INJURED EMPLOYEE HANDBOOK
Nothing in this publication should be construed to alter or amend the policy contract between WCF and its policyholders or in any way modify state laws or administrative rules regarding the payment of claims. If there are conflicts between information in this booklet and state laws, the state laws will prevail.
WHAT IS WORKERS COMPENSATION INSURANCE?
Workers compensation insurance provides no-fault coverage, which, under Utah law, allows employees who are injured on the job to receive the benefits outlined in state statutes regardless of who caused the injury. In return for providing workers compensation coverage for their employees, employers receive exclusive remedy protection. This means that, in most situations, employees cannot sue employers for damages for workplace injuries.

Coverage is divided into two categories: (1) workers compensation insurance and (2) employer's liability insurance. Workers compensation insurance covers medical expenses and reimburses employees for wages lost due to a work-related accident. Employer's liability insurance protects employers from lawsuits brought against them outside of the workers compensation system by employees who were injured in job-related incidents. As with all types of insurance, there are some conditions and exclusions to both coverages that WCF’s underwriting department can explain.

WHO NEEDS WORKERS COMPENSATION INSURANCE?
Utah law requires that employers who have one or more employees (full time, part time, temporary or seasonal) obtain workers compensation insurance. Employers who hire workers for certain household and agricultural duties should refer to Section 34A-2-103 (4-6) of the Utah Code to determine their requirements. There are other limited exceptions.

WHO IS WORKERS COMPENSATION FUND (WCF)?
WCF has insured Utah employers since 1917. WCF is a non-profit, mutual insurance company managed by a board of directors. WCF is financed entirely by premium payments from customers and investment income.

WCF employs 350 people who provide underwriting, safety, claims and legal services to more than 30,000 Utah employers. We pay the same premium taxes as other insurance companies and contribute to Utah’s economy by providing a stable and competitive source of workers compensation insurance.

WCF can arrange workers compensation insurance coverage for Utah employers in other states as well. Coverage is provided by insurance companies doing business outside of Utah.

All workers compensation insurance carriers in Utah, including WCF, are regulated by the Utah Insurance Department and the Utah Labor Commission.

WHAT IS THE UTAH INSURANCE DEPARTMENT?
The Utah Insurance Department regulates all companies providing insurance coverage...
in the state. The Insurance Department approves the premium rating plans used by workers compensation insurance carriers. Premium rates charged for workers compensation insurance in Utah are revised annually based on statistical data provided by the National Council on Compensation Insurance (NCCI).

WHAT IS THE UTAH LABOR COMMISSION?
The Utah Labor Commission is the state regulatory agency that adjudicates disputes between injured workers and their employers/insurance carriers. In Utah, less than two percent of claims are litigated. These cases are assigned to an administrative law judge to determine what benefits, if any, an injured worker is entitled. In some cases, employer representatives will be asked to provide testimony and records regarding a claim in adjudication. The Utah Labor Commission is also responsible for ensuring that every Utah employer has workers compensation insurance or provides coverage through an approved self-funded program.

WHO OWNS WCF?

CLARIFICATION OF OWNERSHIP
WCF is not just another insurance company. It’s your insurance company—owned entirely by policyholders. This entitles policyholders to share in the Company’s financial success with dividends. WCF has distributed dividends every year for the last 20 years. Policyholder ownership also holds WCF accountable to employers and their employees.

Q: Who owns WCF?
A: In 2005, the Utah Supreme Court ruled that WCF’s assets are owned by the Company’s policyholders, not the State of Utah. The ruling upholds numerous Supreme Court decisions dating back to 1936.

Q: What does “ownership” of WCF mean to its policyholders?
A: Operating as a mutual insurance company, WCF gives a portion of its profits back to its owners—policyholders—in the form of dividends. Since 1992, WCF has distributed more than $300 million in total dividends.

Q: WCF is a quasi-public corporation. What does this mean?
A: Utah law defines a quasi-public corporation as being a corporate entity that is private in ownership while serving a public purpose.

