

AZ NATIONAL GUARD SUPERVISORY TRAINING

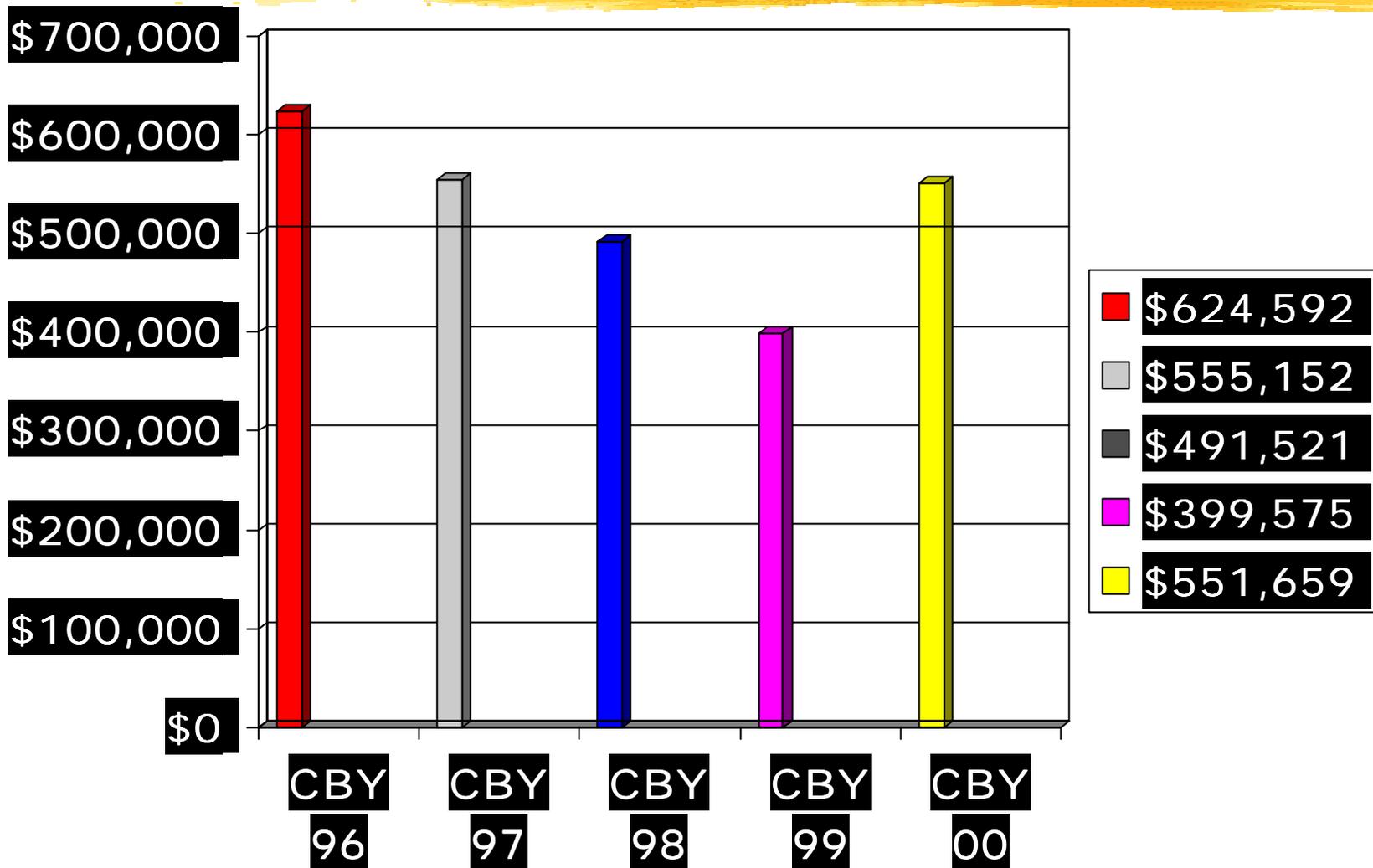


OFFICE OF WORKERS' COMPENSATION PROGRAMS (OWCP)

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DSN 853-2475

AZ NATIONAL GUARD OWCP CHARGE BACK COST CBY 95 - CBY 99





WHAT IS FECA?

