



EVOLVEEXPANDEXCEL
Emerge to Greater Heights

2022 DoD VIRTUAL BENEFITS & WORK-LIFE SYMPOSIUM



Counseling Injured Workers

Susan Winbush & Kristin Gulling 27 September 2022

Agenda

Counselling Injured Workers

10:30 AM -11:45 AM

- 10:30 AM – 10:55 AM Lecture (Slide Review)
- 10:55 AM – 11:40 AM Knowledge Checks (Throughout)
- 10:55 AM – 11:40 AM Knowledge Check Reviews
- 11:40 AM – 11:45 AM Provide Survey Link
- 11:45 AM – Session Ends

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*.

Objectives

- Clearly define the roles and responsibilities of the supervisor and the employee when an injury occurs.
- Specifically address the actions required by the supervisor to ensure injured workers receive all benefits to which they are entitled and concurrently protect the interests of the agency.
- Provide an overview of the fundamentals involved in the initial management of a workers' compensation claim.

Supervisor's Role & Responsibilities

My Employee is Injured, Now What?

So what can the supervisor do?

- Offer immediate medical care.
- 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 medical statements.
- Develop and offer limited duty assignments when work capacity exists.

Supervisor's Role and Responsibilities (Cont)

- Never prevent an employee from seeking medical attention, even if YOU don't think it's that serious.
- Ensure timely completion of CA-1/CA-2 (must submit to OWCP within 10 workdays).
- Provide Continuation of Pay (COP) to eligible Injured Worker when authorized.
- Assist employee in returning to work/provide limited duty.

Supervisor's Role and Responsibilities (Cont)

- Request duty status update/CA-17.
- Fully investigate injuries and document findings.
- Challenge questionable claims and/or Controvert COP.
- Communicate w/everyone (employee, Physician, OWCP (Claims Examiner, Field Nurse, Vocational Counselor).
- Cooperate with Workers' Compensation Specialist/OWCP inquiries.

Counseling My Injured Employee

When an employee is injured as a result of work or has a work-related illness, supervisors have certain basic responsibilities and need to understand how to navigate these questions/issues to provide the employee with the proper guidance/counseling.

Ask yourself:

- What type of Injury does my employee have?
- How do I get my employee medical attention?
- How do we file the claim?



EVOLVEEXPANDEXCEL
Emerge to Greater Heights

2022 DoD VIRTUAL BENEFITS & WORK-LIFE SYMPOSIUM

Counseling My Injured Employee (Cont.)

- What actions to take if I don't agree with the employee's report of injury?
- How do I cover my employee's absence?
- How do I document time and attendance records?
- What to do when my employee can return to work/light duty?
- What needs to occur if I want to separate my employee from the agency?

What type of Injury does my employee have?

Most work-related medical conditions fall into two categories:

#1 – Traumatic Injury - for which you use Form CA-1

#2 – Occupational Disease - for which you use Form CA-2

The easiest way to identify the difference between the categories is to identify how long it took the medical condition to occur.

How do I get my employee medical attention?

As the first line supervisor, regardless of the category of the medical condition, your first concern will be to determine if your employee needs immediate medical care.

If immediate care is required;

- Assist in making arrangements for your employee to go to the nearest health care facility or their private health care provider.
- Make sure your employee is able to drive safely. If he/she cannot drive, ensure transportation is available or call an ambulance.
- You can authorize the medical treatment by phone and follow-up with the CA-16 (Authorization for Examination and/or Treatment) within 48hrs.

Forms required to obtain medical

Form CA-16 (Authorization for Examination and/or Treatment). This form guarantees payment to the medical care provider/emergency room treating physician.

- Used for Traumatic Injuries only.
- Should be issued within four hours of the injury.
- Only one CA-16 may be issued per traumatic injury.
- A Form CA-16 may not be issued for past medical care, except within 48 hours after emergency treatment.

Forms required to obtain medical (Cont)

Form CA-17 (Duty Status Report). This form is provided by the supervisor to the employee to give to the attending physician. This informs the doctor of:

- The type of physical requirement the employee regularly performs.
- The agency's ability to accommodate light and/or part-time duty.
- Provides the attending physician a means to communicate to you what the employee can safely do.
- When the employee can return to light duty work, and
- When the employee can resume regular duty.

How do we file the claim?

The employee received medical care, what now?

- Encourage your employees to report all work-related conditions to you and to file a CA-1 or CA-2, even if there's no lost time or medical expense but remember, it is the employee's sole decision on whether or not to file a FECA claim.
- Effective 1 October 2012, all claims for workers' compensation must be filed electronically using the Employees' Compensation Operations and Management Portal (ECOMP). ECOMP allows Federal employees to file claims for benefits under the FECA online.
- Familiarize yourself with the ECOMP process so you are able to assist your employee with initiating a claim.

How do we file the claim? (Cont.)

