

TEXAS SCHOOL FOR THE DEAF

**INSURANCE AND ANNUITIES MANAGEMENT
WORKERS' COMPENSATION**

CRE

COVERAGE For purposes of workers' compensation insurance, the Texas School for the Deaf is an agency of the State of Texas and, as such, participates in the state's self-insurance program which is administered through the State Office of Risk Management. All rules, regulations, and procedures of that program shall be observed.

NOTICE Notice of the provision for workers' compensation benefits and the effective date of the coverage shall be given to the School's employees.

Labor Code 504.018

OMBUDSMAN PROGRAM The School shall notify its employees, in a manner prescribed by the commission, of the commission's ombudsman program to assist injured workers and persons claiming death benefits in obtaining benefits under the Texas Workers' Compensation Act.

Labor Code 404.153

REPORTS OF SAFETY VIOLATIONS The School shall notify its employees, in the manner prescribed by the Texas Workers' Compensation Commission, of the 24-hour-a-day toll-free telephone system for reporting violations of an occupational health or safety law. The School shall not suspend, terminate, or otherwise discriminate against an employee for making a good faith report of a violation of an occupational health or safety law.

Labor Code 411.081, 411.082

DISCRIMINATION PROHIBITED A person may not discharge or in any other means discriminate against an employee because the employee has:

1. Filed a workers' compensation claim in good faith.
2. Hired a lawyer to represent the employee in a claim.
3. Instituted or caused to be instituted in good faith a proceeding under the Texas Workers' Compensation Act.
4. Testified or is about to testify in a proceeding under the Texas Workers' Compensation Act.

Labor Code 451.001

A person who violates the above provision is liable for reasonable damages incurred by the employee as a result of the violation, and an employee discharged in violation of the above provision is entitled to reinstatement in the former position of employment. The burden of proof in a proceeding

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alleging violation of the above provision is on the employee.

Labor Code 451.002

INDEFINITE LEAVE OF
ABSENCE

The School shall not terminate an employee who is on an unpaid leave of absence and receiving workers' compensation benefits, except when the termination is for a legitimate reason independent from the employee's workers' compensation claim.

UNAUTHORIZED
ABSENCE

Atty. Gen. Op. JM-227(1984)

An employee who violates a School rule limiting unapproved absences may be terminated.

An employee who fails to return from a workers' compensation leave on the date the employee is scheduled to work may be terminated on the same basis as any other employee who fails to report to work or is absent without leave, unless the employee offers a legitimate reason for not returning.

Uniform enforcement of a reasonable absence-control policy is not retaliatory

Texas Division-Tranter, Inc. v. Carrozza, 786 S.W.2d 312 (Tex. 1994)

PROCEDURE

The Superintendent shall develop procedures to implement the provisions of the Texas Workers' Compensation Commission Act.