



# Work-Related Injuries and Fatalities

## What You and Your Family Need to Know About Your Benefits

U.S. Office of Personnel Management



Additional retirement information and all publications of the U.S. Office of Personnel Management listed in this pamphlet are available on the Internet.

OPM website — *<http://www.opm.gov/retire/pre/botdg/index.asp>*

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## Introduction

This booklet summarizes the types of payments Federal employees who are injured, or survivors of employees who die because of job-related illness or injury, may be eligible to receive. The following information is an overview prepared by the U.S. Office of Personnel Management. More detailed information on each type of payment is available from the agency administering each program. Employees and their survivors should seek more detailed information from their employing agency. Employing agencies also have any necessary forms and can provide assistance in completing them.

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## Workers' Compensation Benefits

Workers' compensation benefits are available to you or your family if you are injured or killed on the job. Compensation benefits are administered by the Department of Labor's Office of Workers' Compensation Programs. All related medical costs are covered in full. Wage loss benefits are paid if the injury results in disability. If the disability is total, compensation is paid at two-thirds of your monthly pay. If you are married or have one or more dependents, compensation is paid at three-fourths of the pay rate. Dependents may include a spouse, children, and parents.

The Department of Labor also may pay you a scheduled award for a permanent impairment to certain members or functions of the body (such as loss of use of an eye or arm, or loss of function or removal of a kidney due to injury). The amounts payable are specified by the Federal Employees Compensation Act. There is an additional award for serious disfigurement of the head, face, or neck.

If you were to die, your surviving spouse and dependents may qualify for monthly compensation benefits. (However, your surviving spouse must be living with or dependent for support on you at the time of your death or living apart for reasonable cause or because of your desertion.) If no children are eligible, your surviving spouse would receive 50 percent of your salary. If there are children, your surviving spouse would receive 45 percent of your salary plus an additional 15 percent for each child up to a total of 75 percent of your salary. The compensation benefits will be reduced if you were covered under the Federal Employees Retirement System and your survivors are eligible for Social Security benefits based on your Federal employment.

Funeral and burial expenses up to a maximum of \$800 may be paid. In addition, a sum of \$200 may be paid to a personal representative of your choice for reimbursement of the costs of termination of your status as a Federal employee.

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## Retirement Benefits

Retirement benefits are also available to you or your survivors if you are disabled or lose your life due to a job-related reason. Generally, compensation benefits and Federal retirement benefits are not payable for the same period of time; therefore, you or your survivors must choose between the two benefits. In most cases, the primary benefits will be paid by the Department of Labor. The U.S. Office of Personnel Management (OPM), which administers both the Civil Service Retirement System and the Federal Employees Retirement System, would coordinate with Department of Labor.

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## Civil Service Retirement System (CSRS)

### *Disability Benefits*

Disability retirement benefits are payable to you if you are unable to perform useful and efficient service in your position because of disease or injury. However, you would not be considered disabled if you decline your agency's offer of a position which accommodates your disability, is at the same grade or pay level, and is within your commuting area. To qualify, the disabling condition must be expected to last at least 1 year, and you must have completed 5 years of Federal civilian service and have been covered under CSRS when disabled. The amount of annuity payable depends on the amount of Federal service you have and your salary level. There is also a guaranteed minimum benefit. If you qualify for both disability retirement and regular compensation benefits, generally you will be allowed to choose the higher compensation benefit over disability retirement. If your agency separates you, you should apply for disability retirement to protect you and your survivor's future annuity rights. Disability retirement benefits are suspended while you are receiving compensation benefits but can be activated should the compensation benefit stop or drop below the amount of the annuity benefit. The exception is if you are entitled to a scheduled award, which may be paid at the same time disability benefits are paid.

If you are also covered by Social Security as a Civil Service Retirement System (CSRS) Offset employee, your disability benefit would be offset by the part of your Social Security benefit which is based on your CSRS Offset service. You must apply for Social Security disability benefits if you are a CSRS Offset employee.

