

**IMPLEMENTATION REVIEW OF CONTROLS
OVER FECA COMPENSATION
AND MEDICAL BENEFITS EXPENSE
REPORT NUMBER A060152/S/F/S07004
DATED JUNE 5, 2007
ASSIGNMENT NUMBER A100098**

March 31, 2010



Date: March 31, 2010

Reply to: Deputy Assistant Inspector General for
Attn of: Finance and Administrative Audits (JA-F)

Subject: Implementation Review of Controls over FECA Compensation and
Medical Benefits Expense Report Number A060152/S/F/S07004
dated June 5, 2007
Assignment Number A100098

To: Gail T. Lovelace
Chief Human Capital Officer (C)

The Finance and Administrative Audit Office (JA-F) conducted an implementation review of management's actions taken in response to the three recommendations included in the subject audit report. Specifically the Office of the Chief Human Capital Officer (CHCO) developed a formal action plan to address the recommendations. The plan identified specific steps requiring: (1) the Human Capital Policy and Program Management Division¹ (CHP) and Consolidated Processing Center (CPC) to implement a directive for processing injury compensation claims and (2) the Consolidated Processing Center (CPC) to obtain missing documentation related to the Federal Employees Compensation Act (FECA) claims. Appendix A contains a copy of the management action plan provided by your office.

Background

During our initial review of the controls over FECA compensation and medical benefits expenses paid by GSA, we noted that the CHP did not have formal policies and procedures in place for GSA's FECA program. We also noted that many of the claim files on record were incomplete and did not contain the necessary documentation or medical evidence to ensure that a continuing disability exists. A management action plan dated December 7, 2007 included the following steps to address the results of our audit:

- (1) Develop an Injury Compensation Directive,
- (2) Develop and implement internal claim file Standard Operating Procedures,
and
- (3) Attempt to obtain critical missing documents.

¹ The Human Capital Policy and Program Management Division (CHP) name was changed to the Staffing and Compensation Policy Division (CHS). The change was effective on January 9, 2008.



Objective, Scope, and Methodology

The objective of this implementation review was to determine if the corrective actions in the action plan have been fully implemented.

To accomplish this objective, we:

- Reviewed the Controls over FECA Compensation and Medical Benefits Expense Report Number A060152/S/F/S07004 dated June 5, 2007 and all supporting audit documentation.
- Reviewed the action plan dated December 7, 2007 and any related documentation submitted in response to the original report.
- Judgmentally selected a sample of five claims that were included in our original audit sample to see if the deficiencies noted had been corrected.
- Judgmentally selected a sample of eight new claim files that originated subsequent to our audit period to determine if those claim files contained all of the pertinent information.
- Held discussions with CPC human resources personnel.

We conducted this review between January 2010 and March 2010.

RESULTS OF REVIEW

The results of our implementation review indicate that the CHP and CPC have taken appropriate corrective actions. These actions should improve internal controls and enhance efforts to obtain critical documentation for the FECA claim files.

CONCLUSION

Based on our analyses and testing, we determined that the CPC has taken appropriate corrective actions in response to the original report.

INTERNAL CONTROLS

The scope of this review was limited to assess whether appropriate corrective action as stated in the action plan dated December 7, 2007 was taken by management. Thus, our assessment and evaluation of internal controls was limited to the issues identified in the original report and were discussed in the Results of Review section.

If you have any questions regarding this review, please contact Donna Peterson-Jones or me at (202) 501-0006.


for Jeffrey C. Womack
Deputy Assistant Inspector General for
Finance and Administrative Audits (JA-F)

**Implementation Review of Controls over FECA Compensation
and Medical Benefits Expense
Report Number A060152/S/F/S07004, dated June 5, 2007
Assignment Number A100098**

Appendix A: Action Plan for the Controls over FECA Compensation and Medical
Benefits Expense,
Report Number A060152/S/F/S07004, Dated December 7, 2007



GSA Office of the Chief Human Capital Officer

DEC 7 2007

MEMORANDUM FOR JEFFREY C. WOMACK
DEPUTY ASSISTANT INSPECTOR GENERAL FOR FINANCE
AND ADMINISTRATIVE AUDIT OFFICE (JA-F)

FROM: GAIL T. LOVELAGE *Gail Lovelace*
CHIEF HUMAN CAPITAL OFFICER (C)

SUBJECT: Controls over FECA Compensation and Medical Benefits
Expense Report

Thank you for giving us the opportunity to respond to the OIG Internal Audit concerning Controls over FECA Compensation and Medical Benefits Expense Report. Please find attached to this memorandum the requested Action Plan that responds to the suggested Audit recommendations. You will also find attached to this report a copy of the ADM P 5940.1A GSA Occupational Safety and Health Program Directive and the GSA Internal Standard Operating Procedure, Injury Compensation Files which will address and support the audit's recommended changes.

Again, thank you and if you have any further questions please contact Markie Everett of the Consolidated Processing Center at (816) 823-3954.

Attachments

U.S. General Services Administration
1800 F Street, NW
Washington DC 20405-0002
www.gsa.gov

Action Plan

Designated Responding Official: Frances Stephens, Director, Consolidated Processing Center
Contact Person: Markie Everett, Human Resources Specialist
Telephone Number: (816) 823-3954
Date: December 05, 2007

Report Number/Title	Recommendation Number	Proposed Completion Date
A060152/S/F/S07004 Controls over FECA Compensation And Medical Benefits Expense	1, 2, & 3	December 07, 2007

Recommendation

The Office of Inspector General recommends that the Human Capital Policy and Program Management Division, in coordination with the CPC, develop a new GSA-wide directive for injury compensation using OWCP Publication CA810, Injury Compensation for Federal Employees, as guidance. We also recommend the CPC implement, and update as necessary, the Standard Operating Procedures they developed internally and continue working with the staff offices to develop and implement an Action Plan to ensure all claim files contain appropriate documentation. Additionally, we recommend that the CPC attempts to obtain any missing documents that are critical to claim files.

<u>Action to be taken Step by Step</u>	<u>Supporting Documentation to be sent to BECA</u>	<u>Documentation will be sent last day of</u>
1. Develop an Injury Compensation Directive	Will provide BECA with copy of GSA updated <i>Injury Compensation Directive</i> .	1/31/2008
2. Develop and implement internal claim file Standard Operating Procedures	Attached GSA Internal Standard Operating Procedure, Injury Compensation Files.	Has been completed.
3. Attempt to obtain critical missing documents	Will send BECA a copy of memoranda letter for Department of Labor (DOL) showing names of cases requesting missing information and/or CA-1032 (DOL's Request Status Form).	1/16/2008

STANDARD OPERATING PROCEDURE

November 3, 2006

GENERAL SERVICES ADMINISTRATION
OFFICE OF THE CHIEF HUMAN CAPITAL OFFICER
OFFICE OF INFORMATION MANAGEMENT
CONSOLIDATED PROCESSING CENTER (CPC)

INJURY COMPENSATION FILES

1. **PURPOSE:** To describe the process for the establishment, maintenance, disclosure of information from, and retention of an Office of Workers Compensation Program (OWCP) agency case file for an employee who sustains either a work related injury or illness while in the performance of his or her assigned duties.
2. **SCOPE:** This SOP applies to the servicing Human Resources Offices (HRO's) and the Consolidated Processing Center (CPC).
3. **RESPONSIBILITIES:**
 - A. The servicing HRO forwards all OWCP forms to the CPC so that an OWCP case file may be established and maintained on any employee who sustains either a work related injury or illness. The HRO contacts the CPC to request copies of pertinent information to be used in advising management in developing a light duty position or return to work offer for the employee. If the HRO is separating the employee from the federal service, either a copy of the case file will be made or the entire case file may be requested. The case file should not be sent to the HRO just to answer an employee question. The HRO should direct all questions to the CPC, Workers' Comp Program Coordinator (WCP). Employees requesting information will be instructed by the HRO to contact the CPC WCP Coordinator by either calling 1-800-651-4826 or by sending an email to CPC.BenefitsOWCP@gsa.gov.
 - B. The CPC WCP Coordinator is responsible for preparing and maintaining an OWCP case file for each injury or illness for which the employee claims compensation. At a minimum, the case file will consist of copies of OWCP forms, relevant medical information supplied by physicians, claim related correspondence, and other sensitive information specifically related to the injury or illness. **Material contained in the OWCP case file is covered under the Privacy Act of 1974.** All OWCP files will be stored and maintained in the CPC Mail and File Room. As cases are established in the Image

Track system a barcode will be printed with the letter "F" identifying the file as a Federal Employees Compensation Act (FECA) file and then the region number (i.e., F1 for a region 1 employee). These files will be stored in a separate locked lektreiver in the CPC secure File Room.