THE FEDERAL EMPLOYEES COMPENSATION ACT

- **It's the law** which provides compensation benefits to civilian employees of the United States for disability due to personal injury (including occupational disease) sustained in the performance of duty.

WHO ADMINISTERS FECA?



**Office of Workers' Compensation
Programs (OWCP), U. S. Department of
Labor**

Through District Offices located throughout
the United States. Arizona's district office is
in San Francisco, CA

PROVISIONS OF FECA



- Provides compensations benefits to federal civilian employees, both permanent and temporary, for disabilities due to injury, disease or illness in performance of their duties.
- Provides payment of benefits to dependents for work-related death of an employee as a result of a traumatic injury or occupational disease/illness.

FECA DOES NOT COVER



- State Employees
- Active Duty Military Personnel
- Injuries incurred during a National Guard Drill.

OFFICE OF WORKER'S COMPENSATION PROGRAMS (OWCP) REFERENCES

- 5 USC 8101 et seq
- Code of Regulations, 20 CFR Part 10
- The Federal FECA Procedure Manual
- *Publication CA-810 OWCP Injury Compensation for Federal Employees, revised January 1999*
- Pamphlet CA-550 Questions & Answers about FECA..

Copies of the above references may be obtained on the
OWCP'S Home Page

(<http://www.dol.gov/dol/esa/owcp.htm>)

PENALTIES ASSOCIATED WITH INFRACTIONS OF OWCP REGS



- Person who makes a false statement to obtain Federal Employees Compensation or who accepts compensation payment to which he/she is not entitled is subject to a fine of \$10,000 or imprisonment for no more than 5 years or both.
- A person who makes out the reports in connection with the injury, who willfully fails, neglects or refuses to do so; knowingly files a false report; induces, compels, or directs an injured employee to forego filing a claim, or willfully retains any report is subject to a fine of \$500 or imprisonment for one year or both for each false report.

OWCP BENEFITS



- Medical expenses (fee schedule/allowable amount)
- First aid expenses
- Rehabilitation
- Travel expenses to care provider
- Chiropractic care (limited to manual manipulation of subluxation demonstrated by X-ray)
- Early nurse intervention
- Assisted Reemployment Program

Continued

OWCP BENEFITS



- Continuation of Pay (COP)
- Compensation for Lost Wages
- Scheduled Benefits/Awards
- Permanent Total Disability
- Death Benefits

CONTINUATION OF PAY (COP)

Definition and Entitlement

- Intent of COP is to avoid interruption of employee's income
- An employee is entitled to receive COP when absent from work due to disability or medical treatment
- FECA provides for up to **45 calendar days** of regular pay
- Employee must have a **traumatic injury only**
- COP is subject to all the usual regular pay deductions
- **Eligible only when "Notice of Injury" (CA-1) is submitted within 30 days from date of injury.**

HOW TO TRACK AND COMPUTE COP

- Day of the Injury is Administrative leave unless the injury occurs before the work shift begins
- COP must begin within 45 days after the injury
- COP is charged for weekends and/or holidays, if medical evidence shows disability on those days
- Lost time for part of a day counts as one full day of COP entitlement
- Disabled employee working part-time due to injury-related disability will be charged COP for each partial day worked

USE OF LEAVE INSTEAD OF COP



- Employee may use sick or annual leave to cover all/part of an absence due to an injury
 - However, each full/partial day for which leave is taken is counted against the 45 calendar days of entitlement
 - Entitlement to COP **is not extended** beyond 45 calendar days of combined absences
- Election of leave vs COP **is not irrevocable**
 - Employees can later request COP
 - Supervisors should honor such request prospectively

Continued

USE OF LEAVE INSTEAD OF COP



- Retroactive request for COP
 - Must be made within one year from date of leave usage or written acceptance of claim, whichever is later
 - Must be supported by medical evidence for the period in question

RECURRENCES



Definition of a Recurrence: Defined as a spontaneous return or increase of disability due to a previous injury or occupational disease without intervening cause or a return or increase of disability due to a consequential injury.

