

Defense Civilian Personnel Advisory Service Injury & Unemployment Compensation Branch



DoD Pipeline Reemployment Program Guide

**Department of Defense
Defense Civilian Personnel Advisory Service
ICUC Branch
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OVERVIEW

The Defense Safety Oversight Council (DSOC) Workers' Compensation Task Force endorsed the Pipeline Reemployment Program for all Department of Defense (DoD) Components as a tool for carrying out the mandate of the DSOC charter. This Program provides DoD organizations with over hire authority and civilian pay authority necessary to reemploy partially recovered employees suffering from job-related injuries and illnesses. Pipeline addresses two basic issues that have historically hindered reemployment efforts: resource allocation and funding.

The Office of the Secretary of Defense (OSD) has authorized the Pipeline Program, and approved funding and full time equivalent (FTE) positions to support these efforts. Oversight of this Program is accomplished at the Civilian Personnel Policy (CPP) level, utilizing the resources of the Defense Civilian Personnel Advisory Service (DCPAS), Injury & Unemployment Compensation (ICUC) Branch to implement policy, provide guidance, and develop and monitor performance metrics. To ensure that funds and FTE transactions are processed to and from DoD installations by appropriate accounting methods the DCPAS Mission Support works closely with the ICUC Branch.

The Pipeline Program will support President Obama's Protect Our Workers and Ensure Reemployment (POWER) Initiative and Executive Order 13548 by assisting each DoD field activity, with the exception of National Guard, in achieving fewer lost days resulting from injuries and speeding employees' return-to-work in cases of serious injury or illness. Supervisors, commanders, and program managers will not have budget and compliment constraints that have contributed to longer periods of disability for injured workers.

Pipeline assists DoD installations in achieving indirect cost savings by minimizing the use of replacement and training costs associated with having an employee in receipt of wage loss compensation from the Department of Labor Office of Workers' Compensation Program (OWCP). Indirect costs such as replacement, overtime, and training result in less productivity.

DEFINITIONS

Terms and definitions commonly used in discussions concerning the Federal Employees Compensation Act (FECA), and the Department of Labor Office of Workers' Compensation Program (OWCP) are defined in the final section of this Pipeline Reemployment Program Guidelines document.

FORMS

Specific forms cited in this guide are available through the DoD Liaison.

FUNDING

Funding is held and managed by the DCPAS Mission Support .

Funding is obligated as part of the DCPAS program budget and is based on the salary and benefits of each FTE. The salary portion of the Pipeline funding covers worked hours, locality, differential, Sunday pay, and Within Grade Increases (WIGI). Pipeline funding does not cover Federal Employees Dental and Vision Insurance Program, Long Term Care, overtime (unless it

is mandatory scheduled overtime), training, performance awards or bonuses. The benefit portion of the Pipeline funding covers the agency's cost for Federal Employees' Health Benefits, Federal Employees' Life Insurance and 1% TSP contribution for FERS employees.

Pipeline Funding Period

FTE allocations are made upon approval of the request for funding by DCPAS and continue for one year beginning on the return-to-work date for a full-time 40 hour per week return-to-work. Allocations for positions with return-to-work equal to or less than 20 hours per week will be funded for a two year period. FTEs are provided in addition to the agency's authorized manpower allocation and provide an over-hire authority for the agency above its normal complement. Deadlines for submitting current fiscal year pipeline packets is September 15. Pipeline packets received and approved after this date will be made effective October 1, of the new fiscal year.

Funding Calculation

The hourly salary is multiplied by 2087 hours to determine the employee's annual salary. The annual salary is divided by 365 days, then multiplied by the number of days remaining in the current fiscal year. A percentage is added for the covered benefit costs and increased as necessary. If the Pipeline period of employment crosses over from one fiscal year to the next fiscal year, funding is provided at the beginning of the new fiscal year based on the number of days in the new fiscal year required to complete the Pipeline funding period.

Recouping Pipeline Disbursements When Necessary

Disbursements for employees who do not remain employed continuously through the Pipeline funding period are prorated upon the date the employee stops working when the period of work stoppage exceeds 60 to 90 days.

Upon notification from the Pipeline Program Coordinator, Mission Support will initiate a request to the employing DoD Installation to refund any remaining unspent Pipeline funding beyond the date the work stoppage began.

