

## **What Is Workers' Compensation?**

Workers' compensation is a state-mandated benefit for employees with work-related injuries and diseases. In most cases, benefits are awarded without regard to fault. The benefits provided under workers' compensation vary depending on the nature of the particular claim.

## **Who Is Considered an Employee for Workers' Compensation?**

The following persons are usually considered employees while performing work-related activities:

- Academic faculty
- Administrative faculty
- Classified employees
- Student employees
- Casual labor employees
- Graduate assistants
- Postdoctoral fellows
- Court-assigned individuals
- Resident physicians
- Board of Regents
- Clinical faculty
- Adjunct faculty
- Board members
- Designated volunteers

## **Who Pays an Employee's Workers' Compensation Benefits?**

The NSHE provides coverage for workers' compensation claims through a self-insured program.

## **Who decides if a claim is accepted or denied?**

The Third Party Administrator is responsible for making all determinations regarding any claim filed. If a claim is accepted, they determine what benefits will be provided.

## **How does the Third Party Administrator evaluate a claim?**

The Third Party Administrator evaluates each claim to determine whether the reported injury or disease arose out of and in the course of the employee's employment. The Third Party Administrator will notify the employee in writing if his or her claim is accepted or denied

## **Workers' Compensation Benefits**

The following benefits can be awarded under workers' compensation:

**Medical Benefits:** These benefits may include medical treatment, surgery, and prescriptions. An employee should have no out-of-pocket medical expenses when he has an accepted workers' compensation claim, as long as he treats with an approved workers' compensation provider. Under Nevada law, an employee is required to seek medical treatment with a medical provider approved by NSHE's Managed Care Organization (MCO), unless it is an emergency.

**Temporary Total Disability (TTD):** TTD benefits provide partial income replacement if an employee is unable to work for 5 days or more within a 20-day period. This income replacement is calculated at 2/3 of the employee's gross wage at the time of the injury. The maximum allowable monthly TTD rate changes every fiscal year, but an employee's benefits are fixed based on the date of injury or disease. TTD is generally paid every 14 days and is paid on a calendar day basis. The employee may use his accrued leave time to remain in full pay status (contact Risk Management and Safety for details).

**Temporary Partial Disability (TPD):** These benefits provide partial income replacement if an employee can only work in a capacity where his net earnings are less than what he would receive in TTD benefits. For example, an employee may only be able to work part-time.

**Permanent Partial Disability (PPD):** PPD benefits can be awarded if an employee has a permanent medical impairment that resulted from a work-related injury or disease.

**Vocational Rehabilitation (VR):** VR benefits may be provided when an employee has permanent restrictions that preclude a return to his regular job. Benefits can include vocational counseling, placement assistance, and retraining.

**Death Benefits:** If an employee's death is the result of a work-related injury or disease, death benefits are payable to qualified dependents/beneficiaries.

### **What is modified duty?**

Modified duty is a temporary assignment compatible with an employee's prescribed restrictions that precludes an employee from performing some or all of his regular duties.

Once an approved workers' compensation provider prescribes temporary restrictions, the supervisor must provide modified duty. If that is not possible, the employee will be provided modified duty with another department or campus. Once an appropriate modified position is established, the Third Party Administrator will suspend TTD benefits, if they are being paid.

**Please see the Return-to-work section for further information on modified duty.**