



# Workers' Compensation

## OU Employees' Rights and Responsibilities

### Dear Employee:

The University of Oklahoma Risk Management Department has 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.

By reporting the incident promptly to your supervisor and provided medical treatment, you have met your initial legal obligations under several laws.

This brochure will provide you with an 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.

### Know Your Rights

The OU Workers' Compensation program is self-insured and Cannon Cochran Management Services, Inc. (CCMSI) is the administrator of claims. Please feel free to call CCMSI and ask questions of your adjuster.

One user-friendly, free service offered by the Oklahoma Workers' Compensation Commission is the Counselor Program. You may call 405-522-8760 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.

The University of Oklahoma prefers that you utilize the Workers' Compensation self-insured fund established for this purpose for payment of your medical bills. Don't use your personal health insurance out of fear of filing a Workers' Compensation claim.

### You Must Report

Failure to report an injury/illness in a timely manner could 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 required to fill out an *OU Employee's Report of On-the-Job Injury/Illness* providing complete descriptive details on how your injury occurred, a *Medical Questionnaire*, and the *Medical Authorization*. 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, and (3) help you obtain the medical treatment that you may need.

### 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. Injuries are not compensable when employment services are not being performed, occurring in a parking lot or other common areas of the campus before an employee clocks in or begins work or after the employee clocks out or stops work, nor while on break, unless the injury occurs inside of the employee's respective workplace and the work break is authorized by the supervisor, or were injured because of an underlying personal medical condition.

## **Receiving Medical Treatment**

Any employee who is injured on-the-job must seek treatment from:

- Goddard Health Center, 620 Elm Ave., Norman, OK (325-4611)  
or
- Norman Regional Hospital Occupational Medicine Clinic, 724 24<sup>th</sup> Ave., N.W., Norman, OK (360-6868)  
or
- Any Urgent Care facility.

In case of immediate threat to life or limb, a visit to the nearest hospital or emergency room is approved.

You must receive pre-authorization for referral to a specialist physician, such as an orthopedic surgeon. Your treating physician will contact CCMSI prior to referring you to any specialist. CCMSI has immediate access to many of the best specialists and treatment centers.

**Your supervisor will provide 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.

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 CCMSI to obtain the required authorization.

You must keep all medical appointments, test appointments and physical therapy that has been scheduled for you. If you are unable to attend, please notify the doctor and CCMSI in advance of your scheduled appointment. Scheduling medical appointments, particularly with quality specialists, are a time-consuming job and your CCMSI 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 for mileage incurred over 20 miles per trip. Keep a record of the miles you drive and the travel dates and submit them to CCMSI.

## **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, Work Status Reports, or Form 5's) from the doctor about your ability to work. Failure to provide the required documentation from the doctor each time you have an appointment could be considered job abandonment and could result in termination. You must keep your supervisor informed as to your work status and/or justification of absence from work.

## **Claims Process Begins**

After notifying your supervisor of your injury/illness, your department will 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 CCMSI. We also will notify the OU Office of Human Resources (Payroll and Records Division) so that coordination of your wages and Family Medical Leave Act (FMLA) benefits.

CCMSI is responsible for establishing your claim with the Oklahoma Workers' Compensation Commission and for management of it thereafter. OU encourages you to stay in close contact with CCMSI and return any phone calls promptly. CCMSI 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.

Pursuant to Oklahoma Statutes, Title 85, Chapter 2, Section 13, there are no Workers' Compensation income benefits payable to you for the first three (3) calendar days your doctor places you in "no work" status.

If your doctor-directed absence from work continues more than three (3) calendar days, then you may be entitled to Temporary Total Disability (TTD) benefits starting on the 4<sup>th</sup> calendar day of 70% of your average weekly wage, not to

exceed 70% of the states average weekly wage during the continuance of your disability. An employee's average weekly wage is based on actual salary paid to the employee one (1) year prior to the date of injury/illness.

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 not be eligible to receive 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 156 weeks. With serious injuries, you may be able to extend these benefits by agreement of OU and the Commission. Your TTD checks are mailed to your home from CCMSI.
- If you are permanently disabled, you may receive 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.
- 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.

Oklahoma Statutes, Title 85, Chapter 15, Section 332, D, 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. **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. However, if you elect not to use your available leave time or run out of leave will place you in a Leave Without Pay status and you will be responsible for paying the University paid Sooner Credits.**

Any member who is an active contributing member in OTRS and receives TTD benefits from Workers' Compensation can possible receive credit if the member notifies OTRS in writing no later than four (4) months after your return to work or the termination of TTD benefits, whichever is earlier.

In 1996, Congress passed the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). Within that act the Child Support Enforcement Agency (CSEA) Program was initiated. The University complies with the requirement of this program to support state efforts at collecting payments from delinquent child-support obligors.

## **OJI Hours**

Any time lost from work because of an on-the-job injury or illness (OJI) must be reported (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 Commission, 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 your OU Workers' Compensation Coordinator will coordinate the various benefits (such as TTD/TPD, Paid Leave, Extended Sick Leave, Comp Time, and Holiday 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 CCMSI on a weekly basis and one from OU on your regular pay 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 CCMSI will do the rest.

## **Payment of Medical Bills**

CCMSI will pay for all authorized and medically necessary treatment in accordance with a fee schedule established by the Commission. If you reported your injury and receive medical bills, please send bills/receipts either by fax (to 501-280-0950) or mail them to CCMSI, 1501 North University, Suite 767, Little Rock, AR 72207. If you continue to receive bills, please call CCMSI 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. **You will be required to provide a Referral form to the Goddard pharmacist in order for them file the charges with CCMSI.**

Many other pharmacies will fill your prescription and file the charges with CCMSI or prescriptions can be paid for by you and then submit your receipt(s) to CCMSI for reimbursement.

## **Assisting Your Recovery**

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

## **Keeping In Touch**

Your supervisor 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. If you haven't heard from your supervisor, then please call him/her 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 injury. 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 not be able to work until the severe restrictions are lifted.

Your doctor is the decision maker in determining whether you have work restrictions. The university 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 your supervisor and seek if needed.**
- 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.

## **Americans with Disability Act (ADA)**

If you may require a reasonable accommodation under the Americans With Disability Act (ADA), it is your responsibility to inform the Disability Resource Center at OU (405) 325-3851.

## **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:

### **Cannon Cochran Management Services, Inc. (CCMSI)**

1501 North University, Suite 767  
 Little Rock, AR 72207  
 Phone: 800-871-5964, Ext. 102  
 Fax: 501-664-7402

### **Norman Campus Workers' Compensation Coordinator**

Department of Risk Management  
 NEL Building, Room 112  
 Phone: 405-325-0866  
 Fax: 405-325-2435

### **Norman Campus Payroll Coordinator**

Payroll Division of Office of Human Resources  
 NEL Building, Room 244  
 Phone: 405-325-2961

### **Oklahoma Workers' Compensation Commission**

Counselor's Program – Oklahoma City  
 Phone: 405-522-8760

For the most up-to-date information and forms, please access the OU Web Page at [www.ou.edu/risk](http://www.ou.edu/risk).

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