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United States Department of the Interior

OFFICE OF THE SECRETARY
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Memorandum

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To: Bureau and Equivalent Office Human Resources Officers
Bureau Safety Managers
Bureau Workers' Compensation Coordinators and Specialists

From: *Charlynn A. Grigsby*
Charlynn A. Grigsby
Director, Office of Human Resources

Subject: Departmental Policy on Workers' Compensation Program Management

The Office of the Assistant Secretary-Policy, Management and Budget, Office of Human Resources, is issuing a new Personnel Bulletin to all Departmental offices establishing policy for claims processing and management of injuries, illnesses and fatalities sustained while in the performance of duty. This new guidance provides for systematic practices and procedures for processing new claims and managing established Workers' Compensation cases. The new guidance is intended to clarify program requirements in accordance with the Federal Employees' Compensation Act (FECA).

The attached Personnel Bulletin describes to all bureaus and equivalent offices an important benefit program, and is to be used when determining eligibility for The Federal Employees' Compensation Act (FECA) benefits.

If you have questions, please contact Carmen Craddock at (202) 208-0144 or by e-mail at Carmen_Craddock@doi.ios.gov.



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PERSONNEL BULLETIN NO. 09-01

SUBJECT: Departmental Workers' Compensation Program Management

1. **Purpose.** This Personnel Bulletin establishes the Department of the Interior's (DOI) policy for providing compensation and benefits to employees who sustain a traumatic injury or occupational illness while in the performance of duty.

2. **Scope.** This bulletin outlines the responsibilities and procedures to implement specific Federal regulations concerning workplace injuries and illnesses. The goal is to establish the process for providing medical and administrative case management of claims and to offer employees full or limited-duty work, consistent with any medical limitations.

3. **Authorities.**

5 U.S.C. 8101, Federal Employees Compensation Act (FECA), as amended
5 U.S.C. 8149 Office of Workers Compensation Programs (OWCP) Regulations
20 C.F.R., Part 10, Subpart A-Claims for Compensation under FECA, as amended
5 C.F.R., Part 353, Subpart C

4. **Policy.** It is the policy of the Department to render prompt first aid and assistance to any employee who suffers injury while in the performance of duties and to see that the employee receives prompt medical care and monetary compensation in accordance with rights under The Federal Employees' Compensation Act (FECA).

All DOI employees have the right to file a claim for Workers' Compensation. The FECA prohibits discrimination in the administration of the Workers' Compensation and Return-To-Work programs according to race, sex, national origin, and disability, in addition to religion, political beliefs, marital/familial status, equal pay, reprisal and sexual orientation.

5. **Conditions for Coverage.** Each claim must meet five basic requirements before it can be accepted. The requirements are addressed differently according to type of claim (traumatic, occupational or death). The five basic requirements must be considered in same order as listed.

A. **Time.** The employee has met the statutory time requirements for filing a claim.

B. Civil Employee. The injured worker or deceased worker was a Federal employee.

An injury incident(s) occurred and the employee has a medical condition.

D. Performance of Duty. The injury occurred in the performance of the worker's duty.

E. Causal Relationship. The worker's disability or death was caused by the claimed injury.

7. Statutory Exclusions. When factors of a case raise the issues of willful misconduct, intention to bring about injury or death to oneself or another, or intoxication, the agency or OWCP must assert and prove these factors. If any of these factors is the cause of the injury or death, benefits are denied.

8. Penalty for Misuse. No manager, supervisor, or other persons may knowingly and willfully falsify, conceal, or cover up a material fact; or make false, fictitious, or fraudulent statement or representation; or make or use a false statement or report for or receipt of compensation or other benefit or payment under FECA.

9. Filing Notices and Claims. To claim benefits under FECA, an employee who sustains a work-related traumatic injury or occupational disease must give notice of the injury or disease in writing on forms CA-1 or CA-2 respectively, which can be obtained through electronic filing in the Department of the Interior's Safety Management Information System (SMIS).

