

Injured on the job?



CITY OF ALBUQUERQUE RISK MANAGEMENT DIVISION

Workers' Compensation Section

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What to do if Injured on the Job

If an injury is serious or life-threatening, call 911 immediately. After the medical condition has been stabilized, follow this reporting process:

Report Your Injury



IN CASE OF WORKPLACE INJURY

Notify your supervisor immediately.
Supervisor immediately calls:
1-800-775-5866

**REMEMBER...If you think that it is
a serious or life threatening injury
CALL 911**



En caso de una lesión en el lugar de trabajo

Informe a su supervisor inmediatamente.
Supervisores llamen inmediatamente al:
1-800-775-5866

**RECUERDE... Si usted piensa que es una lesión grave
o de vida o muerte llame inmediatamente al
CALL 911**

- All accidents with injuries will be reported regardless how minor.
- The Supervisor and injured employee immediately call Medcor at **1-800-775-5866** to file notice of accident and obtain medical care instructions.
- If no supervisor is available, the injured employee will call Medcor for medical care instructions.
- Medcor will give the supervisor/ injured employee instructions on where to get medical treatment.
- If the injured employee is instructed by Medcor to be treated at the emergency room, the employee will be required to report to the City Employee Health Center the following business day for continuum of care. No appointment is needed.
- If self-care is recommended and the injury does not resolve, the injured employee shall call Medcor for additional medical care instructions.

What to Expect After a Work-Related Injury

At completion of the initial call to Medcor, Risk Management will receive notice of the accident and a licensed Workers' Compensation Adjuster will be assigned to the claim. The Adjuster will contact the injured employee and department to verify incident details, document injuries and obtain medical records to determine compensability of the claim. The Adjuster will explain and pay any benefits due. The Adjuster will be the primary contact for any concerns or questions the injured employee/ department may have.

Workers' Compensation Benefits

Medical Care

Reasonable and necessary medical expenses related to the work injury will be paid directly to the provider, unless the care was provided by an unauthorized physician.

Selection of Health Care Provider (HCP)

Pursuant to 52-1-49 NMSA 1978 of the Workers' Compensation Act, the employer shall initially either select the HCP for the injured employee or permit the injured employee to make the selection.

In most cases, the City elects to make the initial selection of HCP; and directs injured employees to the City Employee Health Center (EHC) located at 400 Marquette NW, City Hall Building, Room B06.

The party who did not make the initial selection may elect to change HCP after **sixty days** from initial treatment. The party seeking such a change shall file a "Notice of Change of Health Care Provider" with the other party at least **ten days** before treatment from that HCP begins.

Medical Referrals

The HCP may refer the injured employee throughout the course of medical treatment to other doctors in different specialty areas. Referrals and care from an authorized HCP will be paid through the workers' compensation claim as long as treatment is reasonable and necessary.

Maximum Medical Improvement (MMI)

MMI is the date after which further recovery from or lasting improvement to an injury can no longer be reasonably anticipated based upon reasonable medical probability as determined by a health care provider.

NOTE: Employees are encouraged to discuss any concerns regarding medical treatment with the assigned claims adjuster.

Indemnity Benefits

Indemnity benefits are monetary compensation for lost wages. Indemnity benefits replace wages while the injured employee is not able to work because of the work-related injury or illness.

Disability Benefits Due to Employees

- The first seven calendar days of lost time is considered a waiting period by the New Mexico Workers' Compensation Act. The waiting period is paid if there is a total of twenty-eight days of lost wages as the result of a provider excusing or restricting the employee from work.
- Temporary Total Disability (TTD): If the employee is unable to work, TTD is paid after the 7-day waiting period.
- Temporary Partial Disability (TPD): Paid to employee when employee has not yet reached maximum medical improvement (MMI); has returned to work, but not earning pre-injury wage.
- Permanent Partial Disability (PPD): Paid to employee when employee is at MMI and there is an impairment.