4. PROCESS:

- Upon receipt of a Form CA-1 or Form CA-2 requiring submission to OWCP, CPC Mail and File Room staff will prepare a working file making sure labels contain the following information:
 - a. Employee Name
 - b. Social Security Number
 - c. Date of Injury; and
 - d. OWCP claim number (when received).

- Documents will be filed chronologically, from bottom to top, with a copy of the claim form (CA-1 or CA-2) on the bottom. All memos, notes, and records of telephone calls contained in the case file are to be dated and signed. Recurrences (Forms CA-2a) will be filed with the original injury file.

- Files will be stored in alphabetical order and a separate file will be established for each injury or illness the associate may have during his or her employment with GSA.

5. RETENTION: OWCP injury case files will be retained as follows:

- First Aid – Copies of Forms CA-1, CA801, and any medical supporting records. After one year from the last medical appointment or treatment, incorporate into the Employee Medical File (EMF).

- Medical Expenses Only – Copies of CA forms, medical reports, letters, statements and bills. One year after the last medical appointment/treatment, purge the file of transmittal letters, statement, bills and non pertinent material, and incorporate into EMF.

- Medical Expenses and COP – Copies of CA forms, medical reports, letters, statements, and bills. Two years after the last medical appointment/treatment, purge the file of transmittal letters, statements, bills and non pertinent material, and incorporate into the EMF.

- Medical Expense, COP and Compensation – Copies of CA forms, medical reports, letters, statements, and bills. Four years after the last medical appointment/treatment, termination of compensation or when the deadline for requesting reconsideration, hearings or appeals has expired, purge the file of transmittal letters, statements, bills and non pertinent material, and incorporate into the EMF. Destroy if OWCP file is thirty or more years old and the employee has separated from the agency.

- 6. ACCESS AND DISCLOSURE GUIDELINES:** All records related to an employee's injury or illnesses are sensitive. The CPC will protect them from unauthorized access and disclosure. The CPC will limit access to only those

individuals with a need to know. It is mandatory that the employee specify in writing the name of the individual they have designated, as their representative before that individual will be allowed access to the employee's OWCP files. All HRO requests for OWCP files should be sent to the CPC email address cpc.personnel@gsa.gov. HRO requests should be specific in regards to what information is needed. If absolutely necessary, OWCP files may be sent to the HRO and should be returned to the CPC within ten workdays unless arrangements are made with the CPC Director.

GSA Directive - Cancelled

OAD P 9810.1 Injury compensation
Date: 06/16/1988
Status: Validated
Cancelled on 07/16/2003 by OAD P 1832.3B SUNSET PROVISION

GENERAL SERVICES ADMINISTRATION
WASHINGTON, DC 20405

OAD P 9810.1
June 16, 1988

GSA ORDER

SUBJECT: Injury compensation

1. Purpose. This order issues and transmits a revised HB, Injury Compensation.
2. Cancellation. PBS P 4610.1D is canceled.
3. Nature of revision. This handbook is revised to:
 - a. Reflect transfer of program responsibility from the Public Buildings Service to the Office of Administration;
 - b. Include changes, effective June 1, 1987, in the regulations governing administration of the Federal Employees Compensation Act (20 CFR Part 10);
 - c. Emphasize case management and the roles and responsibilities of all parties.
4. Reports. The reports required by this order are exempt from the reports control program.
5. Forms. This order provides for the use of the following forms:
 - a. Office of Workers' Compensation (OWCP) forms:
 - (1) CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation.
 - (2) CA-2, Notice of Occupational Disease and Claim for Compensation.
 - (3) CA-2a, Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation.
 - (4) CA-3, Report of Termination of Disability and/or Payment.
 - (5) CA-5, Claim for Compensation by Widow, Widower and/or Children.
 - (6) CA-5b, Claim for Compensation by Parents, Brothers, Sisters, Grandparents or Grandchildren.
 - (7) CA-6, Official Superior's Report of Employee's Death.
 - (8) CA-7, Claim for Compensation Due to Traumatic Injury or occupational Disease.
 - (9) CA-8, Claim for Continuing Compensation on Account of Disability.
 - (10) CA-16, Authorization for Examination and/or Treatment.
 - (11) CA-17, Duty Status Report.
 - (12) CA-20, Attending Physician's Report.

- (13) CA-20a, Attending Physician's Supplemental Report.
- (14) OWCP-1500a, Federal Employee's Compensation Program Medical Provider's Claim Form.
- b. Standard Form 1012, Travel Voucher.
- c. Standard Form 1164, Claim for Reimbursement for Expenditures on official Business.
- d. GSA Form 3090, Accident Investigation Report.

OWCP forms may be obtained from the U.S. Government Printing Office, Superintendent of Documents, Washington, DC 20402. Supplies of other referenced forms may be obtained by submitting a GSA Form 49, Requisition for Equipment, Supplies, or Services to:

General Services Administration
 National Forms and Publication Center
 Warehouse 4, Docket No. 1
 4900 South Hemphill Street
 Fort Worth, TX 76115

PAUL T. WEISS
 Associate Administrator
 For Administration

INJURY COMPENSATION
 GENERAL TABLE OF CONTENTS

- CHAPTER 1. GENERAL
- CHAPTER 2. FECA - BENEFITS AND REQUIREMENTS
- CHAPTER 3. COMPENSATION CLAIMS - NOTICES AND REPORTS
- CHAPTER 4. TREATMENT OF WORK INJURIES
- CHAPTER 5. CONTINUATION OF PAY
- CHAPTER 6. RESTORATION/RETURN TO DUTY
- CHAPTER 7. OTHER PROVISIONS AND RELATED INFORMATION

TABLE OF CONTENTS

CHAPTER 1. GENERAL

<u>Paragraph Titles</u>	<u>Paragraph Numbers</u>
Purpose.....	1
Objectives.....	2
Applicability.....	3
Background.....	4
Exclusiveness of remedy.....	5
Penalties.....	6
Responsibilities.....	7
Definitions.....	8
Effect on other requirements.....	9

CHAPTER 2. FECA - BENEFITS AND REQUIREMENTS

Compensation benefits.....	1
Continuation of pay.....	2

Other FECA benefits.....	3
Requirements.....	4

CHAPTER 3. COMPENSATION CLAIMS - NOTICES AND REPORTS

Injury or occupational disease.....	1
Recurrence.....	2
Termination of disability, pay, or return to work....	3
Additional reporting in case of death.....	4
Claims for compensation.....	5
Initial claims.....	6
Claims in traumatic injury cases.....	7
Claims in occupational disease or illness cases.....	8
Medical report.....	9
Claims for continued compensation.....	10
Survivor's claims.....	11

CHAPTER 4. TREATMENT OF WORK INJURIES

General.....	1
Advising the injured employee.....	2
Declining medical treatment.....	3
Authorizing examination and/or treatment.....	4
Transportation.....	5
Notification.....	6
Obtaining duty status information.....	7
Supervisor's review.....	8
Reimbursement.....	9
Submission of forms.....	10
Time and attendance (T&A) records.....	11

