



# Workers' Compensation

## OU Employees' Rights and Responsibilities

(This brochure is sent to Norman Campus employees upon notice of injury.)

### Dear Employee:

The University of Oklahoma has just received notice of your recent work-related injury/illness. We want to assure you that the process has begun to provide you with your legal rights under Oklahoma workers' compensation law.

Your injury/illness may have been minor, resulting only in first aid treatment at your worksite. Your injury/illness may result in your going to one or more doctors and to physical therapy. Your injury/illness may ultimately result in your having surgery, with a lengthy absence from work. Regardless of the severity, by reporting the incident promptly to your supervisor and seeking prompt medical treatment, you have met your initial legal obligations under several laws.

This brochure will provide you with a brief overview of your rights and responsibilities—please take the time to read it fully. Workers' compensation and safety laws interact with OU policies and state and federal employment laws in many different ways. OU desires to ensure your rights are met, while also holding you to your legal responsibilities.

Sincerely,

Your Workers' Compensation Coordinator  
Department of Risk Management (DORM)

### Know Your Rights

The OU workers' compensation program is self-insured, and Claims and Risk Services, Inc. (CRS) is the administrator of claims. Please feel free to call 751-0943 in Oklahoma City and ask questions of your CRS adjusters.

Many workers' compensation myths exist, and it is *your* responsibility to discover the truths and learn your rights. One user-friendly, free service offered by the Oklahoma Workers' Compensation Court is the Counselor Program. You may call 522-8760 to ask questions about the laws, the process, and the expectations of the court. You should be aware that these laws are changed by the Legislature at various times.

Filing a workers' compensation claim can be a confusing and intimidating process, especially when you are not at your peak physical or mental condition because of an injury/illness. While we answer some of the most common questions in this brochure, we urge you to ask additional questions after you have read it.

The University of Oklahoma prefers that you submit your reports of work-related injuries and illnesses to the workers' compensation self-insurance fund established for this purpose. Don't use your personal health insurance out of fear of filing a workers' compensation claim. Unfortunately, treatment of catastrophic, personal health conditions are extremely costly. OU prefers that you use your health insurance as your financial protection against personal health problems.

## You Must Report

Because failure to report an injury/illness in a timely manner may legally result in your loss of benefits, OU requires that you report **every** injury, regardless of how minor it is, to your supervisor immediately. You are asked to fill out an *OU Employee's Report of On-the-Job Injury/Illness*, providing complete descriptive details on how your injury occurred. Your supervisor will then complete the additional paperwork needed to start the workers' compensation process.

Why does OU want **every** injury reported? Departmental management must (1) have knowledge of workplace hazards, (2) ensure that you are performing your job safely, (3) help you obtain the medical treatment that you may need, and (4) provide CRS with the information to begin your claim.

## What's On-the-Job?

There may be instances in which you receive an injury during your workday that will not be considered compensable under workers' compensation law. For example, an injury that occurred while you were at lunch, were engaged in personal endeavors or were injured because of an underlying personal medical condition might not be covered.

However, please immediately report to your supervisor any injury that you believe is work-related. Provide all the facts related to the incident. CRS will approve or deny your claim based upon the facts of your injury, in accordance with the laws established by the court. *This ensures that your injury/illness is given the full consideration it deserves and your rights are protected.*

## Going to the Doctor

One of the most frequently asked questions is, "May I see my family doctor?" Oklahoma law has changed, and now your employer may immediately respond to your injury by sending you to a physician of the employer's choice. At OU, you have the following options in seeking medical treatment:

