

United States Department of Agriculture

Marketing and Regulatory Programs

Agricultural Marketing Service

Directive AMS 4810.1 2/20/01

WORKERS' COMPENSATION PROGRAM POLICY

1. PURPOSE

This Directive:

1. Provides current policy and procedures on workers' compensation in the Marketing and Regulatory Programs (MRP), Agricultural Marketing Service (AMS). The MRP Workers' Compensation (WC) Program is required by the Federal Employees' Compensation Act (FECA).
2. Is one of a series of steps that MRP will be taking to meet the Presidential Initiatives goals (see 2.b. below) and to manage an effective Workers' Compensation Program.

2. BACKGROUND

1. The FECA provides compensation benefits to civilian employees of the United States for disability due to personal injury or illness sustained while in the performance of their duties. FECA provides compensation benefits to dependents for a work-related injury or illness that causes an employee's death. FECA also provides wage replacement benefits, medical treatment, and vocational rehabilitation.
2. On July 2, 1999, President Clinton signed the Federal Workers 2000 Presidential Initiative, establishing three goals to be met by Federal agencies over the next 5 years:
 0. Reduce the overall occurrence of injuries by 3 percent each year, while improving the timeliness of reporting injuries and illnesses by 5 percent each year.
 1. Reduce the occurrence of injuries by 10 percent at those work sites with the highest rate of serious injuries.
 2. Reduce the rate of lost production days (i.e., the number of days employees spend away from work) by 2 percent each year.

Distribution: AMS Originating Office: ASEU-SHES

3. REPLACEMENT HIGHLIGHTS

This Directive replaces the following documents:

- a. AMS Workers_ Compensation Directive, 373.1, dated 11/20/89.
- b. AMS Workers_ Compensation Handbook, dated 1992.

4. AUTHORITIES

The authorities for providing Workers_ Compensation (WC) benefits for injuries and illnesses sustained in the performance of official duties are contained in:

1. Title 5, United States Code, Chapter 81, Federal Employees_ Compensation Act (FECA);
2. Title 20, Code of Federal Regulations, Chapter I, Parts 1 - 199;
3. Federal Worker 2000 Presidential Initiative, dated July 2, 1999; and
4. USDA Safety and Health Manual, Chapter 3, Section 8, dated 1996.

5. DEFINITIONS

0. Chargeback. Mechanism by which cost for work related injuries and deaths are assigned to employing agencies through the Department of Labor (DOL) Occupational Workers' Compensation Program (OWCP). Payments made from the Employees_ Compensation Fund and statements are distributed to agencies quarterly.
1. Continuation of Pay (COP). Continuation of an employee_s salary for up to 45 calendar days of wage loss due to disability and/or medical treatment following a traumatic injury.
2. DOL District Office. DOL regional office that conducts operations of OWCP, and maintains claimant records.
3. Employee Medical File (EMF). A separate file folder, SF-66D, used to place all OWCP claim forms, medical information, and other documentation such as rehabilitation and adjudication notes.
4. FECA. Federal Employees Compensation Act.
5. Occupational Disease. Condition produced in the work environment over a period longer than one workday or shift, resulting from systemic infection; repeated stress or strain, exposure to toxins, poisons or fumes; or other continuing conditions of the work environment.
6. OWCP. The Federal agency within the DOL, Office of Workers_ Compensation Program, having the authority to approve or deny Federal civilian employees workers_ compensation claims for work-related injuries or illnesses.
7. OWCP Claimant. An AMS employee who has become injured or ill while performing his/her official duties and has submitted OWCP forms with the DOL District Office.
8. Nurse Intervention. A service provided by DOL where a registered nurse contacts the claimant to inquire about his/her injuries or illness. DOL believes that with early medical intervention and followup, the claimant can recuperate better and return to work faster. Each DOL District Office has a registered nurse responsible for contacting claimants.
9. Traumatic Injury. A wound or other condition of the body caused by external force, including stress or strain. The injury must be identifiable as to time and place of occurrence and member or function of the body, caused by a specific event or series of events or incidents within a single day or work shift.
10. Workers_ Compensation (AMS-WC) Field Contacts. Field employees within AMS assigned the collateral duty function to assist in WC program administration by providing advice and counsel to employees on workers_ compensation matters.

11. Workers Compensation Program Manager. The designated employee within Marketing and Regulatory Programs, Business Services (MRP-BS) responsible for the development, implementation, and evaluation of a comprehensive WC Program for AMS.