The employee is responsible for establishing the essential elements of the claim. The employee should submit or arrange for the submission of medical evidence to OWCP which establishes both that an injury has occurred in the performance of duty and any disability incurred is due to the work-related injury.

10. DOL, OWCP Program Administration.

A. Decision and Notification. OWCP will notify the employee in writing of the status of his/her claim and any other subsequent decisions made on the claim. If a claim is denied, OWCP will notify the employee of his or her appeal rights with DOL.

B. Appeals. The Department may not appeal OWCP actions, but may provide evidence and comments to OWCP during the claim adjudication and appeal process. Injured workers may appeal case decisions directly to the OWCP. There are three methods for appealing a formal decision of the OWCP: request for reconsideration by the district office; a hearing before an OWCP hearing representative; and appeal to the Employees' Compensation Appeals Board (ECAB).

C. Information and Records. Individual cases are protected under the Privacy Act, and only the injured employee, his or her officially designated representative, and

agency personnel may routinely have access to these files.

11. Benefits Available. The Federal Employees' Compensation Act (Act) is Workers' Compensation legislation in which compensation for wage loss is computed as a percentage of the employee's salary. Federal employees are eligible for four basic types of benefits under the provision of the Act which apply to any disability or death incurred as a result of an employment-related disease or condition.

A. Medical benefits. The Act pays for any medical services needed to treat, to counteract or minimize the effects of any condition, disease, or injury judged to be causally related to employment with the Federal Government. There is no limit on the duration medical expenses can be paid, as long as the need for medical treatment can be substantiated.

B. Compensation benefits. Employees who suffer disabilities that are causally related to employment are eligible for one or more types of wage loss compensation. Disability benefits are classified on the basis of the nature and extent of disability incurred, and is defined as temporary total or permanent partial.

C. Continuation of Pay (COP). If an employee suffers a job-related "traumatic injury", the employee is entitled to continuation of regular pay for the period not to exceed 45 calendar days. After that time, the employee is entitled to file for compensation for wage loss. Employees are not entitled to COP if the disability is the result of an employment related "occupational disease", but can file a claim for wage loss.

If the validity of a new claim is questionable, the supervisor should investigate the circumstances and report them to OWCP with supporting factual evidence. Any such evidence should be submitted with the notice of traumatic injury or death, or within 30 calendar days from the date of notice of occupational disease.

12. Other Benefits.

A.. Schedule Award. Limited term payments in cases where an employee suffers anatomical loss of or loss of use of parts of the body.

B. Vocational Rehabilitation. The FECA provides for OWCP-directed vocational rehabilitation services necessary to counteract the disabling compensable effects of any permanent illness or injury causally related to Federal employment.

C. Nurse Services. OWCP provides the services of registered nurses working under its direction. The nurses provide services that include visiting the worksite, ensuring that the duties of the position do not exceed the medical limitation, and addressing any problems the employee may have in adjusting to the work setting.

D. Death benefits. The basic requirements to qualify for death benefits are

the same as those to qualify for disability benefits. Widows and widowers of deceased employees are eligible for wage loss equal to 50 percent of the deceased employee's regular pay. A widow or widower with an eligible child is eligible for compensation equal to 45 percent of the employee's regular pay, plus an additional 15 percent for each child to a maximum of 75 percent of the deceased employee's regular pay.

13. Standards, Requirements, and Procedures.

A. The Workers' Compensation Program Manager will:

1. Provide Department wide policy, guidance and oversight of the workers' compensation program;
2. Provide Bureau/Offices with access to the cost and claim information necessary to manage their programs. This includes quarterly Continuation of Pay (COP) reports, OWCP's Agency Query System and other online resources.
3. Provide Bureau/Offices Workers' Compensation offices and agency officials with technical assistance and consultative services for complex Workers' Compensation issues such as medical determinations for fitness for duty and physical standards for job tasks, investigation of potentially fraudulent claims, and reemployment and rehabilitation of claimants.
4. Conduct periodic reviews of Department's workers' compensation program to ensure compliance with applicable Federal and Departmental Regulations and Guidelines.
5. Provide necessary training to Workers' Compensation Specialists at all levels of the Department.