- In case of immediate threat to life or limb or extreme pain, a visit to the nearest hospital or emergency room is approved. In such emergency cases, you must report the injury and emergency medical treatment to your supervisor immediately afterward.
- For easy accessibility and convenience on campus, you may go to the physicians at Goddard Health Center (325-4611).
- You may call the Norman Regional Hospital Occupational Medicine Clinic (360-6868) for an appointment. They treat only employees who have been injured at work for many employers in Norman, and they are very familiar with the workers' compensation process.
- For after-hours treatment, you may go to the Norman Regional Urgent Care Clinic(s).
- Norman campus employees who work on the Health Sciences Center campus or in the OKC metro area may go to the OUHSC Family Medicine Clinic at 900 NE 10th (271-4311).
- Norman campus employees who work or live in Tulsa may contact the Office of Human Resources at the Schusterman Center for the name(s) of recommended facilities.
- You must receive pre-authorization for referral to a specialist physician, such as an orthopedic surgeon. Your treating physician will contact CRS prior to referring you to any specialist. CRS (751-0943) has immediate access to many of Oklahoma's best specialists and treatment centers in the OKC metro.

**Your supervisor should have provided you with the *Workers' Compensation Referral form* to give to the doctor at the time of your first treatment.** This form allows the doctor to provide your initial medical care and gives him/her the very important address for submitting your bills and obtaining authorization for referrals to specialists. If you did not give this form to the doctor at your first treatment, please call 325-0866 immediately.

After your first treatment, if it is determined that you need further treatment, physical therapy, medical tests, or referral to a specialist, the doctor will contact CRS to obtain the required authorization. If you feel that the doctor is not helping your recovery, please discuss your concerns immediately with your adjuster at CRS.

Please make every effort to keep all medical appointments that have been scheduled for you. If you are unable to attend, please notify the doctor and CRS in advance of your scheduled appointment. Scheduling medical appointments, particularly with quality specialists, is a time-consuming job and your CRS adjusters work diligently to get OU employees taken care of as quickly as possible.

Significant injuries/illnesses or cases needing close monitoring will be assigned to a Nurse Case Manager to help with recovery and return to work.

If you must drive beyond the city limits of your residence/work for treatment (such as driving from Norman to Oklahoma City to see a specialist), you may be eligible for mileage reimbursement at the state mileage rate. Keep a record of the miles you drive and the travel dates and submit them to CRS.

### **Return to Work Orders or Work Status Reports**

You are required to immediately provide your supervisor or departmental management with documentation (Return to Work Orders or Work Status Reports) from the doctor about your ability to work. Failure to provide the required documentation from the doctor each time you have an appointment may result in your inability to access your accrued leave. *Further, you face possible termination for job abandonment if you fail to provide this documentation promptly.*

If you cannot personally deliver the doctor's status reports, you can send them by fax or mail them to your supervisor or to the Workers' Compensation Coordinator, Department of Risk Management, 905 Asp Avenue, Room 112, Norman, Oklahoma 73019-6041; fax: 325-7238.

### **Claims Process Begins**

After notifying your supervisor of your injury/illness, your department has a 24-hour time limit to submit to the OU Workers' Compensation Coordinator all of the injury reporting forms. Following receipt of the completed forms, we will verify your employment status and forward the reports to CRS by fax. We also will notify the OU Office of Human Resources (Payroll and Records Division) so that coordination of your Family Medical Leave Act (FMLA) benefits and your income can begin.

CRS is responsible for establishing your claim with the Oklahoma Workers' Compensation Court and for management of it thereafter. CRS will follow-up within 24 hours with a phone call to you and, if necessary, your supervisor.

**OU encourages you to stay in close contact with CRS and return any phone calls or e-mails promptly.** CRS is your primary information source on the status of your claim and treatment.

### **Your Income If You Can't Work**

It is vital that you understand that the Oklahoma workers' compensation system will never replace your full salary if you cannot work per doctor's orders.

There are no workers' compensation income benefits payable to you for the first three calendar days your doctor places you in "no work" status. If your doctor-directed absence from work continues more than three calendar days, then you may be entitled to Temporary Total Disability (TTD) benefits of 70 percent of your average weekly wage, not to exceed \$528 per week (for incidents after November 1<sup>st</sup>, 2002).

