

Purpose

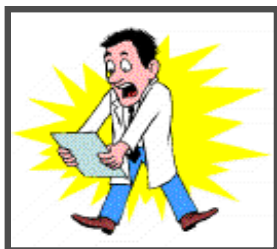
- The Federal Employees' Compensation Act (FECA) provides compensation benefits to civilian employees of the United States for disability due to personal injury or disease sustained while in the performance of duty. The FECA also provides for payment of benefits to dependents if a work-related injury or disease causes an employee's death. The FECA is intended to be remedial in nature, and proceedings under it are non-adversarial.


Federal Employees' Compensation Act (FECA)

- Medical care
 - Employee may choose any qualified physician
- Wage loss
 - 45 days COP
 - Compensation 66 2/3 or 75%
- Schedule award for permanent impairment
- Vocational rehabilitation
- Death Benefits/Survivor benefits

Chargeback Costs

Your Director reviewing the OWCP Chargeback Costs!






Workers' Compensation Cost


- Every day, throughout the Federal Government, millions of dollars are spent on workers' compensation
- A major portion of the dollars spent goes to "old cases" where the injured employee was never brought back to work

What can the supervisor do?




What can the supervisor do?

- Keep the work area as safe as possible
- Enforce all safety rules. Document even verbal warnings about safety violations
- Instruct the employees to provide updated return to work statements
- Develop and offer limited duty assignments when work capacity exists




Employee Responsibilities

- Report all injuries immediately to the supervisor
- Provide medical evidence to support disability
- Communicate with supervisor regarding duty status
- Request leave in accordance with procedures




Employee Responsibilities (cont)

- Inform physician of the availability of limited duty
- Accept suitable offer of work
- Cooperate with Second Opinion or Agency Medical Exam




Supervisor's Role and Responsibilities

- Offer immediate medical care
- Never prevent an employee from seeking medical attention, even if **YOU** don't think it's that serious
- Timely completion of CA-1/CA-2 (**must submit to OWCP within 10 workdays**)
- Provide COP to eligible Injured Worker when authorized




Supervisor's Role and Responsibilities (cont)

- Assist employee in returning to work/provide limited duty
- Request duty status update/CA-17
- Fully investigate injuries and document findings
- Challenge questionable claims
- Cooperate with Workers' Compensation Specialist/OWCP inquiries




If No WC Claim Filed

- No authorized absence
- No continuation of pay (COP)
- AL, SL or LWOP to cover lost time
- Accommodations will be under locally established guidelines
- HR for additional information




Injury Reporting Flowchart

- **During Normal Working Hours**
- Employee experiences an occupational injury or illness
- Employee immediately reports injury or illness to supervisor
- Does employee require emergency treatment?
 - Yes or No?



Employee Requires Emergency Treatment

- Employee and supervisor reports immediately to Emergency Department for medical evaluation and/or treatment, **for an injury only.**
- Supervisor **creates** Incident Report **and completes** the Incident Report based on supervisor's investigation of the accident.
- If employee elects to file for Workers Compensation, employee completes the CA-1 or CA-2 with supervisor assistance. Then supervisor completes the supervisor section of the CA-1 or CA-2.




Employee Does Not Require Emergency Treatment

- Supervisor **creates** Incident Report **and completes** the Incident Report based on supervisor's investigation of the accident.
- Employee and supervisor report to Occupational Health Section for medical evaluation and/or treatment if the employee requests treatment, **for an injury only**.
- If employee elects to file for Workers Compensation, employee completes the CA-1 or CA-2 with supervisor assistance. Then supervisor completes the supervisor section of the CA-1 or CA-2.



Injury Reporting Flowchart

- **After Normal Working Hours, Weekends and Holidays**
- Employee experiences an occupational injury or illness
- Employee immediately reports injury or illness to supervisor



Injury Reporting Flowchart

- Employee and supervisor report to the Emergency Department for medical evaluation and/or treatment if the employee requests treatment, **for an injury only**.
- Supervisor **creates** Incident Report **and completes** the Incident Report based on supervisor's investigation of the accident.