## *Death Benefits*

Your surviving spouse and dependent children would qualify for compensation death benefits from the Department of Labor if you die because of a job-related injury or disease. Although they may also be eligible for survivor annuity benefits from CSRS, the two benefits are not payable for the same period of time. Like you, your survivor must elect which of the two benefits he or she wishes to receive.

Most survivors will choose compensation benefits instead of a survivor annuity because compensation normally pays a higher amount. If they elect compensation benefits, they may also elect to receive a lump sum payment of your contributions to the retirement fund. The lump sum is paid under a statutory order of precedence: first, to the designated beneficiary; if none designated, to the surviving spouse; if none, to the child or children and descendants of deceased children, by representation; if none, to any surviving parents; if none, to the duly appointed executor or administrator of the estate; if none, to the next of kin.

Retirement benefits are payable under certain circumstances where compensation benefits are not payable. For instance, retirement benefits may be payable to a former spouse if a court order awarded them, but compensation benefits are not payable to a former spouse. In addition, if a widow or widower remarries before age 55 and this marriage ends, the retirement benefit may be reinstated (provided the survivor has not received a refund of your retirement contributions). In contrast, the compensation benefit may not be reinstated. Also, if you become disabled because of a job-related illness or injury, but die of unrelated causes, your survivors would not be eligible for compensation benefits, but may be eligible for CSRS survivor benefits.

If you are single and have no dependent children or former spouse eligible for benefits, there would be no monthly survivor annuity benefit payable. In this case, a lump sum of your retirement contributions would be paid to your survivors under the order of precedence described above.

Survivor benefits of CSRS Offset employees may be subject to an offset equal to the value of the offset service in the Social Security survivor benefit. The offset only applies if the survivor is eligible for Social Security benefits based on your employment.

For more information about CSRS disability and survivor benefits, read *Disability Retirement Under the Civil Service Retirement System* (RI 83-4) and *Survivor Benefits Under the Civil Service Retirement System* (RI 83-5). Information about how to obtain these pamphlets is at the end of this booklet.

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# Federal Employees Retirement System (FERS)

## *Disability Benefits*

The eligibility requirements for FERS Disability Benefits are similar to those under the Civil Service Retirement System (CSRS). However, you would need only 18 months of Federal civilian service instead of 5 years. FERS disabled employees may also qualify for Social Security Disability Benefits if they are unable to work in any substantial gainful activity. FERS Disability Benefits are offset if you are also eligible for Social Security Disability Benefits. Therefore, you must apply for Social Security benefits at the same time you file an application for FERS Disability Benefits. The rules concerning the concurrent receipt of compensation benefits and disability retirement benefits are the same as the rules for CSRS employees.

## *Death Benefits*

If you were married and worked for the Federal Government for at least 18 months, your surviving spouse may receive a lump sum payment. The lump sum payment (which is called the Basic Employee Death Benefit) is an amount equal to one half of your annual pay rate at death or one half of your high-3 average pay, plus \$28,093.53 in 2008. If you had 10 years of Federal service, your surviving spouse may also qualify for a monthly survivor benefit.

If you die after completing 18 months of civil service, your dependent children may also receive a survivor annuity benefit if they are not receiving Social Security benefits.

Like you, survivors must choose between death compensation benefits from the Department of Labor and FERS survivor benefits. If they elect workers' compensation death benefits, they may also elect to receive a lump sum of your retirement contributions plus interest. The CSRS order of precedence also applies under FERS law. The FERS monthly survivor annuity and the basic employee death benefit are not payable if compensation is elected.

For more information about FERS read the pamphlet RI 90-1, *FERS (An Overview of Your Benefits)*.

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## Insurance Benefits

Insurance benefits may be available to you or your survivors if you are injured or killed. Generally you will receive medical benefits through the Office of Workers' Compensation Programs. Life insurance coverage and coverage for other losses are also available to enrollees and their survivors. Both the Federal Employees Health Benefits Program and the Federal Employees' Group Life Insurance Program are administered by the U.S. Office of Personnel Management.

