



Workers' Compensation Program

Module 18

National Guard

Technician Personnel Management Course

WORKERS' COMPENSATION

Covered under the ...

- Federal Employees' Compensation Act (FECA)

Administered by the...

- Department of Labor (DOL)
- Office of Workers' Compensation Programs (OWCP)



FECA

- Provides compensation benefits to civilian employees of the U.S. federal government for disability due to traumatic injury or disease or illness in performance of duties
- Provides payment of benefits to dependents for work-related death of an employee as a result of traumatic injury or occupational disease/illness

Note: FECA provides exclusive remedy for work-related injury, disease, or death



RESPONSIBILITIES

The Department of Labor (DOL)...

- Administers the program for all federal agencies
- Accepts or denies claim
- Adjudicates all claims
- Provides for payment of claims

RESPONSIBILITIES

National Guard Injury Compensation Program Administrators (ICPAs):

- Assists in submission of claims
- Acts as the liaison between employee, supervisor, treating physicians and the DOL
- Informs employees and supervisors of program benefits and requirements

RESPONSIBILITIES

Supervisors:

- Provide a safe work environment
- Enforce safety regulations
- Ensure employees are aware of health and safety requirements
- Encourage reporting of incidents
- Coordinate with ICPA to promptly and properly administer program benefits



RESPONSIBILITIES

Supervisors: (continued)

- File electronic claim forms
- Ensure accurate, complete, prompt submission of claims (to ICPA within 4 days of written notification)
- Investigate incidents; obtain statements; controvert questionable claims
- Coordinate return to work with ICPA
- Coordinate personnel actions with HRO

RESPONSIBILITIES

Employees:

- Observe health and safety regulations
- Report potential and actual health, safety and fire hazards
- Report all injuries to supervisor
- Obtain medical status reports from physician(s)
- Provide medical reports to supervisor and/or HRO
- Cooperate with light duty placement

CONDITIONS OF COVERAGE

- Timely Filing of Claim
- Federal Civilian Employee
- Fact of Injury
- Performance of Duty
- Causal Relationship



TIMELY FILING

- Claim must be filed within three years of:
 - Date of injury
 - Date of first awareness
 - Date of last exposure



Civilian Employee

- FECA covers all civilian employees except for non-appropriated fund employees (NAF)
- Temporary employees covered on the same basis as permanent employees
- FECA does NOT cover:
 - State employees
 - Employees in a military status
 - Line of Duty injuries (to include drill)

FACT OF INJURY

- Factual – actual occurrence of an accident, incident, or exposure in time, place, and manner alleged.
- Medical – medical condition diagnosed in connection with that accident, incident, or exposure. *A medical diagnosis is required.*

PERFORMANCE OF DUTY

- Injury occurred while performing assigned duties of engaging in an activity reasonably associated with the employment
- Injury occurred on work premises
- Injury occurred off the premises while engaging in work activity

CAUSAL RELATIONSHIP

- Link between work-related exposure/injury and any medical condition found
- Based entirely on medical evidence provided by physician who have examined and treated employee
- Opinions of employee, supervisor, or witnesses not considered – nor is general medical information contained in published articles

CAUSAL RELATIONSHIP

- Four Types:
 - Direct causation: injury or factors of employment result in condition claimed through natural and unbroken sequence
 - Aggravation: preexisting condition worsened, either temporarily or permanently, by a work-related injury
 - Acceleration: a work-related injury or disease may hasten the development of an underlying condition
 - Precipitation: a latent condition that would not have manifested itself on this occasion but for employment

STATUTORY EXCLUSIONS

- Willful misconduct – deliberate and intentional disobedience of rules/orders (not carelessness)
- Drug or Alcohol intoxication – proximately caused the injury
- Intent to injure self or others – intent must be established

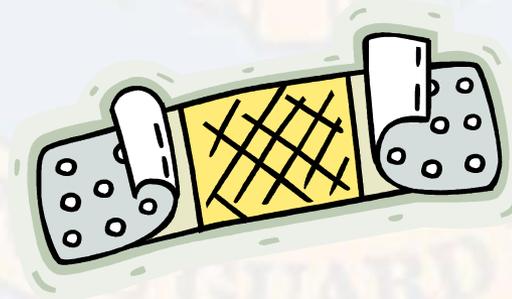
TRAUMATIC INJURY

A traumatic injury is...

- a wound or other condition of the body caused by external force, including stress or strain

AND

- caused by a specific event or incident within a single day or work shift



OCCUPATIONAL DISEASE/ILLNESS

- Condition produced over a period longer than one workday or shift, i.e.
 - systemic infections
 - continued or repeated stress or strain
 - Exposure to toxins, poisons, fumes, etc
 - other exposure to conditions of the work environment for two or more work shifts
- COP is not provided for Occupational Diseases
- CA-16 is not issued for Occupational Diseases

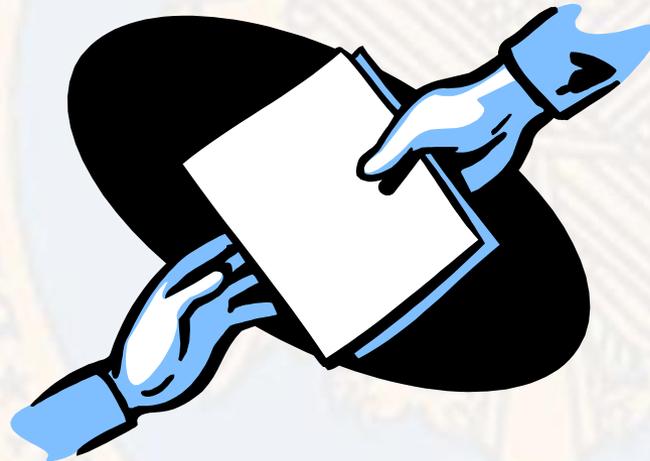


A CLEAR DIFFERENCE?