- If the employee elects to file for Workers Compensation, he/she will complete the CA-1 or CA-2 with supervisor assistance.
- Begin by having the employee register with ECOMP at: <https://ecomp.dol.gov>
- Employees are required to register and create an ECOMP account before filing a claim.
- During registration, the employee will select their Department/Agency/Duty Station & enter their Supervisor's E-mail address.
- Employees should have a copy of their SF-50 when filing the claim for required information needed to complete the filing process.

The employee's report of injury

What if I don't agree with the employee's report of injury?

Circumstances surrounding a reported injury or disease may arouse your suspicions that the condition is not work-related. If this occurs, remember as a supervisor, you are obligated to assist your employees in processing their paperwork in a timely manner.

- Neither you nor the agency can determine if an employee should file a claim or receive benefits.
- You may challenge the claim and supply supporting information, but you must still forward the claim promptly and failure to do so can result in a fine, imprisonment, or both (20 CFR 10.16(a)).
- DOL has the sole authority to approve or disapprove claims and to determine if benefits will be paid.



EVOLVE EXPANDE XCEL
Emerge to Greater Heights

2022 DoD VIRTUAL BENEFITS & WORK-LIFE SYMPOSIUM

Challenging a Claim

Why Challenge a claim?

- To give the employer's opinion on why a claim or a portion of it should not be accepted by the OWCP.
- We are informing the Claims Examiner that one or more of the Requirements of Coverage is lacking or defective.

When should you challenge a claim?

At the time the claim is submitted to OWCP is best.

Challenging a Claim (Cont.)

What are the elements of challenging a claim?

- Must be in writing.
- Objective and Unemotional.
- Factual.
- Cite applicable laws, ECAB decisions, regulations, or sections of the FECA Procedure Manual.
- Include photographs, maps, witness statements, police or investigative reports and other hard evidence.

How do I cover my employee's absence?

Benefits to cover absences are based on whether the employee suffered a traumatic injury or occupational disease. Your employee may be eligible for uninterrupted pay beyond the date of injury without charge to leave. This benefit is called Continuation of Pay (COP). Be sure the employee understands....

- COP is the continuation of an employee's regular pay with no charge to sick or annual leave.
- If an employee suffers a work-related traumatic injury, they are entitled to continuation of their regular pay for the period not to exceed 45 calendar days.

How do I cover my employee's absence? (Cont.)

- COP is paid by the employing agency, not OWCP. However, the determination of/for entitlement to COP does rest with them.
- The CA-1 must be filed within **30 days** of the injury.
- Employee must provide supporting medical documentation to justify their absence from work within **10 calendar days** from the date the COP is claimed or the date disability began (whichever is later).
- If disability exceeds the 45 days of COP, the employee may claim wage loss compensation from OWCP by filing form CA-7 or use sick and/or annual leave to cover time.

How is Time and Attendance documented?

- COP requires the use of codes “LU” and “LT” for recording an employee’s absence in the system due to a work-related injury.
- Code LU must be input on the date of Traumatic Injury only, and it should only reflect the actual amount of time loss. In situations where there is not time-loss from work on the date of injury, code LU should be input as “0.00” hours along with the code reflecting hours worked.
- Code LT is used to document any subsequent periods of time loss during the COP period.

Knowledge Check Documenting T&A

You are a supervisor with an employee who has filed a timely CA-1, for an injury which occurred 3 days ago. The employee indicates she is seeing her doctor today for the first time to obtain treatment for her work injury and she will miss 2 hours of work. She has requested COP for her absence. She has provided you with administratively acceptable medical documentation for her doctor's appointment today, how would you handle her time and attendance reporting requirement for the COP?

Knowledge Check

- A. You input code LU today (3 days post injury date), because it is the first occurrence of time-loss from work due to the injury. You then use code LT to document any subsequent periods of time loss.

- B. You input code LU on the date of injury, which occurred 3 days ago, because the employee did not miss any time from work on that date. Code LU is annotated as (0) hours. The hours she worked that day are also recorded. You use code LT to document the time loss associated with her doctor's appointment today.

Covering my employee's absence (CA-7)

- If the employee has a loss of wages (following a COP period received for a traumatic injury), and is in Leave Without Pay (LWOP) status as a result of the accepted condition(s), he/she needs to file a CA-7 "*Claim for Compensation*". If the period claimed on the CA-7 is intermittent, he/she will also need to complete a CA-7a "*Time Analysis Form*".
- The FECA provides that compensation for wage loss be paid at one of two rates: 66 2/3 percent of the employee's regular pay for those without dependents and 75 percent for those with one or more dependents.
- If the employee is expected to remain out of work for more than 45 calendar days, provide him/her with a CA-7 (Claim for Compensation), and a CA-20 (Physician's Report).

Covering my employee's absence (CA-7) Cont.

