

PART 2069 - SAFETY AND INJURY COMPENSATION

Subpart B - Employee Injuries - Reporting and Compensation

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PART 2069 - SAFETY AND INJURY COMPENSATION

§ 2069.50 General.

(a) Rural Development's policy supports the Federal Employees Compensation Act (FECA) which provides compensation and medical assistance to Federal employees for disability due to injury, illness or disease sustained in the performance of official duties. In the event of death, compensation may be paid to dependents. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>

(b) The FECA is administered by the United States Department of Labor (DOL), Office of Workers' Compensation Programs (OWCP). The OWCP makes final decisions relative to the approval or disapproval of all FECA claims.

(c) Rural Development authorizes the national office OWCP manager and state office OWCP human resource managers to provide workers' compensation program services and benefits.

(d) The Justice Department has the legal authority to pursue criminal charges for individuals filing false claims.

§ 2069.51 Benefits provided by the Compensation Act.

(a) Persons eligible. All Rural Development employees are eligible.

(b) Forfeiture of benefits. Benefits can be stopped if the supervisor believes the disability is caused by the employee's willful misconduct.

(c) Medical care. Medical care, including hospitalization will be provided to employees who sustain a job-related injury, illness or disease when authorized. Employees may request reimbursement for reasonable transportation expenses needed to obtain medical treatment.

(d) Cost of benefits. The cost for medical appliances, supplies or prostheses recommended by the attending physician may be provided by Rural Development.

(e) Personal property. There is no provision for reimbursement for loss of personal property under the FECA.

§ 2069.52 Responsibilities.

(a) Agency/Rural Development. Rural Development is committed to expediting benefits when workplace accidents occur and encouraging strong return to work initiatives in supporting the Federal mission of reducing injury and illness compensation cost.

(b) Managers/Supervisors. Each Rural Development manager and supervisor has the responsibility to administer the services and benefits to their employees provided under the FECA. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

(c) Employees. All employees who have experienced a work related accident/injury or illness/disease should report the incident immediately to their supervisor. Once the supervisor has been made aware of the situation, they should contact the Human Resources Office and the OWCP manager.

§ 2069.53 Type of injuries.

(a) Traumatic injury. A traumatic injury is defined as a wound or other condition caused by external force, including stress or strain. The injury must be identifiable within a single day or work shift, and; by place and time of occurrence, member or function of the body affected, specific event or incident, and/or series of events or incidents that occurred.

(b) Occupational disease or illness. Occupational diseases or illnesses are produced by: systemic infections; continued or repeated stress or strain; exposure to toxins, poisons, fumes etc.; or other continued or repeated exposure to conditions of the work environment over a long period. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

§ 2069.54 Reporting requirements and instructions.

- (a) United States Department of Agriculture (USDA) Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation." When an employee sustains a job-related traumatic injury as defined in §2069.53(a), the official supervisor should be immediately informed. Form CA-1, "Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation", should be completed by the employee, or someone on their behalf, and promptly provided to the supervisor.
- (b) Medical treatment. When a supervisor has been notified of an employee's injury and medical treatment is necessary, it should be obtained immediately.
- (c) Fatality. If an accident results in a fatality, the survivor of the Federal employee is entitled to the employee's benefits. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.
- (d) Supervisory USDA Modified Form CA-1. When the supervisor is notified that an employee has sustained a traumatic injury, the Supervisory portion of the Form CA-1 must be prepared within 7 calendar days of the accident.
- (e) Form CA-2, Federal Employee's "Notice of Occupational Disease and Claim for Compensation". When an employee believes that a medical condition or problem exists that could be job-related, it should be brought to the attention of the supervisor immediately. Form CA-2 should be completed and submitted to the supervisor. In occupational disease or illness cases, the burden of proof is on the claimant to establish by medical and factual evidence that employment caused or aggravated the condition.
- (f) Medical Authorization. The OWCP requires supervisory officials to contact the appropriate OWCP District Office for authorization prior to issuing Form CA-16, "Authorization for Examination and/or Treatment", in cases involving occupational disease and/or illness. The employee's official headquarters location will determine which OWCP office will process the claim. A list of appropriate OWCP District Offices is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

(1) Upon receiving notice that an employee has sustained an occupational disease or illness, the supervisor will promptly:

(i) Furnish the employee with Form CA-2, Federal Employee's Notice of Occupational Disease and Claim for Compensation.