Injury Reporting Flowchart


- If employee elects to file for Workers Compensation, employee completes the CA-1 or CA-2 with supervisor assistance.
- Then supervisor completes the supervisor section of the CA-1 or CA-2.

Traumatic Injury CA-1

- | | |
|---|---|
| <ul style="list-style-type: none"> • Identifiable by time, place of occurrence and member of body affected • Specific event or incident or series of events within a single work day or shift | <ul style="list-style-type: none"> • CA-1 <ul style="list-style-type: none"> ➢ claim form for traumatic injury • CA-16 <ul style="list-style-type: none"> ➢ authorizes medical care • COP <ul style="list-style-type: none"> ➢ continuation of regular pay up to 45 days |
|---|---|


Traumatic Injury CA-1 (cont)

- IW entitled to initial choice of physician
- Agency personnel may not interfere with the employee's right to choose a physician
- If the supervisor questions the validity of a claim, provide details to the Workers' Compensation staff




COP Basic Requirements

- Traumatic Injury only
- Injury reported on CA-1 within 30 days
- Medical evidence to support disability for authorization of COP
- Disability begins within 45 days of injury
- COP is for a maximum of 45 days
- NOTE: Denied claims lead to recovered COP costs




Continuation of Pay (COP)

- The first day of COP is generally the following day after the injury where there is immediate time loss
 - > If there is immediate time loss on the DOI and if the employee was injured during official work hours, time lost on DOI is charged to Administrative Leave (AA)
 - > If employee is injured before work hours and there is immediate time loss, the first day of COP is the DOI




Continuation of Pay (COP)

- An employee's regular pay is his or her weekly earnings
 - > Including night or shift differential and various kinds of premium pay (but not Sunday pay).
 - > Overtime pay is not included except for administratively uncontrollable work covered under 5 U.S.C. 5545(c)(2).




Work Restrictions

- Form CA-17, Duty Status Report
 - Provides physician with a list of the physical requirements of the job and availability of limited duty
 - The means to communicate work status
 - Dates of disability, physical restrictions
 - Next date of treatment



Limited Duty Assignment

- CA-17, OWCP-5 or a Return to Work Statement
- Identify limited duty assignment
- Offer assignment in writing
 - Job offer can be made verbally and must follow-up in writing within 2 business days
 - Include information defined in the FECA Procedure Manual 2-0814, Offers of Employment



Limited Duty Assignment (cont)

- COP terminates on the date of refusal
- Limited duty is time limited, not permanent
- Modify assignment as restrictions change

Occupational Disease CA-2

- A condition produced in the work environment over a period longer than one workday or shift
 - systemic infection
 - repeated stress or strain
 - exposure to toxins, poisons or fumes
- CA-2
- Non-work related until accepted by OWCP
- Medical care is not authorized (CA-16)
- COP is not payable
 - employee must use leave for lost time
 - may repurchase leave if claim is accepted

FECA & Reasonable Accommodation

- FECA and Reasonable Accommodation (RA) are two separate and distinct statutes. Each has their own regulatory criteria to apply. FECA is for work-related medical conditions and RA is for non-work-related medical conditions.
- In cases where OWCP has not yet accepted a claim as work-related, a medical condition may still exist and the law requires agencies to provide RA for those who meet the established criteria.
- See 29 CFR 1614.203


Recurrence CA-2a

- CA-2(a)
- A spontaneous return or increase of disability due to a previous work injury or occupational disease without intervening cause
 - If a new event or exposure can be identified, a CA-1 or CA-2 should be filed even if the same body part is affected




Conditions of Coverage

- Time
- Civil Employee
- Fact of Injury
- Performance of Duty
- Causal Relationship




Performance of Duty

- Premises rule
- Outside working hours/30 minutes
- Official time for representational functions
- Parking facilities
- Lunch hour
- Travel status
- Performing assigned duties