D. Bureau Heads will:

1. Furnish employees with a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm;
2. Designate a workers' compensation bureau coordinator. For large bureaus, this position should be full-time, but may be collateral-duty as appropriate for the size of the program;
3. Administer a Workers' Compensation Program in accordance with law and applicable regulations to assist employees who have been injured on the job in obtaining the benefits to which they are entitled. This program will be designed to reduce Workers' Compensation costs and minimize time lost due to

work-related injuries and illnesses by:

- a. Establishing a bureau-wide rehire program to offer injured workers suitable jobs and return them to work as soon as possible;
- b. Establishing accountability by charging program costs down to the lowest possible organizational level; and
- c. Providing workers' compensation education and training to all employees, with special emphasis on the supervisor's roles and responsibilities.

E. Managers and Supervisors will:

1. Assist injured employees in completing workers' compensation claim forms utilizing the SMIS, in order to reduce errors and omissions that may delay payment of valid claims;

2. Advise employees of their responsibilities, rights, and benefits, which these include the obligation to submit medical evidence, to obtain a description of work restrictions if light or limited duty is available, and the right to elect COP, sick or annual leave for injuries;

3. Assist in workers' compensation cost reduction efforts by:

- a. Investigating and reporting all injuries and illnesses and any instances of possible abuse or false claims to the workers' compensation specialist;
- b. Correcting, to the extent of their authority, recognized hazards that are causing or are likely to cause death or serious physical harm;
- c. Contacting the medical provider to obtain the earliest date that the employee will be able to return to work, even if only in a limited capacity;
- d. Devising ways to bring employees back to work as soon as possible after injury; and
- e. Working closely with their servicing human resources office to ensure effective return to work efforts are pursued.

F. Employees will:

1. Comply with all applicable safety and health rules and regulations in order to prevent injuries and illnesses;

2. Report unsafe or unhealthful working conditions to their immediate supervisor for corrective action;

3. Report work-related injuries and illnesses to their immediate supervisor as soon as possible. File appropriate claim forms utilizing SMIS;

4. Arrange for submission of medical evidence to substantiate claims within 10 calendar days of the date of the injury;

5. Advise the physician of the availability of light or limited duty when notified of such by the supervisor;

6. Keep the immediate supervisor informed of his/her medical status and recovery; and

7. Respond positively to suitable job offers consistent with his/her physical limitations, or risk termination of compensation benefits.

14 Department-wide Program Administration. Claim forms must be submitted to OWCP in a timely manner. The Employee's Notice of Traumatic Injury (CA-1) or Occupational Condition (CA-2) must be submitted utilizing the electronic filing system in SMIS within 10 working days or (14 calendar days) of receipt from the employee if lost time from work or medical expenses are claimed or anticipated. Claims for compensation (CA-7) must be submitted no later than 5 working days or (7 calendar days) after receipt from the employee.

A. Coding of Forms. To assure that proper organizations are charged for claims, appropriate billing codes (charge back code) should be added to OWCP forms for identification of the employing organization. A bureau may be assigned more than one charge back code to designate bureau as well as bureau activity. Use of this code will assist OWCP in its chargeback billing.

B. Case Management. Requires agencies to: establish a tracking system to review the OWCP time lag reports, on at least a quarterly basis, to ensure timely filing and processing of claims; contest claims where solid evidence supports that injury or illness did not occur in the performance of duty, or if claims appear potentially fraudulent or otherwise invalid; controvert payment of COP when the evidence does not establish that the disability resulted from a job-related injury illness, or the employee is not eligible for COP as specified in the FECA.

C. Review of OWCP Case Files. In reviewing OWCP case files at OWCP District Offices or making telephone inquiries regarding a claim, designated bureau officials should:

- Confirm that billing is made to the appropriate DOI account;
- Confirm recent medical evidence is in the case file;
- Note situations in which medical prognosis indicates a wage earning capacity or possibility for light duty assignment;
- Identify other circumstances which may warrant further examination or investigation;

- Report discrepancies to OWCP and agency officials when any further action is indicated.

