



New Mexico Workers' Compensation Administration Responds to COVID-19

By Aileen O’Catherine

When Gov. Michelle Lujan Grisham issued the order that state offices close in order to slow the spread of the new coronavirus (COVID-19), the New Mexico Workers’ Compensation Administration (WCA) quickly announced measures to minimize public health risks for its Albuquerque and field office locations.

Within a matter of days, the secure remote system requested by the Director allowed the agency’s information technology staff to connect WCA employees remotely to their agency computers from their homes, so work could continue uninterrupted. Employees adapted quickly. “Having employees work from home was a priority for the agency, as it ensured less transmission of the virus to either employees or the public,” said Director Loretta Lopez.

In addition, all director’s hearings, mediation, settlement conferences, judicial hearings began to be conducted remotely, either telephonically or via internet web platform. The changes took effect immediately and will be in place until further notice. Beginning April 17, 2020, Lump Sum Tuesdays became Lump Sum Fridays, and have been conducted telephonically. All parties, counsel and interpreters have been strongly encouraged to participate telephonically from their own homes and offices to minimize exposure.

For WCA cases before a judge, procedures changed somewhat to accommodate remote communications. Parties must prepare all evidentiary and formal hearings for evidence submission to the WCA judge. Similar to the testimony of all expert witnesses, lay witness testimony is submitted via written or video deposition. Upon receipt of the pre-trial order, trial exhibit lists, and at the request of the parties, the trial judge may schedule the matter

for telephonic or video oral arguments. Following the submission of evidence, the trial judge issues a compensation order.

On March 25, 2020, Director Lopez issued a Director’s Order regarding the use of telemedicine in workers’ compensation medical cases. The order was effective immediately and will be in place until implementation of the 2021 Health Care Providers’ Fee Schedule or until the restrictions surrounding the virus are lifted, whichever comes first. The order furthers efforts to assure the continuation of medical services to injured workers during this time of “social distancing” efforts in order to slow the spread of the COVID-19 virus.

The Albuquerque building remains open for walk-in visitors, with social distancing a priority. Plexiglass sneeze guards have been installed to protect front-line staff and visitors. In-person visits to the Clerk of the Court are still possible, as that bureau’s staff remained available in reduced numbers, via a rotating schedule. Employer compliance operations are conducted telephonically and remotely, with some field visits to areas with less incidence of the virus. Safety inspections have been put on hold for physical visits to businesses, so employers are conducting self-inspections. Businesses are still being contacted via email, phone and mail to ensure safety requirements are being met. Enforcement operations are conducted in a similar manner. Field offices have remained closed, though staff have continued to work from home.

Overall, the agency has kept up with operations. There is currently no backlog of cases, despite the challenges to parties outside the agency, and internal staff. “I’m happy to say that staff have adapted well to working remotely,” said Lopez. “We’ve managed to keep the agency going despite the challenges presented from the COVID-19 virus.”

What’s Inside:

- Initial COVID-19 Data 2
- RTW Program and Covid-19 3
- Field Office Gets Update 4
- Cyrette Edmon Retires 5
- Acting Deputy Director 6
- Employee of Quarter 6
- WCA Staff Complete IAIABC Program 6
- Lee Gallegos Retires 7
- WCA Contact Information 7.

NMWCA Compiles Initial COVID-19 Data From Workers' Compensation Claims

By Aileen O'Catherine and Ruili Yan

The COVID-19 virus has upended life everywhere, to include the workplace. The new coronavirus' impact on New Mexico workers has started to be seen in collected data as employers/insurers provide information to the WCA on claims listing COVID-19 as the cause of workplace illness. Data entered stating the *nature of injury* with the code for 'COVID-19' accounted for 97.4% of entries, followed by 'contagious disease,' and one instance each of 'all other specific injuries, NOC,' 'all other occupational diseases, NOC,' and 'no physical injury.' In the entries not listing COVID-19 as the nature of injury, the coronavirus was noted within another data field. Emerging data allows the agency to extract a developing picture of the virus' effect on the state workforce so far.

The first COVID-19 claim entered into the WCA's system for First Reports of Injuries (FROIs) was made on April 6, 2020. More than half of the FROIs listing COVID-19 as the cause of illness alert the agency that claims administrators have reported workplace illness or injuries that result in seven or more cumulative days of lost work. Compiled data was extracted on July 28,

2020. Data drawn on that date indicates there had been 341 claims entered into the system listing COVID-19 as the cause of illness. Of those claims, 242 were for females (71%) and 99 for males (29%).