Adjustments for costs not incurred at the DoD installation because of a new injury, recurrent disability or administrative removal are prorated and a refund request is made by Mission Support.

RESPONSIBILITIES

The reemployment process requires the cooperation of several levels within the organization. Each organizational level plays a distinct role promoting the benefits of this Program, and ensuring success in the challenge of returning injured employees to productive duty as soon as medically possible. The following roles and responsibilities in this Program define the appropriate steps to follow in returning injured workers to duty.

DoD Component Headquarters IC Program Administrators

Obtain commitment from senior leadership to support the Pipeline Program.

Communicate and train installation commanders in the Pipeline Program's processes.

Installation Commander

Lead, support and implement the Pipeline Program and re-employ injured workers within DoD.

Ensure appropriate communication and training are provided to installation managers and supervisors in Pipeline Program processes.

Injury Compensation Program Administrator (ICPA)

Review agency chargeback reports to identify candidates for reemployment.

Identify partially recovered employees through review of medical documentation and current work restrictions.

Request positions from supervisors and managers in collaboration with staffing and/or disability management personnel.

Coordinate with Office of Workers' Compensation Program (OWCP) Nurse Intervention or OWCP Rehabilitation Counselors (when assigned) to assist in position design.

Coordinate with Safety & Occupational Health as necessary to assist in position design based on treating physician restrictions (unless OWCP Nurse Intervention or Vocational Rehabilitation Counselor is assigned.)

Prepare a valid job offer to the identified candidate once position details are received. Contact the ICUC Liaison to request a Pipeline Candidate Worksheet for the injured worker. ICPAs complete and submit the Pipeline Candidate Worksheet, along with a copy of the job offer, the claimant's acceptance or declination of the offer, and position description of the offered position to the supporting ICUC Liaison. Together, this documentation set is referred to as the 'Pipeline Packet'.

ICPAs may submit a Pipeline Packet without the claimant's acceptance or declination of the offer for preliminary adjudication to establish whether or not the case is likely to meet the eligibility requirements for approval of Pipeline funding. A preliminary adjudication is not binding. Final adjudication can only be established when a complete Pipeline Packet is submitted.

For all Pipeline funded cases the ICPA must notify the ICUC Liaison of any change in work status, work schedule and/or pay rate.

During the period of Pipeline funding the ICPA works with the employee, the employee's supervisor and through the installation chain of command to ensure integration to an agency funded position during or at the conclusion of the Pipeline funding period.

Notify the DoD Liaison when the injured worker is placed into the agency funded position or when they have gone back on OWCP rolls.

DCPAS DoD Liaison

Review the completed Pipeline Candidate Worksheet for each Pipeline Packet received from ICPAs. Ensure the return-to-work date indicated on the Pipeline Candidate Worksheet is consistent with the return-to-work date established in the job offer. Verify the accuracy and spelling of contact information for the ICPA, MIPR Point of Contact and Base Commander.

Ensure the job offer contains the critical elements required to meet the OWCP requirements to be found suitable for establishing a Loss of Wage Earning Capacity decision.

Submit the Pipeline Packet to the Pipeline Program Manager.

Coordinate with the ICPA to monitor employee's progress.

Provide guidance to the Injury Compensation Program Administrators (ICPAs) on using the Pipeline Program.

Assist ICPAs in obtaining current work restrictions from the appropriate OWCP District Offices for candidates identified for this Program.

Assist ICPAs in obtaining suitability determinations on job offers when necessary.

Assist the Pipeline Program Manager in obtaining clarification from ICPAs when necessary to adjudicate requests, authorize funding, and to obtain funding document acceptance forms from installation funding/MIPR points of contact.

In Pipeline cases where the claimant accepted the offered position, assist ICPAs in obtaining Loss of Wage Earning Capacity decisions for reemployed injured workers 60 days after the return-to-work date. Follow up with OWCP every 30 to 60 days for as long as needed to obtain the Loss of Wage Earning Capacity decision for each Pipeline funded case.

In Pipeline cases where the claimant declined the offered position, assist the ICPAs in obtaining the Termination of Benefits decision for the injured worker through due process for termination of benefits. Follow up with OWCP every 30 to 60 days for as long as needed to obtain the Termination of Benefits decision for each declined Pipeline job offer.

Review long-term cases at OWCP for potential Pipeline candidates with special emphasis and focus on cases that are in DOL OWCP Disability Management Tracking and therefore, appear on the POWER Initiative lists.

