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MEETING NOTICE:

The Advisory Council on Workers' Compensation and Occupational Disease Disablement will meet at 9:30 a.m., Thursday, August 23 at 2410 Centre SE, Albuquerque, NM.

Download agenda at: https://www.workerscomp.nm.gov/advisory-council 72 hours prior to the meeting.

Return-to-Work Initiative: First Year's Progress

By Jessica Sanchez

The New Mexico Workers' Compensation Administration (WCA) launched its Early Return-to-Work (RTW) Initiative on June 1, 2017. While the New Mexico Workers' Compensation Act does not require employers to accommodate "light duty" restrictions, the WCA decided to take initiative and developed a program that would educate and encourage employers to help their workers return to work.

The idea to develop a RTW service was spearheaded first by Medical Cost Containment Bureau Chief Victoria Wagner and WCA senior management. Research shows a prompt return to work is a win-win for both employers and employees. Research also supports the key role of a governmental agency in educating and supporting RTW efforts. It isn't an easy sell. However, I am convinced that if anyone is positioned to make a difference on RTW rates in our state, it is the WCA as the neutral, governmental body. There is no financial incentive for the WCA to promote RTW "best practices" other than we are less likely to see employers and workers at a future mediation or hearing.

As the RTW Coordinator with a new program, I studied what other states do for RTW and found most have some RTW component. From the program's start, we have worked with New Mexico stakeholders, to include injured workers, employers, insurers, attorneys, health care providers and other interested parties. Most stakeholders wanted the WCA to provide some sort of RTW service. The mission of the Early RTW Initiative is to help employers safely and efficiently return injured workers back to work as soon as medically possible. In this way, the WCA seeks to help bring down "medically unnecessary disability" and improve New Mexico's RTW

rates.

The most logical place to start the program was with education, so I help all stakeholders, especially employers, understand the importance of RTW. To date, I have traveled statewide and spoken to more than 1,850 stakeholders about the importance of RTW. I developed a RTW Best Practices rubric which I have shared at venues such as the Society for Human Resources, the Women's Economic Self-Sufficiency Team (WESST), various insurance entities, and with individual employers at their place of business. Information about the initiative has appeared in publications such as La Voz, a broker's publication. I have also exhibited at fairs and conferences, often partnering with WCA ombudsmen and safety consultants. While in the field, I hear about the "mystique" of workers' compensation, how it is a legal process many don't understand. I also hear that workers' compensation is ignored because the cost is low, relatively speaking, when compared to what companies pay for property and liability insurance. I try to get across the human cost involved with work comp, because behind every injury is a struggling employee.

To help employers make lasting workers' compensation improvements, we also provide one-on-one RTW consultation services. The idea is to help employers so they can proactively help injured workers navigate the workers' compensation system. Within the first year of the program, I worked with 11 New Mexico employers in these one-on-one consultations. I am currently working with 12 companies varying in size from 25 employees to 3,000, and ranging from rural to urban. The industries include construction, manufacturing, food service, home health care, non-profits, and public employers. I made sure

Executive Deputy Director Verily Jones Stepped into Role in May

By Aileen O’Catherine

Verily Jones was appointed Executive Deputy Director of Operations for the WCA in May, 2018. In her position, she oversees the Adjudication, Mediation, Clerk of the Court, Self-Insurance, Medical Cost Containment and Economic Research and Policy bureaus.

Jones came to New Mexico in 2014 and worked at the Sandoval County District Attorney’s office, where she ran caseloads within the magistrate court. She also worked in the private sector, representing lenders and services in foreclosure cases while at Rose L. Brand & Associates. Some of the foreclosure cases went through mediation, much like complaints filed at the WCA are first addressed by mediation.

Jones brought managerial experience from previous positions, and is considering working toward an MBA

to further develop those skills. She wants her staff to feel that they can have a work/life balance, and strives to see all sides of an issue and treat everyone fairly.

Jones received an associate’s degree in psychology at Merced College in California, and her bachelor’s degree in psychology at Brigham Young University. Although she had anticipated becoming a therapist, she ultimately decided on a legal career, obtaining her law degree at Washburn University in Kansas.

“I have learned a lot about workers’ compensation,” Jones said about her first weeks on the job. “I have really enjoyed it so far.” Jones likes that the workers’ compensation court system is in the same building as the mediators and agency staff, something she didn’t have at district court.



Verily Jones

So far, Jones has participated in mediations, has written some recommended resolutions, and has done some hearings. She is working on personnel issues and is coordinating trainings.

Jones is married and has two children, 4-year-old Ruby, and Camilla, who is 5 months old.

Jones replaced Dana Chavez, who retired on April 30.