6. POLICY

AMS is committed to assisting employees in receiving all benefits under the Federal Employees Compensation Act (FECA) to which they are entitled and will not discipline or otherwise retaliate against an employee for reporting an injury or illness.

7. RESPONSIBILITIES

1. AMS Deputy Administrators will ensure that:

1. Each division has employees assigned as a WC contact at the field and HQ level, and
1. WC contacts are properly trained in OWCP to assist AMS employees.

1. MRP-BS will:

1. Administer and monitor the Workers Compensation program for AMS. MRP-BS will ensure that:
 0. Changes in OWCP policy and procedures are communicated promptly to the field contacts and management.
 1. AMS management is informed of Agencywide WC issues, including progress on the Presidential Initiative and corrective action needed (e.g., training of field contacts and supervisors to ensure forms are filled out correctly and promptly), as appropriate.
 2. Long term cases are monitored to ensure that DOL requests and obtains the annual certifications for dependents and Social Security, and medical evaluations.
 3. Rehabilitation assessments are conducted, if warranted, and Social Security reports are requested every 3 years.
 4. Suspected fraud and false claim cases are investigated.
 5. A review of the CA-1, Notice of Traumatic Injury, and CA-2, Notice of Occupational Injury or Illness, is conducted to monitor the proper completion of the forms (i.e., organizational and occupational code, salaries, form is completed in its entirety, etc).
1. Serve as the liaison with the USDA WC Coordinator; attend USDA, DOL and Federal interagency meetings; submit annual reports; reply to Congressional inquiries and submit other reports as necessary.
2. Contact the OWCP claimant's physician, in writing, for the purpose of monitoring an employee's medical progress and duty status. The employer is prohibited from contacting the physician by telephone or in person. However, written communication with physicians is allowed.
3. Provide AMS with quarterly reports in the form of medical and compensation costs, causes, types and anatomical location of injury.

1. Supervisors/Managers must:

1. Provide a CA-1 or CA-2 to the employee within 1 day of request or notification that injury/illness has occurred. If necessary, the supervisor may fill out the CA-1 or CA-2 (e.g., when an employee has been involved in an accident and is hospitalized..) The medical treatment form, CA-16, Authorization for Examination and/or Treatment, can be issued only for traumatic injuries. Supervisors should not issue a CA-16 if the employee has not requested medical treatment within one week of injury. Continuation of pay will be authorized promptly by DOL-OWCP.
2. Completely fill out the "Official Supervisor's Report" on either the CA-1 or CA-2 and, after making a copy, forward the original form to the district DOL office within 7 calendar days of receipt from the employee.

(3) Ensure that:

0. The employee receives time off to seek medical treatment when an injury or illness is sustained while performing work. (Employees may elect to use annual, sick, or leave without pay (LWOP) for occupational or traumatic injuries. COP can be used for Traumatic injuries.)
 1. The Occupational Code, Type, Source, Agency, and Site codes are completed. Appendix D contains information about these codes.
 2. Facts pertaining to the injury are obtained, in order to complete an injury report (CA-1 or CA-2).
 3. Any witnesses document their statements on the CA-1.
 4. If the injury was caused by a third party, the name and address of the party responsible is provided to document the CA-1.
 5. The CA-17, Duty Status Report, is completed, and lists the requirements of the employee_s position. The physician also will complete this form to indicate any restrictions.
 6. Injured employees who are recuperating at home or at a medical institution, are contacted, as appropriate, to maintain employer/ employee communication.
 7. Who are recuperating, receiving compensation, and have regained limited ability to work will be assigned medically appropriate light duty or intermittent assignments/shifts, by the immediate supervisor

1. Employees:

1. Should complete the CA-1 or 2, and submit it to their supervisor/ manager within 3 days of injury or illness.
1. Must inform their supervisors of their ability to return to light work, within 24 hours of physician approval, even for intermittent light duty assignments of less than a full day.
2. Must arrange for a physician to submit a detailed statement and medical report as supporting documentation for the injury sustained on form CA-16 Authorization for Examination and/or Treatment. The CA-16 can be used only for initial authorization of medical treatment for traumatic injuries.
3. Must cooperate with rehabilitation efforts to be returned to work.

e. WC Field Contacts will:

0. Submit a copy to the MRP-BS WC Program Manager if medical expenses are incurred or if lost time is covered by LWOP.
1. Place the original CA-1 or CA-2 and a copy in the employee_s medical

file (EMF), Standard Form 66D, if the employee did not seek medical treatment and no lost time is reported. Should complications develop at a later date, the WC contact will forward the original to the appropriate DOL District Office. This folder should be retained by the WC field

contact until the employee has been on the OWCP rolls for 1 year. After 1 year, the case will be managed by the MRP-BS WC Program Manager. Case folders for employees who resign or retire must be archived to the National Records Center in Kansas City, Kansas.

