

**Chapter: Employee Injury/Illness**  
**Title: Workers' Compensation**

**Effective Date: 12/1/11**  
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**New**

**ACA Standard(s): 4-JCF-4C-22, 6B-02**

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(a) **Policy.**

The Texas Juvenile Justice Department (TJJD) maintains a process for filing workers' compensation claims when employees incur on-the-job injuries or occupational illnesses. An employee will not be subjected to discrimination or retaliation for filing a claim for workers' compensation benefits in good faith or for exercising any other rights provided by the Texas Worker's Compensation Act.

(b) **Definitions.**

For definitions of certain terms used in this policy, see the PRS glossary.

(c) **General Provisions.**

- (1) The State Office of Risk Management (SORM) determines whether a TJJD employee who incurs an on-the-job injury or occupational illness is eligible to receive workers' compensation benefits.
- (2) All workers' compensation benefits may be denied if an employee fails to give notice of the injury within 30 days or fails to file a claim with the Texas Department of Insurance/Division of Workers' Compensation within one year. An exception may be allowed if the employee has a good cause for failure to take such actions.

(d) **Procedures.**

(1) **Employee Responsibilities.**

(A) **Occupational Exposure.**

If an employee's eyes, broken skin, or mucous membranes of the nose or mouth come into contact with blood, body fluids, or other potentially infectious material in the performance of job duties, he/she is responsible for:

- (i) contacting the local human resources office to report the incident; and
- (ii) following procedures set forth in PRS.23.05 regarding the process for being tested and requesting the testing of the person who may have exposed the reportable disease.

(B) **On-the-Job Injury.**

(i) **Medical Assistance.**

An employee who is injured while on the job is responsible for seeking medical assistance.

- (I) Facility nursing staff are authorized to provide immediate first aid to an injured employee.
- (II) A co-worker who is currently certified to provide first aid is authorized to provide immediate first aid to an injured employee.
- (III) The employee is responsible for informing all medical providers that the injury was job-related.

**(ii) Notice of Injury and Documentation.**

If the employee is physically able to do so, he/she must:

- (I) inform his/her supervisor and the local human resources administrator (HRA) or designee of the injury;
- (II) coordinate the submission of required documentation identified in (2) below with the local HRA; and
- (III) coordinate the use of leave benefits with the local HRA, which includes providing any required medical certifications resulting from the use of leave to the local HRA.

**(2) Documentation Requirements.**

The local HRA or designee (or the Central Office Risk Management Department if no local HRA is available) and the on-duty supervisor are responsible for completing or assisting the employee in completing the following documentation. All SORM and Division of Workers' Compensation (DWC) forms are available on the SORM website.

- (A) The employee's supervisor is responsible for completing the Supervisor's Investigation Report for Work-Related Injury form, RMT-500, and forwarding the form to the local HRA no later than the fifth calendar day after the first notice of injury is reported.
- (B) The local HRA must ensure that the following forms are completed no later than the fifth calendar day after the first notice of injury or occupational disease.
  - (i) The Witness Statement form, SORM-74, if applicable, with one form completed by each witness identified on the DWC-1S form.
  - (ii) The Employee's Report of Injury form, SORM-29.
  - (iii) The Authorization for Release of Information form, SORM-16.
  - (iv) The DWC – Employer's First Report of Injury or Illness form, DWC-1S, which the local HRA completes based on information provided by the employee or his/her supervisor.
  - (v) The Employee's Election Regarding Utilization of Sick and Annual Leave form, SORM-80.
  - (vi) The Employer's Wage Statement form, DWC-3.
- (C) If the forms listed in (B) above were completed due to an occupational disease, the local HRA will submit the forms to SORM immediately upon completion.
- (D) If the forms listed in (B) above were completed due to an injury, the forms will be submitted to SORM only if the injury becomes "reportable". If the injury does not become reportable, the local HRA will only file the forms in the employee's personnel file.
  - (i) An injury becomes "reportable" when:
    - (I) the employee misses one full day of work due to the injury;
    - (II) the employee incurs medical expenses; or
    - (III) the injury results in the employee's death.
  - (ii) The local HRA must submit the forms listed in (B) above to SORM no later than the fifth calendar day after the injury becomes reportable.
    - (I) The DWC-1S and DWC-3 must be submitted via the SORM Online System.

- (II) Upon receipt of a claims number from SORM, the local HRA will submit a copy of the DWC-1S to the Central Office Risk Management Department.
  - (E) The local HRA will be responsible for providing the employee with the following forms (i.e., in person or via first class mail) after the forms have been submitted to SORM:
    - (i) a copy of the completed DWC-1S form with the claim number assigned by SORM along with a copy of the current Notice of Injured Employee Rights and Responsibilities in the Texas Workers' Compensation System;
    - (ii) a copy of the completed DWC-3 form; and
    - (iii) a copy of the completed DWC-6 form.
  - (F) If the employee incurs medical expenses, he/she must:
    - (i) ensure that a health care provider completes the Texas Worker's Compensation Work Status Report form, DWC-73; and
    - (ii) provide the completed DWC-73 form to the local HRA by the end of the second working day following:
      - (I) the employee's initial visit to the health care provider; and
      - (II) any subsequent visit that results in a change in treatment or work restrictions.
  - (G) The local HRA must complete the Supplemental Report form, DWC-6, using the SORM Online System, no later than the third calendar day after the employee:
    - (i) has returned to work;
    - (ii) has additional day(s) of disability;
    - (iii) has a change in weekly earnings (increase or decrease) after the injury;
    - (iv) has resigned; or
    - (v) has been terminated.
  - (3) Leave Resulting from Occupational Injury/Illness.**
    - (A) If an employee with an on-the-job injury or occupational illness requires use of leave because he/she is unable to perform his/her job duties, the use of available paid leave benefits will be in accordance with PRS.28.02.
    - (B) Even if the employee does not have any paid leave benefits available for use, the employee may be eligible for:
      - (i) FMLA leave under PRS 28.10; or
      - (ii) Non-FMLA medical leave under PRS 28.09.
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