If your doctor allows you to return to work on a *part-time* basis, you may be eligible for Temporary Partial Disability (TPD) benefits as limited by law. *If your doctor allows you to return to work full-time but you are still undergoing medical treatment or therapy, you will receive no TTD or TPD benefits.*

- You may receive TTD benefits for as long as your doctor says you are unable to work, up to a maximum of 52 weeks. With serious injuries, you may be able to extend these benefits by agreement of OU and the court. Your TTD checks are mailed to your home.
- If you are permanently disabled, you may receive weekly income benefits based on the nature and extent of your disability as allowed by law.
- If you die from a work-related injury or illness, your surviving spouse and each dependent child may be entitled to a lump sum payment and possibly weekly benefits, based upon your annual salary.
- Social Security benefits may take credit for the amount of workers' compensation benefits you receive, which may result in a reduced Social Security benefit.
- TTD benefits cannot be received at the same time as unemployment compensation.
- TTD benefits may result in reduced long-term disability insurance benefits.

Another law allows State of Oklahoma employees who cannot work because of on-the-job injuries or illnesses to use their accrued paid leave, extended sick leave, holiday, and comp time benefits to supplement their workers' compensation income. This means that long-term employees, who have accrued leave over their years of service, may not suffer from the reduced income established by law. **If you desire that your paid leave, extended sick leave or comp time not be used to supplement TTD or TPD income, please notify Payroll in writing immediately.**

- When you return to work after a doctor-directed absence from work, your OU income will follow the regular bi-weekly or monthly payroll schedule.

## **OJI Hours**

Any time lost from work because of an on-the-job injury or illness (OJI) must be reported by all employees (hourly or monthly) to Payroll as OJI hours. Time lost may include time spent at doctors' offices for medical treatment or physical therapy, "no work" restrictions prescribed by a physician, appearances before the court, etc. OJI hours are not a guarantee of income; they are the method by which the University monitors time lost from work because of work injuries.

Upon receipt of your OJI hours, OU Payroll and CRS will coordinate the various benefits (such as TTD/TPD, paid leave, extended sick leave, comp time, holiday leave, and Family Medical Leave) under which you will be paid. Ultimately, if your doctor places you in no work status, you may receive two paychecks—one mailed to your home from CRS on a weekly basis and one at OU on the regular pay schedule.

Monthly employees who cannot work per physician orders will be notified of special procedures for reporting their OJI hours on a weekly basis in order to accommodate the OU Payroll monthly pay period reporting schedule.

The OJI hours also serve another purpose. The State of Oklahoma requires employers to report injury statistics and keep an annual log of work-related injuries and illnesses that must be posted in the workplace each year. The OJI hours that are reported to Payroll comprise a portion of these annual statistics.

As you can imagine, the allocation of your workers' compensation income benefits from the various sources can become quite complicated. The only thing you must do is to report your hours lost from work as OJI hours; your department, Payroll and CRS will do the rest.

## Payment of Medical Bills

CRS will pay for all authorized and medically necessary treatment in accordance with a fee schedule established by the court. If you reported your injury and receive medical bills, please send them by fax (to 325-7238) or mail them immediately to the OU Workers' Compensation Coordinator (Department of Risk Management, 905 Asp Avenue, Room 112, Norman, OK 73019-6041). If you continue to receive bills, please call CRS promptly. You should never be harassed for payment of any bill on a workers' compensation claim.

## Prescriptions

To minimize out-of-pocket expense for authorized prescriptions, you have the option to charge your medications at Goddard Health Center. **Be sure to tell the Goddard pharmacist that your prescription is for a job-related injury at OU.** Goddard will then automatically charge it for you.

- Prescriptions that are filled after normal business hours or at pharmacies other than Goddard can be paid for by you, and you can then submit your original receipts to OU Workers' Compensation Coordinator (Risk Management, NEL Building, Room 112) or to CRS for reimbursement.
- Your local pharmacy also may contact CRS at 751-0943 during regular business hours for pre-authorization to fill your prescription and charge it.

