

Worker' Compensation and Reemployment Rights

The Federal Employee's Compensation Act provides workers' compensation for employment-related injuries and occupational diseases. Benefits include wage replacement, payment for medical care, and where necessary, medical and vocational rehabilitation assistance in returning to work. The program has 12 district offices nationwide. The district office for Dyess AFB worker's compensation claims is located in Dallas Texas.

If you are an injured worker, you can expect timely adjudication of your compensation claim:

- For traumatic injuries this means a decision within 45 days of receipt in all but the most complex cases.
- For simple occupational illness cases, a decision will be issued within 90 days of receipt.
- For most occupational illness cases, which require more extensive evidentiary development, a decision should be forthcoming within six months of receipt.
- For very complex occupational illness cases, a decision should be rendered within 10 months of receipt.

Payment of medical bills, whether submitted directly by the providers or as reimbursement request by injured workers, are usually processed within 28 days of receipt. For any bill that is not payable, an Explanation of Benefits describing the reason for non-payment is issued to the party who submitted the bill.

Prompt payment of compensation, for injured employees, are normally made within 14 days of submittal to the district office if the medical evidence supports the disability for work.

The Federal Employees' Compensation Act gives injured workers the right to reclaim their Federal jobs within one year of the onset of wage loss. The Division of Federal Employees Compensation assists employees in returning to work during that time period, and if necessary, beyond. Injured workers can expect timely case management services, which include the following:

- Assignment of a registered nurse if the injured employee cannot return to work soon after the injury. The nurse ensures that appropriate medical care is provided and assists the worker in returning to employment.
- Referral to a medical specialist for a second opinion examination where required by the worker's medical condition or the program's need for additional medical information.
- Referral for vocational rehabilitation services if the employee is unable to return to work at the employing agency or in his or her previous job category.

When Injured at Work

The Federal Employees' Compensation Act (FECA) is administered by the Office of Worker's Compensation Programs (OWCP) of the U.S. Department of Labor. It provides compensation benefits to civilian employees of the United States for disability due to personal injury sustained while in the performance of duty or to employment-related disease. The FECA also provides for

the payment of benefits to dependents if the injury or disease causes the employee's death. Benefits cannot be paid if the injury or death is caused by the willful misconduct of the employee or by the employee's intention to bring about his or her injury or death or that of another, or if intoxication (by alcohol or drugs) is the proximate cause of the injury or death.

Medical Benefits

An employee is entitled to medical, surgical and hospital services and supplies needed for treatment of an injury as well as transportation for obtaining care. The injured employee has the initial choice of a physician and may select any qualified local physician or hospital to provide necessary treatment or may use agency medical facilities if available. Except for referral by the attending physician, any change in physician requires authorization from OWCP. If OWCP does not approve a change in physician the employee will be held liable for the expenses of treatment.

Compensation for Temporary Total Disability

An employee who sustains a disabling, job-related traumatic injury may request continuation of regular pay for the period of disability not to exceed 45 calendar days or use sick or annual leave. If the disability continues beyond 45 days the employee may use sick or annual leave or enter a leave without pay status and claim compensation from OWCP. Continuation of pay is not authorized for occupational illness or disease. The employee may use sick or annual leave or enter a leave without pay status and claim compensation. Compensation for loss of wages may not be paid until after a 3-day waiting period, except when permanent affects results from the injury or where the disability causing wage loss exceeds 14 calendar days. Compensation is generally paid at the rate of 2/3 of the salary if the employee has not dependents and 3/4 of the salary if one or more dependents are claimed.

Compensation for Permanent Effects of Injury

The Act provides a schedule of benefits for the permanent impairment of certain members, functions and organs of the body such as the eye, arm, and kidney and for serious disfigurement of the head, face or neck. For example, an award of 160 weeks of compensation is payable for the total loss of vision in one eye. In addition, compensation for loss of earning capacity may be paid if the employee is unable to resume regular work because of injury-related disability. This compensation is paid on the basis of the difference between the employee's wage earning capacity after an injury and the wage of the job he or she held when injured. OWCP may arrange for vocational rehabilitation and provide a maintenance allowance not to exceed \$200 per month. A disabled employee participating in an approved training or vocational rehabilitation program is paid at the compensation rate for total disability. If the employee's condition requires a constant attendant, an additional amount not to exceed \$1,500 per month may be allowed.

Compensation for Death

If no child is eligible for benefits, the widow or widower's compensation is 50 percent of the employee's monthly pay until death or remarriage before reaching age 55. Upon remarriage, the

surviving spouse will be paid a lump sum equal to 24 times the monthly compensation payment. If remarriage occurs at age 55 or older, the lump-sum payment will not be paid and compensation will continue until death.

If a child or children are eligible for benefits, the widow or widower is entitled to 45 percent of the pay and each child is entitled to 15 percent. If children are the sole survivors, 40 percent is paid for the first child and 15 percent for each additional child, to be shared equally. Other persons such as dependent parents, brothers, sisters, grandparents and grandchildren may also be entitled to benefits. The total compensation may not exceed 75 percent of the employee's pay or the pay of the highest step for GS-15 of the General Schedule, except when such excess is created by authorized cost of living increases.