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### Federal Employees' Group Life Insurance (FELI)

Most Federal employees, unless they waive coverage, have Basic Life Insurance under the Federal Employees' Group Life Insurance Program. Basic Life Insurance is equal to your actual rate of annual basic pay (rounded to the next \$1,000) plus \$2,000, or \$10,000, whichever is greater. In addition, there is an Extra Benefit for employees under age 45: Double life insurance benefits until age 36, decreasing at 10 percent per year until age 45, at which time the extra coverage will end. Basic Life Insurance also includes Accidental Death and Dismemberment coverage. Accidental death benefits are equal to the amount of the Basic Insurance Amount but without the Extra Benefit. Some employees may also have optional insurance coverage. Optional coverage for employees may be \$10,000 (Option A — Standard, which doubles in case of accidental death), and/or one to 5 multiples of pay (Option B — Additional). Option C — Family insures the employee's family members and pays the employee upon the death of a spouse or eligible child. Employees may elect 1-5 multiples of the coverage amounts (\$5,000 for a spouse; \$2,500 per child).

Life insurance benefits are paid under a statutory order of precedence: first, to the designated beneficiary; if none designated, to the surviving spouse; if none, to the child or children and descendants of deceased children, by representation; if none, to any surviving parents; if none, to the duly appointed executor or administrator of the estate; if none, to the next of kin. A certified court order on file in the appropriate office will preempt the statutory order of precedence.

#### *Accidental Dismemberment*

If you are covered by Federal life insurance and, because of an accident, you were to lose a limb or your eyesight, in one or both eyes, you may be eligible for Accidental Dismemberment benefits. These benefits are available under Basic Insurance and Option A.



Life insurance would be paid in addition to any workers' compensation, Social Security, Civil Service Retirement System or Federal Employees Retirement System survivor benefit, or savings plan payment. For more information about life insurance, read the *Federal Employees Group Life Insurance Booklet*, RI 76-21.

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## Thrift Savings Plan

If you die as an employee and had a Thrift Savings Plan (TSP) account, your beneficiaries would be entitled to your entire account balance. The balance will be distributed according to your Designation of Beneficiary if you had completed one. If you did not complete a Designation of Beneficiary, your account will be distributed according to the statutory order of precedence: to your surviving spouse; if none, to your child or children and descendants of deceased children, by representation; if none, to any surviving parents; if none, to the duly appointed executor or administrator of the estate; if none, to the next of kin.

To postpone paying Federal income tax, your surviving spouse may have the TSP transfer or "roll over" all or any part of the payment to an Individual Retirement Arrangement. If your surviving spouse does so, no Federal income tax would be paid on the funds until withdrawal from the Individual Retirement Arrangement. A surviving spouse who receives the payment directly may roll all or any part of the payment over into an Individual Retirement Arrangement within 60 days. However, if the payment is made directly to your spouse, the TSP must withhold 20% for Federal income tax. If the TSP transfers the payment directly to the Individual Retirement Arrangement, there is no Federal income tax withholding.

The Thrift Savings Plan is administered by the Federal Retirement Thrift Investment Board (Board). For more information about death benefit payments and tax consequences, ask your employing agency representative or the Board for the notice, "Important Tax Information About Thrift Savings Plan Death Benefit Payments". The tax advantages of a rollover are not available to your children, your parents, or your estate.

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## Unpaid Compensation

If you die in service, your survivors will receive a lump sum payment covering your final pay and unused annual leave. The lump sum is paid by your agency under the same order of precedence as the other payments described.

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# Social Security Benefits

## *Disability Benefits*

If you worked under Social Security, you may be entitled to disability benefits from Social Security, provided you have worked long enough under Social Security to qualify for benefits. The amount of covered employment needed depends upon your age. Also, some of the covered employment must be recent, although there are exceptions. Disability under Social Security means you are so severely disabled you cannot perform any substantial gainful work, and the disability is expected to last at least 1 year or to result in death. Benefits do not begin until after a 5-month waiting period. If you qualify for disability benefits, the amount of the benefit is computed based on your earnings under Social Security with no reduction for early retirement. The Social Security benefit may be reduced if you are also receiving a benefit based on employment covered by the Civil Service Retirement System.