Provide Pipeline Candidate Worksheet and Request for Exemption Forms to ICPAs upon request.

Installation Supervisors

Support the Program to reemploy injured workers

Coordinate with ICPAs to identify productive duty.

Coordinate with other supervisors and managers within and outside the installation to build a list of potential duties to establish light duty jobs.

Strive to integrate reemployed workers into agency funded positions within 12 months by:

- Maintaining a safe and healthy work environment for all employees.
- Ensuring injured employees are working within medical restrictions.
- Notifying ICPAs of any change to the employee's work status, schedule and/or pay rate.
- Increasing the employee's duties and productivity as appropriate through updated work restrictions.
- Treating all employees with dignity and respect.
- Notifying the ICPA of any change in duties made on behalf of any injured worker.
- Notifying the ICPA if a reemployed injured worker does not appear for work without notice.
- Notify the ICPA if a reemployed injured worker complains of symptoms or indicates that they cannot perform the duties of the position offered.

Pipeline Program Manager

Promote the Pipeline Program.

Adjudicate all Pipeline Packets submitted and notify Mission Support to allocate and disburse funds immediately upon ICUC approval.

Provide an explanation to the ICPA, via the DoD Liaison, for Pipeline Packets that do not meet Pipeline Eligibility criteria.

Maintain ongoing records for employees participating in the Program and work closely with Mission Support to ensure that disbursements and allocations are processed in a timely manner.

Provide Pipeline Program participation and metric information upon request from installation and command personnel.

Chief Injury & Unemployment Compensation (ICUC) Branch

The Chief of the Injury & Unemployment Compensation Branch has final approving authority on all eligibility determinations.

DCPAS Mission Support

Receives and apportions the funding for the Pipeline Program into the appropriate budget line and notifies the DCPAS ICUC Branch.

Upon receipt of ICUC approved request for funding, Mission Support will complete DD Form 449 *Military Interdepartmental Purchase Request (MIPR)*, and DD Form 448-2 *Acceptance of MIPR* to transfer funds from the established budget line to the appropriate DoD Component, in

an amount equivalent to the total salary and benefits for the time frame between the return-to-work date and the end of the current fiscal Year.

Record, track and validate acceptance of all MIPR transactions associated with the Program.

Notify the ICUC Branch of completed funds transfers.

Receiving DoD Field Activity Budget/Comptroller Office

Upon receipt of funds transferred via MIPR by Mission Support , complete items 14, 15, 16, & 17 of the DD Form 448-2 and return the form to the DCPAS- Mission Support office within 5 business days.

ELIGIBILITY

POWER Cases

Any case on the current POWER Initiative list at the time of Pipeline adjudication is eligible for Pipeline so long as the offered position is to an FTE other than the FTE occupied on the date of injury.

Permanent Employee on Date of Injury

If the injured worker is/was a permanent employee on the date of injury, the job offer extended to the injured worker must be a permanent job offer to a position other than the date-of-injury job. The offered position cannot place the injured worker in the FTE occupied on the date of injury.

Temporary Employee on Date of Injury

If the injured worker is/was a temporary employee on the date of injury, the job offer extended to the injured worker may be a temporary job offer to a position other than the date of injury job. The offered position cannot place the injured worker in the FTE occupied on the date of injury. A temporary position must be offered for a period of at least 90 days and must, at a minimum, fulfill the employing agency's original temporary employment appointment.

Timely Submission of the Pipeline Packet

The Pipeline Packet must be received at DCPAS ICUC Branch within 90 calendar days of the return-to-work date. The return-to-work date is defined as the return-to-work date on the Pipeline Candidate Worksheet or the Date Work Available specified in the job offer, whichever is later.

Requirement of 90 Days of Wage Loss Compensation From OWCP

The injured worker must have received at least 90 days of wage loss compensation from OWCP during the one year prior to the return-to-work date. At least 1 day of the 90 days of wage loss compensation must have occurred within 90 calendar days of the return-to-work date. Receipt of wage loss compensation is based on the information provided by the Agency Query System.

Using Continuation of Pay (COP) as 45 Days of Wage Loss Compensation From OWCP

Forty-five days of COP can be used as a part of the 90 days of wage loss compensation if at least 45 days of wage loss compensation has been paid by OWCP and at least one day of the wage loss compensation paid is within 90 calendar days of the date-of-injury, and, at least one day of the 45 days of wage loss compensation must have occurred within 90 calendar days of the return-to-work date.

