

## Understanding the Workers Compensation Claims Process in Texas

By **Bob Lilly** Consultant

*Helping Texas agents and employers understand their obligations during a workers compensation claim*

Texas employers have many obligations relating to their employees' health and welfare, and a good agent will help their clients understand these obligations and responsibilities as they go through a workers compensation claim. The better an agent understands the claims process, the more effective their workers compensation program can be. Below are the critical issues to manage during the claims process, with details on how to manage them.

### Report of injury

Once there is a notice of injury, the client must report it to their workers compensation insurer. The report should include the employee's name, the type of injury, date and time the injury occurred, all parties involved, how the accident occurred, and any medical treatment received.

### Claim investigation

One of the most effective ways an employer can reduce workers compensation costs is understanding how and why accidents happen. Claim investigations help determine the facts of the accident and prevent further accidents. Initial contact should be made the same day or, at least, within 24 hours of the claim report. Investigations should include interviews with all parties involved, as well as any manager or supervisor. Key questions should be limited to facts, and can include a review of safety procedures being followed and the employee's duties to determine any mistakes. At this point, there should be a clear understanding of what happened, what was done, and how it was done.

### Claim management

Once the claim has been assigned to the insurer, do not forget about it. It is imperative that an agent continue the investigation and meet with the injured employee so they are assured of the agent's concern for their health and well-being. Additionally, requests made by the insurance adjuster must be followed in order for them to process



the claim according to state laws. If the investigation revealed any discrepancies in safety procedures or policies, communicate this with the insured so they can make the adjustments necessary to help reduce further accidents.

### Return-to-work

Implementing a return-to-work program can also have a significant impact on reducing workers compensation costs. The many kinds of return-to-work functions include modified duty, light duty, limited duty, or full duty.

- Full duty – the employee may return to normal activities
- Limited duty – allows the employee to return to the same job, but with limitations
- Light duty – the employee can do only specific light tasks
- Modified duty – the employee can return to work, but with specific written duties

Below are detailed benefits of an early return-to-work program, provided by the Texas Department of Insurance.

Benefits to the employer:

- Assists with recovery and retains employee expertise
- Reduces recurrences and sickness absences
- Decreases lost work days, and claims resolve more quickly

- Reduction in overall costs (up to 30 or 40%) – instead of benefits, pays wages for work done
- Reduces impairment ratings and the exposure of paying the second level of benefits called Impairment Income Benefits
- Reduces staff turnover
- Coworkers are not required to perform extra duties to compensate for the absent employee
- Creates goodwill and positive image with employees and the public
- Enhances relations between employees and management

Benefits to the employee:

- Shortens recovery time
- Eliminates concerns about continued employment
- Averts loss of physical fitness due to inactivity

- Full or partial wages are earned, bringing the injured employee's income closer to pre-injury wages
- Retains job skills
- Less likely to experience secondary complications, such as depression, that may delay or complicate recovery
- Reduces permanent disability associated with the injury
- Maintains company benefits and seniority
- Requires less medical care and medication
- Family and social lifestyles maintained
- Avoids financial difficulties

Effectively managing these four elements of the claims process, and helping clients understand how the process works, can be invaluable in reducing program costs and creating a safe work environment for employees.

## Preventing Workplace Violence

By **Tipton Scruggs** Loss Control Supervisor

Recent years have seen acts of violence in the workplace occurring more regularly and, in some cases, with tragic consequences. Workplace violence can be described as actual or perceived violence against coworkers or others in the workplace.

According to the National Safety Council (NSC), every year “two million American workers report having been victims of workplace violence.” Examples range from verbal threats or abuse to physical assault and homicide, which is one of the leading causes of job-related deaths.

The National Institute for Occupational Safety and Health (NIOSH) has established four categories of workplace violence:

1. Criminal intent – robbery is most common
2. Customer/client – healthcare (patient to caregiver) is most common
3. Worker-on-worker – usually due to work-related factors
4. Personal relationship – often domestic violence (women are primarily targeted)

The deadliest of these situations involve an active shooter, which is defined by the U.S. Department of Homeland Security as an individual who is “actively engaged in killing or attempting to kill people in a confined and populated area.”