2. Review for accuracy (i.e., unmatched cases, cases that do not belong to the Agency) the quarterly OWCP report and report any errors, closed cases or fraud indicators. Any corrections or suspicions of fraud should be reported to the MRP-BS WC Program Manager.
3. Review the DOL Agency Query System receipt data with the claimant forms to verify that OWCP is reviewing the case 1 - 2 days after receiving the forms. If a discrepancy exists, contact the MRP-BS WC Program Manager who will work with the USDA WC Program Manager to resolve the issue.
4. Immediately report to the MRP-BS WC Program Manager any suspected fraud or false claims.

7. REPORTING REQUIREMENTS

Attachment 1 identifies the OWCP forms and the time lines to submit claims and medical documents.

8. RETURN TO WORK

AMS is committed to returning OWCP claimants to work at their original or a modified (light duty) job as soon as possible, including any period of COP, to reduce time lost due to a work-related injury or illness.

1. Claimants with an OWCP case open less than 1 year may receive nurse intervention services during the COP period. During the first 45 days of injury a DOL nurse will be assigned to the review the claimant's case. The nurse will contact the claimant, the physician and the WC program manager to find out about the employee's injury, their progress, and any pertinent information to help facilitate return to work.
2. Cases open more than 1 year are reviewed annually by the DOL District Office to determine medical status, rehabilitation potential, and return to work eligibility. MRP-BS will monitor the DOL annual reviews for return to work and/or retirement eligibility.

9. CHARGEBACK BILLING

1. The FECA program is financed by the Employees_ Compensation Fund, which consists of monies appropriated by Congress or through agencies_ operating revenues. OWCP furnishes agencies with statements of payments made from the Fund for injuries, illness, or death benefits to employees based on the OWCP fiscal year, July 1 through June 30. The statement represents charges the Agency will incur in 2 years.
2. Each WC contact will receive a quarterly report which lists all claimant cases and charges

that will appear on the chargeback bill. Each MRP-WC contact must verify the report and notify MRP-BS of any disputes, errors, or omissions (e.g., any case or cost that does not belong within the respective organizational code), within **15 days** of receiving the quarterly chargeback bill. MRP-BS will submit requests for changes to the USDA WC Program Manager, within 2 weeks of receipt of the reported disputes.

10. FRAUD OR FALSE CLAIMS

- a. DOL-OWCP has the sole responsibility for determining whether or not any injury or illness claim is valid. Supervisors are cautioned against assuming this role in any way.
- b. Any person charged with the responsibility for making reports in connection with an injury or illness is subject to a fine of no more than \$500, or imprisonment for no more than 1 year, or both if that person:
 0. Willfully fails, neglects, or refuses to make such reports;
 1. Knowingly files a false report;
 2. Induces, compels, or directs an injured employee to forego filing a claim; or
 3. Willfully retains any notice, report, or paper required in connection with an injury.
 3. Any person who makes a false statement to obtain compensation, or who accepts unearned compensation, is subject to a fine of no more than \$10,000 or imprisonment for no more than 5 years, or both.
 4. In addition, administrative penalties may be imposed, up to and including removal from Federal service.

11. INQUIRIES

1. For additional information about the WC Program, or to reach the MRP-BS WC Program Manager, call 301-734-6116 or write to:

MRP-BS WC Program Manager

4700 River Road, Unit 124

Riverdale, MD 20737

0. Copies of current AMS issuances can be accessed on the AMS Administrative Issuances home page www.ams.usda.gov/issuances.

/s/ William J. Hudnall

Deputy Administrator

MRP Business Services

Attachments:

[1. Reporting Requirements](#)

[2. OWCP Codes](#)

3. OWCP Forms: (in PDF format)

[Form CA-1](#), Federal Employee's Notice of Traumatic Injury and Claim for Continuation of Pay/Compensation

[Form CA-2](#), Notice of Occupational Disease and Claim for Compensation

[4. DOL District Offices](#)