2018 Annual Report Highlights

The New Mexico Workers’ Compensation Administration’s 2018 Annual Report will be published soon. The report reviews data from 2017 to assess how well the agency has fulfilled its mission and key duties. Highlights include:

NM Workers’ Comp. Adm. Quarterly Bulletin

Darin A. Childers, Director
Diana Sandoval-Tapia, Public Information Officer
Aileen O’Catherine, Technical Writer

The Bulletin is published in January, April, July and October by the Public Information Office of the New Mexico Workers’ Compensation Administration. The Bulletin is available free of charge. Send changes of address and requests to receive the Bulletin to Diana Sandoval-Tapia in the Public Information Office, New Mexico Workers’ Compensation Administration, diana.sandoval@state.nm.us.

Suggestions for articles are welcome. Call Diana Sandoval-Tapia at (505) 841-6052.

Recent issues of the Quarterly Bulletin can be viewed on the Internet at <https://workerscomp.nm.gov/NMWCA-Publications>.

The Clerk of the Court Bureau launched a new e-filing system, and continued to refine the case management system introduced in 2016.

From August 2016 through 2017, the Early Return-to-Work (RTW) Initiative reached more than 350 employers and over 1,800 other stakeholders with messages on the value of RTW programs in New Mexico.

Commercial insurance premium costs per \$100 of payroll decreased by 3.4 percent. Paid losses per \$100 of payroll decreased by 4.7 percent.

The number of claims with benefits payments decreased 3.6 percent.

Reported expenditures for both carriers and self-insurers decreased 4 percent.

The WCA’s medical cannabis reimbursement data collection effort completed its second year. The average reimbursement per claim was \$1,168, significantly less than the \$2,465 paid per claim in 2016.

Injuries and indemnity claims continued to decrease. New indemnity claims decreased to the lowest on record at 0.50 claims per 100 workers in 2017.

Strains and sprains or *tears* continued to be the most common nature of injury reported for indemnity claims.

Legs and knees and the *back* were the most frequently injured parts of body, and accounted for 29.5 percent of all reported indemnity claims.

What is the Advisory Council?

The Advisory Council on Workers’ Compensation and Occupational Disease Disablement is a task force created by statute, comprised of six members, three representing workers and three representing employers. The primary role of the Council is to advise the governor and legislature on the status of the workers’ compensation system in New Mexico. The Advisory Council meets several times a year on an irregular schedule. Scheduled meetings of the Council are announced on the WCA website, <https://www.workerscomp.nm.gov/Advisory-Council>.

Early Return-to-Work Program (Continued)

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to work with different insurance carriers in order to see how they track data and engage in RTW activities.

For the consultations, I conduct a questionnaire that lets me gauge the company's current RTW practices. Then, I analyze what they do according to RTW Best Practices and give recommendations on how they can improve. Many employers want to do right by their workers and better manage their workers' compensation program. They just don't know how. I talk to them about having essential function job descriptions with physical demand breakdowns, and about communicating with workers post-injury. Going through the RTW Best Practices with them gives them clear goals and a process.

Consultations are tailored to the individual industry, business culture, resources, staffing, job classifications, time availability and other variables. The goal is to take meaningful steps that employers can sustain so RTW improvements can be spread out over several months. Once a company has shown they have a RTW program in place that meets all RTW Best Practices, the WCA recognizes those companies as "Return-to-Work Champions."

The past year's "Return-to-Work Champions" follow, with a synopsis of their RTW success. Many had good workers' compensation practices in place already, but they wanted to do even better for their workers. Advice was solicited on how, within their current business structure, they made a RTW program work for them.

Alvarado Roofing, Inc.

The Albuquerque-based residential roofing company has 25 employees. Despite being a small company with no HR department and almost all heavy-duty job classifications, they have excellent communication with workers. The company has a bilingual Spanish/English RTW policy they go over at safety meetings once a month. The company president communicates with

any absent worker once a week if they are out on lost time. They developed an inventory of light-duty activities by asking supervisors, foremen and the office manager for ideas. "I think this is a valuable program for any small business, no matter how many employees you have," said President Craig Kemper when asked about the RTW Initiative. "The biggest challenges are getting it organized and putting it in writing, getting it on paper."

Ferguson Construction

The Lovington pipeline construction company has approximately 350 workers. Ferguson has been proactive in creating ways to help workers who get injured while engaged in heavy construction in rural, isolated areas. If an injury occurs off-site, the on-site foreman/safety contact calls Amy Coombes at Human Resources. Coombes then reports the injury to the insurance carrier. Once she gets the claim number, she writes it and the name and phone number of the assigned claims adjuster on the worker's pharmacy card, and texts a picture of the card to the injured worker. Coombes believes the proactive approach helped the company develop its RTW program. "We are able to anticipate future needs and adjust our processes to make them more efficient for the employee. Our industry is construction, and we don't have our people located right here. We have an excellent safety department which goes hand-in-hand with good communication back and forth," said Coombes.

F & A Dairy Products, Inc.

