



New Mexico Workers' Compensation Administration Bulletin

Special Edition

Employers are required to post the workers' compensation poster with the Notice of Accident Forms at their workplaces.

The Workers' Compensation Administration asks all insurers and self-insurance administrators to educate employers so that they comply correctly with the posting requirement.

Where to get posters and forms:

The WCA poster and NOA are available on the WCA web site:
www.workerscomp.state.nm.us

Go to any WCA office in person; for large quantities, please telephone ahead.

To request and receive printed copies of the poster and/or Notice of Accident forms by mail, contact the Publications Office at:

**Call: (505) 841-6000 or,
1-800-255-7965,
or email request to:
wca.hotline@state.nm.us**

These materials are free of charge. For large quantities, you will be asked to pay mailing costs.

Employers should be advised to:

- Display the poster properly at all work sites;
- Post **Notice of Accident (NOA)** forms with the poster;
- Educate their employees on the use of the NOA forms.
- The poster has a blank space in which the employer is required to write the name of the employer's insurance carrier or self-insurance program, along with a contact telephone number.
- The contacts must be located in New Mexico as required by law.
- Employers are required to hang or post a supply of NOA forms attached to the poster. The forms can be hung at the bottom where indicated.

Complying with the law:

- If the poster is displayed without the forms attached or adjacent, that does not comply with the law.
- Employers must give workers access to the two-part carbonless Notice of Accident form or a printed copy that can be downloaded from the WCA website.
- When a worker uses the form to report an accident, the employer is required to accept the form as the worker's official notice, to sign and date the form and give the worker a copy.

WCA HELPLINE - HOTLINE:
(toll free in New Mexico)

1-866-WORKOMP

1-866-967-5667

www.workerscomp.state.nm.us

What is the poster for and why are employers required to post it?

The purpose of the workers' compensation poster is:

- to inform workers that their employer has workers' compensation insurance (or self-insurance) coverage, and that they have certain rights if they are injured;
- to provide a way for workers to notify their employers in writing if they have an accident, with a copy that the worker may keep for his or her own records.

By law, employers must allow their employees to report accidents in writing using the NOA forms. It is not legal for employers to require employees to report by another method, unless the employer has received approval from the Director of the WCA.

The intention of the law is for workers to have free access to the forms. If the worker has to ask the supervisor for a form to fill out, that is contrary to the purpose of the law.

When does a worker NOT have to use an NOA form?

- If the employer (or someone in authority, such as a supervisor) had "actual notice" of the accident. Usually this means the employer or supervisor was present and witnessed the accident.
- If the worker is prevented from giving notice by circumstances beyond the worker's control. In such case, the worker must give notice within 60 days.

What is the consequence if an employer does not post the poster?

The right of the injured worker to notify the employer and make a claim is extended from 15 days to 60 days.

This is considered to be a disadvantage for the employer, especially if there is any question about whether the claim was valid. It is very hard to investigate an accident 60 days after it happened.

Frequently asked questions:

May employers print their own posters?

If privately printed posters are exact copies of the WCA poster, and are provided to employers by insurers free of charge, that is acceptable.

How long will the current poster last?

The current poster is valid until it is rescinded by order of the Director, a change in the rules, or a change in the law. The previous poster was in use for 11 years.

What if employers want to put the poster into a frame so that there will be a neat display?

That is OK as long as NOA forms are placed near the poster and are accessible to workers.

What about the poster that employers can buy from commercial companies?

- It is not necessary for employers to buy commercial posters.
- Commercially purchased posters are acceptable by law if they are identical to the WCA poster.
- Commercial vendors normally do not provide NOA forms to employers along with the mandatory posters. If the employer does not post NOA forms, it does not comply with the law.

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Las Cruces:

1120 Commerce Dr, Suite B-1 Las Cruces, NM 88011
Phone: (575) 524-6246 toll-free: 1-800-870-6826

Las Vegas:

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

Lovington:

100 West Central, Suite A Lovington, NM 88260
Phone: (575) 396-3437 toll-free: 1-800-934-2450

Roswell:

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

Santa Fe:

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