

Federal Employees' Compensation Act (FECA)

AFGE Firefighter Council Seminar

FECA

- Sole remedy for Fed workers injured on the job
- Benefits
 - Medical treatment of injury
 - Wage loss compensation
 - Schedule award
 - Vocational rehabilitation
 - Survivor benefits

Traumatic Injury

- File form CA-1, Notice of Traumatic Injury, ASAP
- Employer must forward to OWCP within 10 work days (20 CFR 10.110)
- If minor injury (first aid, no medical expense or lost time) employer holds form

Medical treatment

- Form CA-16:
 - Issued by employer to medical provider
 - Authorizes medical treatment for up to 60 days
- Employee may choose medical provider
 - Provider must enroll with OWCP before billing

Continuation of Pay

- If disabled due to traumatic injury, COP payable for up to 45 days of disability
- Employee must provide employer with medical evidence of disability
- Paid the same as employee's regular pay

Controversion

- Employer can challenge (controvert) entitlement to COP and decline to pay
- Nine valid reasons for controversion
- OWCP decides if controversion is correct

Short Form Closure

- If claim is not challenged by employer and does not involve major injury:
 - Claim opened without formal review
 - COP payable if disabled
 - Medical bills payable up to \$1500
 - Medical treatment payable up to 120 days from DOI

Occupational Disease

- If condition is due to work activities over more than one work shift, file form CA-2, Notice of Occupational Disease (ex. repetitive motion disorder, hearing loss)
- COP is not payable
- Must be forwarded by employer to OWCP within 10 work days

Requirements of Entitlement

- For formal adjudication, five required elements:
 - Time
 - Civil Employee
 - Fact of Injury
 - Performance of Duty
 - Causal Relationship
- Employee has burden to establish claim

Adjudication

- Due process: Employee provided with opportunity to establish claim
- Appeal rights within DOL if claim is denied
 - Hearing
 - Reconsideration
 - Employees' Compensation Appeals Board

Compensation

- If disabled after end of COP period, or due to occupational disease, file form CA-7, Claim for Compensation:
 - Periods of wage loss due to disability or medical treatment
 - Compensation for elements lost from date of injury pay rate
 - Leave buy back
 - Schedule award

Compensation

- Compensation paid at $\frac{3}{4}$ (with dependents) or $\frac{2}{3}$ (without dependents) of employee's regular pay
- Deductions only made for health and life insurance
- Compensation not taxed

Firefighter Pay rate

- Pay rate is calculated to include overtime according to Federal Firefighters Overtime Pay Reform Act of 1998:
 - Regular tour of duty
 - Extended regular tour
- Fair representation of average weekly amount earned during year prior to injury

Pay Rate

- Pay rate effective date based on:
 - Date of injury
 - Date disability began
 - Date of recurrence of disability

(whichever is highest)

Compensation

- Compensation continues as long as medical evidence supports disability
- If only partially disabled but no light duty is available, employee is entitled to compensation

Return to Work

- Assistance provided by OWCP:
 - Case Nurse
 - Telephonic
 - Field
 - Vocational Rehabilitation
 - Placement with previous employer
 - Placement with new employer

Return to Work

- Employee physical capabilities must be determined by physician
- Employee must discuss limited duty availability with physician and report to employer
- OWCP's Goal = Earliest RTW as soon as medically capable

Return to Work

- If employee is released to limited duty, employer must offer alternative assignment whenever possible
- Job offer must be provided in writing (or within two days of verbal offer)
- If disputed, OWCP will review job offer and determine suitability

Return to Work

- Job offer must include:
 - Description of duties to be performed
 - Specific physical requirements of the position
 - Organizational and geographic location of the job
 - Date the job will first be available
 - Date by which response is required

Loss of Wage Earning Capacity

- If employee returns to lower paying alternative job, OWCP will pay compensation for LWEC
- Any elements lost from DOI pay rate are compensated
- “Shadrick” formula
- Temporary or permanent

Election of Benefits

- If employee is entitled to both OPM retirement benefits and FECA disability benefits, election must be made
- Only schedule award may be paid concurrently

OWCP Web Resources

- DFEC Website:

<http://www.dol.gov/owcp/dfec>

- Laws, regulations, procedures
- Forms
- Contact information
- Training materials
- Guidance

OWCP Web Resources

- OWCP Web Bill Processing Portal
<http://owcp.dol.acs-inc.com>
 - Bill and reimbursement status
 - Medical authorizations
 - Forms
 - Eligibility for services

OWCP Web Resources

- Agency Query System (AQS) for employing agency personnel
 - Case status
 - Compensation payments and claim tracking
 - Link to bill portal
 - Electronic submission of CA-7 and CA-3 for eligible users

OWCP Web Resources

- Claimant Query System (CQS) for injured employees
 - Log in via web bill processing portal
 - Case status
 - Compensation payments and claim tracking

OWCP Web Resources

- **E-COMP: Free web-based electronic filing system coming late Summer 2011**
 - Electronic submission of CA-1, CA-2, CA-7, CA-3
 - Upload supportive documents into OWCP case file
 - Employing agency will structure user access