If employee was entitled to use COP and the 45 days of COP have not been exhausted, employee may elect to use the remaining days **IF the 45 days have not elapsed since first return to duty.**

AUTHORIZATION BY OWCP

(YES OR NO?)



•Once a case has been approved, prior authorization **IS NOT** required for routine medical treatment pertaining to the accepted injury. “Routine treatment includes:

- office visits
- x-rays and other non-invasive diagnostic tests
- physical therapy **within 120 days** of the injury

AUTHORIZATION BY OWCP

(YES OR NO?)

• Services that **DO** require prior authorization from Department of Labor

- Physical Therapy services extending 120 days beyond the date of injury
- Any type of surgery
- Invasive diagnostic tests, i.e. myelograms, arthroscopy, etc.
- Health club memberships, exercise equipment
- Appliances (wheelchairs, hearing aids, etc.)

WHAT IS COVERED UNDER FECA?



- An employee is covered in travel status 24 hours a day if on official duty
- Employees are generally **not covered** for travel to and from work **except** when the employee is required to use his/her automobile during the work day.
- An employee is covered while engaged in recreation or informal recreation which he/she is required to perform as part of training or assigned duties which occurs in pay status.

Continued

WHAT IS COVERED UNDER FECA?



- An employee is not covered during lunch hour or on coffee break if the employee is off the government premises unless the employee is in travel status performing regular duties off the premises.

REFERRED VS CHANGE OF PHYSICIAN

A physician **may refer** an employee to a specialist or another physician after initial visit.

Employee **may not change** to a physician on their own.

ONLY OWCP CAN APPROVE A CHANGE OF PHYSICIAN. Employee must request authorization to change to another physician in writing with an explanation of reason for the request.

IS THERE A TIME LIMIT FOR FILING A NOTICE OF INJURY /OCCUPATIONAL DISEASE CLAIM?

YES. A claim for compensation must be filed within 3 years of the date of injury. However, if written notice was given within 30 days or the agency had actual knowledge of the injury within the 30 days after occurrence compensation may still be allowed.

DOES THE EMPLOYING AGENCY HAVE THE AUTHORITY TO APPROVE OR DISALLOW A CLAIM?



NO. Only OWCP has the authority to adjudicate a claim for compensation. The agency can only pay or withhold COP and then this is still reviewed in every case by OWCP.

CLAIMS INITIATED



• **TRAUMATIC INJURY** - Defined as a wound or other condition of the body caused by external force, including stress or strain.

- Must be identifiable by time and place of occurrence and member of the body affected.
- It must be caused by a specific event or incident or series of incidents within a single day or work shift

Continued

CLAIMS INITIATED



• **OCCUPATIONAL DISEASE/ILLNESS** - Defined as a condition produced in the work environment over a period longer than one workday or shift.

-May result from systemic infection,

-repeated stress or strain,

-exposure to toxins, poisons, fumes, or other continuing conditions of the work environment.

A CLEAR DIFFERENCE?

MOST COMMON INJURY - BACK INJURY



Back pain or strain? Could be either:

- **Traumatic Injury** - Sudden pain or strain from activities not a part of the normal job
- **Occupational Disease/Illness** - Gradual back pain and strain from normal job duties

NO CLAIM ...NO COVERAGE



The injured employee has the initial burden to establish that a work-related injury has occurred.

THEREFORE, benefits cannot be paid unless an injury is reported first. (on a CA-1 or CA-2).