Pre-injury Average Weekly Wage (AWW)

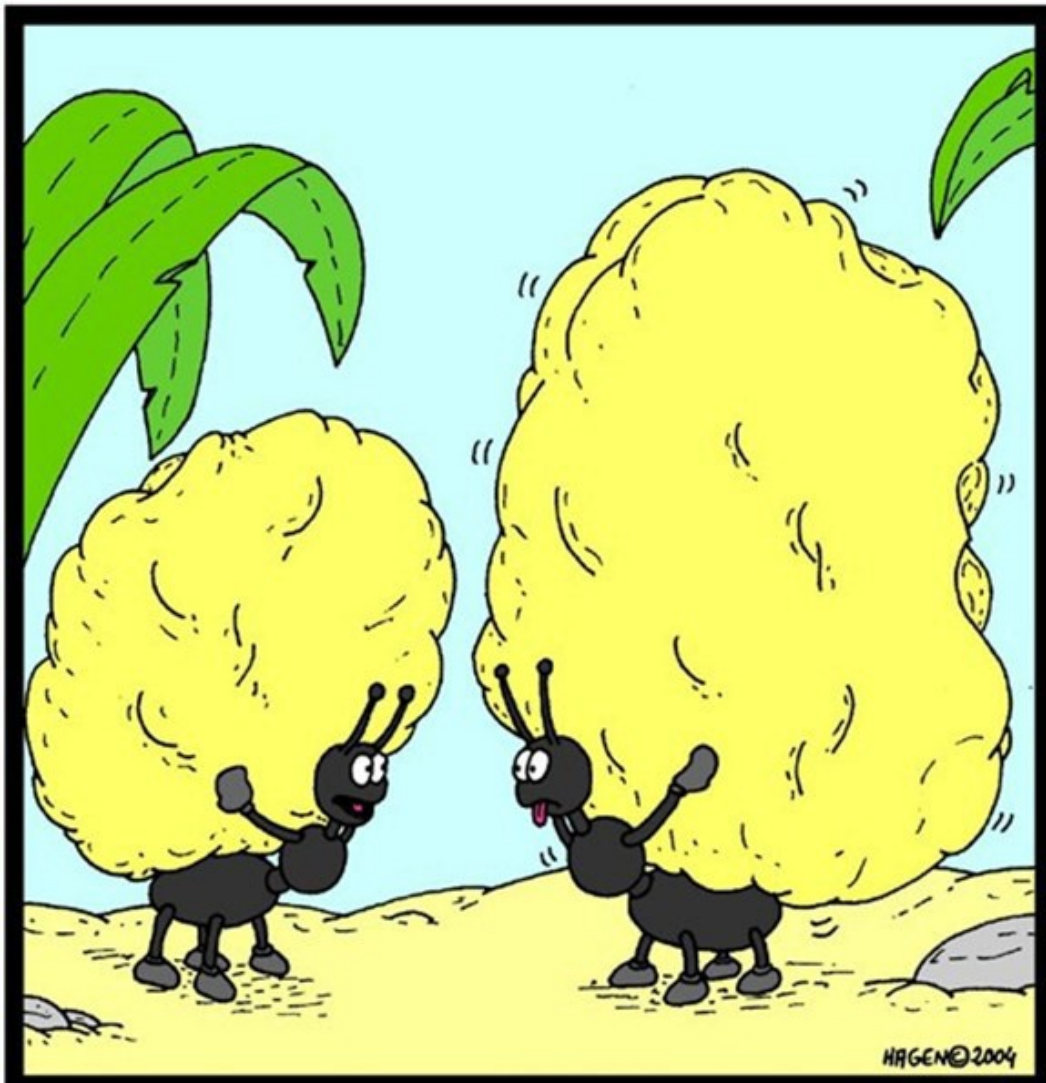
- AWW is calculated from the average of the last twenty-six weeks of gross wages earned from the employer at the time of the injury.
- Includes overtime pay, shift differentials, and longevity, but excludes all fringe and other employment benefits and bonuses.
- If an employee worked less than twenty-six weeks prior to the injury, the average will be for whatever period was worked.
- If an employee is injured before completing the first pay period, the average will be determined by the contracted weekly wage.