## What Happens at Court

As mentioned before, CRS is responsible for managing OU's workers' compensation claims. While you are undergoing treatment for your injury/illness, CRS will automatically file the *Form 2: Employer's First Notice of An Employee's Injury* with the court. If CRS fails to file this form or you are unhappy with their response to your claim, you may wish to file *Form 3: Employee's First Notice of Accidental Injury and Claim for Compensation* with the court. Please note that if you file a Form 3, your lawsuit becomes an item in the court's public records.

You have the right to represent yourself at the Oklahoma Workers' Compensation Court or to hire an attorney of your choice at any time after you are injured on the job. The law mandates that attorneys' fees be taken from the monies, if any, awarded to you. A trial before the court (in Oklahoma City or Tulsa) is much like any other nonjury trial. A judge will hear your case and his/her decision will be based upon the law and the facts of your particular claim, including medical evidence and testimony presented at the trial.

If you wish the court to resolve an issue between you and OU, you or your attorney may ask the court to set your case before a judge by filing a *Form 9: Motion to Set for Trial*. A trial is necessary only when a dispute arises that cannot be resolved between the parties. Claims can be settled without hiring an attorney or requesting a trial. However, court approval of all final settlements is required.

## Assisting Your Recovery

You are responsible for assisting your recovery. You must (1) keep in touch with your supervisor and promptly provide medical documentation as to your work status; (2) keep appointments made with your doctor and CRS' doctor, the court, and/or your job counselor; (3) be truthful with your doctor and follow his or her instructions and treatment plan; (4) after treatment, give treatment reports or work status reports promptly to your supervisor; (5) cooperate with persons who are helping you get back to work; and (6) contact your supervisor immediately when your doctor releases you for work.

## Keeping In Touch

Your supervisor and coworkers should be keeping in touch with you when you are unable to work, especially if you are off work for an extended period of time. "Should" and "do" are two different

things in today's busy world. If you haven't heard from your coworkers or supervisors, then please call them yourself. Let them know how things are going and keep in the loop for university news. Be sure to immediately give your supervisor any medical releases or work status reports provided by your doctor. Keep a copy for your records also.

## Temporary Work Restrictions

Following treatment, your doctor may decide that you can return to work with restrictions. Work with physical restrictions is often called light duty, which simply means that there are certain job functions that you cannot perform without the risk of further damage. Your supervisor will decide which job functions may be eliminated from your normal routine to meet the doctor's restrictions.

In cases of severe restrictions, your supervisor may decide that it is not possible for you to perform any part of your regular job. Depending upon whether your department can accommodate you with other safe duties within your department, you may be kept from work until the severe restrictions are lifted.

Your doctor is the decision maker in determining whether you have work restrictions. Your departmental management will decide whether you can be accommodated to follow your doctor's temporary restrictions. These decisions on light duty are made with your best interests in mind.

## Safety

The federal Occupational Safety and Health Act (OSHA) mandates that all employers reduce workplace hazards and implement safety and health programs to protect their employees. Because OSHA applies mainly to businesses, the Oklahoma Legislature has adopted nearly all of the federal regulations in their entirety and has applied them both to private and public enterprise. The Oklahoma Department of Labor (ODOL) administers the OSHA rules in this state. The following are some of your safety rights:

- OU has a legal obligation to inform you of OSHA's safety and health standards that apply to your workplace and must train you in the hazards that you may be exposed to on the job.
- OU has a general duty to provide a workplace free from recognized hazards. ODOL can issue citations to any state agency found in noncompliance with regulations.
- When notified of workplace violations, ODOL has the legal right to make inspections at any OU facility.

Although ODOL cannot cite employees for violation of their responsibilities for performing their jobs in a safe manner, each employee "shall comply with all occupational safety and health standards and all rules, regulations and orders" that are applicable to his or her employment. You are required to do the following:

- Read the OSHA poster at your job site.
- Comply with all applicable OSHA standards.
- Follow all OU safety and health rules and regulations and wear or use the prescribed protective equipment/gear while working.
- Report hazardous conditions to your supervisor.
- **Report any job-related injury or illness to OU and seek treatment promptly.**
- Cooperate with the ODOL officer conducting an inspection, if he or she inquires about safety and health conditions at OU.
- Exercise your rights in a responsible manner.

