

WORKERS' COMPENSATION

SECTION 1. COVERAGE: The Federal Employees' Compensation Act (FECA) provides workers' compensation to employees who become disabled due to an employment-related disease or injury sustained in the performance of duty. Administered by the U.S. Department of Labor, the Office of Workers' Compensation Programs (OWCP), the applicable laws and regulations are set forth in 5 U.S.C. Chapter 81 and 20 C.F.R.

1. **Traumatic Injury:** Bodily harm caused by external force, identifiable in time and place and that is a result of an incident, or series of incidents, that occurs on a single work day.
2. **Occupational Disease:** An occupational disease or illness is a medical condition produced by continued and repeated exposure to conditions at work, including overuse or strain, which occurs over a longer period of time than a single work-shift.

A. Types of Benefits: Depending on the circumstances, the employee may be eligible for the following:

1. Compensation for medical care for injured or ill workers;
2. Compensation for lost wages for an employee who cannot work because of work-related disability or occupational disease;
3. Buy back of annual or sick leave used as a result of an on the job injury and/or illness;
4. Compensation for loss of, or loss of use, of a body part or function;
5. Death benefits for survivors;
6. Burial allowances.

B. Prompt Reporting: The Parties agree to support the reporting of all work-place injuries and encourage employee to promptly report job-related injury or illness to their immediate supervisor or other appropriate management official. Supervisors will render assistance in obtaining and completing appropriate forms and forwarding them to the appropriate office. For bargaining unit employees, assistance may be requested from AFGE Local 1410.

SECTION 2. MANAGEMENT RESPONSIBILITIES: The Agency will assist any employee who sustains and reports an injury or acquires an occupational disease during performance of duties.

A. Supervisor Role: The supervisor or the appropriate Agency official will immediately inform the affected employee of his or her rights under the Federal Employees Compensation Act (FECA). Supervisors will:

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1. In consultation with the applicable agency office (currently the CHRC), complete and ensure submission of the form in a timely and accurate manner.
2. Not directly contact the injured worker's physician. For question on proper procedures, supervisors shall contact the appropriate Agency official (currently CHRC) for guidance.
3. Refer the employees to the applicable Agency Workers Compensation Official for additional information.

B. Management of Complaints: The Agency will respond within 30 days to an employee's complaint that the Agency failed to properly process a Workers' Compensation claim. If the response will not be completed in thirty (30) days, the employee will be given a written response no later than the thirtieth (30th) day and the reasons for the delay and the expected date of completion.

SECTION 3. PROCEDURE FOR FILING CLAIMS FOR WORKERS'

COMPENSATION BENEFITS: When notice of a job illness or injury is received by the supervisor, the supervisor (in consultation with the office responsible for OWCP claims) will ensure that the employee is provided with the appropriate CA form (e.g., CA-1, CA-2) through the Department of Labor website and assist employees in completing and submitting the necessary forms within ten (10) days of notification of the injury or illness (see Appendix).

A. Employee Responsibility: The appropriate sections of these forms should be filled out by the employee and given to the supervisor as soon as possible, from the date of the injury or illness. If the employee is incapacitated or unavailable, this action may be taken by the supervisor, or other designated official, who may file the claim on the employee's behalf with the employee's permission, preferably in writing.

B. Supervisor Responsibility: Supervisory action on CA-1 and CA-2 forms shall be completed immediately, or as soon as possible, after the employee completes his or her portion of the form.

C. Notice: The Agency agrees to advertise, (e.g. postmaster, bulletin boards) to advise employees of the appropriate HR office room or building location for filing Workers' Compensation claims. The information will also include HR office telephone numbers and/or the Agency's OWCP Specialists office telephone number for obtaining information or assistance relevant to Worker's Compensation claims. The Agency further agrees to distribute annual notice to all employees providing them the same information.

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SECTION 4. RETURNING TO WORK: FECA requires injured employees to inform their treating physicians that the Agency may be able to provide them with work that accommodates any medical limitations imposed by their injury or illness. If this work-related medical limitation is temporary, then an injured employee whose claim has been approved will be placed in a limited duty job in accordance with DOL regulations. If an injured employee's condition is permanent, the Agency may place them in a medically suitable rehabilitation or re-employment position.

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