Compensation

- TTD benefits are paid at the full compensation rate, which is two-thirds of the employee's AWW, not to exceed the State's annual maximum compensation rate.
- TPD benefits equal to two-thirds of the difference between the employee's pre-injury wage and post-injury wage, not to exceed TTD rate.
- PPD benefits are paid once an employee has reached MMI. Benefits are based on the employee's impairment rating and other factors, and compensation depends on the nature of the injury and the body part(s) affected.

Light Duty

The City of Albuquerque Administrative Instruction No. 7-17 provides employees injured on the job a return to work program, allowing the employee to continue to earn PERA and accrue vacation and sick leave. Participation in the program is required by all employees returning from a work-related injury or illness. If an appropriate assignment is unavailable in the employee's department temporary reassignment to another department may be considered.



I hurt my back last week, so I've been put on "Light Duty" for a couple of weeks and the great thing is I'm not missing out on my benefits! I'm still earning PERA credits and accruing vacation and sick leave!

City of Albuquerque Benefit-Injury Time

Injury Time is mandated by the City of Albuquerque Merit System §3-1-15 Injuries in Performance of Duty and administered in accordance with the City of Albuquerque Personnel Rules and Regulations Section 401.10 Injury Time and Administrative Instruction 7-2.

Eligibility

- Employee must have a compensable workers' comp injury or illness.
- Applies to all full-time regular employees; excludes Police and Fire cadets, seasonal, student or part-time working less than 20 hours per workweek.
- Coverage begins on the first day of employment.
- Benefits are allowed up to and including 960 hours for the standard 40-hour workweek or 1344 hours for a 56-hour workweek.
 - ◆ Multiple injuries from the same accident are subject to a maximum of 960 hours.
 - ◆ Initial and subsequent injuries to the same body part of function will be subject to a maximum of 960 hours regardless of the number of subsequent events.
- Injury Time is only paid when an EHC provider certifies an employee is unable to work or needs work restrictions.

What is the Benefit?

- A supplement payment to Workers' Compensation (WC) benefits to get the employees to their base wages of 40 hours/week or 56-hour workweek.
 - ◆ *Example: \$20/hr X 40 hrs/wk = \$800.00. Workers' comp benefit is paid at 66 2/3 % of an employee's average weekly wage. The employee receives a WC check in the amount of \$533.33 from the Risk Fund and the difference (\$266.67) from Payroll.*
- Allows recovery through temporary restricted or light duty assignment.
- Is an addition to sick leave, workers' compensation benefits, and better than the unpaid 12-week job protection granted under FMLA.

Important to Know

- If excused from work by the EHC provider, the WC 7-Day Waiting Period is waived and Injury Time is paid from the first day of lost wages.
- Injury Time is paid when participating in a Light Duty temporary assignment.

- Up to 480 hours of Injury Time may be charged to FMLA (if applicable) for excused time away from work; or in attendance of medical appointments related to work injury.
- Body parts are categorized by body function. For example: Fingers are part of the hand function and limited to the maximum of 960 hours to the hand and not a separate 960 hours for each finger.
- Upon exhaustion of Injury Time, the employee will be sent home, sick leave may then be used (if available) and charged on the basis of the number hours of the approved work schedule not to exceed 40 hours in a workweek.
- Risk Management verifies and approves Injury Time.

Injury Time Pay Codes

- **FMLA Injury Pay (IFM)**- When an employee who has been injured on the job is placed off of work by an authorized HCP and is qualified for FMLA hours.
- **Injury Pay (ID)**- When an employee has been injured on the job, off of work and the injury time is not reportable as IFM (employee either does not qualify or has already exhausted their FMLA time). Not to be used if the employee is working light duty.
- **Injury Pay Light Duty (ILD)**- When an employee has been temporarily assigned to a light duty assignment as a result of sustaining a compensable work injury.
- **Sick Leave Injury (SKI)**- When an employee who has exhausted 960 hours of injury time and is still working, but continues to have periodic medical appointments as the result of a work-related injury.

When employees are injured, disabled, or become ill on the job, the employee may be entitled to medical and/ or disability related benefits under two federal laws in addition to Injury Time and Workers' Compensation benefits.