Current data shows the impact is largest in the health care field. The first entered claim was for a female laborer at an Albuquerque hospital. Predominantly, hospitals, nursing homes and rehabilitation centers have been affected. Within those institutions, those who work in closest proximity to the sick have been affected in largest numbers. Professions impacted include nurses' aides, RNs, LPNs, medical technicians, restorative aides, occupational therapists and phlebotomists. A secondary circle of affected workers within those types of institutions have been found in ancillary staff, to include laborers in housekeeping, activities directors, social workers, cooks, drivers, and management or administrative staff. There have been claims made for ambulance staff, EMTs, and firefighters.

Law enforcement officers affected include deputies, sheriffs, security guards, corrections officers, detention officers, and court deputies.

Affected service industry workers shown in current data include beauticians, hotel workers, plumbers' helpers, boiler inspectors, urgent care receptionists, sorters at a major shipping business, and retail salespeople.

As of the date data was drawn, there have been three deaths with COVID-19 listed as the cause. Two females and one male died, all workers in the health care field. One woman was a medical aide in Farmington, the second woman was a phlebotomist in a San Juan County medical facility, and the male was a care worker at an Albuquerque nursing home.

The data does not provide a comprehensive picture of the COVID-19 virus' impact on New Mexico workers. There may be some workers whose illness goes unreported to the WCA if workers receive time off with sick pay to cover for the loss of work time. Other employers may opt not to file a claim if a worker is not in the health care field. However, the data provided to the WCA does begin to paint a clear picture based on the data available, and the WCA plans to continue to study information and trends. Updates will be made available as more information is gathered.

For questions, contact Dr. Richard Adu-Asamoah at Richard.Adu-Asamoah@state.nm.us.

NM Workers' Comp. Adm. Quarterly Bulletin

Loretta Lopez, Director
Diana Sandoval-Tapia, Public Information Officer
Aileen O'Catherine, Public Relations Specialist

The Bulletin is electronically 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 e-mail address and requests to receive the Bulletin to Diana Sandoval-Tapia in the Public Information Office, New Mexico Workers' Compensation Administration, WCA-PIO@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>.

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 is required to meet at least twice annually. Scheduled meetings of the Council are announced on the WCA website, <https://www.workerscomp.nm.gov/Advisory-Council>.

Early Return-to-Work Initiative Responds to COVID-19

By Jessica Sanchez and Marietta Valdez

At the beginning of 2020, under the WCA's Early Return-to-Work (RTW) Initiative, the WCA was on track to meet record outreach numbers, meeting with employers to explain the initiative. In January, a new RTW Program Specialist, Marietta Valdez, was hired in the Las Cruces Field Office to expand the initiative in the southern region. Along with then RTW Coordinator Jessica Sanchez, they were poised to speak at numerous venues. The WCA held a RTW Town Hall in October 2019 where Sanchez received positive feedback on the initiative and ideas about how New Mexico's workers' compensation community wanted the WCA to expand RTW services.

Because Valdez has years of experience as a job developer, the WCA prepared to launch a "RTW Navigation" pilot in the southern region. Valdez would assist injured workers in job accommodations with the time-of-injury employer, or with a non-profit organization for temporary light-duty work. If that were not possible, workers would be guided to connect with a new job or retraining opportunities by accessing services from community resources such as tuition assistance or on-the-job training.

Everything changed in March, 2020. With the onset of COVID-19, outreach ceased and talks with partner agencies became limited, as the focus shifted to adapt to stay-at-home orders and different priorities for non-profits. As of this writing, the RTW initiative is on hold. However, once the pandemic subsides, RTW will be more relevant than ever for injured workers, and the initiative more important than ever.

RTW employer consultation services were also severely impacted by COVID-19. Employers who started RTW programs may have had to lay workers off, operate at limited capacity,

or furlough their workforce completely. Despite these events, employer success stories have occurred, and it is to these stories we now turn, as they could help other employers to move forward with strong workers' compensation practices. Every summer, the WCA recognizes the outstanding RTW programs of several New Mexico employers. We recognize three employers this year.