The Las Cruces cheese processing plant of approximately 120 employees has developed a RTW program that works well. The small business' primary job classifications include machine operators, maintenance, packers and material handlers. Human Resources Manager Celina Ramirez will make accommodations for injured workers on a case-by-case basis. If an injured maintenance worker has work

restrictions, for example, they can help in the office, do inventory, or other tasks. Ramirez' advice for other businesses, especially those in manufacturing, is to not be rigid, as other duties can be found. "We create opportunities," said Ramirez. "They [workers] may not be as productive as they could be, but they are here at work."

Dion's

The fast/casual dining chain based in New Mexico has sites in Colorado and Texas, and employs about 1,600 workers. Although Dion's already had a good practice of accommodating light duty, they have become even more proactive in effective communication with employees and supervisors on workers' compensation procedures. They also started using their RTW program to strengthen their safety program. Rebecca Hicks, the HR Administrator, conducts a root-cause analysis of workplace accidents with workers and supervisors, tracking and analyzing the data to note injury trends. This helps improve safety measures. Human Resources Director Blair Boyer said the foundation was there but the RTW Best Practices elevated their game. Hicks calls workers once a week if they are out on lost-time. "We want workers to be happy and safe at work, and that's why I enjoy doing that. They work hard for a company that cares about them."

During the year of RTW consultations, I learned a great deal. In the coming year, I plan to help more employers and increase outreach efforts. Long-term, we hope to develop more financial resources to offer employers incentives to accommodate an injured worker. The RTW Initiative is poised for growth, and with the help of our workers' compensation community, we can keep New Mexicans working.

Jessica Sanchez is the WCA's Return-to-Work Coordinator.

WCA Safety Program Reaches Out to Employers

By Aileen O’Catherine

By statute, employers who purchase or renew a policy of workers’ compensation insurance with premiums of \$15,000 or more must submit proof of an annual safety inspection to the WCA. The WCA’s Safety Bureau generates monthly lists of businesses that have had the 60 days to perform the inspection but have failed to provide proof of the inspection to the agency.

Safety consultants are given a list each month containing the names of businesses they must contact about the inspection requirement. In the past, safety consultants would contact businesses with a letter noting the requirement and that an inspection affidavit needed to be on file.

In April, Bureau Chief Paul Martinez and Field Programs Manager Peggy Tafoya added a new method for contacting employers. Each consultant’s monthly list now has several businesses highlighted, with instructions to hand deliver the letter to those businesses. Consultants confirm

the address, type up the letter, add the inspection affidavit, and visit the business. The businesses don’t know the consultants are coming. Safety consultants make visits at their own pace.

Safety Consultant Dion Bethea now visits each business on his list in person, whether they are highlighted or not. He stops by unannounced at the highlighted businesses, but for other businesses on his list, he contacts them to explain why they’ve gotten the letter. He then arranges a day and time to visit the business. “I’m calling and being proactive, asking, ‘Are you free this day? I sent you a letter,’” he said. He finds that businesses remember the letter, and a meeting is quickly arranged.

When he visits the business, Bethea explains why they were contacted, and how they were placed on the safety inspection list. He emphasizes that the WCA wants to work with the business to mitigate any potential workplace hazards, and that the WCA can perform



WCA Safety Consultant Dion Bethea presents at the American Society of Safety Engineers conference.

the safety inspection free of charge. He brings posters, pamphlets, and a business card so businesses can call to schedule their safety inspection at a future time. He closes the visit with a list of what the WCA can do to help, such as provide free safety trainings.

Bethea has found that businesses react positively to a live visit. “We are being proactive and putting a face to what for them may be a scary letter,” he said.

HOLIDAY CLOSURE

The Workers’ Compensation offices in Albuquerque and all its field offices will be closed on the following upcoming holidays:

Labor Day, Monday, September 3
Columbus Day, Monday, October 8

New Mexico Workers’ Compensation Administration Offices:

MAIN OFFICE

Location & Main Mail Address:

2410 Centre Ave. SE
Albuquerque, NM 87106-4190

Alternate Mailing Address:

PO Box 27198
Albuquerque, NM 87125-7198

Phone Numbers:

Phone: (505) 841-6000
In state toll-free phone:
1-800-255-7965
Fax Clerk of the Court:
(505) 841-6060
Director’s Fax: (505) 841-6009

Regional Offices

Farmington:

2700 Farmington Ave., Bldg. E, Ste.2
Farmington, NM 87401
Phone: (505) 599-9746
In state toll-free phone:
1-800-568-7310
Fax: (505) 599-9753

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Las Cruces:

2407 W. Picacho, Ste. D
Las Cruces, NM 88007
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In state toll-free phone:
1-800-870-6826
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Las Vegas:

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Las Vegas, NM 87701
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Santa Fe:

Aspen Plaza
1596 Pacheco, St. #202
Santa Fe, NM 87505
Phone: (505) 476-7381
Fax: (505) 476-7390

WCA Helpline-Hotline: (toll free in New Mexico)

1-866-WORKOMP 1-866-967-5667

WCA Website:

<https://workerscomp.nm.gov>