Performance of Duty (cont)

- Recreation
 - Formal recreation for which employee is paid, required or encouraged to participate as part of assigned duties
 - Jogging on agency premises
- Horseplay
 - Activity reasonably expected in a group
- Assault
 - Arose out of an activity related to work or environment




Performance of Duty (cont)

- Emergencies
 - Employee providing assistance in an emergency, such as to extinguish a fire or help an injured person
- Workers Who Perform Service at Home
 - Ordinarily, the protection of the FECA does not extend to the employee's home, but there is an exception when the injury is sustained while the employee is performing official duties. In situations of this sort, the critical problem is to ascertain whether at the time of injury the employee was in fact doing something for the employer.




Emotional Reaction Claims

- There are injuries that occur in the performance of the employment and which have some kind of causal connection with it but nevertheless are not covered because they are found not to have arisen out of the employment. A disabling condition resulting from an employee's feeling of job insecurity per se is not sufficient to constitute a personal injury sustained while in the performance of duty. *Katherine W. Brown*, 10 ECAB 618 (1959).




Emotional Reaction Claims

<ul style="list-style-type: none"> • Compensable <ul style="list-style-type: none"> ➢ found to be in the performance of duty ➢ result of regularly assigned duties ➢ harassment ➢ erroneous administrative actions 	<ul style="list-style-type: none"> • Not Compensable <ul style="list-style-type: none"> ➢ emotional reactions to performance ratings, reassignments or other administrative actions of the agency minus error or abuse ➢ conditions which are found to be self generated or mere perceptions
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Statutory Exclusions

- Willful Misconduct
 - deliberate/intentional violation of safety rules
 - simple negligent disregard is not sufficient
- Intoxication
 - alcohol/drugs
 - extent of intoxication
 - proximate cause/manner in which intoxication caused the injury
- Intent to injure self or others




Identify and Challenge Questionable Claims

- OWCP accepts employee statement as factual unless agency provides refuting evidence
- Agency does not have post adjudicative appeal rights
- Include actual evidence rather than conjecture or opinion




Identify and Challenge Questionable Claims (cont)

- Differing versions of injury
 - witness statements
- Previous injury
 - reports to work with appearance of an injury
- Time lags
 - delayed report of injury
 - delay in seeking medical care
- Other employment




Identify and Challenge Questionable Claims (cont)

- If the supervisor questions the validity of a claim, he/she should investigate the circumstances and make a full report for OWCP
 - all allegations must be supported by specific factual evidence including witness statements if necessary




Injury Investigation

- Re: **Fact of Injury**
 - Did the accident actually occur?
 - Did the event occur as reported?
 - Did the event result in an injury or disease?




Fact Finding

- Re: **Performance of Duty**
 - Was the event outside working hours?
 - Did it occur off premises?
 - Did the injury occur as part of a recreational activity?
 - Was there horseplay involved?




Cost Containment

- Submit CA-1 and CA-2 to OWCP within ten workdays
- Timely submission
 - enables prompt adjudication and medical management of claim
 - ensures compliance with Federal regulations
- Track Injured Employee's Medical Status
 - Maintain Contact
 - Request Updates
- Offer Limited Duty in Writing



Supervisor's Final Responsibilities

- Get the injured employee back to work
- If an employee is receiving compensation for the injury...WE PAY THEM. If we don't get them back to work, we could end up paying them for LIFE
- Most injured employees can do something so find out what the employee can do & build a position around that




Conclusion

- Focus on Safety-assist with the prevention of injuries
- Investigate all injuries and challenge questionable claims
- The Workers' Compensation staff are your partners in all aspects of the program
- Getting the injured worker back to the workforce is a win-win for everyone

References

- 5 U.S.C. 8101
- Code of Federal Regulations, 20 CFR part 10
- FECA Procedure Manual Part 2
- Publication CA-810
- OWCP Directives
- ECAB Decisions

Questions



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