Over the course of one to two years, the following three employers have built an RTW Program and achieved an "A" in their RTW Best Practices, based on the WCA's matrix of the 12 Best Practices for a RTW Program. To find out more about the WCA's RTW Program and to see the RTW matrix, visit our website at: <https://workerscomp.nm.gov/Return-To-Work>.

Alamogordo Public Schools

This school district of approximately 800 employees has come quite a way in their workers' compensation RTW program. When the WCA RTW Coordinator first met with a school district representative in 2018, the district was returning almost no employees back to work unless they were released to full-duty. Now, they have rolled out a full-fledged RTW program that includes the WCA's RTW tools: a fully developed RTW policy, use of WCA RTW Grab 'N Go Kits, and use of the WCA's Providers' Report of Physical Ability (PROPA) form. The school district has also implemented a process of staying in contact with injured workers while they are recovering and unable to work. Benefits Specialist Heather Baca of the school district stated "Now when I call the injured worker, they are happy to hear from us. We call those on FMLA too."

One of the district's most innovative workers' compensation accomplishments was posting the district's job descriptions onto Google Suites, ensuring the information is available at all worksites as well as

on mobile devices. Job description are then immediately available to the Health Care Provider (HCP) and light duty work can be considered. Baca and fellow school district employee Betty Odgers have worked diligently to get the RTW program started. When asked for a success story this past year, Baca said, "We had a custodian who broke his leg. We were able to accommodate him by setting him up as security guard. He would radio the other security guards, if for example, he saw someone jumping a fence." She acknowledged, that if a custodian were to get injured now in this COVID-19 environment, it would be much more difficult to find an accommodation, as most of the district is currently working from home. The district had planned for a "road-show" to go to each of their many sites to talk to supervisors and staff about the new program. However, with the strong groundwork they have laid, they are on-track to make their RTW goals. Odgers gave advice for other employers, especially school districts that want to improve workers' compensation practices. "It's a team effort, and it needs a lot of people to help you; get everybody's buy-in and once you have that, with the Grab 'N Go Kit, you have the support." She also said the district "made that change to what was a district policy, flipping the existing status quo on its head, and making it more like a partnership rather than being on opposite sides" with the injured worker.

City of Alamogordo

The city of 390 government employees has had its fair share of challenges in the COVID-19 environment. Jimmy Vargas, the city's safety coordinator, oversees the workers' compensation program, which includes "just about everything—fire, police, utility maintenance, public works, two water plants, community centers, recreation centers, kitchen,

Continued on page 4

RTW Initiative (contd.)

Continued from page 3

administrative offices, library, airport, golf course, parks department, zoo.” Now, only 50% of the city’s workforce is on-duty. This has meant fewer injuries, but it has also prevented Vargas from comprehensively rolling out his updated safety manual with new RTW practices. However, the city has made major strides with RTW. A job hazard analysis is attached to job descriptions, and Grab ‘N Go kits as well as the Provider’s Report of Physical Ability form are available, so injured workers can provide them to an HCP during appointments. The stronger communication process leads to frequent follow-up when in active care. “When an individual is on light duty,” he said, admitting his change in perspective, “I’ve changed that a lot. I’ve realized it’s important to have a formal process, follow up with them every time, on a regular basis, every two weeks at most,” Vargas said. He has created a log for individual files, where actions are documented, and if there are any issues, the documentation serves as backup. When asked for a success story, Vargas noted the city had a groundskeeper/laborer from the golf course with a foot injury in November who could only do sedentary work. He was placed in city hall to help answer

phones and handle paperwork. “It worked out well and helped out with the office staff duties,” Vargas said. The worker is now back to regular duties at the golf course, is no longer on workers’ compensation, was able to continue accruing paid time off, and kept his retirement funds active. “He was really grateful, he thanked me,” Vargas said. The experience was a positive one for all involved. The clerk’s office was able to get ahead with work, and the injured worker stayed employed. “It was a team effort,” Vargas said. “I was only a part of that; it encourages me to continue to reach out.”

Vargas advises other employers to utilize the WCA’s RTW resources and formalize any informal RTW programs they may have.