- Employee needs to provide medical documentation supporting any periods of disability claimed. The agency will complete their portion of the CA-7 and submit it and the medical documentation to OWCP.
- All compensation payments are subject to a three day waiting period if the disability is less than 14 calendar days. Once the disability has exceeded 14 calendar days, the employee will be compensated for the first 3 days.
- Pay Rate for compensation purposes, recognizes certain additional pay elements which may be included in the salary, such as night and Sunday differential, dirty work pay, hazardous duty pay, administrative uncontrollable overtime, and law enforcement availability pay.

When does Periodic Roll Placement Begin?

My employee cannot return to work at this time, what now?

When the medical evidence for an injured employee indicates that his/her disability is expected to continue for more than 60-90 days, the claims examiner can place the claimant on the Periodic Roll (PR), and compensation will be paid accordingly. The claimant will receive a compensation check every 28 days. The employee no longer needs to submit CA-7s once placed on the PR.

How do I Separate Employees on PR?

- If an injured/ill employee is unable to perform the duties of his/her position for an indefinite period of time (normally after one year of LWOP), and the medical evidence does not provide any assurance that the employee will ever be able to return to work in any capacity, non-disciplinary adverse action may be initiated to remove the employee from federal service under provision of 5 CFR Part 752.
- The adverse action should not be initiated until reasonable accommodation attempts have failed or are not practical. Removal using the adverse action provides the separated employee his/her appeal rights.

Knowledge Check Separating Injured Employee

You have an employee who cannot return to work to their date of injury position due to restrictions imposed by their treating physician under their accepted condition(s). The employee has been on LWOP for more than a year and you as the employing agency are unable to accommodate the employee's work restrictions.

What is the next course of action?

Knowledge Check Separating Injured Employee

Scenario 1 – Answer - Removal

- If an employee is unable to perform the duties of the position for an indefinite period of time (normally after 1 year of LWOP), non-disciplinary adverse action maybe initiated to remove the employee from Federal service under provision of 5 CFR Part 752.
- Adverse action should not be initiated until reasonable accommodation attempts have failed or are not practical.
- The reference to be familiar with is the CSRS/FERS Handbook. The publication is available via the OPM website and contains the procedures for CSRS and FERS Retirement.

How to Return an Injured Employee Back to Work

- Once the treating physician has released the injured employee back to duty finding he/she is able to resume regular Federal employment, they must do so.
- The ICPA together with management will determine (based on medical), whether or not the employee is able to return to the pre-injury job.
- If the answer is no, due to the employees' limitations/restrictions and the requirements of the position, and if the existing job cannot be modified, a search for an alternative position is generated or created within the agency as close to wage equivalency as possible.

The Job Offer

If the employee is able to return to work with restrictions to a position other than the date of injury job and one such position has been identified, a job offer should be generated. The job offer should outline:

- The specific job duties & physical requirements to be performed.
- The workers specific limitations/restrictions.
- Specific job location and Organizational/geographical location.
- Person to whom the employee is to report.
- The date which a response to the job offer is required (usually 5 days)
- The date the job will be available including tour of duty-Work days and hours of work.
- Salary (including premium pay, if applicable)

Knowledge Check Job Offer

RECOVERING EMPLOYEE'S LIGHT DUTY ASSIGNMENT

Claim Number: _____

Date: 12/15/05

Employee's Name: Mr. S.

Light Duty Begins:

Office Name: Any Government Agency

Report to: Room 5, 10001 Any St, Any Town

Salary: \$24.50 (Base Pay) per hour

Premium Pay:



Knowledge Check Job Offer

Medical documentation from your physician indicates that you will be unable to perform your regular duties due to residual effects of your on-the-job injury. The following is a description of duties offered to you to perform while you are assigned to light duty. If you do not wish to accept light duty offered to you, it may affect your OWCP benefits. You are required to work within your medical restrictions, and perform all of your duties in a safe manner at all times.

Employee Signature _____

Date _____

Is this Job Offer Valid? If not, what's missing?

Knowledge Check Review Job Offer

Scenario 2 – Answer

The assignment *was not valid*. It did not include:

- Name of person to whom Mr. S. should report
- Specific Location of the job to be performed
- Effective Date
- Tour of duty
- Premium pay (if any)
- Correct physical requirements
- Description of duties

ICPA Take Away

- Know the responsibilities of the supervisor and the employee when an injury occurs.
- Apply the actions required by the supervisor to ensure injured employees receive all benefits to which they are entitled and concurrently protect the interests of the agency.
- Understand the fundamentals involved in the initial management of a workers' compensation claim.

References

- CA-810:
<https://www.dol.gov/sites/dolgov/files/owcp/dfec/regs/compliance/DFECfolio/CA-810.pdf>
- Guide to Processing Personnel Actions This Guide can be found on the OPM website at: <https://www.opm.gov/policy-data-oversight/data-analysis-documentation/personnel-documentation>
- The CSRS/FERS Handbook can be found at the following URL:
www.opm.gov/retirement-services/publications-forms/csrsfers-handbook

Questions?



EVOLVEEXPANDEXCEL
Emerge to Greater Heights

2022 DoD VIRTUAL BENEFITS & WORK-LIFE SYMPOSIUM

