (FMLA)
Health Care Provider	A Doctor of Medicine or osteopathy, dentist, podiatrist, psychiatrist, clinical psychologist, optometrist, nurse practitioner, nurse-midwife, or a licensed clinical social worker that is authorized to practice in the State of Texas or any other person determined by the Secretary of Labor to be capable of providing health care services.
Modified Duty	A temporary work duty arrangement until the injured employee can resume full duty. It allows the employee to return to employment in either their regular job or a different assignment within either their home department or another department at the University, to the extent available and appropriate, and perform essential functions of the position and those nonessential duties and tasks that are within the capabilities of the employee given the restrictions provided by the health care provider. Depending on the severity of the injury and condition of the injured employee it may be necessary to engage the interactive process with Human Resources to seek support under the Family Medical Leave Act and/or reasonable accommodations under the Americans with Disabilities Act.
Occupational Injury or Disease	For the purposes of the Texas Workers' Compensation Act, workplace deaths, on-the-job injuries or diseases that arise out of and in the course and scope of employment which causes damage or harm to the physical structure of the body. This definition includes a repetitive trauma injury. An occupational disease specifically does not include an ordinary disease of life to which the general public is exposed outside of employment except where that disease is related to a compensable injury or occupational disease, as determined by law.

Contacts

Subject	Contact	Telephone	Office email/web site
Return To Work Program, FMLA, and ADA	Human Resources	254-710-2000	askHR@baylor.edu www.baylor.edu/hr
Workers Compensation Claim Process and Insurance	University Compliance & Risk Services	254-710-4586	Risk@baylor.edu Insurance Program
Incident Investigations and Workplace Safety	Environmental Health & Safety	254-710-2900	https://www.baylor.edu/ehs/

3. Workers' Compensation Insurance (BU-PP 446)

Responsibilities

<p>Employees</p>	<ul style="list-style-type: none"> • Employees must notify and report to their supervisor immediately upon learning of their work-related injury or illness regardless of whether medical expenses were incurred or time away from work was involved. • Employees must complete the University's Incident Report Form within 24 hours of the incident occurring which may have caused either an injury or property damage. • Employees who believe they may have been exposed to bodily fluids, a reportable disease, injured by a sharp object, or injured in any way that could reasonably transmit a communicable disease must immediately notify their supervisor and be tested within 10 days of the possible exposure. Employees should comply with their healthcare providers recommendations on all testing and care. Employees must comply with the University's Exposure Control Plan • Employees must file a claim with the University within 30 days of the date of an injury or illness to receive Workers' Compensation benefits. For emergency treatment, injured employees should go to a local emergency room and notify the hospital that the injury occurred on the job. To file a claim with the University the employee must follow procedures in How To File a Workers' Compensation Claim. Note: Not all providers accept workers' compensation claims. Check the University Compliance & Risk Services list of Healthcare Providers or make sure that the provider accepts workers' compensation when scheduling an appointment. Expenses from unapproved medical facilities will not be eligible for reimbursement. • Employees are responsible for returning all required documentation and forms to the Claims Coordinator and Human Resources within required timeframes. • An injured employee should not provide personal insurance information to the healthcare provider. Providing personal insurance may result in a bill to the insurance carrier and the employee may be responsible for incurred costs, such as co-pays and deductibles, rather than having all payments covered by the workers' compensation claim with the University. • An injured employee must notify the Human Resources when income benefits are received.
<p>Environmental Health & Safety ("EHS")</p>	<ul style="list-style-type: none"> • Maintain and train employees on the Exposure Control Plan • EHS will evaluate the information in the report and follow-up with the injured employee to initiate the incident investigation process. • Conducts an incident investigation of an employee who was or may have been injured during the course and scope of his or her employment. The information collected during the investigation is provided to Human Resources and the Claims Coordinator to support the claims process and prevention efforts. • Provides an analysis of the incident which was either a near-miss or caused a workplace injury to determine root cause(s) and issue corrective actions to prevent and/or mitigate future incidents. • Collaborates with Human Resources to evaluate restrictions and proposed Modified Duty to determine adequacy and compliance with issued restrictions.