If you are also receiving workers' compensation, the disability benefit may be reduced. The total of all disability benefits (Social Security, workers' compensation, and benefits under the Civil Service Retirement System or Federal Employees Retirement System) may not exceed 80 percent of your earnings before the disability began.

## *Survivor Benefits*

Social Security will pay survivor benefits to your surviving spouse and dependent children. For your spouse to qualify for benefits, he or she must be age 60, or between the ages of 50 and 59 and disabled, or any age and caring for a child under age 16 or a disabled child. Children may qualify for benefits if they are under age 18 (or under age 19, if in high school) or disabled. Dependent parents and former spouses may also qualify for survivor benefits. The amount of the benefit depends upon your Social Security earnings and the number of survivors eligible for benefits. The Social Security spousal benefit may be reduced if the survivor is eligible for benefits based on his or her own employment which was not covered by Social Security, such as employment under the Civil Service Retirement System.

## *Lump-Sum Death Payment*

A lump sum of \$255 is payable to your surviving spouse provided you were living together at the time of your death or he/she is entitled to survivor benefits. If there is no surviving spouse, the lump sum is paid to children who are eligible for benefits. Otherwise, the lump sum is not payable.

Social Security benefits are administered by the Social Security Administration. To file a claim for Social Security benefits, you or your survivors should visit a Social Security District Office, and that office will initiate the claims. For answers

to questions and to set up appointments with a District Office, call 800-772-1213 between 7:00 AM and 7:00 PM, Eastern Time.

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## Death Gratuity Payment Under Public Law 104-208

At the discretion of the head of the department or agency, the personal representative of any Federal employee who dies from an injury sustained in the line of duty may be paid a death gratuity of up to \$10,000. While the payment is discretionary, the U.S. Office of Personnel Management encourages all department and agency heads to make full use of this authority. The payment may be made in cases in which the injury occurred on or after August 2, 1990.

The gratuity, when combined with certain other payments, may not exceed \$10,000. The other payments which must be considered are: 1) the up to \$800 payable by the Department of Labor to a surviving spouse or children for funeral expenses of a Federal employee who died as a result of injuries sustained in the line of duty; 2) the \$200 payable by the Department of Labor for reimbursement of the costs of termination of the deceased employee's status as a Federal employee; and 3) any amount paid under Public Law 103-332 to the representative of any employee of any department or agency with appropriations from a Department of the Interior and Related Agencies Appropriations Act who is killed in the line of duty.

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## Public Safety Officers' Benefits

The Public Safety Officers' Benefits Act of 1976, as amended, authorizes the Bureau of Justice Assistance, Office of Justice Programs, to pay a benefit to specified survivors of public safety officers found to have died as the direct and proximate result of a personal injury, traumatic injury involving external force sustained in the line of duty, and to claimant public safety officers found to have been permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty. Information on the benefits and how to apply can be found on the Department of Justice, Bureau of Justice Assistance website: [http://www.ojp.usdoj.gov/BJA/grant/psob/psob\\_death.html](http://www.ojp.usdoj.gov/BJA/grant/psob/psob_death.html).

A public safety officer is defined to be any individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, police, corrections, probation, parole and judicial officer, firefighter, rescue squad member or ambulance crew member. A public agency means an agency of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and

any territory or possession of the United States, or any unit of State or local government.

The death benefit is payable in a lump sum to the spouse and eligible children of a deceased public safety officer. One-half of the benefit would be paid to the spouse, and one-half of the benefit would be paid, in equal amounts, to the eligible children. Eligible children are defined as children 18 years of age or younger, children 19 through 22 years of age who are full-time students, and children 19 years of age or over and incapable of self support because of a physical or mental disability.