## OU Health and Safety Policy

In compliance with federal and state mandates, OU President David L. Boren enacted the *OU Health and Safety Policy* on March 8, 1996. The policy reads as follows:

The University of Oklahoma is committed to providing a safe and healthy environment for the entire university community and to complying with all applicable federal and state laws and regulations pertaining to occupational and environmental safety.

Academic and administrative personnel with supervisory and teaching roles must ensure that procedures are developed and followed which are designed to prevent injury, protect the assets of the university, and protect the environment.

It is the responsibility of all university faculty, staff, and students to follow safe working practices, obey health and safety rules and regulations, and work in a way that protects their health and that of others and does no harm to the environment.

## **Why Talk About Safety After An Injury?**

Have you asked yourself whether your injury could have been prevented? Unfortunately, many of the more than 300 injuries that occur each year to Norman Campus employees happen when employees act carelessly, ignore safety principles, or fail to take preventive action in time. Ultimately, all the dollars that are spent each year on workers' compensation for medical care, administrative fees, legal services, lost work, employee benefits, temporary replacements, etc., could be more effectively used to advance the mission of higher education.

With OJI costs as high as \$2 million annually in the past, it is extremely important that supervisors and managers hold every OU employee responsible for doing his or her job safely. All employees who become injured, damage university property, or injure others through their own unsafe actions must undergo the University of Oklahoma Positive Discipline Procedures.

## **Bad Things and Good People**

The workers' compensation system was established with the injured employee as its primary concern. The system does not take into consideration the OU co-workers who often assume additional duties for long periods of time when someone in the department can't work because of an OJI. There is no consideration for the supervisors who must decide whether to hire temporary replacements and are left to train the replacements or redistribute the workload.

There also is no consideration for the family and loved ones who become primary caregivers to the injured employee. It is truly unfortunate that some on-the-job injuries/illnesses have resulted in broken marriages and fractured families.

Finally, there is no consideration for the taxpayers of the State of Oklahoma, whose tax dollars are a primary funding source for the OU workers' compensation program. Never forget that one work-related injury affects many more persons than just you, the employee who was injured.

## **Reporting Abuse**

The Attorney General Workers' Compensation Fraud Unit investigates cases of suspected fraud. Upon filing a notice of injury with the court, all employers and employees give written permission for the administrator of the court, the attorney general, and the district attorney to examine records, including medical, relating to the notice of injury or claim.

Oklahoma tax dollars are the primary source of funding for OU's worker's compensation program. Suspected fraud should be reported to CRS or the OU Workers' Compensation Coordinator as quickly as possible. The information provided will be kept confidential, and all issues will be investigated thoroughly.

## **Working Together**

Following the correct procedures and promptly submitting the required forms ensures that you and OU are in compliance with the law. The intricate workers' compensation system can work to your benefit. Reporting your injury and knowing your rights, with support from the OU workers' compensation program, will ensure that you receive the maximum benefits you deserve as an employee of the University of Oklahoma.

If you have any questions or concerns, you may contact the following:

**Norman Campus Workers' Compensation Coordinator**

Department of Risk Management  
NEL Building, Room 112  
Phone: 325-0866  
Fax: 325-7238

**Norman Campus Payroll Coordinator**

Payroll Division of Office of Human Resources  
NEL Building, Room 244  
Phone: 325-5564

**Claims and Risk Services**

P. O. Box 21450, Oklahoma City, OK 73156  
Phone: 751-0943  
1-800-725-0943 (toll-free)  
Fax: 751-0951

**Oklahoma Workers' Compensation Court**

Counselor's Program – Oklahoma City  
Phone: 522-8760

Please feel free to access the OU Web Page at [www.ou.edu/risk](http://www.ou.edu/risk) for the most up-to-date information on the OU Workers' Compensation Program.

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