4. Workers' Compensation Insurance (BU-PP 446)

	<ul style="list-style-type: none"> Coordinates with the Claims Coordinator and Human Resources throughout the Workers Compensation Claim and Return To Work process.
Human Resources/Return To Work Coordinator	<ul style="list-style-type: none"> Collaborates with the Claims Coordinator and EH&S through the Workers' Compensation Claim and Return To Work process. Works with the injured employee and supervisor of the injured employee to ensure all correct and required restrictions and reasonable accommodations are put in place prior to the employee's return to work. Facilitates and coordinates the Return To Work process for both occupational and non-occupational injuries sustained by employees as prescribed in this policy and in the University's Return To Work policy. Maintains all records related to personnel actions taken.
Supervisors	<ul style="list-style-type: none"> The supervisor is responsible for immediately notifying and reporting to the Claims Coordinator all employee injuries or when an employee has been or may have been exposed to an occupational disease as a result of their work environment. The supervisor must ensure that the employee completed the Incident Report Form online within twenty-four (24) hours of receiving notice of the incident which may have resulted in an occupational injury and/or illness. The supervisor must immediately notify Human Resources if the employee is going to miss work (more than one workday) so they can assist the employee to best navigate the use of leave and to facilitate the Return To Work process. The supervisor must comply with the Environmental Health and Safety Exposure Control Plan for those who may have been exposed to bodily fluids, a reportable disease, injured by a sharp object, or injured in any way that could reasonably transmit a communicable disease. The supervisor should be aware of University Compliance & Risk Services procedures on how to file a workers' compensation claim to assist the employee, if necessary. For non-emergency or after emergency treatment, follow University Compliance & Risk Services procedures on how to file a workers' compensation claim for treatment: How to File a Workers' Compensation Claim. <p>Note: Not all providers accept workers' compensation claims. Check the University Compliance & Risk Services list of Healthcare Providers or make sure that the provider accepts workers' compensation. Student workers may not seek treatment at the Student Health Center; they do not process workers' compensation claims.</p>
Workers Compensation Claims Coordinator	<ul style="list-style-type: none"> Within two working days following notification the claims coordinator must review the information in the Incident Report Form with other available information and contact the injured employee's supervisor/department to acknowledge receipt of the report and verify any missing information. The Claims Coordinator will file the report/claim with the University's insurance provider and reach out to Human Resources and EHS to coordinate follow-up and investigation of the incident and potential missed time by the injured employee. Collaborate with EHS and Human Resources to perform fact-finding interviews to attempt to discover applicable direct and indirect causes that contributed to the accident.

5. Workers' Compensation Insurance (BU-PP 446)

	<ul style="list-style-type: none">• Maintain an incident file for each incident which contains documentation and records associated with the incident and subsequent Workers' Compensation Claim.• Maintain periodic regular contact with the injured employee to follow-up and check-in on their treatment and claim experience.
--	--

Principles and Procedures

Employees of the University are covered by workers' compensation insurance, a state-regulated insurance program that pays for approved medical treatments and benefits related to a work-related injury or illness and replaces some lost wages for employees who are injured at work or who have work-related diseases or illnesses.

For employees who have received approval to work from an alternate work location in accordance with Baylor's Alternate Work Location policy, there may be additional legal requirements. It is the University's intent to comply with all applicable laws. If there is a conflict between the applicable law and this policy and / or the Alternate Work Location Agreement, the applicable law will govern.

This Policy does not alter the at-will relationship of non-contracted employees with the University, nor does it create a contractual obligation on behalf of the University toward any individual or entity, including without limitation contractors, faculty, or contracted staff

Reporting a Work-Related Incident/Claim

Employees must notify and report to their supervisor immediately upon learning of their work-related injury or illness regardless of whether medical expenses were incurred or time away from work was involved.

The supervisor of the injured employee will ensure that the employee completed the University's [Incident Report Form](#) within 24 hours of receiving notice of the incident which may have caused either an occupational injury or illness and provide any necessary/required documentation or information to the Claims Coordinator, Human Resources, and EHS.

Within two working days of receiving information needed for the Workers Compensation claim, the Claims Coordinator communicates with the Workers Compensation insurance provider to provide the information necessary to file the claim.

The Claims Coordinator and EHS will follow-up with the injured employee and their supervisor to confirm receipt of the report, ask for follow-up information, and provide the status of the claim made.

The Claims Coordinator, in collaboration with Human Resources, is to regularly follow-up with the employee and supervisor throughout the claims process.

6. Workers' Compensation Insurance (BU-PP 446)

Medical Benefits

The injured employee may receive reasonable and necessary medical care immediately after the injury or illness. The employee may choose a doctor of his/her choice from an approved list of providers by the Texas Workers' Compensation Commission, or the University's applicable insurance carrier. Except in an emergency, the injured employee's approved treating doctor must approve all medical care for a work-place injury or illness.

- An injured employee may receive medical care that is reasonable and necessary to treat a work-related injury or illness without any specific time limit.
- The University's workers' compensation insurance carrier pays medical benefits directly to the doctor or health care provider who treated the injured employee.