The death benefit will be paid to the deceased public safety officer's parents if no surviving spouse or children are eligible for the benefit. If the public safety officer is not survived by any eligible spouse, children, or parents, no benefit will be paid.

The death benefit is payable to a qualified survivor of a Federal employee in addition to death benefits payable to the survivor from the Civil Service Retirement System, the Federal Employees Retirement System, and Department of Labor's Office of Workers' Compensation Program under subchapter I of chapter 81 of title 5, United States Code.

Public safety officers found to have been permanently and totally disabled as the direct result of a catastrophic injury sustained in the line of duty are also entitled to the payment if they are permanently unable to perform **any** gainful employment.

More information concerning the Public Safety Officers' Benefits Program can be obtained by contacting the Bureau of Justice Assistance at the following address:

Public Safety Officers' Benefits Program  
Bureau of Justice Assistance  
633 Indiana Avenue, NW  
Washington, DC 20531-0001

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## Additional Information

You may obtain copies of the pamphlets listed below from your personnel office or from OPM's website (<http://www.opm.gov/retire/pre/botdg/index.asp>).

Pamphlets applicable to employees in both the Civil Service Retirement System (CSRS) and Federal Employees Retirement System (FERS) are:

- Court-Ordered Benefits for Former Spouses (RI 84-1)
- Life Events and Your Retirement and Insurance Benefits (*For Employees*) (RI 84-3)
- Thinking About Retirement? (RI 83-11)

The pamphlets in the CSRS Retirement Facts Series:

- ***Retirement Facts #1*** - The Civil Service Retirement System (RI 83-1)
- ***Retirement Facts #2*** - Military Service Credit Under the Civil Service Retirement System (RI 83-2)
- ***Retirement Facts #3*** - Deposits and Redeposits Under the Civil Service Retirement System (RI 83-3)
- ***Retirement Facts #4*** - Disability Retirement Under the Civil Service Retirement System (RI 83-4)
- ***Retirement Facts #5*** - Survivor Benefits Under the Civil Service Retirement System (RI 83-5)
- ***Retirement Facts #6*** - Early Retirement Under the Civil Service Retirement System (RI 83-6)
- ***Retirement Facts #7*** - Computing Retirement Benefits Under the Civil Service Retirement System (RI 83-7)
- ***Retirement Facts #8*** - Credit for Unused Sick Leave Under the Civil Service Retirement System (RI 83-8)
- ***Retirement Facts #9*** - Refunds Under the Civil Service Retirement System (RI 83-9)

- **Retirement Facts #10** - Voluntary Contributions Under the Civil Service Retirement System (RI 83-10)
- **Retirement Facts #11** - Information for Separating Civil Service Retirement System Employees Who Are Not Eligible for an Immediate Annuity (RI 83-13)
- **Retirement Facts #12** - Information About Reemployment for Civil Service Retirement System Annuitants (RI 83-18)
- **Retirement Facts #13** - Civil Service Retirement System Offset Retirement Provisions (RI 83-19)
- **Retirement Facts #14** - Law Enforcement and Firefighter Civil Service Retirement System Retirement (RI 83-20)

Publications for employees who are under the Federal Employees Retirement System (FERS) are:

- FERS Brochure (*An Overview of Your Benefits*) (RI 90-1)
- **FERS Facts #1** - Information for Separating FERS Employees Who Are Not Eligible for an Immediate Annuity (RI 90-11)
- **FERS Facts #2** - Information About Reemployment for FERS Annuitants (RI 90-18)

For employees who are eligible to transfer to the Federal Employees Retirement System

- FERS Transfer Handbook (*A Guide to Making Your Decision*) (RI 90-3)

Pamphlets on the Federal Health and Life Insurance Programs are:

- Federal Employees Health Benefits Guide (RI 70-1)
- Temporary Continuation of Coverage (TCC) under the Federal Employees Health Benefits Program (RI 79-27)
- Federal Employees Group Life Insurance Booklet (RI 76-21)

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## Notes



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*[www.opm.gov/Forms](http://www.opm.gov/Forms)*