CHAPTER 5. CONTINUATION OF PAY

General.....	1
Entitlement.....	2
Period of eligibility and use.....	3
Election of annual or sick leave.....	4
Responsibilities.....	5
Time and attendance.....	6

CHAPTER 6. RESTORATION/RETURN TO DUTY

Restoration rights.....	1
Duty status.....	2
Fit for duty.....	3
Job offers to partially recovered employees.....	4
Retention of disabled employees.....	5
Personnel actions.....	6

CHAPTER 7. OTHER PROVISIONS AND RELATED INFORMATION

Third party.....	1
Health benefits.....	2
Federal Employees Group Life Insurance.....	3
Leave "buy-back".....	4
Leave entitlement.....	5

CHAPTER 1. GENERAL

1. Purpose. This handbook assigns responsibilities and prescribes procedures for administration of the Federal Employees' Compensation Act (FECA) in GSA. It does not cover all procedures and details of the program. Additional guidance and information may be obtained from regional Personnel Divisions.
2. Objectives. All actions and decisions required in the execution of the FECA program in GSA will be accomplished consistent with two prime objectives:
 - a. Ensuring that GSA employees receive, in a prompt and timely manner, all benefits to which they are entitled, and
 - b. Keeping GSA's cost for FECA benefits at the minimum practicable level.
3. Applicability. This handbook applies to all organizational units of GSA, and all employees except noncitizen employees outside the United States.
4. Background.
 - a. The Federal Employees' Compensation Act as amended, 5 U.S.C. 8101 et seq., provides compensation benefits to civilian officers and employees for disability due to injury or disease sustained in the performance of duty. FECA also provides benefits to dependents if a work-related injury or disease causes an employee's death and for up to 45 calendar days of regular pay without charge to leave for an employee who sustains a traumatic injury in the performance of duty.
 - b. FECA benefits are paid from the Employees' Compensation Fund, which is reimbursed annually by each Agency for the cost of benefits paid to or for employees under its jurisdiction. Therefore, each Agency pays the full cost of its work injuries and deaths.
 - c. The FECA is administered, implemented and enforced by the Office of Workers' Compensation Programs (OWCP), Department of Labor. FECA regulations, promulgated by the Office, are found in Part 10 of Title 20 of the Code of Federal Regulations. OWCP is the deciding authority for all claims filed under provisions of the FECA.
5. Exclusiveness of remedy. Benefits provided under the FECA are the only remedy against the United States for work-related injury or death. Federal employees and surviving dependents are not entitled to sue the United States nor may they recover damages for injury or death under any other statute.
6. Penalties.
 - a. Any employee, beneficiary, official superior, representative, or other person who knowingly makes, or knowingly certifies to, any false statement, misrepresentation, concealment of fact, or any other act of fraud with respect to a claim under the FECA, or who knowingly accepts compensation to which that person is not entitled, is subject to criminal prosecution and may, under appropriate U.S. Criminal Code provisions (e.g., 18 U.S.C. 287 and 1001), be punished by a fine of not more than \$10,000 or imprisonment for not more than 5 years, or both.
 - b. Any employee, beneficiary, official superior, representative, or other person who, with respect to a claim under the FECA, enters into any agreement, combination, or conspiracy to defraud the United States by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim is subject to criminal prosecution and may, under appropriate U.S. Criminal Code provisions (e.g., 18 U.S.C. 286), be punished by a fine of not more than \$10,000 or imprisonment for not more than 10 years, or both.
 - c. Any person charged with the responsibility of making reports in connection with an injury who willfully fails, neglects, or refuses to do so; induces, compels, or directs an injured employee to forego filing a claim; or willfully retains any notice, report, or paper required in connection with an injury, is subject to a fine of not more than \$500 or imprisonment for not more than 1 year, or both.
7. Responsibilities.
 - a. Program administration
 - (1) The Employee and Labor Relations Division, Office of Personnel, is responsible for management and coordination of the FECA program in GSA.
 - (2) The Office of Budget receives GSA's annual bill for payments from the Employees' Compensation Fund and advises each Service and staff office of the amounts to be included in its budget estimates.
 - (3) The Office of Finance submits quarterly Continuation of Pay (COP) reports to OWCP and pays GSA's annual bill within 30 days of receipt of approved apportionments from the Office of Management and Budget.
 - b. Program operations.
 - (1) The Regional Personnel Divisions are responsible for operation of the FECA program in GSA. Their responsibilities include:

- (a) Reviewing for accuracy and completeness, and otherwise internally processing, all papers and documents prepared for submission to OWCP and transmitting them promptly;
- (b) Making all official agency contacts with OWCP;
- (c) Advising OWCP immediately by telegraph or telephone upon the death of an employee resulting from a work injury;
- (d) Providing information to supervisory personnel and to employees regarding the FECA and OWCP regulations, as well as assisting in preparing required papers and documents and in securing OWCP benefits;
- (e) Obtaining and distributing posters and pamphlets to promote supervisory and employee awareness of compensation benefits;
- (f) Conducting or arranging for training of supervisory personnel on the program and procedures in this handbook;
- (g) Maintaining on file a reference copy of the Federal Employees' Compensation Act and a copy of current OWCP regulations;
- (h) Filing in the Employee Medical Folder (EMF) of the injured employee Form CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation when there is no treatment by a doctor or lost time; and
- (i) Providing counseling, where appropriate, to injured employees regarding possible disability benefits under the Civil Service Retirement Act or Federal Employees Retirement System in lieu of disability payments under the FECA.

(2) Management officials throughout GSA are responsible for:

- (a) Supporting the program actively and ensuring its proper implementation in their areas of operation; and
- (b) Seeing that subordinate supervisory personnel properly discharge their responsibilities under the program, and that all necessary steps are being taken to attain the objectives of the program.

(3) Supervisors (and management officials in their supervisory capacity) are responsible for:

- (a) Ensuring that injured employees receive prompt medical attention;
- (b) Obtaining, recording, and processing all forms related to work injuries;
- (c) Informing injured employees of their rights, what they can do, and answering questions about the FECA program;
- (d) Investigating accidents and incidents and obtaining signed statements of witnesses;
- (e) Processing records in a timely and accurate manner;
- (f) Providing necessary assistance in securing benefits;
- (g) Informing the servicing Personnel Division by telephone of any death or serious injury, or occupational illness or disease that will or may result in lost work time;
- (h) Providing the payroll office with properly recorded time and attendance records; and
- (i) Initiating controversion procedures when warranted.

(4) The National Payroll Center is responsible for:

- (a) Ensuring that COP amounts are correct;
- (b) Submitting documentation concerning leave buy-back through regional Personnel Divisions for processing to OWCP; and
- (c) Providing quarterly regional COP reports to the Office of Finance.