Q: What is WCF’s public role to the State of Utah?
A: Some of the confusion about our ownership stems from WCF’s beginnings as a state agency. Although no longer a state agency, WCF continues to be the insurer of last resort. As such, WCF insures Utah businesses that cannot purchase workers compensation insurance in a regular competitive market. WCF is the only insurance carrier in Utah required to fulfill this obligation. In return, WCF receives a federal income tax exemption. WCF pays state premium taxes and all other taxes, just like any other insurance company.

WCF’S RESPONSIBILITIES

- We will set up a claim upon receipt of either the employer’s report or the physician’s report of injury.

- We will send you a letter acknowledging receipt of your claim. This letter contains important information, including your claims adjuster’s name and phone number, and your claim number. Include your claim number on all correspondence.

- If it appears you will need time off work to recover, your adjuster will contact you within 2 business days of receiving the claim.

- We will conduct a fair and thorough investigation of your claim in a timely, professional manner. Labor Commission rules allow 21 days for the initial investigation and an additional 24 days if further investigation is necessary. As a normal part of our investigation, we regularly request you provide us with a recorded statement and a signed release authorizing us to obtain your prior medical records.

- We will process your benefits in a fair and timely manner. If your doctor has you temporarily off work and provides us appropriate documentation, you will be paid compensation every 14 days.

- We will contact you periodically to see how you are progressing.

- We will monitor your medical treatment and progress to ensure you are receiving appropriate care for your injury. We may assign a nurse case manager to aid in the process.

- If necessary, we will assign a vocational rehabilitation counselor to aid you in returning to work.

We understand this is an unfamiliar experience for you and that you will have many concerns regarding your claim and recovery. Your claims adjuster is available to answer any questions you may have.
Your Responsibilities When a Work-Related Injury or Illness Occurs

1. Immediately report the injury or disease to your supervisor and follow up to make sure that your employer has filed an “Employer’s First Report of Injury or Illness” (Labor Commission Form 122).

2. Seek immediate medical or first aid treatment. Your employer may require you to obtain initial treatment from a company doctor or designated clinic. If your employer does not have a designated medical provider, we ask that you seek treatment for non-emergencies at one of our preferred provider organization (PPO) facilities which consist of all WorkMed clinics, any IHC facility or University of Utah Medical Center. For life or limb-threatening injuries, please seek initial treatment from the nearest medical facility.

3. Inform your treating physician that you were injured in a work-related accident and ask that he or she file the “Physician’s Initial Report of Work Injury or Occupational Disease” (Labor Commission Form 123). Tell the physician your employer is insured with WCF.

4. Seek ongoing treatment at one of our PPO facilities. If you do not use a PPO provider, you may be responsible for any charges in excess of the PPO rates. For a complete listing, see page 15 of this book. Be sure to give medical providers your claim number.

5. Promptly provide information we request and cooperate with our investigation of your claim. Labor Commission rules allow us to deny your claim if you do not cooperate.

6. Contact your claims adjuster to determine which medical services must be preauthorized by your physician.

7. Keep your claims adjuster and your employer informed of your progress and when you will be able to return to work. Keep them updated on any changes in your employment status, address or telephone number.

8. Be honest in reporting your injuries and capabilities. We work to protect you and your employer against fraud. It is a felony to collect workers’ compensation benefits through fraudulent pretenses, misrepresentations or omissions.

Workers who deliberately report false information or withhold information pertinent to their claim in order to receive benefits may be disqualified from receiving further benefits and may be subject to both criminal prosecution and civil penalties. Workers’ compensation insurance fraud includes:

- Requesting and/or receiving temporary total disability compensation while working for gain as an employee of a business, independent contractor or business owner.

- Making a false statement and/or submitting false documentation concerning wages and/or employment.

- Misrepresenting facts concerning an industrial accident, injury or illness to your employer, your physician or any representative of WCF.

- Misrepresenting or omitting facts regarding previous injuries or medical conditions.

- Charging prescription drugs unrelated to your industrial injury on the WCF prescription card.