Requests for Exemption

Requests for an exemption from any of the eligibility guidelines will be considered upon receipt of a completed Request for Exemption template with a written statement attached detailing reasons why an exemption is being requested. A Request for Exemption template can be obtained from the DoD Liaison.

Job Offers

When an injured employee is deemed medically able to return to suitable employment, the ICPA must coordinate the return-to-work process from job identification and offer, to acceptance or declination of the position.

Job offers must comply with FECA regulation when submitted for participation in the Pipeline Program. Job offers must be made to a candidate in writing, though a verbal offer is appropriate but must always be followed by a written offer within 48 hours of the verbal offer. To be considered for participation in the Pipeline Program the position must be clearly offered as a permanent position, unless the employee was in an employment status other than permanent on the date of injury.

All job offers must include:

- Job Title (should be different from DOI FTE position)
- Occupational Series, Grade and Step
- Salary – if part time, the salary must be expressed as an hourly rate
- Organizational/Geographical Location (to include physical address)
- Work Schedule - including days and hours per week
- Description of duties to be performed
- Specific physical requirements of the offered position
- Date Job Available and/or Start Date
- Deadline for Acceptance/Declination

Offers Outside the Claimant's Current Commuting Area and PCS

If the offered position is outside the claimant's current commuting area the job offer must clearly state that a search within the claimant's current commuting area has been completed and that no permanent position within the claimant's work restrictions is available in the claimant's current commuting area. Evidence from each DoD installation contacted in the claimant's current commuting area must be submitted to the claimant's OWCP case file to establish the absence of permanent employment in the claimant's current commuting area. If the claimant has been separated, the job offer must include a statement clarifying PCS to the location of the offered position to be paid by the OWCP chargeback or their agency travel office. If the claimant has

not been separated and has moved outside of the commuting area, the agency is not obligated to pay moving expenses.

The ICPA must send a copy of the job offer and the claimant's response to the OWCP claims examiner and to the DoD Liaison.

Placement in a Locally Funded Position

By accepting Pipeline funding to a permanent position for an injured worker, DoD agencies are agreeing to integrate the injured worker into a locally funded position during the Pipeline funding period, or after Pipeline funding has been exhausted. The locally funded position must be within the claimant's work restrictions.

DEFINITIONS

Annuitant - A person who receives an annuity from the Office of Personnel Management

Career Appointment - Competitive service permanent appointment given to an employee who has completed 3 substantially continuous, creditable years of Federal service. In special cases (such as Administrative Law Judges), career appointment may be given to a person at the time he or she is hired from a civil service register.

Classify - To evaluate the duties and responsibilities of a position and assign a title, occupation series and grade.

Competitive Service —All civilian positions in the Federal Government that are not specifically excepted from the civil service laws by or pursuant to statute, by the President, or by the OPM under Rule VI, and that are not in the Senior Executive Service.

Continuation of Pay (COP) - Continuation of regular pay to a traumatically injured employee with no charge to sick or annual leave for the first 45 calendar days of disability. COP is subject to taxes and all other usual payroll deductions.

Excepted Service - Unclassified service, unclassified Civil Service, or positions outside the competitive service and the senior executive service. Excepted service positions have been excepted from the requirements of the competitive service by law, Executive order, or OPM regulation. (5 U.S.C. 2103 and 5 CFR part 213)

Federal Employees' Compensation Act (FECA) - Outlines the statutory regulations for the workers' compensation program, which is identified in 5 USC 8101et seq. as amended in 2011.

Fully recovered. Compensation payments or eligibility for compensation have been terminated on the basis that the employee is able to perform all the duties of the former position or an equivalent one.

General Schedule - The GS graded pay system established under the Classification Act of 1949, as amended. (5 U.S.C. chapter 53, subchapter III, and 5 CFR part 531).

Grade Retention Entitlement - The right of an employee to retain for 2 years, for pay and benefits purposes, the grade of the position from which he or she was reduced. (5 U.S.C. 5362 and 5 CFR part 536)

Injury Compensation Program Administrator (ICPA) - The individual designated by the Civilian Personnel Officer who oversees and is responsible for the Injury Compensation Program.