8. Definitions.

- a. Buy-back of leave. Leave buy-back is a procedure used to reinstate an employee's sick or annual leave used in connection with a work-related injury.
- b. Compensation. Compensation means the money paid or payable under the FECA to an employee on account of loss of wages or loss of wage-earning capacity and to enumerated survivors on account of the employee's death. It also includes any other benefits paid for from the Employee's Compensation Fund but does not include COP.
- c. COP. Continuation of pay is the 45-day period immediately following a traumatic injury provided at the employee's option in lieu of sick or annual leave for medical treatment and recuperation. During this period, the employee's regular pay continues.
- d. Excluded medical provider. Any physician or medical facility that has been excluded from participation in the Federal Employees' Compensation Act (FECA) program by the Office of Workers' Compensation Programs (OWCP).
- e. FECA. The Federal Employees Compensation Act of 1916, as amended (5 U.S.C. 8101 et. seq.).
- f. Occupational disease/illness. A condition produced by systemic infection, continued or repeated stress or strain, exposure to toxins, etc., or other continued and repeated exposure to conditions of the work environment over a period of time longer than a single workday or shift.
- g. OWCP. Office of Workers' Compensation Programs, U.S. Department of Labor.
- h. Physician. Physician includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, and optometrists. Chiropractors are included only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist, and subject to regulation by the Secretary of Labor.
- i. Physician of choice. An injured employee may use available government facilities or, at the employee's option, may elect to be treated by a duly qualified local physician or hospital of his/her choice. The word "local" generally means within 25 miles from the place of injury, the employing agency, or the employee's home.
- j. Recurrence. If, after returning to work, an employee is again disabled and stops work as a result of the original injury or occupational disease, such disability is considered to be a recurrence.
- k. Servicing Personnel Division. The regional Personnel Division responsible for operation of the FECA program. For the regions it is their respective Personnel Divisions. For Central Office components in Washington, DC, it is the National Capital Region's Personnel Division, and for Central Office components outside the Washington, DC, area, it is the Personnel Division of the region in which they are located.
- l. Supervisor. The immediate supervisor officially in charge of employees or a superior supervisor or official.
- m. Traumatic injury. A wound or other condition of the body caused by external force, including stress or strain. The injury must be identified by time and place of occurrence and member or function of the body affected, be caused by a specific event or incident or series of incidents, and be caused within a single day or work shift.
- n. Work injury. An injury or disease caused by or at the place of Federal employment. An occupational illness is considered a work injury when medically substantiated to have been caused by the Federal employment.
9. Effect on other requirements. The provisions of this handbook do not include nor change the agencywide provisions for reporting injuries contained in the HB, Accident and Fire Prevention - General (PBS P 5900.2B). The reports required by the latter handbook are for use in the administration and promotion of the GSA-wide accident and fire prevention program.

CHAPTER 2. FECA - BENEFITS AND REQUIREMENTS

1. Compensation benefits. The FECA provides compensation benefits to civilian employees of the United States for disability due to personal injury or disease sustained in the performance of duty. There are four basic types of benefits:
- a. Medical. The FECA provides medical services needed to provide treatment or to counteract or minimize the effect of any condition, disease or injury that is causally related to factors of Federal employment. Coverage also includes:
- (1) Transportation necessary to secure treatment;
 - (2) All necessary dental work, including repairs to fixed dentures or to natural teeth, needed to repair damage done by a work injury; and
 - (3) The furnishing of, and where furnished, any later necessary replacement or repairs of orthopedic and prosthetic appliances, e.g., artificial eyes, limbs, or dentures, required as a result of a work injury, exclusive of eyeglasses and hearing aids, unless that damage was incidental to a personal injury requiring medical services.

There are no time or monetary limits on payment of such expenses. However, OWCP will pay no bill for expenses incurred if the bill is submitted more than one year beyond the calendar year in which the expense was incurred or the service or supply was provided, or more than one year beyond the calendar year in which the claim was first accepted as compensable, whichever is later.

b. Disability. Employees suffering job-related disabilities may be eligible for one or more types of compensation.

(1) Temporary total disability. An employee is entitled to compensation for wage loss at a rate of 66 2/3 percent of pay rate if he/she has no dependents or, with dependents, 75 percent of pay rate. Compensation is payable after a 3-day waiting period (during which the employee must be in non-pay status) unless the disability lasts for more than 14 days. Compensation is also payable after the end of continuation of pay where the entitlement exists (see par. 2).

(2) Permanent total disability. Benefits are identical to those for temporary total disability.

(3) Schedule awards. Compensation is provided for permanent loss or loss of use of certain parts and functions of the body. Compensation is provided for specified periods of time for loss or loss of use and is paid at a rate of 66 2/3 percent (without dependents) or 75 percent (with dependents) of the employee's pay rate. Schedule awards are not an additional benefit. Awards can be paid even if the employee returns to work; however, an employee may not receive a schedule award and wage loss compensation concurrently for the same injury. The following table shows the number of weeks payable for loss or total loss of use of each schedule member (the number of weeks will be prorated according to percent of loss for partial loss of use):

<u>Member</u>	<u>Weeks</u>	<u>No. of</u>
Arm	312	
Leg	288	
Hand	244	
Foot	205	
Eye	160	
Thumb	75	
First finger		46
Great toe	38	
Second finger		30
Third finger		25
Toe other than great toe		16
Fourth finger		15
Loss of hearing-monaural		52
binaural		200
Breast	52	
Kidney	156	
Larynx	160	
Lung	156	
Penis	205	
Testicle		52
Tongue	160	

(4) Partial disability. When an employee is found to be no longer totally disabled but is unable to return to the position held at the time of injury or a position paying equivalent wages, he/she is entitled to compensation computed on loss of wage-earning capacity. Compensation is payable at the 66 2/3 percent and or 75 percent rates as referenced above.

(5) Disfigurement. Where an employee suffers injury to the face, neck or head resulting in disfigurement that will likely prove to be a handicap in securing or maintaining employment, the FECA provides for payment of a compensation award not to exceed \$3,500.

(6) Attendant's allowance. If an employee suffers an injury so severe that he/she is unable to care for physical needs, such as feeding, bathing or dressing, an attendant's allowance of up to \$500 per month may be paid. Such allowance is in addition to compensation for loss of wages.

(7) House and vehicle modifications. An employee whose injury severely restricts mobility and independence in the normal functions of living, either permanently or for a prolonged period, may be entitled to house and/or vehicle modifications.

c. Death. Where an employee's death is causally related to employment, survivors are entitled to benefits in the form of:

- (1) Compensation payments to the surviving spouse, children and/or other dependents;
- (2) The cost of transportation to place of burial if the employee dies away from his/her area of residence;
- (3) Up to \$800 for funeral and burial expenses; and
- (4) A \$200 allowance in consideration of the expense of terminating the deceased's status as a Federal employee.

d. Vocational rehabilitation. The FECA provides that vocational rehabilitation services may be provided to permanently disabled employees to assist them in returning to gainful employment. Extended disability cases may be considered for rehabilitation services if requested by the attending physician, employee or agency. An employee in an approved rehabilitation program may be paid an allowance not to exceed \$200 per month and is entitled to compensation at the rate for total disability during rehabilitation efforts. An employee's refusal to cooperate with rehabilitation efforts may result in reduction or termination of compensation.

2. Continuation of pay (COP). The FECA provides, separate from compensation benefits, that an employee's regular pay may be continued for up to 45 calendar days of wage loss due to disability and/or medical treatment following a traumatic injury. COP is not a compensation benefit and monies paid are subject to applicable taxes and other payroll deductions.

3. Other FECA benefits. The FECA also provides job protection to employees who sustain job-related injury or disease, including accrual of seniority during periods of disability, mandatory restoration to their old position or its equivalent for those who recover within 1 year of beginning compensation, and priority consideration for those who recover after 1 year.

4. Requirements.

a. To qualify for FECA benefits, not including COP, an employee or his/her survivors must establish that the injury or death was causally related to employment.

b. Additionally, a claim must be tendered within 3 years of occurrence unless the Agency was aware of the injury within 30 days. To claim COP, an employee should file a written notice of injury within 30 days of the date of injury and submit, within 10 days of filing written notice, prima facie medical evidence of that injury.

