

## Workers' Compensation Administration

The mission of the Workers' Compensation Administration (WCA) is to assure the quick and efficient delivery of benefits to injured workers at a reasonable cost to the employer.

### What is Workers' Compensation?

Workers' compensation provides a standardized solution for what to do when a worker is injured on the job. It's a system of insurance that protects workers and employers from some of the losses caused by on-the-job accidents and job-related illnesses.

### Workers' Compensation insurance Provides:

#### Medical care.

Required care resulting from a work-related injury or illness is paid for at no expense to the worker. If you are injured in a work-related accident, your employer/insurer must pay all reasonable and necessary medical costs.

condition becomes stable or the worker returns to work.

Depending on the type of injury and its severity, benefits can be extended if the worker is permanently totally disabled or otherwise has a permanent impairment.

#### Indemnity benefits.

Injured workers may receive temporary indemnity benefits if they are unable to work and earn a paycheck. Payments keep the injured worker and the worker's family minimally financially secure while the worker is unable to return to the job. The benefits generally remain until the worker's medical



### Uninsured Employers' Fund

Created in 2003, the Uninsured Employers' Fund (UEF) provides a source of medical and indemnity benefits for injured workers whose employers were illegally uninsured. The UEF seeks reimbursement from employers for benefits it pays to the injured worker and also seeks penalties against the uninsured employer.



## New Mexico Workers' Compensation Administration

### Main Office

#### Mailing Address:

PO Box 27198  
Albuquerque, NM 87125-7198  
Location: 2410 Centre SE  
(Near Yale and Gibson)  
In-state toll-free phone:  
1-800-255-7965  
Local phone: 841-6000

### Las Cruces

2407 W. Picacho, Ste. D  
Las Cruces, NM 88007  
Phone: 575-524-6246  
In-state toll-free:  
1-800-870-6826

### Las Vegas

32 NM 65  
Las Vegas, NM 87701  
Phone: 505-454-9251  
In-state toll-free phone:  
1-800-281-7889

### Regional Offices

Call the nearest regional office to reach the Ombudsman and Safety programs, and for forms and publications.

### Farmington

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

### Hobbs

2120 North Alto, Unit 3  
Hobbs, NM 88240  
Phone: 575-397-3425  
In-state toll-free phone:  
1-800-934-2450

### Roswell

Penn Plaza Building  
400 N. Pennsylvania Ave.,  
Ste. 425  
Roswell, NM 88201  
Phone: 575-623-3997  
In-state toll-free phone:  
1-866-311-8587

### Santa Fe

Aspen Plaza Building  
1596 Pacheco St., Ste. 202  
Santa Fe, NM 87505  
Phone: 505-476-7381

Help & Hotline  
1-866-WORKOMP  
1-866-967-5667

<https://workerscomp.nm.gov>



# State of New Mexico



## Workers' Compensation



A GUIDE TO NEW MEXICO  
WORKERS' COMPENSATION  
FOR EMPLOYEES AND EMPLOYERS

## Employers

*Workers' compensation insurance is required for:*

- An employer with three or more workers.
- Any business engaged in activities that are licensed under the provisions of the Construction Industries Licensing Act (CID) must carry workers' compensation insurance, no matter the number of employees.

Only real estate sales people and private domestic servants are exempt.

Employers who fall under the New Mexico Workers' Compensation Act are required to pay a quarterly fee to the Taxation and Revenue Department. The fee is \$4.30 per employee per quarter, \$2 of which is paid by the worker. The fee is not part of your insurance payment.

## Employer Responsibilities

Employers who are required by law to have workers' compensation insurance must find it from a commercial carrier or be self-insured in a group, pool or single employer plan. Self-insured companies must meet stringent fiscal requirements and are usually large businesses, school districts, and governmental entities. A business may self-insure with approval from the WCA.

Employers are required by law to post the **Workers' Compensation Act poster** and **Notice of Accident forms** in a conspicuous location where employees have access to them. These items are provided free by the WCA, and are available online or at any WCA office. The Notice of Accident forms serve as the official form for an employee to report an accident or alleged accident. No written notice is required if the employer had actual knowledge of its occurrence.

## Health Care Provider Selection

The employer should decide on whether first choice of a healthcare provider is made by the employer or by the employee. Employers must notify the worker in writing on who is making the initial selection.

## Establish a Drug and Alcohol-Free Workplace Policy

For employers who have and follow a written drug and alcohol-free workplace policy, indemnity benefits can be reduced (10%-90%) proportional to the degree a worker's intoxication contributed to the incident. Employers must inform workers of the policy.

## Ombudsman Program

The ombudsman program provides a neutral source of information for workers, employers and any other party. Ombudsmen are specialists in the area of workers' compensation claims, and can explain how the system works. Ombudsmen are also available for free trainings. Call any WCA office to be connected to an ombudsman.

Ombudsmen also help resolve many kinds of disputes, without the need for litigation; however, ombudsmen are not attorneys, and they cannot assist anyone represented by an attorney.

## Safety

Workers are an employer's most valuable asset. Accident prevention methods are worth putting in place because they help protect workers and save money.

When accidents occur, employers lose the productivity of the injured worker and incur administrative costs. In addition, insurance premiums rise. Training replacement employees adds additional costs. When accidents are prevented, these costs are avoided and the organization improves.

## Safety Inspections

Workers' compensation law requires every employer to receive an approved annual safety inspection if the employer has an annual insurance premium of \$15,000 or more, or is a certified self-insurer.

The safety inspection can be performed by:

- any qualified safety consultant
- a WCA safety consultant (free of charge)
- employer, via self-inspection
- your insurer or self-insurance program.

Your insurer is required by law to provide the safety inspection if you request it.



## Employees

Workers' compensation is a system designed to quickly provide benefits to injured workers.

With workers' compensation, a worker accepts limits on the amount of money that can be recovered from an injury, no matter how serious or who was at fault. The worker is generally barred from suing the employer in tort for an accidental or work-related injury. In return, the worker is provided prompt, necessary medical care.



## Employee Responsibilities:

- If you see an unsafe work practice, report it.
- Be drug and alcohol free.
- If an accident occurs, fill out a Notice of Accident Form.
- Notify your employer of the accident.
- Check with your employer before getting medical care (except emergency care). Your employer has the right to choose a doctor or to allow you to choose.
- When seeking medical care for your work-related injury, disclose that your injury occurred on the job.
- Update the adjuster and employer on restrictions or work status.

## Dispute Resolution/Adjudication

The WCA has its own administrative court with administrative law judges to hear disputed claims.

When a complaint concerning benefits is filed at the court, parties are referred to a mediation conference first. If mediation does not settle the dispute, a formal trial before a WCA administrative judge can be scheduled.

The majority of filed complaints are settled through the mediation process.