REPORT FRAUD
To report any suspicions of fraud, whether it is an employee, employer, or medical provider, please call 1.801.288.8140, or 1.866.FRAUD.50, or e-mail stopfraud@wcfgroup.com.
Medical Benefits
Medical benefits are provided for reasonable and necessary medical care that is related to your work-related accident or illness. Some of the covered benefits include office visits, chiropractic care, dental care, prescription medications, surgical care and durable medical equipment. Except for hospitals, payments are made according to Utah’s fee schedule. You are not responsible for any co-payments or balance due after our payment, as long as you receive medical care within WCF’s PPO network and the state of Utah.

Pre-Authorization
Many procedures and treatment programs, including but not limited to surgeries, chiropractic care and physical therapy, must be pre-authorized by WCF to be covered. Please check with your claims adjuster to find out what medical treatments need to be pre-authorized and how your treating physician can request that authorization.

Preferred Provider Organization (PPO)
We have an agreement with a network of hospitals and physicians that offer quality care at discounted rates. Important Notice: If you do not receive treatment from a PPO hospital, you are responsible for any excess fee charged by the non-PPO hospital. Our PPO consists of any WorkMed clinic, any IHC facility and University of Utah Medical Center. This does not apply to areas where there is no PPO facility available or in life or limb-threatening emergencies. For more information, please contact your claims adjuster or visit our website at wcfgroup.com.

Mileage
We will reimburse you for mileage while traveling to and from medical treatment. Please request travel reimbursement in writing include dates, roundtrip mileage and destination. You must submit mileage claim within one year of the authorized medical treatment. If you are required to travel long distances, you may be eligible for reimbursement of lodging and meals. Please contact your claims adjuster for further details.

Prescription Medication
We provide a prescription card for you to use to obtain medications related to your claim. This allows the pharmacy to bill us directly with no out-of-pocket expense to you. However, the card is not

Changing Physicians
You are entitled to change physicians one time without prior authorization from us or the Labor Commission. Changing from an emergency room is
not counted as a change, nor are referrals from your treating physician. Please contact your claims adjuster if you wish to change treating physicians. You are liable for any treatment received from an unauthorized treating physician.

Emergency Room Treatment
Once treatment with a company physician is established, emergency room visits are prohibited under Utah Labor Commission Rule R612-2-9. This rule does not apply to cases of threat to life or limb and/or direct referral from your treating physician. Employees who fail to comply with this rule will be held responsible for all changes associated with the emergency room care. Avoiding emergency rooms will provide consistent quality care with a physician familiar with your injury.

Concurrent Care
Generally, we will not pay for similar treatment from more than one medical provider. However, under certain circumstances, it may be authorized. Please contact your claims adjuster for pre-authorization.

Receiving Treatment Outside Utah
Prior to leaving Utah, you will need to file an “Employee Notification of Intent to Leave Locality” form with the Labor Commission. When you receive medical treatment outside of Utah, your billings are still paid according to Utah’s fee schedule. However, any balance will be your responsibility.

Compensation Benefits
You are paid compensation when your physician says you are unable to work because of a work-related accident or illness and provides the appropriate documentation.

Compensation amounts are based on a percentage of your average weekly wage at the time of the injury and are subject to the minimum and maximum amounts set by law. There is a $5 weekly dependent allowance for a spouse and up to four dependent children. Compensation benefits are not taxed.

If you are off work 14 days or less, there is no compensation paid for the first three days after your date of injury. If you are unable to work 15 or more days, compensation begins the day after your injury.

At your request, we can pay your compensation benefits by direct deposit to your bank account. Information regarding direct deposit is included with your first compensation check.

Temporary Partial Disability (TPD) is paid when you are temporarily working reduced hours or at a reduced rate of pay because of your injury or illness. Compensation is 2/3 of the difference between the average weekly wage at the time of your injury and the current weekly wage plus dependent allowance. TPD is paid every 14 days.

Temporary Total Disability (TTD) is paid when you are temporarily unable to work at all. Compensation is 2/3 of the average weekly wage at the time of the injury plus dependent allowance. TTD is paid every 14 days.