Income and Death Benefits

If the injury or illness causes the employee to lose some or all income for more than seven days, the employee may be eligible for temporary income benefits up to a percentage of the employee's prior average weekly wages. For approved claims, the insurance carrier provides for weekly compensation payments to the injured employee for a defined time period, often as long as the employee is unable to return to work because of the work-related injury, subject to statutory limitations. Employees must notify Human Resources (254-710-2000 or Human_Resources@baylor.edu) when income benefits are received. Employees may also be eligible for impairment income benefits, supplemental income benefits, and/or lifetime income benefits. An employee's family may also be eligible for death benefits if an employee dies because of a work-related injury or illness. Eligibility for and the amounts of any benefits are determined and governed by state law and the actual workers' compensation insurance policy.

Coordination of Benefits

Income benefits received from the insurance carrier may be supplemented with the employee's accrued sick, vacation, or paid caregiver leave, if eligible. The employee's total compensation will be coordinated to provide the employee up to the amount of full scheduled or regular pay without being paid twice for the same scheduled work period. HR and the Payroll Office will monitor payment to assure that this coordination takes place. Human Resources may also coordinate Family Medical Leave (FMLA) benefits for eligible employees during absences related to a workplace injury or illness.

Return To Work

Where practical, University employees who have been injured will be afforded the opportunity to return to work in their prior position or on a Modified Duty status. In either of these instances, the position offered shall meet the healthcare provider's recommendations.

7. Workers' Compensation Insurance (BU-PP 446)

Return to Work should be utilized in every department to keep an injured employee working and productive utilizing the procedures for Return To Work below for occupational injuries and illnesses sustained. See the [Return To Work policy](#) for all other circumstances to include those which may apply and involve FMLA and ADA considerations.

Granting Modified Duty at the University is optional and is not an entitlement of employment at the University. The communication of an offer of Modified Duty or termination of Modified Duty must be done in writing using the University's Bona Fide Offer of Employment letter provided by Human Resources. The length of Modified Duty may be limited due to the policy or applicable regulations.

The injured employee must be seen and evaluated by their healthcare provider to determine if the employee is able to return to work. At the time of evaluation, the employee must inform their healthcare provider of the University's Return to Work program and provide them with a copy of the employee's job profile that identifies their essential functions of the job. If the employee does not have their job profile available, they must contact Human Resources to have them provide a copy to the healthcare provider. To be eligible for participation in the University's Return To Work program, an injured employee must provide either a Texas Workers Compensation Commission Form #77 (TWCC 77) if it is a work-related injury/illness from their healthcare provider or have their healthcare provider complete the University's Fitness for Duty Certification Form. Either form should provide specific restrictions and duration of the restrictions for the injured employee. A copy of either of these forms shall be provided to Human Resources and the injured employee's supervisor. Human Resources then coordinates with EHS, the injured employee's supervisor and/or host supervisor/department, and employee's healthcare provider on evaluating restrictions and determines whether Modified Duty is possible.

If Human Resources determines Modified Duty can be offered, then Human Resources works with the injured employee's supervisor or host supervisor, EHS, and the Claims Coordinator to develop a Modified Duty assignment and communicate it through a written Bona Fide Job Offer letter to contain the following elements:

- The position offered
- Location and duties of the position offered
- Wages and schedule of the position offered
- Duration of the temporary work assignment
- Statement that the department will only assign a position/duties consistent with the employee's knowledge, skills, and abilities and will provide any training necessary
- Statement acknowledging that employer is knowledgeable about and will abide by the restrictions under which the healthcare provider has authorized for the employee return to work

The injured employee's home department has the first opportunity to offer Modified Duty; however, if unavailable within the injured employee's home department, Modified Duty may be found in another department that has a need. If the injured employee takes on Modified Duty in another department, the home and hosting department are to cooperate

with each other and with Human Resources through the process. The injured employee's home department shall continue to pay the employee's salary throughout the term of the Modified Duty.

An employee on Modified Duty is required to provide an updated medical report to Human Resources and their current supervisor from their healthcare provider if the employee's work restrictions change at any time. Employees on Modified Duty may be required to provide periodic updates from their healthcare provider, up to every 30 days.

In most cases, the injured employee's salary shall remain the same while they are on Modified Duty. Exceptions or changes to an employee's salary must be made and signed off by the employee's respective Supervisor, Business Officer, and Dean/Vice President.

An employee may choose to accept or refuse the Return to Work (Modified Duty) job offer. However, an employee who refuses a Modified Duty job offer is subject to disciplinary action up to and including termination. Rejection of the job offer might also result in cancelation of their income benefits under the University's Workers' Compensation Insurance policy.

An employee who is unable to return to his/her regular assigned duties at the end of the Modified Duty agreement or who is having difficulty performing the modified duties during the agreement may terminate the agreement and pursue a request for a leave of absence. The employee must make this request through Human Resources and their supervisor and follow the University's [FMLA policy](#). If the employee believes the condition is permanent, progressive, or chronic, the employee may pursue the interactive ADA process through Human Resources. For more information about pursuing this option please see the University's [ADA policy](#).