(ii) Advise the employee to furnish supporting medical and factual information as requested on the instruction sheet attached to Form CA-2.

(iii) Complete the proper portions and submit Form CA-2 promptly to the OWCP program manager. If possible, the medical information should be furnished at that time.

(iv) Advise the employee of the right to elect sick or annual leave or leave without pay pending adjudication of the claim by OWCP.

(g) Form CA-4, "Claim for Compensation on Account of Occupational Disease." In those cases where an occupational disease results in loss of pay for more than 3 days, the supervisor should have the employee complete Form CA-4 for submission to the appropriate OWCP District Office. Note: This form includes as an attachment Form CA-20, Attending Physician's Report which must be completed.

(h) Form CA-3, "Report of Termination of Total or Partial Disability and/or Payment." When an employee recovers from his/her disability and/or returns to work, the supervisor should use Form CA-3 to notify the OWCP program manager.

(i) Form CA-2a, "Notice of Recurrence of Disability." In some cases an employee may return to work and experience problems which result in the need for additional medical treatment due to a prior injury or occupational disease. In such instances the supervisor should submit Form CA-2a to the appropriate OWCP District Office.

§ 2069.55 Privacy Act of 1974.

(a) All records, files, medical reports, statement of witnesses and other papers relating to an injury are OWCP property and should be considered confidential. They cannot be used in court without written OWCP permission.

§ 2069.55 (Con.)

(b) OWCP has prepared a "Privacy Act Notice" (See Exhibit A) which should be duplicated and provided to each employee along with Forms CA-1 and CA-2.

§ 2069.56 Federal health benefits exclusion clause.

(a) Federal Health Benefit. Insurance carriers have an exclusion clause regarding workers' compensation injuries, and these plans will not pay medical expenses if a job-related injury disease or illness is involved. However, notification may be made to the health benefits carrier clearly explaining that a claim has been filed with OWCP. This action will insure that time requirements for filing claims will be met in the event that OWCP disapproves the claim.

§ 2069.57 Continuation of Pay.

(a) Definition. Continuation of Pay (COP) is a special type of leave that is granted, without charge to sick or annual leave, to an employee who has suffered a job related traumatic injury. If disability continues beyond 45 calendar days, or the employee is not entitled to 45 days (depending on the occupational disease), the employee may enter into a leave without pay status, or use annual or sick leave. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

(1) Medical evidence. OWCP always requires the submission of detailed medical reports prior to paying any medical bills or compensation payments. Medical evidence is also required to support the granting of COP. When an employee sustains a traumatic injury at work, COP may be granted for the employee to obtain emergency medical care. In this instance, it is acceptable to allow the employee to provide the evidence after COP has been granted.

(2) Form CA-17, "Duty Status Report". In traumatic injury cases, Form CA-17 provides supervisors and OWCP an interim medical report containing information as to the employee's ability to return to active duty. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

(b) Criteria for COP. The FECA allows employee's regular pay to continue up to 45 calendar days of wage loss due to disability and/or medical treatment after a traumatic injury. The intent of this provision is to avoid interruption of the employee's income while the case is being adjudicated. COP is not considered compensation and is therefore subject to the usual deductions from pay, such as income tax and retirement allotments. After entitlement of COP ends, the employee may apply for compensation or use leave until the case is adjudicated/approved.

(c) Dates of eligibility. The employee does not use COP for time loss on the Date of Injury (DOI). COP begins the day following the DOI. The only exception to this rule is when the employee is on agency premises at the start of a workday and has not officially begun his/her regular tour of duty. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

(d) Recording COP. The Time and Attendance Record transaction Code 67 is used for OWCP Injury Leave and should reflect the actual hours used in the remarks section of the Time and Attendance Record. COP is calculated as days. If an employee goes to the doctor for treatment during duty hours and uses 3 hours of COP, they are charged 1 full day of COP time.

§ 2069.58 Denial or termination of COP.

If the Manager and/or supervisor has unanswered questions regarding the employees traumatic injury, they can dispute it in writing and send it with the CA-1 to be evaluated by DOL. Disputing is the process whereby there are questions or concerns about a claim submission on the basis of the information submitted by the employee, or secured during investigation.