TPD and TTD payments continue until you are released to return to work full duty or until you reach maximum medical improvement or medical stability. If your physician reports that you may work with certain limitations, and if your employer is able to provide full-time modified duty within these limitations, you will not be entitled to temporary disability compensation.

Permanent Partial Disability (PPD) is paid when your accident or illness causes a permanent impairment, generally a loss of physical function. Your treating physician should determine the percentage of impairment after you have reached maximum medical improvement or medical stability. PPD is paid every 28 days or is available in a lump sum. If you would like to receive these benefits in a lump sum, please contact the Labor Commission and request a Lump Sum Application. There is an 8 percent per annum discount deducted on unaccrued amounts that are paid in a lump sum.

Permanent Total Disability (PTD) is paid if you are permanently disabled from performing any type of gainful employment. Compensation is 2/3 of the average weekly wage plus dependent allowance up to the maximum set by law. PTD is paid every 28 days. After six years of benefits, there is an offset taken once you start receiving Social Security Retirement benefits.

Death Benefits
If an employee dies because of a work-related injury or disease, workers’ compensation insurance pays the following:

- Burial expenses up to $8,000.
- Wage compensation to the spouse and dependent children. Compensation is based upon the employee’s average weekly wage subject to minimum and maximum amounts. Benefits are available to the spouse until they remarry. Dependent children continue to receive benefits until they reach age 18. These benefits are subject to an offset for Social Security survivors’ benefits following the initial six years and are determined by Labor Commission.
If you feel your claim has been denied unfairly, or if you feel you are entitled to additional benefits, you may file for a hearing with the Labor Commission. They will provide you with an Application for Hearing Form which you will need to complete and return to the Labor Commission along with supporting documentation. At that time, the Labor Commission will send a copy of the application and documents to WCF. We then have 30 days to answer your application. The Labor Commission will review our response and schedule a hearing date. It may take as long as 90 to 120 days to schedule the hearing. The hearing process may include the following:

- “Discovery,” an exchange of information between you and WCF. You may be asked to provide signed releases and be examined by a physician of WCF’s choice.
- A settlement conference with the Labor Commission’s mediator.
- A pre-hearing conference with an administrative law judge at the Labor Commission.
- A hearing with an administrative law judge at the Labor Commission.
- Administrative review by the Labor Commission.
- Appellate review at the Utah Court of Appeals.
- Appellate review at the Utah Supreme Court.

You are not required to retain an attorney to represent you. However, if you do retain an attorney to aid you, they must accept your case on a contingency basis. Attorney fees are regulated by the Labor Commission and will come out of any disability compensation you are awarded.
The payment of medical, disability and death benefits are subject to certain time limitations. These statutes change periodically so please check with your claims adjuster or the Labor Commission to see what law was in effect at the time of your injury.

- You have 180 days to report an accident or occupational disease to your employer.

- Your medical benefits cease if you do not incur medical expenses reasonably related to your accident and submit those expenses for payment for a period of three consecutive years. This does not apply to prosthetic devices or to permanent total disability claims.

- With the exception of permanent total disability, you can receive up to 312 weeks of compensation benefits within the first 12 years after your date of injury. For claims prior to May 2, 1999, you can receive up to 312 weeks of compensation benefits within the first eight years after your date of injury.

- Death benefits must be applied for within one year of the date of death of the employee.
How long will I receive compensation benefits?
Temporary compensation is paid until you are able to return to work or your condition reaches "maximum medical improvement or medical stability." This may be determined by your treating physician, or by a special medical evaluation with a physician of our choice.

Am I entitled to benefits if I move out of Utah?
Yes, you are entitled to both compensation and medical benefits if you move out of state. However, medical services received outside of Utah are still paid at Utah's fee schedule. You are responsible for any charges in excess of the fee schedule. You will need to file an Employee's Notification of Intent to Leave Locality form with the Labor Commission prior to leaving Utah.

Are my compensation benefits taxed?
Compensation benefits are not taxable.