TRAUMATIC INJURY FORMS



- CA-1** Notice of Traumatic Injury & Claim for COP/Compensation
- CA-2a** Notice of Recurrence
- CA-3** Report of Termination of Disability and/or Payment
- CA-7** Claim for Compensation
- CA7a** Time Analysis Form
- CA-7b** Leave Buy Back (LBB) Worksheet/Certification and Election

TRAUMATIC INJURY FORMS



- **CA-16** Authorization for Treatment
- **CA-17** Duty Status Report
- **CA-20** Attending Physicians Report
- **CA-915** Claimant Reimbursement
(Prescription expenses paid for by employee)
- **HCFA 1500** Health Insurance Claim (Medical treatment billed by doctor's office, lab, etc.)

OCCUPATIONAL DISEASE/ILLNESS

FORMS

- CA-2 Notice of Occupational Disease
- CA-2a Notice of Recurrence
- CA-3 Report of Termination of Disability and/or Payment
- CA-7 Claim for Compensation
- CA-7a Time Analysis Form
- CA-7b Leave Buyback (LBB) Worksheet/Certification and Election
- CA-17 Duty Status Report

Continued

**OCCUPATIONAL
DISEASE/ILLNESS FORMS**



- **CA-20** Attending Physicians Report
- **CA-35a-h** Series Specialized Occupational
Disease Checklists
- **CA-915** Claimant Reimbursement Form
(Prescription expenses paid for by
employee)
- **HCFA 1500** Health Insurance Claim (Medical
treatment billed by doctor's office, labs,
etc.)

HOW TO GET PUBLICATIONS & FORMS



Department of Labor Internet Address

**[www.dol.gov/dol/esa//public/regs/compliance/owcp/
forms.htm](http://www.dol.gov/dol/esa//public/regs/compliance/owcp/forms.htm)**

or

Order them from your base Publications Office or through the superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402

Phone: 202-512-1800

WHAT HAPPENS IF A DISABILITY GOES BEYOND THE 45 DAYS OF COP?



- A CA-7 “Claim for Compensation” form on the account of a “Traumatic Injury” should be given to the employee on the 30th day of COP to be returned within a week. The CA-7 is to be forwarded to OWCP by the 40th day or sooner.
- The CA-7 should also be given to employees filing a CA2 “Occupational Disease/Illness” claim form a week or sooner before the employee is in a non-pay status.

WHEN DO COMPENSATION PAYMENTS BEGIN?



- There are 3 non-pay calendar days following COP
(Any day or fraction of a day in which pay loss occurs can be counted as a waiting day. Non-work days can also be counted)
 - * Applies to both Traumatic Injury and Occupational Disease/Illness
 - * Does not apply if disability exceeds 14 days or permanent disability results

HOW IS COMPENSATION COMPUTED?



- $\frac{2}{3}$ (66 $\frac{2}{3}$ %) of Pay rate if no dependents
- $\frac{3}{4}$ (75%) of Pay rate if there are dependents
- Non-taxable
- Brief or temporary total disability or schedule impairment pay is issued on a weekly basis while long-term payments are paid every 4 weeks

WHAT IS INCLUDED IN COMPENSATION PAY?



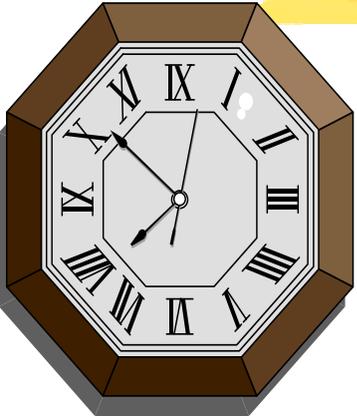
- Sunday Pay (Not included in COP)
- Night Differential Pay
- Holiday Pay
- Hazard Pay
- National Guard Pay/Reserve Pay
- Automated Uncontrolled overtime (AUO)
- Annual premium pay.