§ 2069.59 Compensation benefits.

The amount of compensation payments an employee receives is determined by the employee's wages and whether or not he/she has qualified dependents. The term "dependents" includes a wife or husband, unmarried children under 18 years of age including step children or adopted children, and a wholly dependent parent(s). Children under 23 years of age who are unmarried and are full time students may also qualify.

§ 2069.59 (Con.)

When an OWCP claim involves a traumatic injury, compensation is payable after expiration of the COP. If the employee is receiving COP, the OWCP manager should give the injured employee or their supervisor, Form CA-7 "Claim for Compensation" to complete by the 30th day of the COP period then submit the form to DOL/OWCP by the 40th day. It is important to submit Form CA-7 for compensation to DOL/OWCP in a timely manner to avoid a break in pay.

Death claim benefits. If an employee dies from a traumatic work-related injury or an occupational disease, any survivor may file a claim for death benefits using Forms CA-5 "Claim for Compensation by Widow, Widower and/or Children" or CA-5b "Claim for Compensation by Parents, Brothers, Sisters, Grandparents, or Grandchildren. These forms are available from the Human Resources Office OWCP manager or the internet at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>. The supervisor must provide appropriate documentation.

§ 2069.60 Maximum and minimum compensation.

The maximum monthly rate of compensation may not exceed 75 percent of the monthly pay of the highest step for GS-15. The minimum monthly rate of compensation may not be less than 75 percent of the first step of GS-2. Additional information is available at www.dol.gov/esa/owcp/esa/gov.htm. Types of disability, vocational rehabilitation and scheduled award are described below.

- (a) Temporary disability. This occurs when an employee is injured on the job, recovers within the COP period, and returns to work fully recovered from their medical complications.
- (b) Partial disability. This occurs when an employee is injured on the job exceeding the COP recovery period of 45 calendar days and DOL/OWCP places the employee on the periodic rolls. At this point, it is important to establish good communication with the attending physician to develop a return to work plan.
- (c) Permanent disability. This occurs when an employee is injured on the job due to a workplace accident which denies the employee the opportunity to return to work due to the serious nature of the medical condition.

(d) Vocational rehabilitation. FECA, 5 U.S.C. 8104, provides for vocational rehabilitation services to assist disabled employees in returning to gainful employment consistent with their physical and emotional capabilities. An employee with extensive disabilities may be considered for rehabilitation services by the attending physician. If the agency cannot identify a suitable employment position, OWCP will consider the case for rehabilitation.

(e) Scheduled award. Compensation is provided for specified periods of time for the permanent loss, or loss of use, of certain limbs or functions of the body. Partial loss or loss of use of limbs or functions is compensated on a proportional basis. You can obtain additional information at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

§ 2069.61 Buy back of leave.

To avoid interruption of income pending receipt of a decision from OWCP, an employee may elect to use either annual or sick leave for time lost due to a job-related injury, disease, or illness while applying for compensation payments. In order to buy back leave, the following events/actions must take place:

- (a) Request leave buy back at anytime, even if the claim has not yet been approved by OWCP.
- (b) The claim must be approved by OWCP before leave buy back request is processed.
- (c) Wage loss compensation is paid only for days that the employee did not receive leave pay
- (d) Rural Development must authorize the request for leave buy back before submission to OWCP.

§ 2069.62 Transportation.

OWCP may reimburse the cost of transportation by private vehicle when no public alternative is available, or when the physical condition of the injured employee requires the use of special transportation. Requests for reimbursement should be made on the AD-616, "Travel Voucher", which is sent directly to the OWCP District Office for processing.

§ 2069.63 Deductions.

No deductions for retirement, basic life insurance, and federal income tax will be made while the employee is receiving OWCP disability compensation. However, deductions are made for the Federal Employees Health Benefit Program and optional life insurance.

§ 2069.64 Death.

When an employee dies as a result of an injury, illness or disease attributable to employment, the payments outlined below will be provided:

(a) Dependents. When there are no children, the employee's widow or widower may receive compensation equal to 50 percent of the employee's pay until death or remarriage. A surviving spouse who has eligible children is entitled to compensation at the rate of 45 percent of the deceased employee's salary. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

(b) Burial. A sum not to exceed \$800 may be paid for funeral and burial expenses.