CHAPTER 3. COMPENSATION CLAIMS - NOTICES AND REPORTS

1. Injury or occupational disease.

a. Immediately after an injury or diagnosis of an occupational disease, the employee shall give a written notice to the supervisor. Forms CA-1, Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation, and CA-2, Notice of Occupational Disease and Claim for Compensation, are provided for this purpose. Notice may be given to the supervisor by someone else if the employee is unable to do so.

b. The employee, or someone acting on his/her behalf, shall complete the designated portion of the Form CA-1 or CA-2, and the supervisor shall complete the receipt on the bottom of the instruction sheet attached to the forms and return it to the employee.

c. The supervisor should complete the indicated section of the Form CA-1 or CA-2 and include all information pertinent to the occurrence, including statements of witnesses and a copy of any Accident Investigation Report.

d. Completed forms should be forwarded to the servicing Personnel Division not later than 2 workdays, and in no instance later than 5 workdays, after receipt from the employee. Any information not available at the time should be obtained as soon as possible and telephoned to Personnel for inclusion on the form.

e. When there is neither disability nor medical expense, forms will not be transmitted to OWCP but will be retained as a permanent part of the employee's medical folder.

f. For information regarding COP see ch. 5.

2. Recurrence. Supervisors are required to notify OWCP if, after an employee returns to work, the same injury or disease causes any additional work stoppages.

a. Traumatic injury cases. (See ch. 5 for continuation of pay.)

(1) Should an employee suffer a recurrence of disability, and again stop work, and the initial claim has been approved by OWCP, the supervisor must promptly complete a Form CA-2a, Notice of Employee's Recurrence of Disability and Claim for Pay/Compensation. The employee shall advise the supervisor whether he/she wishes to continue to claim COP or charge the absence to sick or annual leave.

(2) If the recurrence occurs within 6 months following the last medical treatment received by the employee, the supervisor shall authorize required medical care by use of a Form CA-16, Authorization for Examination and/or Treatment. If the recurrence happens more than 6 months after the most recent medical case, authorization for further medical care must be obtained from the OWCP. The employee shall make the request in writing.

(3) If the injured employee does not return to duty before the date the Form CA-2a is submitted, an additional report shall be made on a Form CA-3, Report of Termination of Disability and/or Payment, when the employee returns to work or the disability ceases.

b. Occupational disease cases.

(1) Following recurrence of disability and work stoppage, the supervisor should complete a Form CA-2a and forward it to the servicing Personnel Division for submission to OWCP.

(2) If the employee wishes to claim compensation as a result of the recurrence and a Form CA-7, Claim for Compensation Due to Traumatic Injury or Occupational Disease, was not submitted following the initial disability, one should be submitted at the time of recurrence. If a Form CA-7 was previously submitted, compensation may be claimed by filing a Form CA-8, Claim for Continuing Compensation on Account of Disability, with supporting medical evidence.

(3) If the injured employee does not return to duty before the date the CA-2a is submitted to OWCP, an additional report shall be made on a Form CA-3 when the employee returns to work, or the disability ceases.

3. Termination of disability, pay, or return to work. The supervisor must notify the servicing Personnel Division immediately when the injured employee returns to work, disability ceases, or when notification is given by the attending physician that the employee is able to return to work. The supervisor shall promptly prepare and forward three copies of the Form CA-3. This report shall show, in addition to the regular information required by the form, under "Remarks," the beginning and ending dates of the pay period in which the employee returns. However, a Form CA-3 need not be submitted if Forms CA-1 or CA-2 have been submitted indicating the date of return to duty.

4. Additional reporting in case of death. If an injury results in an employee's death, the Supervisor shall:

a. Report the death immediately to the servicing Personnel Division by telephone;

b. Secure two copies of the death certificate;

c. Prepare, in duplicate, a Form CA-6, Official Supervisor's Report of Employee's Death; and

d. Forward to the servicing Personnel Division as soon as possible both copies of the death certificate and two copies of all other accumulated papers, including claims by survivors.

5. Claims for compensation. Compensation for disability or death resulting from personal injury sustained while in the performance of duty shall be paid unless the injury or death is caused by: the employee's willful misconduct; the employee's intention to bring about the injury or death of self or of another; or was proximately caused by the injured employee's intoxication.

6. Initial claims. An injured employee is required to file a written claim for compensation within 3 years after the injury before compensation may be paid. However, if the supervisor had actual knowledge of the injury within 30 calendar days, compensation is allowed, regardless of whether a written claim was made within 3 years after the injury. The supervisor's actual knowledge of working conditions must be adequate to enable him/her to have reasonable notice of an on-the-job injury or death.

7. Claims in traumatic injury cases.

a. Continuation of payment.

1. In order to provide continuity of payment, where disability continues beyond the period of COP entitlement, Form CA-7 should be given to the employee not later than the 30th day of COP with instructions to complete his/her portion and return to their supervisor within 1 week. Supervisors should complete their portion within 2 workdays and forward to the servicing Personnel Division.

2. If it is not clear whether the employee will remain disabled after the period of COP entitlement, Form CA-7 should be initiated as described above.

b. Continued disability. Form CA-7 must be accompanied by a medical report showing continued disability for work beyond the end of the 45-day period. The employee is responsible for this report (Form CA-20 is attached to Form CA-7 for this purpose).

8. Claims in occupational disease or illness cases.

- a. The OWCP requires a claim for compensation before payment may be awarded for loss of pay or permanent disability. This is to be made on a Form CA-7. The claim should be filed with the OWCP, through the supervisor, within 10 calendar days after pay stops or when disability terminates if the pay loss is less than 10 days.
- b. A Form CA-7, accompanied by a medical report, showing continued disability beyond 10 days may be filed any time following the date pay stops.
- c. The employee, or someone acting on the employee's behalf, is required to complete the employee's portion of the Form CA-7.

9. Medical report.

- a. The Form CA-20, Attending Physician's Report, is an attachment to the Form CA-7. The supervisor shall complete items 1 thru 4 on the front portion of the form and the OWCP district office address on the back portion of the form.
- b. The employee, or someone acting in his/her behalf, is responsible for submitting the Form CA-20 to the attending physician. Upon completion, the form shall be returned to the employee's supervisor.

10. Claims for continued compensation.

- a. Form CA-8 is used to claim compensation for additional periods of time after the Form CA-7 is submitted to OWCP. While temporary total disability continues, this form must be submitted every 2 weeks until the employee is otherwise instructed by OWCP.
- b. The injured employee, or someone acting on the employee's behalf, is required to complete and sign the front of a Form CA-8. The supervisor shall complete the appropriate section of the form.
- c. The supervisor shall also complete items 1 thru 6 on the front of the Form CA-20a, Attending Physician's Supplemental Report, and the OWCP district office address on the back of the form.
- d. The Form CA-20a shall then be carried by the employee, or sent by the supervisor, to the attending physician. The physician should promptly complete and forward the form to the supervisor.

11. Survivor's claims. If the employee dies as a result of a work injury, a written claim for compensation by or on behalf of any dependents is required before compensation may be paid. This claim is to be filed within 3 years after the death, unless the supervisor had actual knowledge of the death within 30 calendar days or written notice was given to the supervisor within 30 calendar days. Also, the timely filing of a disability claim because of an on-the-job injury will satisfy the time requirements for a death claim based on the same injury. The following procedure should be followed:

- a. Furnish three copies of a Form CA-5, Claim for Compensation by Widow, Widower, and/or Children, or a Form CA-5b, Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren, as appropriate, to persons likely to be entitled to compensation;
- b. Provide information regarding the use of the forms and assistance in their completion; and
- c. Accept, on behalf of OWCP, completed forms in duplicate and forward both copies of all forms to the servicing Personnel Division.

CHAPTER 4. TREATMENT OF WORK INJURIES

1. General.

- a. Prompt and proper treatment of work injuries, even those that appear minor, is important for the benefit of injured employees and the Agency. The threat of infection or other complications is always present, and delaying treatment can increase the chance of long-term disability, permanent impairment, or death.
- b. When a work injury occurs, the supervisor is responsible for promptly arranging for necessary first aid or medical treatment. The injured employee shall be given the opportunity to select the physician for treatment subject to the restrictions in par. 4b below. The physician selected should be contacted by telephone to determine availability and willingness to accept the employee for treatment. If the physician is not available or is unwilling to accept the employee as a patient, the employee must select another physician.
- c. If an injured employee is unable to select a physician for treatment or the injury appears to be life threatening, the employee should be transported to the nearest medical facility.