Firebird Structures

Firebird Structures in Albuquerque has 65 employees and is in the heavy-duty business of installing drywall, framing, masonry, stucco, and carpentry on mostly commercial structures around the state. Company Safety Coordinator Ernest Romero has worked hard to roll-out a comprehensive RTW program, including a one-hour, on-site, bilingual workers’ compensation orientation for all the company’s safety leaders

conducted by the WCA’s Jessica Sanchez. The company has worked on a bilingual RTW policy; created physical capacity breakdowns for company job descriptions; instituted Grab ‘N Go Kits as policy so workers take them to HCP appointments; and have fostered a culture of reporting accidents. Romero says now employees will even report near-misses to the safety coordinator. In the past, there was a fear of reporting accidents. When asked what his biggest challenge has been, Romero cites OSHA regulations and the challenges presented by COVID-19. Whereas before Romero could accompany a worker to the emergency room or care center, the injured employee must now go alone. When a worker recently smashed his thumb, Romero made an appointment with the doctor and found the Grab ‘N Go Kit useful. Romero sees the program’s success in its ability to bring the injured worker back to work on light duty. Most claims are small but the company values keeping employees on light duty at full pay. “We value our employees,” Romero said.

Update for Las Vegas Field Office

The WCA’s Las Vegas field office got a courtroom upgrade in the form of the state seal.

After several staffers from the Albuquerque office took a trip to the Las Vegas field office, they noted that the courtroom did not have a state seal. Director Loretta Lopez directed that the seal from the main office’s training room be sent to Las Vegas. As Director Lopez stated, “It looks marvelous!”



WCA staffers Amanda Hall (l) and Anita Mayberry (r) stand under the newly installed state seal in the Las Vegas field office courtroom

Long-Time WCA Employee Cyrette Edmons Retires

By Diana Sandoval-Tapia

Bill Clinton was President of the United States. The Spice Girls celebrated their first number one single with *Wannabe*. Blockbuster big screen hits were *Independence Day*, *The Nutty Professor* and *Jerry Maguire*. Nintendo 64 was released. A not-yet-well-known author named George R. R. Martin published a little book called *A Game of Thrones*, and it only cost .32 cents to mail a letter. It was 1996, and something else significant happened that year: Cyrette Edmon was hired as a microfilm technician at the New Mexico Workers' Compensation Administration Records Department.

The WCA was still located at 1820 Randolph SE, down the street from its current location. "Records had been already advancing into digital scanning as opposed to microfilming," said Edmon, "So my skills in this department were becoming obsolete." By 2001, Edmon had been promoted to an office clerk in the Records Department before making a lateral move to become a clerk in the WCA's Dispute Resolution Bureau. She was then promoted to legal secretary in 2003, where she spent the rest of her WCA career.

Edmon has worked with and for a number of WCA judges in the nearly two decades that she's been a member of the resolution team. "Many faces have come and gone during my career here," she said, and she has fond memories of many former WCA judges, secretaries and other staff.

"I will also say that the judges I have had the privilege of working for



Legal Secretary Cyrette Edmon retires with Nambe commemorative bowl

all carry their own uniqueness to assist new secretaries into transitioning in the position with comfort," Edmon said.

Among the things current staff say about Cyrette is how helpful and friendly she is, like when Mediator Amme Hogan needed assistance setting up a multiparty telephone mediation. "Everyone could tell me how to get two parties on the phone, but not three-plus. Cyrette not only knew how, but came and showed me so that the mediation could happen," Hogan said. "If you ask, you find she knows how all the things work and will help!"

Aileen O'Catherine recalled a time when a former secretary tripped and fell in the parking lot coming in for the day, dropping a food contribution for a scheduled potluck that day. Cyrette calmly helped the very upset secretary up, calmed her down and walked her inside assuring her everything would be ok. "She showed such kindness," O'Catherine said of Cyrette that morning.

And speaking of potlucks, the WCA staff is going to miss Edmon's "down home" cooking she often shared with

her work family. "I am from the South," Edmon said, "so you know I have the gift of down home greasy, but tasty food!" Some of the tasty gems she's shared over the years include fried green tomatoes, southern fried chicken, fried catfish, oxtail stew and collard greens. Many of those treats she shared during what has become an annual luncheon each February to celebrate "Black History Month," which Edmon has been instrumental in organizing for the last few years.

Another of Edmon's passions for the last several years has been to help provide union representation to her fellow union workers. "I am from a union strong family; it was already in my blood to stand up for righteousness," she said, "so I felt employees needed a strong and assertive voice for them."