Family Medical Leave Act- (FMLA) covered employees are eligible to take leave if they have worked at least 12 months and 1,250 hours over the 12 months immediately prior to the leave. Eligible employees can take up to 12 weeks of unpaid job-protected leave for treatment of or recovery from serious health conditions.

Americans with Disabilities Act –(ADA) protects employees with disabilities who are qualified for the job. An individual with a disability is defined as a person who: (1) has a physical or mental impairment that substantially limits one or more major life activities (permanent restrictions); (2) has a record of such an impairment; or (3) is regarded as having such an impairment. Employees with permanent restrictions from their work-related injury will be referred to Human Resources.

Responsibilities

The City of Albuquerque Workers' Compensation Program adjusters and manager are here to help and guide employees who are injured or become ill on the job. This is done by making timely decisions on claims, providing prompt payment of benefits and striving for the best treatment and recovery for our employees. Open lines of communication with adjusters will help resolve any issues or concerns that may come up during the course of a claim. We are committed to providing excellent service to all City of Albuquerque employees.

Adjuster Responsibilities

- Timely authorize medical treatment to expedite delivery of care.
- Inform employees of their benefits throughout the life of the claim.
- Be responsive to injured employee's inquiries.
- Be transparent, courteous and respectful.
- Act with honesty and integrity.
- Lead by example by offering solutions and following through.
- Communicate with the injured employee's department.

Employee Responsibilities

The Employee:

- Is expected to take responsibility for employee's recovery by attending all medical appointments and following doctor's orders. Failure to attend appointments or follow doctor's orders could reduce or suspend benefits.
- Must report to EHC the next business day with treatment documentation if initial medical treatment was sought at an urgent care or emergency room facility.
- Should give supervisor or designated personnel officer a copy of the return to work form and keep claims adjuster informed of any changes to work status after every physician appointment.
- Is transparent, courteous and respectful.
- Should act with honesty and integrity.

Dispute Resolution

Sometimes disagreements arise in workers' compensation claims. The WCA has its own administrative court to resolve such cases. The court is staffed with professional mediators, administrative law judges, and an official court clerk, who keeps records and processes legal documents.

WCA Ombudsman Program

The WCA's Ombudsman Program provides a neutral source of information for employees, employers, and other parties. Their services are free of charge. Ombudsmen explain how the workers' compensation system works. They also help resolve disputes. Ombudsmen can be reached by phone, but requests can be made to meet with one in person. Ombudsmen are available at all WCA offices, contact one at the nearest office. Some ombudsmen are bilingual in English and Spanish, anyone who needs help in Spanish will be connected to a Spanish-speaking ombudsman. Ombudsmen will explain rights, responsibilities and options. They may contact the other party and attempt to resolve the problem. Ombudsmen are not advocates for any party, and cannot give legal advice. Ombudsmen cannot help any party represented by an attorney, nor can they help with any claim that is in the formal adjudication phase.



"Mom, Dad, this is Kevin, our new ombudsman."

Resources

- State of New Mexico Workers' Compensation Administration *Worker Guide Book, 2019 edition*. <https://workerscomp.nm.gov>
- Chapter 52, Articles 1-10 NMSA 1978 Workers' Compensations Laws. <https://nmonesource.com>
- The City of Albuquerque Merit System §3-1-15 <http://library.amlegal.com>
- The City of Albuquerque Personnel Rules and Regulations "Section 400: Benefits (Revised)" <http://eweb.cabq.gov/HRforAll/>
- Administrative Instructions [No 7-2](#) & [7-17](#).
- U.S Department of Labor; Office of Disability Employment Policy "Employment Laws: Medical and Disability-Related Leave" <https://www.dol.gov/odep/pubs/fact/employ.htm>

WCA Phone Numbers

- WCA Albuquerque: 1-800-255-7965
- NM WCA Albuquerque: 505-841-6000
- Ombudsman Hotline:1-866-967-5667
- Enforcement Bureau: 505-841-6064
- Employer Compliance Bureau: 505-841-6851

Contact Us

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