

DEPARTMENTAL REGULATION		Number: 4430-003
SUBJECT: Workers' Compensation Program	DATE: January 8, 2001	
	OPI: Office of Human Resources Management	

1 PURPOSE

This regulation states the authority and policy for providing compensation and benefits to employees who sustain a traumatic injury or occupational condition while in the performance of duty

2 POLICY

The Department of Agriculture's (USDA) policy is to manage Workers' Compensation and Return-to-Work Programs in an effective manner to provide rightful benefits to eligible employees, their dependents or survivors, and to control program costs This regulation prohibits discrimination in the administration of the Workers' Compensation and Return-to-Work Programs according to race, sex, national origin, and disability⁷ in addition to religion, political beliefs, marital/familial status, equal pay, reprisal and sexual orientation

3 DEFINITIONS

a Injury. A wound or other condition of the body caused by external force, including stress or strain The injury must be identified by the time and place of occurrence and member of the body affected, it must be caused by specific events or incidents within a single day or work shift. Injuries also include damage to or destruction of prosthetic devices or appliances, including eyeglasses and hearing aids if they were damaged incidental to a personal injury requiring medical services

b Illness. A condition which is the result of systemic infection, continued/repeated stress or strain, exposure to toxins, fumes. or other continued/repeated exposure to conditions of the work environment over a period of time longer than a single work day or shift

c Continuation of Pay (COP). The process by which an agency may continue paying salary to an employee who is disabled and unable to work due to

a traumatic injury, for a period of 45 calendar days COP is not paid in cases of occupational illnesses

d Controversion. The process by which a supervisor or an agency recommends to the Department of Labor (DOL), Office of Workers' Compensation Program (OWCP), that COP be denied

e Limited Duty. Those specific duties and responsibilities of an employee's regular position that meet the employee's current work capabilities as identified by a physician. These duties may constitute all or part of the employee's regular job assignment. They may be performed for a full work shift or for shorter time periods.

f Light Duty. Those duties and responsibilities that are outside an employee's regular position, but that meet the employee's current work capabilities as identified by a physician. They may be performed for a full work shift or for shorter time periods.

4 AUTHORITIES

The authorities for providing compensation for injuries and illnesses sustained in the performance of duty are contained in the Federal Employee's Compensation Act (FECA), Title 5 of the United States Code, Sections 8101-8193 and Title 20 Code of Federal Regulations, Part 1-25.

5 RESPONSIBILITES

a The Assistant Secretary for Administration will:

- (1) Advise the Secretary of Agriculture, Mission Area Agency Heads, and staff officials in planning, developing and implementing policies, programs, and systems to manage workers' compensation programs,
- (2) Establish goals for the reduction of the workers' compensation program costs.

b The Director of the Office of Human Resources Management will:

- (1) Advise the Assistant Secretary for Administration and USDA agency and staff officials in planning, developing and implementing policies, programs and systems to manage workers' compensation programs,
- (2) Develop and interpret Departmental policies and standards for the USDA workers' compensation program; and

(3) Represent USDA in rule making presentations before advisory or legislative groups affecting the workers' compensation program.

c The Director, Safety, Health and Employee Welfare Division (SHEWD)
will:

- (1) Provide Department wide policy, guidance and oversight of the workers' compensation program,
- (2) Provide Mission Area and Agency Heads with access to the cost and claim information necessary to manage their programs This includes quarterly COP reports, OWCP's Agency Query System and other online resources, and the USDA Case Management Tracking System.
- (3) Provide agency officials with technical assistance and consultative services for complex workers' compensation issues such as:
 - (a) Medical determinations for fitness for duty, and physical standards for job tasks;
 - (b) Investigation of potentially fraudulent claims:
 - (c) Reemployment and rehabilitation of claimants
- (4) Conduct periodic reviews of agency programs to ensure compliance with applicable Federal and Departmental Regulations and Guidelines. See Appendix for review criteria.

d Mission Area Agency 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 program manager. This position may be either full-time or 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 Mission Area-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,
- (c) Integrating workers' compensation program management into the performance reviews of managers and supervisors, and
- (d) Providing workers' compensation education and training to all employees (with special emphasis on supervisory personnel)

e Managers and Supervisors will:

- (1) Assist injured employees in completing workers' compensation claim forms in order to reduce errors and omissions that may delay payment of valid claims;
- (2) Advise employees of their responsibilities, rights, and benefits. 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;
 - (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 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) Advising agency officials of the availability of light or limited duty assignments, or other reemployment opportunities.

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;
- (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

6 PROGRAM ADMINISTRATION

a Case Management.

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 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. Proper 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.

b Return-to-Work Program

Agencies 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 Coordinate with the servicing workers' compensation office regarding the cost and extent of vocational rehabilitation necessary to retrain and re-employ injured workers. Monitor rehabilitation efforts and progress Coordinate re-training and reemployment with available resources, OWCP, USDA agencies, other Federal and non-federal organizations, and private employers to offer suitable jobs to those able to return to work. Establish job information networks (possibly using internet web sites) to share information regarding the reemployment of work-capable employees. Ensure that outreach efforts for position vacancies consider disabled claimants as a potential source of candidates

c 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. Mission Areas/Agencies are to coordinate proper account crediting with OWCP and SHEWD.

Mission Areas/Agencies also:

- (1) Report the following to SHEWD on a quarterly basis within 30 days of receipt of the appropriate data:
 - (a) Results of time lag report review;
 - (b) Results of quarterly charge back costs review;
 - (c) Possible overpayments to include third-party recoveries
- (2) Report the following to SHEWD on an annual basis (July 1 through June 30) within 30 days after receipt of the appropriate data.
 - (a) Rehire and return-to-work program activities and results,
 - (b) Long-term disability case management activities and results, and
 - (c) Program cost analysis, cost reductions actions and results

Direct all inquiries to the Office of Human Resources Management; Safety, Health and Employee Welfare Division; Washington, D C. 20250, telephone number (202) 720-8248

- END -

January 8, 2001

APPENDIX

Program Management Reviews

As part of its overall program responsibility, SHEWD will conduct periodic reviews of Mission Area agency workers' compensation programs. These reviews will be conducted as part of OHRM's Personnel Management Evaluations, or as deemed necessary by SHEWD, or at the request of an agency

These program reviews will examine agency compliance with DOL and USDA requirements. This includes but is not limited to the agencies actions to:

- Track claim forms submissions, claimants' files, and OWCP time lag reports to ensure timely processing, controversion of claims and return of employees to duty.

- Manage new and long-term claims.

- Monitor employees' status during periods of disability, and ensure that employees are returned to duty as soon as medically capable.

- Implement agency and/or Mission Area wide rehire and return-to-work programs.

- Coordinate suitable job accommodations for disabled employees with OWCP.

- Utilize available job information networks in the reemployment process and to consider disabled claimants for position vacancies.

- Review quarterly charge back reports to monitor cases and identify any discrepancies involving overpayments and third party recoveries.

- Coordinate with OWCP offices regarding the cost and extent of vocational rehabilitation necessary to retrain and re-employ injured workers.

- Charge back workers compensation costs to the unit incurring those costs.