§ 2069.65 Assisting dependents.

In cases wherein an employee sustains a fatal injury and/or an occupational accident, the supervisor should immediately notify the OWCP program manager to initiate action for dependent benefits. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

(a) Form CA-6, "Official Superior's Report of Employee's Death", is used to report death. Forms CA-1 and CA-2 are not required.

(b) Attach a certified copy of the death certificate to Form CA-5, and send to the OWCP.

(c) The supervisor should assist the dependents in preparing and submitting the information required by OWCP. Dependents will be required to submit notarized copies of certificates such as marriage, death, children's birth. These copies must bear the stamp of the custodian of such records, such as county recorder or state registrar.

§ 2069.66 Dual benefits.

As a general rule, a person may not receive compensation from OWCP while receiving a retirement or survivor annuity from the Office of Personnel Management (OPM).

An employee may receive compensation concurrently with military retirement pay, or equivalent pay for service in the armed forces, or other uniformed services.

§ 2069.67 Civil Service retention rights.

These rights are under the jurisdiction of OPM. Disabled Rural Development employees who return to work shall have the time during which they received compensation credited to them for purposes of within-grade increases, retention rights, and all other rights and benefits based on length of service.

§ 2069.68 Cases involving third party liability.

The OWCP reserves the right to recover damages in any case of injury or death caused under circumstances creating a legal liability upon someone other than the United States. Rural Development employees claiming compensation shall not attempt to settle a third party claim. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

§ 2069.69 Hearings, reconsideration and appeals.

A Rural Development employee may request a hearing, reconsideration or appeal regarding an OWCP decision.

(a) Hearings. An employee who is not satisfied with an OWCP decision may request a hearing before an OWCP representative. Such requests are to be made by the employee to the Director of OWCP within 30 days of the Programs, U.S. Department of Labor, Employment Standards Administration, Washington, D.C. 20211.

(b) Reconsideration. An employee can request OWCP to reconsider any determination by directing a written request for reconsideration to the Director of OWCP (see address above). Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

§ 2069.69 (Con.)

(c) Appeals. Rural Development employees may request the Employees' Compensation Appeals Board to review final OWCP decisions affecting them.

§ 2069.70 Completion of OWCP forms.

The importance of accurately completing and promptly submitting the proper OWCP forms cannot be over emphasized. It is critical towards ensuring accurate processing and favorable response to work injury benefits. Additional information is available at <http://www.dol.gov/esa/owcp/contacts/fecacont.htm>.

(a) Distribution. At the discretion of the Human Resources Office copies of any medical reports outlining circumstances, which would affect an employee's ability to carry out normal job functions, may be sent to the agency's medical unit. These circumstances could include work restrictions and the risk of possible reoccurrence.

(b) Additional reporting requirements. If a Rural Development employee, while performing official duties, is involved in an accident which causes serious physical harm or substantial property damage, an agency representative (manager, supervisor, employee) needs to contact the national headquarters Human Resources Office staff immediately.

(c) Federal Employee Safety and Injury Initiative. The Federal goal is to reduce the total case rate for each Federal agency yearly, while, at the same time, increasing the timeliness of reporting new injuries and illnesses to OWCP.

§ 2069.71 - 2036.100 [RESERVED]

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PRIVACY ACT OF 1974 NOTICE

In accordance with the Privacy Act of 1974 (P.L. 93-579, 5 U.S.C. 552a), you are hereby notified that: (1) the Federal Compensation Act, as amended (5 U.S.C. 8101 scq.), is administered at the office of Workers' Compensation Programs of the U.S. Department of Labor. In accordance with this responsibility, the office receives and maintains personal information from Claimants and their immediate families; (2) the information will be used to determine eligibility for and the amount of benefits payable under the Act; (3) the information may be used by other agencies or persons in handling matters, relating, directly or indirectly, to the subject matter of the claim, To the subject matter of the claim, so long as such agencies or persons have received the consent of the individual claimant, or have complied with the provisions of 20 CFR 10; (4) furnishing all requested information may delay the process, or result in an unfavorable decision or a reduced level of benefits (disclosure of social security number is voluntary; the failure to disclose such number will not result in the denial of any right, benefit or privilege to which an individual may be entitled.)

THIS NOTICE SHOULD BE RETAINED FOR YOUR INFORMATION.

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