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MEETING NOTICE:

The Advisory Council on Workers' Compensation and Occupational Disease Disablement will meet at **1:30 p.m., Thursday, June 20 at 2410 Centre Ave. SE, Albuquerque, NM.** Download the agenda at: <https://www.workerscomp.nm.gov/advisory-council> 72 hours prior to the meeting.

2018 Workplace Deaths

By Aileen O'Catherine

According to the U.S. Bureau of Labor and Statistics, more than 5,000 men and women die annually in the workplace. In New Mexico, 32 work-related deaths were reported to the New Mexico Workers' Compensation Administration (WCA) in 2018, a decrease from the 33 reported in 2017. Motor vehicles were the leading cause of occupational fatalities nationwide in 2018, and they were the leading cause in New Mexico, where there were 15 deaths in this category. Each year, the WCA looks at the lives of some of those worker deaths, highlighting the importance of workers to their families and the community at large.

Aiden McQuillan was a 22-year old whose family described him as a Renaissance man. McQuillan's life was cut short after an accident at a construction site when a spool of wire rolled off a truck and fell on him. According to reports, McQuillan loved music and played the bodhrán, an Irish hand drum. His love of math and science had him considering studying physics in college. He sang and performed in the all-state choir when he was in high school, and he performed in musical theater during his middle and high school years. He played hockey and competed at the state tournament several times with his swim team. His family described him as compassionate and kind.

When a helicopter traveling to a northeastern New Mexico ranch on business went down in early 2018, its pilot and co-pilot as well as several others were killed. Jamie Dodd, the pilot, had spent many years as a search and rescue pilot. During Hurricane Katrina, he went out of his way to travel to Louisiana to help fly people to safety. During one flood season, he helped rescue

dogs stranded on rooftops. Dodd received the national "Jeep Hero" award in 2006 for his search and rescue efforts, and donated the jeep that was awarded him to a homeless shelter. Dodd flew medical evacuation missions throughout Central and South America, according to the New Mexico Military Institute, where he attended in the late 1970s. Paul Cobb, the co-pilot, was a retired police officer who served 32 years in the Pasadena, TX, Police Department, moving up the ranks to become police chief. He was a Vietnam veteran who served as a Cobra helicopter pilot, and earned a Purple Heart after being shot down and wounded. Cobb left behind a wife and two daughters.

Luis Alvarez was a bus driver with 30 years of experience. As he drove a Greyhound bus along I-40 between Gallup and Grants, a semi-tractor-trailer traveling in the opposite direction blew a tire, careened across the median, and collided head-on with Alvarez' bus. Both he and six others died at the scene. Alvarez left behind a wife and two young daughters. He was 49.

Workers' Memorial Day takes place every April 28, serving to remind Americans of the importance of workplace safety. Every worker has the right to a safe job. The slogan for the day is "Remember the Dead; Fight for the Living." April 28 marks the day the Occupational Safety and Health Administration (OSHA) opened its doors to the public in 1971. OSHA oversees worker safety and health concerns, and issues citations to employers for safety failures that result in the death, injury or illness of workers.

Legislative Wrap-up

By Aileen O’Catherine

In the 2019 legislative session, one bill that would have an impact on workers’ compensation passed into law. Gov. Michelle Lujan Grisham signed HB 324 - PTSD as Firefighter Employment Condition - on April 2, 2019.

The bill amended the Occupational Disease and Disablement Law to add post-traumatic stress disorder (PTSD) to a the list of conditions *presumed* to be caused by the occupation of firefighter.

With the presumed assumption, an employer would provide medical treatment for PTSD as with other job-related conditions, rather than requiring proof it was caused by the job. The bill also changes references of “disease” to “condition.”

The legislation expands upon amendments to that section of the workers’ compensation statute made during the 2009 regular legislative session which listed a variety of cancers

presumed to be caused by employment for non-volunteer, full-time firefighters. Employees in any occupation can file a workers’ compensation claim for PTSD under the current law, but the burden of proof for such claims falls upon the worker to prove causation. This new amendment only shifts causation to be presumed when the worker filing the PTSD claim is a firefighter.

Bureau of Labor Statistics Reports on National Workplace Deaths

By Aileen O’Catherine

The U.S. Bureau of Labor Statistics (BLS) has published its report on the national census of fatal occupational injuries in 2017, the most recent year for which data is available. There were 5,147 fatal work injuries recorded in the United States in 2017, slightly down from the 5,190 reported in 2016. The fatal injury rate was 3.5 per 100,000 full-time equivalent

(FTE) workers, a decrease from the 3.6 of 2016. Transportation and material moving occupations and construction and extraction occupations accounted for 47 percent of worker deaths in 2017. There were 2,077 transportation incidents, the largest category for fatal injuries. Within the occupational subgroup, driver/sales workers and truck drivers as well as heavy and tractor-trailer truck drivers had the largest number of fatal occupational injuries, with 840. That number represented the

highest value for heavy and tractor-trailer truck drivers since 2003, when the occupational series began.

Fifteen percent of fatally injured workers in 2017 were 65 or older, which is the highest number since 1992, when the data was first published. Workplace fatalities increased 26 percent in the private mining, quarrying, and oil and gas extraction industry. There were 112 fatalities in that category, with more than 70 percent of fatalities occurring in the oil and gas extraction industries.

NM Workers’ Comp. Adm. Quarterly Bulletin

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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>.



HOLIDAY CLOSURE

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

Memorial Day, Monday, May 27
Fourth of July, Thursday, July 4

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>.

Uninsured Employers' Fund Staff Keep Claim Costs Down

By Aileen O’Catherine

The Uninsured Employers’ Fund (UEF) was created in 2003 to protect injured workers whose employers were required to carry workers’ compensation insurance but failed to do so. When a worker is injured on the job but an employer is illegally uninsured, the worker can file a claim with the UEF to ensure they receive medical and indemnity benefits. The staff and attorneys of the UEF strive to resolve as many cases as possible with the active files they have. When necessary, they pursue employers who were illegally uninsured to recoup any benefits paid by the UEF, and to assess penalties for non-compliance. They strive to get employers to pay their own claims whenever possible.

The UEF closed their third quarter of FY 2019 with **no** UEF payments, having been successful in getting negligent employers to pay for their own claims, rather than funds having

to be dispersed from the UEF. Holding employers accountable with the law is work the UEF conducts with the help of the enforcement and compliance bureaus of the WCA.

Collections and claims expenses for FY 2019 so far are even with last year at this time, and claims expenses are down a remarkable 67 percent. Expenses go down when the UEF is successful in getting employers to pay their own claims. Since FY 2014, UEF claims expenses have decreased by 36 percent overall.

The UEF assesses penalties against



UEF Bureau 1 to r: Bureau Chief Mark Plomer, legal secretary Andrea Martinez, attorneys Richard Bustamante and Richard Crollett

uninsured employers who failed to comply with the law. The UEF pursues legal action against the uninsured employer for reimbursement of all monies paid on behalf of an injured worker, along with interest, costs and attorney fees.

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WCA Website:

<https://workerscomp.nm.gov>