# A Guide to Workers' Compensation

#### Introduction

Under a 1984 act of the General Assembly, state employees are entitled to the same workers' compensation benefits that are provided to persons employed by private employers in Tennessee. This act placed responsibility for administering the state employees Workers' Compensation Program in the Division of Claims Administration of the State Treasury Department.

Tennessee workers' compensation laws are designed to provide benefits to employees who are injured as a result of an accident which occurs in the course of employment. There is no clear cut definition available to describe when an injury is or is not compensable. Employees should perform the duties of their job in a careful manner and report any conditions in the workplace which are hazardous to their supervisor.

This guideline is intended to be a summary of the Workers' Compensation Program and does not address every detail of the Program. Should you have questions regarding this Program, please feel free to contact the Office of Human Resources or the Division of Claims Administration at (615) 741-2734 for further information.

# Who Is Eligible

Generally, an employee is eligible for workers' compensation benefits if employed by the state and receiving a state payroll check. Persons compensated through a contract with the state are not eligible.

#### **Benefits Available**

The benefits provided under the Tennessee workers' compensation law are (1) payment of medical expenses directly related to the treatment of a compensable injury, (2) payment of temporary disability benefits to replace your salary until you are able to return to your job, (3) payment of permanent disability benefits if your compensable injury permanently lessens your ability to perform your job, and (4) death benefits which are payable to your survivors in the event your compensable injury leads to your death.

# Who to Notify When an Accident Occurs

Employees experiencing an on-the-job accident or injury should immediately or as soon as reasonably practicable report the incident to their supervisor stating exactly what happened and how it happened, who witnessed the incident and whether injury occurred as a result of the accident. If you are a witness to a work related accident where a fellow employee is injured severely enough that the involved employee cannot notify his/her supervisor, you should attempt to notify the supervisor for him/her.

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## **Injuries Not Covered**

Compensation shall not be allowed for any injury or death due to any of the following reasons:

- 1. Willful misconduct;
- 2. Intentional self-inflicted injury.
- 3. Intoxication, and
- 4. Willful failure or refusal to use safety devices or perform a duty required by law.

#### **Documentation of Accidents**

The supervisor or employee should immediately contact the Office of Human Resources once an accident has been reported. Close coordination will be required to ensure required forms are completed on a timely and accurate basis. As soon as possible after an accident occurs, the supervisor must complete OSHA's Form 301 - "Injuries and Illnesses Form." If the employee needs medical treatment, he/she must complete an "Accident Report Form." The employees should fill out the Accident Report as completely as possible, sign the form at the bottom and give the form to their supervisor to complete and sign. All completed forms should be submitted to the Office of Human Resources for processing to Sedgwick James of Tennessee within 3 days of the injury. In the event the employee is unable to work due to the work related injury, Human Resources should be contacted.

The employee is responsible for providing information from the treating physician to his/her supervisor regarding his/her ability to return to work. Should the employee elect to receive sick and annual pay rather than temporary total disability benefits, the employee should sign a statement that this is a voluntary election on their part and realize that they will not be eligible to receive temporary total disability benefits during this period. Sedgwick James will provide benefits to employee until he/she is released from the doctor's care.

# **Medical Treatment / Expenses**

If an employee has an on-the-job accident which requires medical treatment, he/ she must choose a provider who is authorized in the state's workers' compensation network. This will be the only physician authorized to treat the employee's compensable injury. This means that the state will only accept and pay medical expenses submitted by this physician, unless the treating physician notifies Sedgwick James that they have been referred to another physician for treatment. The state will not pay any medical expense the employee incurs from a physician other than the treating physician or a network physician they are referred to by the treating physician. When seeking medical treatment the employee should notify the doctor's office that they were injured while at work and that they will be filing a claim for workers' compensation benefits with the state.

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The state, as your employer, is responsible for payment of any reasonable medical expenses that the employee incurs in seeking medical treatment of his/her compensable injury from an authorized provider from the state workers' compensation preferred provider network. This means that if the employee sprains their ankle in a work related accident, the state will pay the medical expenses associated with the treatment of the ankle. However, if the doctor also treats any other condition which is not related to the compensable injury at the same time he treats the compensable injury, then the state will only pay the portion of the medical bill which is directly related to the treatment of the ankle. The employee and/or their insurance carrier are responsible for the cost of any medical treatment which is unrelated to the compensable injury. The name of authorized physicians may be obtained from the Office of Human Resources (ext. 1542) or by calling Sedgwick James of Tennessee at (800) 526-2305.

The state will not pay for any treatment rendered by an unauthorized nonnetwork provider. If you seek treatment form a non-network provider, you will be responsible for all bills associated with that treatment.

## **Other Benefits Available**

Members of the Tennessee Consolidated Retirement System (TCRS) who become permanently and totally disabled prior to eligibility for a service retirement allowance may be eligible for accidental disability benefits if their injury occurred in the performance of duty. Contact the Office of Human Resources or the TCRS disability office for additional information.

## **Other Forms**

The Claim for Damages Against the State of Tennessee Form should be completed for personal injury or property damage of persons not employed by the college and mailed to the Board of Claims Office.

Copies of these forms can be obtained from the Office of Human Resources

## **Limitation of Time**

Claims must be filed no later than one year from the date of occurrence. Failure to do so will result in disallowance of the claim unless evidence of extenuating circumstances is presented.

# **Attorney Fees**

The party employing the attorney must pay the attorney's fees. The law allows an attorney to charge up to 20 percent of the payments received. Sedgwick James should be notified in writing of the name and address of the employee's attorney.

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## **Death Benefit Claims**

Should an employee's compensable injury result in death, survivors are eligible for certain death benefits under the worker's compensation program. To receive these benefits, the surviving spouse (or other surviving dependent) should file a completed Accident Report Form with Human Resources. Human Resources will then forward this form to Sedgwick James. Once this form has been filed and any requested documentation has been provided, Sedgwick James will be able to determine if the employee's death was work related, and, if approved, payments to survivors will begin.

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