Due to the extreme risk to employees, companies must take a

more proactive approach in preventing workplace violence:

- Establish a zero-tolerance policy toward workplace violence.
- Establish a program to prevent violence in the workplace.
- Provide training to all employees, outlining acceptable behavior, how to recognize potential threats, procedures to follow in the event of workplace violence, and protecting themselves in such an event.
- Conduct mock training exercises related to workplace violence and active shooter scenarios.

The ultimate goal, of course, is to prevent incidents of workplace violence before they occur. Companies can minimize the risk by improving security at the workplace, utilizing drop safes and minimizing the amount of cash in registers, establishing a process for employees to safely report suspicious behavior or other concerns, escorting employees to their vehicles at night, providing ample outdoor lighting, and training employees on how to identify potentially aggressive behavior and how to calm the situation before it escalates.

Dealing with workplace violence is difficult, complex, and scary. But there is an abundance of material available online to help organizations establish workplace violence prevention programs, in addition to the resources available at [www.servicelloyds.com](http://www.servicelloyds.com).

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## Question:

We have an experienced employee who is going through some hard times, and she's bringing her personal problems into the office. It's causing quite a bit of disruption in the department due to absence, extended conversations, and negative attitude. How do I reduce the distraction and help the employee at the same time?

## Answer:

### Considerations if you are a coworker

It is only natural to build relationships with our coworkers while spending so much time with them over the course of working. Personal relationships add an element of enjoyment to going to work and assist in building strong work teams. Any time there is an opportunity to share experiences, we can build friendships, and, like any friendship, personal issues can spill over into the workplace – both positive and negative.

Addressing personal issues inside the office is a balancing act. You know the individual, you've developed a friendship, but unlike outside relationships, you must be careful to maintain professional distance and avoid breaching your friend's privacy. Having said that, there are actions you can take that can make a difference during this troubling time.

First, continue to be a good friend. Tough times are so called for a reason. Everyone needs support, and this is your opportunity to

provide comfort, acknowledge the situation, and show that you care. This is also the time to ramp up your listening skills. Sometimes, we just need someone to hear us. There is always time to show kindness, even in a work environment.

Being optimistic is normally a virtue, but in this situation, we need to be careful not to talk in a manner that gives the impression that we are attempting to diminish the personal crisis at hand. We must remember that everyone has their own level of coping, and what might only cause a minor blip in our day, could be devastating to someone else.

### Considerations if you are a manager

As a manager there is a certain amount of familiarity that is inherent to building an effective work team. However, when an employee is going through a crisis, this friendship can become a business disaster if not handled properly.

Although difficult, you must be vigilant and separate business needs from personal relationships. You have a responsibility to the affected employee, but also to the other members of the team and to the business in general. This means that you start with a frank conversation regarding the impact that the absences, interruptions, and negative attitude are having on production (and possibly morale), and provide the employee with options on how to move forward – time off, professional services available, HR support.

In my experience, most personal crisis situations can be healed by time. This might be arranging for a block of time off, incorporating flex time, adjusting weekly schedules—whatever can meet the needs of both the company and the employee. Once a schedule is agreed upon, sharing the information with the team will allow everyone an opportunity to adjust to the change and, hopefully, reduce stress. Just a reminder: you never share any particulars about the “crisis.”

Once a plan is in motion, it is equally important that you keep in touch with the employee just to check on how they're doing and to ensure that the plan and timeline are still appropriate. Everyone has their own coping tolerance, so it would be appropriate to continue to check in even after they have returned to a normal work schedule. Again, there is always time to be kind while still being professional.

Personal crisis is going to occur in an office, and it's difficult to know when to engage or leave alone; how to balance our need to care for an individual and also take care of the business. It doesn't have to be one or the other exclusively. By following these concepts, you may be able to maintain your relationship, support the employee, and even create a stronger team—a combination of professionalism and support. There is always time to be kind.