WHAT IS NOT INCLUDED IN COMPENSATION PAY?



- Overtime
- Additional pay or allowances due to cost of living or other special circumstances
- Bonus or premium pay
- Administrative exclusions
(Per Diem for travel)

IS THERE A MAXIMUM PERIOD OF TIME DURING WHICH AN EMPLOYEE CAN RECEIVE COMPENSATION?



NO. An employee can receive compensation payments for as long as the medical evidence shows that total or partial disability is related to the accepted injury or condition. OWCP requires a medical examination once a year.

LEAVE BUY-BACK

- Employee must file a CA-7 (Claim for Compensation)
- CA-7a - Completed when dates of leave are intermittent or when more than one continuous period of leave is claimed.
- CA-7b - Completed by the employee and the agency .
Explains how the leave was repurchased and estimates the compensation to be paid.
- The employee will likely owe the agency money for repurchased leave because leave is paid at 100% of the usual wage rate and compensation is paid either at 66 2/3% (no dependents) or 75% (with dependents).

Continued

LEAVE BUY-BACK



- FEHB will continue while compensation is being paid; Basic Insurance will be paid for by the claimant and optional insurance will be paid for by OWCP

COMPENSATION FOR SCHEDULE AWARD



- Compensation is provided for specified periods of time for the permanent loss, or loss of use, of certain parts and functions of the body.
- Partial loss or loss of use of certain parts and functions of the body is compensated on a proportional basis.
- Affected part of the body must have reached maximum medical improvement which determination involves a medical judgement from a physician that the condition has permanently stabilized.

continued

COMPENSTION FOR SCHEDULED AWARD



- The law does not allow payment for impairment to the back, heart, or brain
- Compensation for scheduled award is calculated by multiplying the payable number of weeks for the certain part and function of the body by the compensation percentage (66 2/3% or 75%)
- Schedule award **can be paid** even if the employee returns to work **or** is receiving pay for sick leave or annual leave, **but cannot be paid** while employee is receiving compensation.

TYPES OF REIMBURSABLE CHARGES



- Medical Services
 - office visits
 - hospital bills
 - diagnostic testing
 - physical therapy
- Pharmacy Bills/Medical appliances
- Mileage and incidental expenses

TRAVEL REIMBURSEMENT



- Entitlement: mileage is payable for trips to obtain medical treatment
- Form to use: SF-1012
- OWCP will reimburse for meals if travel is over 12 hours.

RESPONSIBILITIES OF EMPLOYEES



- Observe health and safety regulations
- Report potential and actual health, safety and fire hazards
- Report all injuries to supervisor (**as soon as possible**)
- Obtain medical status reports from physician(s)
- Provide medical reports and bills to supervisor and/or HRO

RESPONSIBILITIES OF EMPLOYEES



- Cooperate with light duty placement
- Obtain (CA-1, CA-16, and CA-17 for Traumatic Injury) or (CA2, or CA2a, along with CA35 for Occupational Disease/Illness) before going to their choice of physician.

RESPONSIBILITIES OF SUPERVISORS



- Provide a safe work environment
- Enforce safety regulations
- Ensure employees are aware of health and safety requirements
- Encourage reporting of incidents
- Publicize the OWCP and employees' responsibilities under it

RESPONSIBILITIES OF SUPERVISORS

- Ensure accurate, complete, prompt submission of claims (Required by regulation claims are to be received by DOL/OWCP in **10 working days**)
- Give employee appropriate Claim Forms (CA-1, CA-2 or CA2a)
- Investigate incidents; obtain statements; controvert questionable claims
- Coordinate return to work with doctor (in writing/by mail, **DO NOT CALL THE DOCTOR**)
- Coordinate personnel actions with HRO

SUPERVISOR'S GOALS



- To minimize workplace hazards
- To minimize worker injuries & disease
- To **minimize agency costs**