Leave Without Pay (LWOP)—A temporary nonpay status and non-duty status (or absence from a prescheduled tour of duty) granted at the employee's request. LWOP-US (formerly called LWOP-MIL) is a nature of action specifically used to document a leave of absence to perform duty with the uniformed services.

Nature of Action - The nature of action is a phrase that explains the action that is occurring (such as “appointment” or “promotion”) when a Standard Form 50, Notification of Personnel Action, documents a personnel action.

Noncompetitive Action - A promotion, demotion, reassignment, transfer, reinstatement, or an appointment based on prior service.

Office of Workers' Compensation Programs (OWCP) - The Office of the Department of Labor that has overall responsibility for administration of the FECA.

Part-time Service - Employment on less than a full-time basis under a prescheduled regular tour of duty.

Part time work schedule – A schedule that requires an employee to work less than full-time, but for a specific number of hours (usually 16-32 hours per administrative work week) on a prearranged scheduled tour of duty.

Partial Disability - A case where an employee's injury or illness precludes return to regular duty, but does not prevent the employee from pursuing gainful employment in another available occupational area.

Partially Recovered. The employee, though not yet able to resume the full range of his or her regular duties, has recovered sufficiently to return to part-time or light duty or to another position with less demanding physical requirements. Ordinarily, it is expected that a partially recovered employee will fully recover eventually.

Physically Disqualified (medically disqualified).

For medical reasons, the employee is unable to perform the duties of the position formerly held or an equivalent one, or

There is a medical reason to restrict the employee from some or all essential duties because of possible incapacitation or because of the risk of health impairment.

Position Classification - means the analysis and identification of a position and placing it under the position classification plan established by OPM under chapter 51 of title 5, U.S. Code.

Position Description (PD) - A statement of duties and responsibilities comprising the work assigned to a civilian employee.

Premium Pay - Additional pay for overtime, night, holiday, or Sunday work and standby duty or administratively uncontrollable work. (5 CFR part 550, subpart A)

Provisional Appointment - A temporary appointment to a continuing position when the agency intends later to convert the employee to a non-temporary appointment and has current authority for such conversion.

Recurrence. After returning to work, an injured employee is again disabled and stops work because of the original injury or occupational disease. A work stoppage is not a recurrence of disability if it is caused by a condition that results from a new incident of injury even to the same portion of the body previously injured, or from a new exposure to the cause(s) of a previously suffered occupational disease.

Reinstatement - Noncompetitive reemployment in the competitive service as a career or career-conditional employee of a person formerly employed in the competitive service who had a competitive status or was serving probation when separated. (5 CFR part 315, subpart D)

Removal - A separation from Federal service initiated by the agency, Office of Personnel Management, or Merit Systems Protection Board, under 5 CFR parts 359, 432, 731, or 752; section 1201 of title 5, U.S. Code; or comparable agency statutes or regulations.

Reemployed Annuitant - A person retired under the Civil Service or Federal Employees Retirement System whose annuity continues after he or she is reemployed by the Federal Government.

Return to Duty - Placement of an employee back in pay and duty status after absence for Furlough, Suspension, or Leave Without Pay.

Seasonal Employee - An employee who works on an annual recurring basis for periods of less than 12 months (2087 hours) each year.

Temporary Appointment-PER—(Sometimes referred to as “TAPER” appointment) A nature of action that documents a temporary appointment authorized by the Office of Personnel Management in the absence of eligibles who can be considered for permanent employment from a civil service register. The appointment is temporary, pending the establishment of a register from which permanent employees can be selected. (5 CFR part 316, subpart B).

Temporary Appointment - An appointment made for a limited period of time and with a specific not-to-exceed (NTE) date determined by the authority under which the appointment is made.

Term Appointment - Appointment to a position that will last more than one year but not more than four years and that is of a project nature where the job will terminate upon completion of the project. (5 CFR part 316, subpart C)

Temporary Light Duty - An assignment to productive duty of an employee who is partially disabled from a job-related injury or illness and is unable to perform his or her regular duties. The employee's return to work must be recommended by appropriate medical authority and the assigned tasks must be fully consistent with the physical limitations specified by such medical authority.

Within Grade- Increases (WGI) - Is an increase in employee's rate of basic pay by advancement from one step of his or her grade to the next after meeting requirements for length of service and performance.

Work Schedule - The time basis on which an employee is paid. A work schedule may be full-time, part-time, or intermittent.