What if I’m now making more money and need to be off work, will my benefits increase?
Compensation benefits are based on your average weekly wage at the time of the injury and do not increase.

Do I need an attorney to help me with my claim or filing for a hearing?
An attorney is not required for making a claim or filing for a hearing. Attorney's fees are regulated by the Labor Commission rule.

Can I receive unemployment benefits while I am on Workers’ compensation?
No, you cannot receive both benefits at the same time. Once you have reached maximum medical improvement and have been released to return to work, you have 90 days to apply for unemployment benefits.

I broke my eyeglasses when I was injured. Will I be reimbursed?
Your eyeglasses are replaced if you also suffered a physical injury that required medical treatment. Other personal property is not covered by workers’ compensation insurance.

What is the Family and Medical Leave Act?
The Family and Medical Leave Act (FMLA) became effective August 5, 1993. FMLA is separate and distinct from Utah's Workers’ Compensation Act. FMLA requires “covered” employers to provide up to twelve weeks of unpaid job protected leave and possible company benefits to “eligible” employees for certain family and medical reasons. For more information regarding FMLA, please contact the nearest office of the Wage and Hour Division of the U.S. Government Department of Labor, Employment Standards Administration.

What is the Americans with Disabilities Act?
The Americans with Disabilities Act (ADA) makes it unlawful for an employer to discriminate in employment against a qualified individual with a disability. ADA requirements apply to employers with fifteen or more employees. Whether an injured employee is protected by the ADA depends on whether that person meets the ADA definition of “individual with a disability.” The person must have a permanent impairment that “substantially limits a major life activity,” have a “record of” or be “regarded as” having such an impairment. Also, the employee must be able to perform the essential functions of a job currently held or desired with or without an accommodation. If you have any questions concerning ADA, please contact the Equal Employment Opportunity Commission (EEOC) at 800-669-3362 or the Anti-Discrimination Division of the Labor Commission at 801-530-6801.
These facilities have agreed to provide quality care at discounted rates. If you have access to a PPO facility and you choose not to receive treatment there, you will be responsible for any charges in excess of our PPO rates. If you are in an outlying area and do not have reasonable access to a PPO facility, seek treatment at the nearest medical facility. You will not be responsible for excess charges.

Industrial Medicine Urgent Care Facilities are the preferred choice for treating industrial injuries.
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<th>Gunnison Valley Hsptl</th>
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<td>Intermountain WorkMed</td>
<td>962 S Sage Drive</td>
<td>Cedar City, UT 84720</td>
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<td>Cedar City, UT 84720</td>
<td>435-886-3440</td>
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<td>M-F 8AM - 5PM</td>
<td>435-886-3440</td>
<td>435-462-2441</td>
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<td>Ephrasm Health Ctr 525 N Main St</td>
<td>435-878-2281</td>
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<tr>
<td>Fillmore Clinic</td>
<td>700 S Highway 99 Fillmore, UT 84631 435-743-5555</td>
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<td>435-253-4076</td>
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<td>Sunset Instacare 1739 W Sunset Blvd. St. George, UT 84770</td>
<td>435-888-6100</td>
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**IF YOU ARE INJURED ON THE JOB**

**You Must:**

1. **Notify your supervisor immediately.** Your employer is required to file an Employer’s-Report-of-Injury-or-Illness form within seven days.

2. **Seek medical treatment.** Use your company’s designated physician listed below for all non-emergency injuries as soon as possible. Please give your company’s policy number to your medical provider.

3. **Keep in contact with your employer.** Continually inform your employer of your condition and work capabilities.

**You Should:**

1. **Review your rights and responsibilities.** Workers’ compensation insurance covers the following benefits for work-related accidents:
   - Reasonable and necessary medical treatment
   - Compensation for lost wages
   - Mileage reimbursement for travel to medical appointments
   - Prescription drugs

2. **Call the WCF First-Report-of-Injury Hotline if you have any questions:**
   - 801.288.8285 or toll free: 1.800.561.8008
The next time you see a warning sign, remember who is waiting for you to come home safely.