

Worker's Compensation Program Supervisor Roles

Virtual Conference for Supervisors

Recorded March 7, 2017

Welcome to our session on the supervisor and their roles. We are going to be recording the session. Please make sure that you type in your name, so that you can get credit. We are going to begin in a few minutes. Thank you.

Good afternoon. Or good morning, depending on where you are. Thank you for joining us for today's presentation, supervisors and their roles. We have Lisa Matarazzo, who is going to be our moderator for today and we have Letitia Coleman as our presenter for today.

This is Letitia Coleman. Can you hear me? Yes.

Hello everyone. My name is Letitia Coleman. I am the Program Manager [Indiscernible]. I want to say welcome. So let's have a lot of fun and learn a lot. So what happens in this type of class, we might talk about a specific person or situation. Please do not mention any names in the session. But if you want to have a private conversation later, my contact information will be posted. So, if you do ask a question try to make them general and not specific.

I would like to get started.

Let me see if I can advance my slides. So, here we go. So, now I guess I am on point here. So we are going to talk about the Federal Employees Compensation Act and the employee's responsibility, the supervisor's responsibility, issuing form CA16, and [Indiscernible]. So, I have a question. What does OWCP stand for? Please just click on the answer.

[Polling class or waiting for a response]

It stands for, the Office of Workers Compensation Program. So, those who chose that answer got it correct. And so the next question is, what agency oversees the program for federal injured workers?

[Polling class or waiting for a response] The numbers are coming in. 85% of the people are correct. And the answer is the Department of Labor.

So, does anyone have a question about which agency oversees the federal injured workers program? When we talk about this program, we do have a lot of acronyms. If you wish, you

may print this off, so you can have this as a reference. You are going to hear about COP and OWCP. As we previously stated, the Federal Employees Compensation Act is a regulation and this is under the Department of Labor. The agency maintains records, so the Department of Labor really does take control of the program. They also have what is called chargebacks. These are the bills that we receive that the Department of Labor has paid up front for service.

Think about benefits. There are six types that the employee is entitled to there, and one is medical benefits.

We have continuation pay. And continuation of pay is a program, so the injured worker does not have disruption in their pay. We also have disability compensation. This is beyond the COP period. These are for employees that file for injuries. And we have scheduled awards. If they injured a part of their body so bad it will never be the same, this will pay out for any type, just things like loss of range of motion or loss of life.

And next we have vocational rehabilitation if the employee can no longer do their job. If they are capable of doing some work, they will give them additional skill type training, so that they can work. They might learn how to do filing or office work.

And the final benefit is death benefits. Some injuries do lead to the death of the employee. In this unfortunate case, their survivor or next of kin will get some compensation. It is never going to replace their loved one, but they do get compensation.

We have categories of injuries. We have traumatic injury, and the form is CA1 and for diseases it would be CA2.

Here is how you can define and explain to your employees. This is when the CA16, and we will talk about this later. We have minor or catastrophic. Then we have to have burden of proof. And lastly, they can file up to three years from the date of injury.

Now I will talk about occupational diseases. These injuries occur over a period of time like carpal tunnel or stress. They are not entitled to COP, but they are repetitive and long-term. The employee has to use their own leave. And again, they have the burden of proof. And they have three years to file. The employee plays a big responsibility in all of these. If the employee is injured, they need to report this to their supervisor. They should always seek medical attention. They should also complete an incident report which is called OSHA 301. And safety managers can fill out this form as well. The employee will complete the form in the electronic system. Somebody asked if the person is a volunteer. And if they are a volunteer, they must report this to you the supervisor. They will also reach out to the coordinator -- and they will do the electronic record for the volunteer. And after that the volunteer will do the same thing as the employee. They will submit evidence of disability. They will print off the form. It will be the CA1 and CA2 [Indiscernible] So, this really is on the honor system. And sometimes the employee may have to provide documentation.

I have another question. We talked about the employees responsibilities, but what are some of the supervisor's responsibilities regarding an employee who is injured on the job? We do see a question about [Indiscernible] reporting but that is under safety. And that is a different entity. So I will let them address that.