- Usually, but not always
- Back pain or strain could be either
 - Injury – Sudden pain or strain from activities not a part of normal job
 - Disease/illness – Gradual back pain and strain from normal job duties



HANDOUT



OWCP : Supervisor Instructions & EDI Print Screens
OWCP Forms List

ALL OWCP Claims must be electronically filed

- OWCP will no longer accept hardcopy (manual) CA-1 and CA-2 forms
- Electronic Data Interchange “EDI Website”



https://cacdiucs.cpmc.osd.mil/forms/frmservlet?config=SAFER_ALONE_PRO

INITIATING A CLAIM

- Supervisor must electronically submit a CA-1 (Traumatic Injury) or a CA-2 (Occupational Illness/Disease)
- *Recommend* having employee complete a paper CA-1 or CA-2 first; get written statement from employee and any witnesses
- Supervisor must submit claim within 4 days of written notification from employee
- Claim must be submitted within 30 days of Traumatic Injury to be eligible for COP.

SUPERVISOR'S ROLE (TRAUMATIC INJURY)

- Discuss and review the facts surrounding the incident
- Alert ICPA to any questionable claims
- Electronically submit the CA-1
- Authorize medical care if needed
- Advise employee of the right to elect COP
- Advise employee of their responsibility to submit prima facia medical evidence of disability
- Complete CA-17 (Side A) and require employee to take to medical appointments

SUPERVISOR'S ROLE (TRAUMATIC INJURY)

- Electronically submit CA-2
- Review the employee's portion of CA-2 and provide written response
- No COP! Advise employee of the right to elect sick leave, annual leave, of LWOP pending adjudication of claim.



OWCP BENEFITS

- Medical expenses (fee schedule)
- First aid expenses
- Rehabilitation
- Travel expenses to care provider
- Chiropractic care (limited)
- Early nurse intervention
- Assisted Reemployment Program



OWCP BENEFITS

- Continuation of Pay (COP)
- Compensation for lost wages
- Scheduled benefits
- Permanent total disability
- Death benefits



CONTINUATION OF PAY (COP)

- Continuation of an employee's regular pay by the employing agency with no charge to sick or annual leave
 - Traumatic injury claims *only*
 - Maximum of 45 calendar days per injury
 - Written notice of injury must be submitted within 30 days of the date of injury
 - Prima facie medical evidence is required

CONTROVERTING COP

- Agency may controvert (not pay) COP only if one the following applies:
 - Occupational illness or disease claim
 - Employee comes within the exclusions of 5 USC 8101 (1) (B) or (E)
 - Employee is neither a citizen nor resident of the US or Canada
 - Injury occurred off agency's premises and employee was *not* in official "off premises" duties

CONTROVERTING COP (continued)

- Employee's willful misconduct, intentional harm or death, or proximate intoxication
- Injury not reported within 30 days of injury
- COP can also be terminated if employee fails to provide prima facie medical evidence within 10 business days
- Supervisor should notify employee of controversion and ICPA will indicate controversion on electronic CA-1

CONTAINING OWCP COSTS

- Timely submission of claims
- Challenge questionable claims
- Track injured employees' medical status and availability for work
- Offer Light Duty
(Light Duty Case Record)

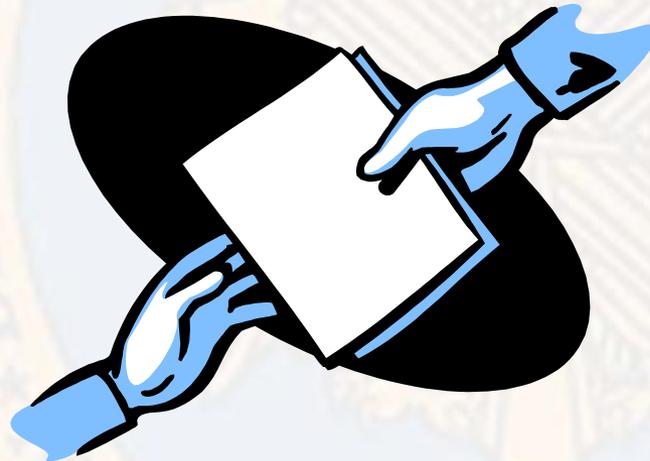
LIGHT DUTY

Responsibility of...

- the supervisor to try to accommodate the return of an employee on light duty
- the HRO to officially reassign an employee to another position if necessary
- the employee to cooperate



HANDOUT



Supervisor's OWCP Folders

Individual Exercises



Questions