2. Advising the injured employee. When an employee sustains a work injury, the supervisor must advise him/her of the right to treatment at government expense, provided that it is obtained in accordance with the provisions of the FECA.

Prompt action shall then be taken to arrange for the treatment. At this time, the employee will be provided Form CA-1 for reporting the injury, informed of his/her right to claim COP if the injury is disabling, and, if COP is claimed, advised that prima facie medical evidence of the injury must be submitted within 10 work-days and that failure to do so may result in termination of COP (see ch. 5).

3. Declining medical treatment. An injured employee who declines the offered treatment shall be required to sign a refusal statement on the Form CA-1, Federal Employees' Notice Traumatic Injury and Claim for Continuation of Pay/Compensation, block no. 16. However, the injured shall first be advised that:

a. If he/she refuses to submit to, or in any way obstructs an examination of the injured area, the right to claim compensation shall be suspended;

b. The health benefits plans authorized by the Federal Employees Health Benefits Act of 1959 (Public Law 86-382, as amended) exclude charges for treatment required as a result of occupational disease or injury for which any benefit is payable under workmen's compensation laws; and

c. Although an employee may apply to OWCP for reimbursement for any expenses incurred for treatment obtained on their own initiative, the reimbursement is completely discretionary with OWCP.

4. Authorizing examination and/or treatment.

a. When an employee suffers a traumatic injury on the job, it's the supervisor's responsibility to secure immediate medical attention and issue Form CA-16, Authorization for Examination and/or Treatment, within 4 hours of the employee's request, or in the case of emergency, within 4 hours of the time the supervisor recognizes the need for medical treatment. If there is cause to refuse a request for Form CA-16, the supervisor, or someone acting on his/her behalf, should inform the employee of the reason for refusal within the 4-hour period.

b. If the injured employee is conscious, he/she may go to the physician or hospital of their choice. Generally, physician of choice must be within a 25 mile radius of the worksite or the employee's home. Before authorizing medical services on Form CA-16, designated agency officials should ensure that the medical provider selected by the employee is not an excluded provider. A list of excluded providers is maintained by the servicing Personnel Division.

c. The supervisor or other management representative should, whenever possible, accompany the injured employee to the physician's office (or hospital) with the Forms CA-16 and CA-17, Duty Status Report. Every effort should be made to have the CA-17 completed by the physician at the time of treatment (except in the case of severe injury).

d. Issuance of Form CA-16 obligates the Government to pay costs resulting from examination and/or treatment and may be accomplished only by an authorized official of GSA. (For this purpose, an authorized official is any employee who is assigned or detailed to a position designated as supervisory, unless this authority is specifically reserved to a superior in the organization.) The CA-16 is NOT issued for examination/treatment of occupational diseases. Authorization for treatment is valid for a period of 60 days unless withdrawn sooner by written notification from OWCP to the medical provider. The employee may continue under treatment without further explicit authorization unless OWCP has denied benefits or has issued a letter rescinding authorization to the provider shown on the form.

e. The CA-16 is issued for initial traumatic injury treatment and should be hand carried by the supervisor or the injured employee. In all instances, Form CA-16 should be issued in duplicate and the medical provider requested to forward the original to the appropriate OWCP office and the copy to the issuing supervisor. In the event of an emergency, the CA-16 may be forwarded to the medical provider after the fact, but in no case more than 4 hours after the need for medical attention is recognized (see a, above). The medical provider should be advised that prompt completion and return of the CA-16 is necessary to expedite payment of fees. Additional forms to be issued to the physician at the time of initial treatment include the CA-17 and the OWCP-1500a, Health Insurance Claim form. The medical provider must bill on the OWCP-1500a, since this is the standard bill-payment form required by OWCP.

f. When issuing Form CA-16, the supervisor must provide the employee written notification of his/her obligations and responsibilities with respect to returning to work. This is a regulatory requirement and will be accomplished using an OWCP-prepared information sheet.

5. Transportation.

a. When circumstances warrant, an employee injured at work will be provided transportation to a medical facility for treatment.

b. In an emergency, transportation may be by ambulance. In a non-emergency, transportation should be provided by the employee, the supervisor, a designated employee, or by public conveyance.

6. Notification. The servicing Personnel Division is to be advised, by telephone, of any work-related injury that may result in lost work time or the hospitalization or death of an employee. This notification will be made no later than the day following the injury.

7. Obtaining duty status information.

a. Potential disabling injuries or disabling recurrences shall be reported immediately to the servicing Personnel Division which will coordinate actions to return the injured employee to duty. However, it is the responsibility of the supervisor to promptly obtain information concerning the extent of disability from the treating physician. If a completed CA-17 cannot be obtained at the time of initial treatment, the supervisor will contact the treating physician personally or by telephone to obtain necessary information and will request confirmation by the physician through submission of the completed Forms CA-16 and CA-17. A copy of the employee's position description and any other relevant data should be provided to the physician for use in evaluating the employee's ability to perform assigned duties.

b. The employee is responsible for reporting immediately to his/her supervisor the occurrence of an injury and the condition following initial treatment. It is the responsibility of the injured employee to promptly provide medical evidence supporting any absence from duty as the result of a work injury. Supervisors shall ensure that employees are aware of these reporting requirements.

8. Supervisor's review. In any incident that results in injury to an employee, the supervisor will review fully the situation and circumstances of the injury, obtaining, if possible, signed statements from all witnesses. This review will allow the supervisor to properly carry out his/her responsibilities with respect to any FECA claim.

(An accident investigation conducted pursuant to the requirements of GSA Handbook, Accident and Fire Prevention-General PBS P 5900.2B, will fulfill this requirement. In such event a copy of the Accident Investigation Report, GSA Form 3090, will be forwarded to the servicing Personnel Division.)

9. Reimbursement.

a. Medical expenses. Itemized, receipted bills for medical services that have been paid by or on behalf of an employee who has suffered a work injury may be submitted for consideration by OWCP for reimbursement. These bills, accompanied by a written request for reimbursement, shall be submitted to the servicing Personnel Division, which will forward the bills to OWCP after having ascertained that all necessary papers relating to the injury have been executed.

b. Transportation. Claims may be made to OWCP for reimbursement of transportation and related travel expenses. OWCP will not pay for taxicab fares or the hire of special conveyances where public means of transportation are available except when the latter cannot be used because of the injured's disability. When the injured is transported in his own car or that of a relative or another Federal employee's, reimbursement shall be made only at the prevailing rate for authorized Federal travel at government expense. To claim reimbursement for transportation and related expense, Standard Form 1164, Claim for Reimbursement for Expenditures on Official Business, or Standard Form 1012, Travel Voucher, shall be submitted to the servicing Personnel Division for forwarding to OWCP.

10. Submission of forms. All forms will be submitted to the servicing Personnel Division in duplicate. When an injury results in lost time, the supervisor will submit a copy of Form CA-1 with the employee's time and attendance record to the National Payroll Center and indicate on the copies forwarded to Personnel that the Center has been furnished a copy. Copies of Form CA-3 will be handled in the same manner.

11. Time and attendance (T&A) records. On the day an employee suffers a work-related injury, there will be no charge to leave for time away from the job as a result of or for treatment for such injury. Time lost will be recorded on T&A records as an excused absence with an annotation that the employee suffered a work-related injury.

CHAPTER 5. CONTINUATION OF PAY

1. General. The FECA provides that an employee's regular pay may be continued for up to 45 calendar days of wage loss due to disability and/or medical treatment following a traumatic injury. Continuation of Pay (COP) is intended to eliminate interruption of the employee's income while the claim is being adjudicated.