What are the supervisor's responsibilities? [Polling class or waiting for a response] To make sure that it did happen on work time and is tied to their job.

Proper documentation and witnesses.

However, witnesses are not required. But if there is a witness, you can have them make a statement in writing. This may help the employee with the burden of proof.

Review injuries in the electronic system.

Is there a deadline? Someone wrote, to do the incident report.

That is correct. Ensure the employee is properly cared for.

That is the first thing you want to do is to make sure if the employee requires medical attention, that you call 911. And if it is not urgent, they should see a medical provider. And if they are too sick to drive themselves, you should find somebody to take them. You guys and gals are pretty sharp out there. So here are the supervisor's responsibilities.

Certify that all of the forms are completed within two days to five days. But we do need the coordinator to be able to have enough time to look over the forms. They may need to get back to the supervisor or they may need to get back to the employee. So you do have to give them two days to five days. We request that the supervisors do this at certain period of time. And the Department of Labor hold us to deadlines. They will also give us a report card, and they will post it to see if we are in compliance or out of compliance. Complete the form if it is a catastrophic injury. Please make sure that you complete all of the forms if they are in the hospital or unconscious, and it will keep their continuation of pay. And as a supervisor you cannot refuse to certify the forms, you must take them and sign them. You'll also have to state they are a federal employee. You will issue the CA16 so that the person can get medical care. This will authorize medical care up to \$1500.

We also have controvert a claim. Whether you agree or disagree with the claim. Offer limited duty if feasible. And remember, it does cost the agency money and that money is coming out of your budget. Can you clarify who should have control of the CA16?

This is a control form, and I'm going to talk about this in a little bit. So if you could hold on for just a little bit I will address it. The supervisor's responsibility is to track the employee's medical progress. I will give you a slide that will show you the regulation. You need to keep in touch with your employee. Complete the 52 when employees reach 80 hours LWOP. We

cannot prevent an employee from filing a claim. So, we want medical attention first, and then you make sure that you get the paperwork to the hospital or the provider or facility. So we have Form 16. This is from OMB and it does have an expiration date. They will have access through the Department of Labor system -- they will get the form and print them out. What I'm trying to get across to the regional program managers, if you are a supervisor and you are out in a park or if you are in an area where you are not in the office all of the time, I always tell them to carry a current form. But we do not want a lot of them out there, because it really is a \$1500 check.

Recently we had a case where the employees filled out their form, and submitted it to the supervisor. And if it is not signed and if they take it to the provider it is not good. The same when the employee goes for any type of medical treatment. They can choose the provider or hospital. We do have a contract for federal occupational health.

We have a question that is asking about the \$1500 limit. We've been told it is a blank check for all related treatment for injury. It is for the life of the claim. Once they adjudicate the claim, then the Department of Labor is going to pay whatever they need to pay under the fee schedule. So basically, they pay higher than what Medicare pays.

What do you suggest if the medical provider does not accept the CA16?

That is a difficult question. But I will reach out to the Department of Labor, and get their suggestions. Many providers will not accept workman's comp. And because this is a government program, the provider does have to sign up, and they will accept whatever payment that they will pay out.

When you issued the CA16, it should be the day of the injury.

If you tell a medical facility that you are going to issue them, you have to let them know within 48 hours.

What if the provider will not see the employee without a co-pay or some sort of payment? If the provider is asking for a co-pay, that meant that the employee gave them their own insurance card. So yes, they do have to pay the co-pay. However, let's say they pay the co-pay, and their claim has been accepted. They can request the co-pay be paid back. How do we -- let's say there is a very sick employee [Indiscernible-- multiple speakers] If they say it is a federal Worker's Comp., there is no co-pay. If the provider says there is a co-pay, that meant that the employee showed their own personal insurance card. Let's say you have [Indiscernible]. It says you are going to have a \$25 co-pay.