Cyrette's last day with the WCA was on Friday, May 29. She has accepted a position with a local law office, but says she plans to relocate back to her home town of Dallas within a couple of years, where she will undoubtedly continue to loudly cheer on her favorite NFL team!

Kenneth Owens Appointed Acting Deputy Director

Director Loretta Lopez has named Kenneth Owens as Acting Deputy Director of Operations for the WCA. Owens has served as Mediation Bureau Chief since April 6, 2020, and will continue in that capacity. Owens graduated from UNM School of Law in 2011 and has worked in

state government, community legal services and private practice. He was assistant New Mexico attorney general and worked at New Mexico Legal Aid. Owens joined the WCA in late March 2018 as a mediator. “I’m pleased that Kenneth has agreed to assist as acting deputy director,” Lopez said.



*Acting Deputy Director of Operations
Kenneth Owens*

Benjie Ulibarri Named Employee of the Quarter

The New Mexico Workers’ Compensation Administration (WCA) announced Systems Administrator Benjie Ulibarri as its Employee of the Quarter for the second quarter of 2020. The quarterly award recognizes agency employees who exemplify excellence in the workplace.

Ulibarri was instrumental in providing staff with teleworking capabilities after Gov. Michelle Lujan

Grisham mandated state employees work from home if at all possible because of COVID-19. “Benjie did a great job of ensuring staff was set up to work remotely,” said his supervisor Brenda Henderson. Many of Ulibarri’s colleagues nominated him for the award.

Employees who receive the award are given a specially marked parking space for the duration of the quarter.



*Employee of the Quarter Systems
Administrator Benjamin Ulibarri at his
designated parking space*

NMWCA Staff Complete IAIABC Program in Workers’ Compensation

Director Loretta Lopez, General Counsel Angelica Anaya Allen and Chief Financial Officer Michelle Hueston Green have completed the *2020 Foundations of Workers’ Compensation Program* offered by the International Association of Industrial Accident Boards and Commissions (IAIABC). With completion of the program, they each

earned the “Foundations of Workers’ Compensation” digital credential.

The IAIABC’s comprehensive program covers regulation, policy and administrative topics in workers’ compensation, to include dispute resolution, medical management, data reporting, return-to-work, and claims processing. They WCA staff were part of a group that was the largest cohort of any

year in the history of the Foundations Program.

The IAIABC is a non-profit association that represents government agencies and private sector professionals in the workers’ compensation field. To find out more about the IAIABC and the Foundations Program, go to www.iaiacb.org.

Lee Gallegos Retires from WCA

Las Vegas field office ombudsman Lee Gallegos has worked in government service for over 27 years, with nearly four of those years spent at the WCA. As an ombudsman, Gallegos answered questions about workers' compensation for those who needed information, conducted outreach, and informed employers of requirements mandated by law. He also pitched in to help run the field office by assisting in any way he could.

"Lee's professionalism, expertise, knowledge, work ethic, and compassion

for the job was truly a positive reflection on our WCA family for both our internal and external customers during his tenure here at the Las Vegas Field Office," said Salvador Lopez, office manager.

The Las Vegas field office reaches a large geographic area of the state, providing a large impact where needed. In his time with the WCA, Gallegos earned the respect and admiration of his colleagues and those who interacted with him.

Happy retirement, Lee!



Las Vegas field office Ombudsman
Lee Gallegos



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 7,
Indigenous Peoples Day,
Monday, October 12



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

Hobbs:

James M. Murray Building
2120 North Alto, Unit 3
Hobbs, NM 88240
Phone: (575) 397-3425
In state toll-free phone:
1-800-934-2450

Las Cruces:

2407 W. Picacho, Ste. D
Las Cruces, NM 88007
Phone: (575) 524-6246
In state toll-free phone:
1-800-870-6826
Fax: (575) 524-6249

Las Vegas:

32 NM 65
Las Vegas, NM 87701
Phone: (505) 454-9251
In state toll-free phone:
1-800-281-7889
Fax: (505) 454-9248

Roswell:

Penn Plaza Building
400 N. Pennsylvania Ave., Ste. 425
Roswell, NM 88201
Phone: (575) 623-3781
In state toll-free phone:
1-866-311-8587
Fax: (575) 623-0078

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>