2. Entitlement.

a. To qualify for COP, an employee must file a written notice of claim on Form CA-1 within 30 days of the date of injury.

b. COP Covers:

(1) Absence due to disability or medical treatment (including work at regular duties but for fewer than the usually scheduled number of hours due to partial disability);

(2) Reassignment, by formal personnel action, to a position with a lower rate of pay due to partial disability; and

(3) Change to a different work schedule due to effects of an injury that results in a loss of premium pay (e.g., Sunday pay or shift differential).

- c. The following are also chargeable against the 45-day COP period:
- (1) Leave taken when COP is otherwise payable; and
 - (2) Periods of official detail to a lower grade position due to the effects of injury.
- d. Temporary employees are entitled to COP on the same basis as permanent employees. However, COP may not be paid beyond a termination date that was established prior to injury.
3. Period of eligibility and use.
- a. To be eligible for COP, an employee's disability must begin within 90 days of the date of injury.
 - b. If, after an employee returns to work, there is a recurrence of disability and the original claim of disability has not been denied and pay has not been continued for the entire 45 days, the employee is eligible for COP if the disability recurs within 90 days of the date he/she first returned to work following the initial period of disability. (In the event of recurrence, employee should request COP on Form CA-2a.)
 - c. The 45 days is a maximum and is counted cumulatively for the initial period of disability and any recurrence.
 - d. COP days need not be successive within the eligibility period. However, they must be continuous if COP goes beyond the 90-day period.
4. Election of annual or sick leave.
- a. An employee may elect to use annual or sick leave instead of claiming COP. In such case, counting of days to the beginning of entitlement to compensation does not start until use of leave ends.
 - b. Choice of sick or annual leave is not irrevocable. Where COP is subsequently chosen in lieu of previously requested leave, it will be granted for the entire period. The employee's right to request change from leave to COP must be exercised within one year of the date leave was used, or the date the claim is accepted, whichever is later. Leave repurchase (see ch. 7.4) is not applicable during dates of COP entitlement.
 - c. If an employee who has filed a noncontroverted claim has elected to use accrued leave but does not have enough to cover all disability during the 45-days, he/she should be converted to COP immediately upon the expiration of the leave balance to avoid wage loss for which compensation could not be awarded.
5. Responsibilities.
- a. Employees:
 - (1) Complete and submit employee's portion of Form CA-1 to his/her supervisor as soon as possible but not later than 30 days after the date of injury;
 - (2) Submit or arrange for the submission of prima facie medical evidence of a traumatic disabling injury within 10 work days after claiming COP;
 - (3) Advise an attending physician of alternative work or of the Agency's willingness to accommodate work limitations and furnish their supervisor with a copy of the physician's opinion as to ability to perform proposed duties and/or limitations and restrictions imposed by the injury; and
 - (4) Return to duty when offered work within the limitations and restrictions imposed by the physician.
 - b. Supervisors:
 - (1) Immediately upon learning that an employee has suffered an employment-related traumatic injury, the supervisor will:
 - (a) Promptly authorize medical care (see ch. 4);
 - (b) Provide the employee with Form CA-1 for reporting the injury;
 - (c) Fully advise the employee of the right to elect COP or use annual or sick leave, if the injury is disabling;
 - (d) Advise the employee that prima facie medical evidence of a disabling traumatic injury must be submitted to the supervisor within 10 work days of the date disability begins or pay may be terminated.
 - (2) Upon receipt of the Form CA-1 from the employee, the supervisor will promptly process and forward it to the servicing Personnel Division (returning to the employee the "Receipt of Notice of Injury," which is part of the form).

Most significant here is the question of controversion of COP. If COP is claimed, the supervisor must decide if the claim is to be controverted (disputed). This determination shall be made based on the employee's submission and the information ascertained by the supervisor when investigating the situation and circumstances of the employee's injury. The final decision on granting COP rests with OWCP, so the reason for controversion, including statements and data relative to the incident, must be included with the Form CA-1. COP will be granted pending the decision unless controversion is for one of the following reasons:

- (a) The disability results from an occupational disease or illness;
- (b) The employee is a volunteer working without pay or for nominal pay, or a member of the office staff of a former President;
- (c) The employee is neither a citizen nor a resident of the United States or Canada;
- (d) The injury occurred off the employing agency's premises and the employee was not involved in official "off premise" duties;
- (e) The injury was proximately caused by the employee's willful misconduct, intent to bring about injury or death to self or another person, or intoxication by alcohol or illegal drugs;
- (f) The injury was not reported on Form CA-1 within 30 days following the injury;
- (g) Work stoppage first occurred 90 days or more following the injury;
- (h) The employee initially reported the injury after his or her employment was terminated; or
- (i) The employee is enrolled in the Civil Air Patrol, Peace Corps, Youth Conservation Corps, Work Study Programs, or other similar groups.

(3) If one of these situations exists, pay will be terminated. (This does not preclude the employee using accrued leave). This processing should be accomplished within 2 work-days of receipt of Form CA-1 from the employee. IT IS STRONGLY RECOMMENDED THAT SUPERVISORS DISCUSS WITH THE SERVICING PERSONNEL DIVISION ANY CLAIM FOR COP THAT DOES NOT CLEARLY RESULT FROM AN EMPLOYMENT-RELATED TRAUMATIC INJURY PRIOR TO THEIR PROCESSING OF THE CLAIM.

(4) Inform the employee whether COP will be controverted and, if so, whether pay will be terminated and the basis for those actions.

c. Servicing Personnel Divisions:

- (1) Provide advice and guidance to employees and supervisors;
- (2) Review and ensure the correctness of actions taken and accuracy and completeness of forms and other documents submitted to OWCP.

6. Time and Attendance.

a. The day of injury is not charged to COP unless the injury occurs prior to duty hours. Absence owing to injury on the day of injury will be recorded as an excused absence (other Paid Absences) with remarks on the Time and Attendance (T&A) records specifying the reason.

b. COP entitlement is 45 calendar days, not work days, and is charged in days, not hours. This is not consistent with routine T&A recording; therefore, a separate count ("cuff record") should be maintained to ensure accurate counting of COP.

(1) COP counting would include nonwork days within a period of continuous COP usage (e.g., in the instance of an employee with a Monday through Friday work schedule, absence on COP on a Friday and the following Monday would be counted as 4 days of COP).

(2) Actual hours of COP used will be recorded on official T&A records. Therefore, if an employee is absent for only a portion of a day, that portion, in whole hours, would be reflected on official T&A records, but it should be counted as one day of COP used as far as entitlement is concerned.

c. All dates annotated on official T&A records must agree with injury date on Form CA-1 and the inclusive/ending date on Form CA-3.

CHAPTER 6. RESTORATION/RETURN TO DUTY

1. Restoration rights. The FECA and implementing OPM regulations (see FPM, ch. 353) provide restoration rights to employees and former employees as outlined below:

a. Fully recovered within 1 year. Must be restored to his/her former position or an equivalent position if application made within 30 days of end of compensation or resolution of an appeal for continuation of compensation.

b. Fully recovered after 1 year. Entitled to priority consideration for his/her former position or an equivalent position if application made within 30 days of the date compensation ceases or the date of resolution of an appeal for continuation of compensation.

c. Physically disqualified.

(1) Within 1 year - is entitled to be placed in a position, for which qualified, that most closely approximates the seniority, status and pay to which he/she would otherwise have been entitled, consistent with the circumstances in each case;

(2) After 1 year - is entitled to the rights accorded individuals who are fully or partially recovered, as applicable.

d. Partially recovered. Partially recovered employees have no right to restoration; however, to minimize compensation costs and loss of staff resources and to encourage rehabilitation, EVERY REASONABLE EFFORT WILL BE MADE TO PLACE, IN SOME CAPACITY, THOSE EMPLOYEES WHO ARE ABLE TO WORK.