So when you get injured, there is no contract. It might be that they are not accepting the CA16. If they are not accepting the CA16, they are not accepting Workmen's Comp. Accepting Workmen's Comp. and accepting the CA16 are two different things. If they do not accept Workmen's Comp, and you are there, the individual has to think, am I insured or am I

sick and do I need treatment? If I am sick, I will deal with the administrative part when I get better. But right now, I need to take care of me. So if I have the money, I will pay the money. But if I am hurt, and if they demand a co-pay, I am just going to walk out. So if a doctor says, now that person has to make a decision. So, that person has to make a personal decision. But, they can come back to us and get guidance. Stacy wrote, most urgent care units and clinics do not take federal Workmen's Comp. or CA16. They then can request co-pays. A hospital emergency room cannot turn you away.

But if you do have questions you may want to reach out.

You can have a representative speak to the provider or something like that. Because I know in Arizona they were having this issue. The Workmen's Compensation guy out there did a lot of outreach -- they would call the providers, so he is really helping them with the process. And sometimes the provider does not know what they need to do, so they do need a little handholding because they are not taking Workman's Comp, and we would have to go back to the Department of Labor because it is their program. We do want our employees to be taken care of.

The one thing I want to say, this is called the attending physician report. As a manager you can get this medical report, pretty much in real time, because some of them will fill it out right on the spot and you should know within a couple of days if there are any restrictions on the employee's part.

So now we are talking about [Indiscernible] the COP. And here we have nine reasons. First we have disability as a sort of occupational diseases or illnesses. Are they off-duty? Are they volunteers? Was there misconduct and did they tried to harm another employee or did they mean to cause harm? And if the injury is not reported within 30 days, they are not entitled to COP. However, if they are losing time, they can submit a CA7 [Indiscernible], and another thing we have work stoppage, first occurred more than 45 days after the injury, or if their employment was terminated. And the other reason -- this is basically talking about for the National Parks Service, or Conservation Corps, or work studies, they are not entitled.

Somebody else, why is occupational disease not eligible for COP?

Because COP is for a traumatic injury. A personal disease claims is 90 days or up to 100 days. The lawmakers say, we are only going to pay for the specific type of claim. So that is why it is only for traumatic injury?

We have another question, would you challenge the claim for any of these reasons? I am waiting for clarification. Can you clarify the difference between controverted the COP or challenging the claim? When you controvert you have nine reasons. If you are challenging a claim, -- let's say you have a back injury. If I say I was injured March 1, but on March 1 I was actually on leave. I was not actually at work that day, and that is one reason to challenge a claim. Let's say we are talking about misconduct. Let's say two employees got into a fight. The

employee who was the aggressor -- you may want to challenge that claim. Because that is misconduct.

We usually get more challenges of claims for occupational therapy. And another thing that the supervisor should do is to investigate the claim. Was the person actually at work? Were they traveling? There are two types of travel. You are traveling to another state. Here in Washington DC we have two locations. Another reason to challenge the claim is lunch, because you are not covered during lunch unless you are at your desk. Where did the injury occur? Were they on the property? You want to look at the performance of duty. They have to be on the premises, not when you are traveling to work, unless you are traveling for work. Let's say you are traveling from your home to the airport because of work. If you are sightseeing you are not covered. If the agency is sponsoring something recreational, they are covered, but if they are doing their own recreational [Indiscernible] or going to lunch or break, they will not be covered. If the employee, -- let's say the employee is on their way to work. If they are going to assist a victim they are covered. Let's say we have security who has to wrestle somebody or something. They are covered under the performance of duty. Let's say you have a coworker who is harassed can be covered. So when you are in travel, you have to look at [Indiscernible] that are reasonable for the incidental to travel [Indiscernible]. If you are going to drive to a family member and if you are in an accident you are not covered. It is an overstatement to say that travel is covered 24/7.