Burial expenses not to exceed \$800 are payable. Transportation of the body to the employee's former residence in the US is provided where death occurs away from the employee's home station. In addition to any burial expenses or transportation costs, a \$200 allowance is paid for the administrative costs of terminating an employee's status with the Federal Government.

If you are injured on the Job

Learn about your eligibility for benefits. It is important that you know what you are entitled to, since benefits are not paid automatically. You or your survivors must claim them. In case of injury, obtain first aid or medical treatment even if the injury is minor. While many minor injuries heal without treatment, a few result in serious, prolonged disability that could have been prevented had the employee received treatment when the injury occurred.

For traumatic injuries, ask your supervisor to authorize medical treatment on Form CA-16 before you go to the doctor. The doctor will complete the CA-16 and submit bills to OWCP. Be sure to submit any bills promptly, since bills for medical treatment may not be paid if submitted to OWCP more than one year after the calendar year in which you received the treatment, or in which the condition was accepted.

Report every injury to your supervisor. Submit written notice of your injury on CA-1, Notice of Traumatic Injury or CA-2, Occupational Illness/Disease. The forms are completed electronically by the employee and supervisor. Form CA-1 must be filed within 30 days of the date of injury to receive continuation of pay (COP) for a disabling traumatic injury. COP may be terminated if medical evidence of the injury-related disability is not submitted to your employer within 10 workdays. You are responsible for ensuring that medical evidence is submitted to your employing agency. Form CA-2 should also be filed within 30 days. Any claim that is not submitted within 3 years will be barred by statutory time limitations unless the immediate superior had actual knowledge of the injury or death within 30 days of the occurrence.

The employee is required to provide the evidence needed to show that benefits were filed in a timely manner; that you are a federal employee; that the injury occurred as reported and in the performance of duty; and that your condition or disability is related to the injury or factors of your federal employment.

File a claim for compensation, CA-7, Claim for Compensation on Account of Traumatic Injury or Occupational Disease, if you cannot return to work because of injury and you are losing or expect to lose pay for more than 3-days of pay if you are eligible to receive continuation of pay. If you are not eligible for continuation of pay you may submit a CA-7 when you enter or expect to enter a leave without pay status. You are not required to use your sick or annual leave before you claim compensation. If you use your leave, you may request leave buy-back by submitting a CA-7 to the Civilian Personnel Flight.

In cases where the doctor places restrictions on the duties you may perform every attempt will be made to provide a light duty job to accommodate your work restrictions. It is the responsibility of the employee to notify the agency immediately regarding doctor's instructions concerning return to work and arrange for your agency to receive written verification. If you refuse work that is within your medical restrictions without good cause or if you do not respond within specified time limits to a job offer from your agency your continuation of pay or compensation may be terminated.

Restoration Rights of Injured or Ill Federal Employees

To be eligible for restoration, the employee must have been receiving benefits from OWCP. The restoration rights of employees who sustain compensable injuries fall into four separate categories depending on the length and extent of recovery. The categories are (1) fully recovered within one year; (2) fully recovered after one year; (3) physically disqualified; and (4) partially recovered.

Note: For purposes of restoration rights, a position with the same seniority, status and pay means a position that is equivalent to the former one in terms of pay, grade, type of appointment, tenure, work schedule and when applicable, seniority. Standing in the organization, such as first or second supervisory level, is not a factor.

Fully recovered within one year. An employee who fully recovers within one year from the date compensation began has mandatory restoration rights to the position he or she left, or to an equivalent position. If a suitable vacancy does not exist, the restoration right is agency wide. The employee must apply for restoration immediately and must be restored immediately and unconditionally by his or her former agency.

Fully recovered after one year. If full recovery takes longer than one year from the date compensation began, the individual is entitled to priority consideration for the former position or an equivalent one if they apply for restoration within 30 days of the date compensation stops.

Physically disqualified. An individual who is medically unable to return to his or her former occupation, but is able to do other work, is considered to be physically disqualified. He or she is entitled, within one year of the date compensation begins, to be placed in a position that most closely approximates the seniority, status and pay to which otherwise entitled. After one year, the individual is entitled to the same restoration rights as individuals who partially recover.

Partially recovered. An individual who has not fully recovered, but who is able to work in some capacity, is entitled to be considered for employment. The agency must make every effort to place the employee but there is not absolute right to restoration. If the individual is restored at a lower grade or pay level, OWCP will make up the difference in pay, or the agency may elect to pay the employee at the former rate. If the employee later fully recovers, he or she is then entitled to restoration rights of a fully recovered employee, according to the timing of the recovery. A partially recovered employee has an obligation to seek employment within his or her capabilities. If a partially recovered employee refuses to accept a suitable job offer, OWCP may terminate compensation. OWCP determines whether the job offer is suitable according to the individual's medical restrictions, education and vocational background.