2. Duty status. At a frequency consistent with the nature and severity of an employee's disability, the supervisor will obtain current duty status reports throughout the recovery period. Form CA-17 will be used for this purpose and, upon receipt from the employee's physician, will be forwarded to the servicing Personnel Division. If, to facilitate the employee's return to duty, other correspondence with the physician is necessary, such communications will be coordinated with the servicing Personnel Division. Copies of the correspondence and any response must be forwarded to OWCP.

3. Fit for duty. An employee found fit for duty must return to his/her assigned position. Failure to do so may be cause for disciplinary action.

4. Job offers to partially recovered employees.

a. The supervisor of a partially recovered employee will review the work operation with a view to identifying work that the employee can perform.

b. If work cannot be identified within the immediate employing unit, consideration will be expanded to other elements of the employing Service or staff office.

c. Such job offers must be within the commuting area.

d. The servicing Personnel Division will:

(1) Provide advice and guidance to supervisors;

(2) Provide assistance in areas such as job design/redesign;

(3) Refer to other Services and staff offices, for consideration, cases that cannot be accommodated by the employing organization; and

(4) Ensure that all actions are appropriate and that all reporting requirements are met.

5. Retention of disabled employees. As a general rule, employees who are in receipt of compensation may be carried on the rolls for up to 1 year. Each case must, however, be judged on its own merits. As provided in the HB, Time and Leave Administration (OAD P 6010.4) extensions of LWOP beyond 1 year require the approval of the responsible Personnel Officer. For compensation recipients, such requests will include the reasons for retention.

6. Personnel actions. Personnel Divisions will ensure that all actions are consistent and in accordance with Civil Service laws, rules and regulations.

CHAPTER 7. OTHER PROVISIONS AND RELATED INFORMATION

1. Third party.

a. When a party, individual or legal entity, other than the claimant or agency, appears to be responsible for an injury or death, the claimant may be asked to seek damages from that party.

b. Where it appears that a third party is liable, that aspect should be reviewed and addressed in the supervisor's

review of the incident.

- c. Claimants in such instances will be contacted with specific instructions and should not attempt to settle a claim against a third party without first obtaining advice from and approval of the Solicitor of Labor through OWCP.
- d. Compensation benefits to which the claimant is entitled will be paid while a third-party claim is pending.
- e. If a recovery is made from a third party, disbursement is usually made by OWCP. Generally, the injured is guaranteed not less than one-fifth of the net proceeds (after the costs of collection are deducted). The other four-fifths must be applied toward repaying the Compensation Fund for any benefits already paid because of the injury. The injured is then entitled to any remaining proceeds, but this amount must be credited against future payments of benefits occurring from the same injury. These rules regarding proceeds apply even though the injured is not directed by OWCP to make a claim against the third party (5 U.S.C. 8131 and 8132).

2. Health benefits.

- a. A disabled employee, while receiving compensation, may continue health benefits enrollment if he/she was enrolled (or covered as a family member) in a health benefits plan during the 5 years of service immediately preceding the start of compensation; during all service since his/her first opportunity to enroll; or, continuously for the full period or periods of service beginning with the enrollment that became effective not later than December 31, 1964.
- b. A beneficiary of a fatally injured employee may continue enrollment if the conditions in "a" above are met and if the deceased employee was enrolled for self and family at the time of death and at least one of the covered family members is receiving compensation as a surviving beneficiary under the Compensation Act.
- c. OWCP will make the necessary deductions from the compensation payable to the injured employee, or to the survivors of a fatally injured employee, except that no withholdings shall be made when compensation is payable for less than 29 days.

3. Federal Employee's Group Life Insurance.

- a. Basic coverage is continued at no cost to an employee while receiving compensation;
- b. An employee receiving compensation may retain optional life insurance (OLI) if he/she is eligible to continue regular insurance and has been enrolled for no less than the 5 years of service preceding disability, or the full period or periods of service during which OLI was available, if less than 5 years. Premiums for OLI are deducted from compensation.

4. Leave "buy-back."

- a. If an employee uses leave, sick or annual, during a period of disability for which a claim for compensation is approved, the employee may repurchase, or "buy back," the used leave and have it recredited to his/her leave account.
- b. Leave must be repurchased within 3 years of the time it is used.
- c. An employee may not buy back leave taken in a period in which he/she was eligible for continuation of pay.
- d. Compensation entitlement for leave repurchase is computed in the same way as compensation for temporary total disability. Since leave is paid at 100 percent of the usual wage rate and compensation is paid as a percentage of the rate, the employee will most always owe money for the repurchase.
- e. Procedure.
 - (1) Form CA-7 is used to initiate "buy-back";
 - (a) "LEAVE BUY-BACK" is annotated across the top of the form in large print.
 - (b) All items (1-17) on the front of the form must be completed by the claimant.
 - (c) In item 6, the inclusive dates of the leave taken must be shown. In addition, a daily breakdown of all leave, including holidays and weekends, must be attached to the CA-7.
 - (d) The completed front of the form must be given to the supervisor to accomplish the "Statement of Official Superior" portion on the reverse of the form.
 - (e) All items (18-40) must be accomplished.
 - (f) Item 18 will contain the address of the servicing Personnel Division.
 - (g) Item 25 must contain the number of hours of annual/sick leave used.

- (h) Part C, Continuation of Pay, will contain exactly what was reported on the CA-3.
 - (i) Part D, Compensation, item 30, will show "Leave Buy-Back."
 - (j) Item 31 will show the inclusive dates of the leave used.
 - (k) Item 32 - to correctly annotate this item, the supervisor shall contact the payroll clerk responsible for that employee's SSN. This item is extremely important and must be correct.
 - (l) Part E, Return to Duty, is self-explanatory.
- (2) Disposition of the CA-7.
- (a) The completed CA-7 will be forwarded to the servicing Personnel Division.
 - (b) After check for accuracy, the form will be forwarded to the National Payroll Center for verification against the T&A records.
 - (c) After the National Payroll Center verification and return to the servicing Personnel Division, the request is processed to OWCP.
- (3) Actual buy-back.
- (a) The claimant will receive a letter from OWCP stating the exact amount of compensation due for the amount of leave being restored.
 - (b) The employee is requested to complete and sign the attached CA-12702-1281, Application for Reinstatement of Leave, and forward it to the servicing Personnel Division.
 - (c) The signed application is processed to the National Payroll Center, where the amount the employee owes prior to any refund is computed, the bottom portion of the CA-1207-1281 completed, and the completed application returned to the servicing Personnel Division for processing to OWCP.
 - (d) The employee will be notified of the amount that they will owe the agency (or that will be due them upon refund).
 - (e) The supervisor will be notified, in writing, to submit corrected T&A cards charging all previously used leave to LWOP.
 - (f) As soon as the completed paperwork is received by OWCP, a check is issued to the agency for the amount of compensation stated in the OWCP CA-1207-1281.
 - (g) Upon receipt of the check and the corrected T&A cards, all leave is restored to the employee's leave account.
5. Leave entitlement. An employee is entitled to use any accrued sick leave when he/she suffers a work-related injury or illness. While awaiting adjudication of a claim for employee's compensation by OWCP, he/she is entitled to use available sick or annual leave, or LWOP, as requested. However, once entitlement to compensation payments has been awarded and the employee has exhausted or chooses not to use available sick leave, approval of further requests for annual leave or LWOP is discretionary.

**Implementation Review of Controls over FECA Compensation
and Medical Benefits Expense
Report Number A060152/S/F/S07004, dated June 5, 2007
Assignment Number A100098**

Appendix B

<u>Report Distribution</u>	<u>Electronic Copies</u>
Chief Human Capital Officer (C)	1
Director, Internal Control & Audit Division (BEI)	1
Director, Audit Planning, Policy, and Operations Staff (JAO)	1
Assistant Inspector General for Auditing (JA)	1
Assistant Inspector General for Investigations (JI)	1