In cases involving a fatality, the ages, relationships and, if known, addresses of survivors claiming benefits should be reviewed to determine if they are likely to be dependents entitled to compensation.

15 Department Return-to-Work Program. Bureaus must review all injured workers' files (especially long-term cases) to identify those employees available to return to work in either their regular positions or in limited or light-duty positions. This can be on a full or a part-time basis. For new claims, intervene early to identify the point at which the injured worker is medically capable to return to their regular or modified position. The bureau's workers' compensation coordinators should:

- A. Coordinate with the servicing OWCP office regarding the cost and extent of vocational rehabilitation necessary to retrain and re-employ injured workers.
- B. Monitor rehabilitation efforts and progress.
- C. Coordinate re-training and reemployment with available resources; OWCP, DOI bureaus, other Federal and non-federal organizations to offer suitable jobs to those able to return to work.
- D. Ensure that outreach efforts for position vacancies consider disabled claimants as a potential source of candidates.

16 Program Analyses and Reporting. Program costs can be reduced by actively monitoring claims and quarterly reports for possible overpayments resulting from third-party recoveries, unreported employment, dual benefits, death of employee, remarriage or death of widow(er), and termination of student status of dependents. Bureaus are to coordinate proper account crediting with OWCP and DOI Workers' Compensation Program Manager.

A. Bureau Workers' Compensation Coordinators should maintain records of timeliness of claims submitted to OWCP. The workers' compensation specialist is responsible for reviewing long-term cases (i.e., 1 year or longer) at OWCP offices to ensure quality case management with the medical disposition of cases. The Workers' Compensation Specialist ensures that the OWCP records are maintained and safeguarded as per OWCP guidance and Department of the Interior Records Retention Schedules.

B. Bureau Workers' Compensation Coordinators must submit quarterly reports to the Department's Workers' Compensation Program Manager who documents progress made toward reducing the number and costs of workers' compensation injuries and number of lost work hours for employees receiving OWCP wage loss benefits. The report includes the number of employees requiring work limitations and the number of employees returned to alternate work. The report should also include the timeliness of

processing the following FECA claim forms to OWCP:

- Form CA-1, Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation
- Form CA-2, Notice of Occupational Injury and Claim For Compensation
- Form CA-7, Claim for Compensation

17 Program Responsibilities for Bureaus and Office.

Report the following to the Workers' Compensation Program Manager on a quarterly basis and within 30 days of receipt of the appropriate data:

- Results of quarterly charge back costs review;
- Rehire and return-to-work program activities and results;
- Possible overpayments; to include third-party recoveries.
- Long-term disability case management activities and results; and
- Program cost analysis; cost reductions actions and results.

18 Program Management Reviews.

As part of its overall program responsibility, the DOI Workers' Compensation Program Manager will conduct periodic reviews of the Department's bureau and offices Workers' Compensation Programs. These reviews will be conducted as deemed necessary by the Department's Workers' Compensation Program Manager.


These program reviews will examine Bureau/Office compliance with DOL and DOI requirements. This includes but is not limited to the bureaus' responsibility for:

- Timely claims submission;
- Controverting or disputing questionable claims where appropriate;
- Monitoring new and long-term cases;
- Monitoring employees' status during periods of disability, and ensuring employees are returned to duty as soon as medically capable;
- Implementing bureau-wide rehire and return-to-work programs;
- Providing suitable job offers for employees with permanent disabilities resulting

from work;

- Utilizing all available job network resources in the reemployment process and considering disabled claimants for current position vacancies;
- Reviewing charge back reports on a quarterly basis to identify any discrepancies involving erroneous billing, overpayments or third party recoveries;
- Coordinating with the OWCP district offices regarding the cost and extent of vocational rehabilitation necessary to retrain and re-employ injured workers; and
- Appropriately charging workers' compensation costs to the organizational unit in which injury occurred.

19 Inquiries. Questions should be directed to the respective Human Resources Office. Policy questions may be directed to Carmen Craddock at Carmen_Craddock@ios.doi.gov, or by phone at 202-208-0144.


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