



Worker's Compensation Option 4

- **Worker Selects Initial Health Care Provider;**
 - **Injured Worker may use Leave (Sick, Vacation or PTO) until Accumulated Leave has been Exhausted;**
- **Injured Worker is allowed to have their Portion of Insurance Premiums, Retirement Contributions, etc., deducted from Payments of their Accumulated Leave until the Accumulated Leave has been Exhausted;**

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In accordance with applicable Workers' Compensation Statutes, all employees of employer, **Technology Leadership High School**, who have a work-related injury are eligible for coverage.

Family Medical Leave Act (FMLA): FMLA benefits will run concurrently with the employee's time off for a work-related injury.

Initial Selection of Health Care Provider: The New Mexico Workers' Compensation Statute allows the employer, **Technology Leadership High School**, to either select the initial health care provider or to permit the worker to initially select the health care provider. The party who did not select the initial health care provider has the right to change to a different health care provider sixty (60) days thereafter.

- **Employer Permits the Employee to Make the Initial Selection of Health Care Provider:** Employer, **Technology Leadership High School**, permits the injured worker to select the initial health care provider, as defined by the New Mexico Workers' Compensation Statute.

Lost Wage Benefits (indemnity payments): When an employee has been removed from work by an authorized health care provider and cannot earn wages, workers' compensation provides payments based on a portion of his or her average weekly wage up to a maximum limit set by the New Mexico Workers' Compensation Statute. The first seven (7) days (consecutive or non-consecutive) of disability is considered to be the waiting period and no indemnity benefits are due. Indemnity payments will be calculated and issued in accordance with applicable statutes and laws.

Medical Benefits: These benefits include all medical, surgical, and drug expenses that are reasonable, necessary and related to the work injury.

Medical Treatment

Emergency Medical Treatment: When an injury or illness is life threatening in nature, the injured worker shall seek emergency treatment at the nearest emergency facility or by calling 911. After the emergency has abated, the injured worker will notify in writing the employer of the work-related injury and present any disability or return to work notices. Upon such notice, the employer shall notify the worker in writing at that time whether the employer has elected to direct medical care to a selected health care provider or permit the worker to initially select the health care provider.

Payment of Insurance Premiums while Disabled from Work

When an absence is due to a work-related occurrence, the worker will not receive wages from the employer. At the time of a qualifying disability, it will be necessary for the worker to pay their portion of any insurance premiums directly to the employer, or, if the worker uses Leave (Sick, Vacation or PTO), the worker's portion of the insurance premiums will continue to be deducted from the checks issued by the employer.

The employer, **Technology Leadership High School**, will continue payment of its matching portion of the insurance premium until the worker returns to work from the qualifying disability or through the end of the current fiscal year (June 30th), or for as long as the worker pays their portion of the premium – whichever occurs first.

Reporting Accidents

All work-related accidents or injuries must be reported immediately to the injured employee's supervisor by completing and submitting the Notice of Accident form (NOA), whether or not medical care is needed. The employee's supervisor must complete the Supervisor's Accident Investigation Report form. Both documents are submitted within twenty-four (24) hours from the time the supervisor was informed of the accident to the employer's designated workers' compensation benefit specialist. The workers' compensation benefit specialist will then complete the Employers' First Report of Accident form. All three forms are then forwarded to the employer's insurance carrier or third-party administrator within seventy-two (72) hours from the employer's first knowledge of the accident.

Returning to Work: Employees returning to work from a Workers' Compensation related accident shall:

1. Submit a written medical statement from the treating physician to the workers' compensation benefit specialist that they are physically able to return to perform the essential job functions of the original position; and
2. If physically unable to return to performance of the essential job functions of the original position, the employee shall submit a written medical statement from the treating physician for review by the supervisor, human resources and workers' compensation benefit specialist detailing what specific functions of the original position that they are physically able to perform and what they cannot. Such written medical statement shall specify the employee's physical capacity in the terms outlined by §52-1-26.4, NMSA 1978. Within five (5) days of receiving this written notification, the employer shall advise the employee in writing of the availability of accommodating work and the start date on which the employee is expected to fill the accommodating position; and
3. If physically unable to perform even marginal job duties, employee will submit a written medical statement from the treating physician to the workers' compensation benefit specialist to that effect for review by the supervisor, human resources and workers' compensation benefit specialist, and
4. Present themselves for work within one (1) working day after being released to return to work by his or her treating physician, or being notified of accommodating work by the employer, Technology Leadership High School.

Use of Sick Leave for Work Related Injury:

When an absence is due to a work-related occurrence, the initial seven (7) days are the statutory waiting period in which no indemnity benefits are paid under the workers' compensation claim. The seven (7) day period can be consecutive or non-consecutive days and must be charged to Leave (Sick, Vacation or PTO).

If the worker continues to be disabled after the seven (7) day waiting period, the worker may be entitled to workers' compensation indemnity benefits at an amount equal to 66 2/3% of the worker's average weekly wage or up to the statutory maximum allowed at the time of the injury.

In order to allow the worker to maintain other employment benefits such as 401 (k) contributions and health insurance premiums for family members and dependents, the worker is permitted to use Leave (Sick, Vacation or PTO) in addition to workers' compensation indemnity benefits to equate to 100% of the worker's gross wage. The worker will not be paid in excess of 100% of gross wage when both Leave (Sick, Vacation or PTO) and compensation benefits are combined. The worker will not be entitled or permitted to any advancement of additional paid sick leave that the worker might potentially accrue during the balance of the fiscal year.

If the worker's disability extends past 28 days, the worker will then be paid workers' compensation indemnity benefits for the initial seven (7) days of absence. If this occurs, then the worker is required to notify employer, **Technology Leadership High School**, in writing for proper reimbursement of Leave (Sick, Vacation or PTO).