There are times, when we do not issue a CA16. This is for occupational illnesses and exposure. And exposure is tricky. We have an immune system. Let's say we get tuberculosis, or let's say we get hepatitis. At that point you do not have a disease you have an exposure. You do not have a claim. However, if it is due to an incident. Let's take the case of a needle stick. You have an actual wound. You could have introduced a pathogen into your system. At this point you do not have HIV or hepatitis. In order to receive medical treatment or preventative treatment, that is taken care on the safety side and not Workmen's Comp. With a needle stick you can get treatment but not preventative treatment. You have to actually have hepatitis or HIV. This does get tricky. We do have people who are exposed to asbestos, and the claim is denied and you only have one year to [Indiscernible]. These are occupational disease claims and they do not go on a CA16.

How does somebody claim an occupational illness? They fill out form CA2. But when you claim occupational illness you already have the disease, and when you are exposed you may not have the disease yet, but something has been introduced to you but you do not have a definitive diagnosis. You were exposed to tuberculosis, but you do not have tuberculosis. So when you file the occupational disease, you should have those things. You should have tested positive for HIV. So, you do not issue the CA16 to those people who are not employees. They could be contractors are visitors or volunteers, but they are covered under SCA. If they have an exposure they should do the incident report. They should speak with the safety people. So, the agency is responsible for submitting the form timely. There are ways to upload any information into the Department of Labor, and the coordinator is responsible for case management and we also have a liaison between the agency and OWCP. Third-party liability.

There is a form. What I really want to share with you, what it costs us. Last year we paid out \$23 million, and so that is why it is important for supervisors to pay close attention.

Do we have any questions?

[Polling class or waiting for a response] And this is how much we paid out in COP. And I broke it down into each region. I am not saying that people are not entitled, but we just want to make sure that I can do everything in my power to make sure that their claims get through and receive medical treatment. And so that is why you should have the conversation.

Do you report exposures in SIMS?

Yes.

Here is the regulation that I was talking about earlier. Those dollar amounts that you put up -- where does that money come from? This is called compensation cost. This is what we paid for people who have a disability. There are medical costs. We also have medical devices. One of the question was, the CA16 is for traumatic injury. For screening, that money is usually through the parks or safety. So you do have to check your region. But the CA16 should not be used for preventative medicine.

And CA16 is for initial care, but not for exposure. This is written in the law. The Department of Labor is not the mechanism to use. It comes out of Safety, and it is not under the Department of Labor.

This is Jo, we still have 10 minutes. Michelle asked, who coordinates the surveillance program for exposure? It is Safety that will coordinate the surveillance program for exposure. You will need to get together with the Safety managers. We want to make this clear for everyone, where to get the employees into their surveillance program. We are working on coordinating this right now.

The other thing, supervisors can help lower the cost. You should offer alternative work programs as the claim ages. And I want everybody to remember OWCP is not a retirement program.

The other thing I would like to show you before time runs out. When this program is used -- let's say we have a person who is 40 for years old at a GS12 -- this will be at a reduced rate. Especially if they have dependents.

We have two calculations here. Here you can see where they have dependents and here is where they do not. We would pay this person who is capable of working, but do have restrictions. We would have to pay him over \$1 million if he did not have a dependent. As far as his health benefits, life benefits -- so really think this through. If we have people who are capable of working, we want to bring them back to work.

What is the role Letitia Coleman -- are you the national coordinator? I am the national coordinator.

We also have other managers. Here we have Rhonda for Washington. We have Melissa for Southeast. We also have Willette for the US Park police. And remember if you have any questions, you can call these managers or you can even call me. We also have a Workmen's Comp. coordinator. There is one in every park.

I would like to see if anybody else has a question.

[Polling class or waiting for a response]

I really do appreciate you attending this course. And if you have any other questions, you may email me or you can call me on the telephone. I try to respond to emails and telephone calls. If you have any difficult cases you may also contact me. If you have an employee who has a problem or a discrepancy, you can reach out to me. We will work with you to see how we can move that case along.

Thank you. I will email all of these questions to you. When you get a response, we can post it, and we will let everybody know where it is. I want to thank all of the supervisors who are online. I also want to thank everybody who participated and ask questions.

Thank you Letitia Coleman.

You are welcome.

Goodbye.